DANIEL R. SCHWARTZ

# Reading the First Century

*Wissenschaftliche Untersuchungen zum Neuen Testament*
*300*

Mohr Siebeck

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zum Neuen Testament



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## On Reading Josephus and Studying Jewish History of the First Century

Mohr Siebeck

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Arnaldo Dante Momigliano (1908–1987)
In Memoriam

# Preface

> The movement toward reading *Josephus through,* and not merely reading *through Josephus* to external realities, now provides the dominant agenda.[1]
>
> The historian is not an interpreter of sources, although interpret he does. Rather, he is an interpreter of the reality of which the sources are indicative signs, or fragments.[2]

The title of this volume, "Reading the First Century," is deliberately paradoxical, for what we in fact read are texts, not a period of time. My formulation is meant to point up the belief that by reading texts we can discover what happened in a particular period of time – in this case, the first century. The expression of such a belief, once a commonplace, is a response to those who would hold that *all* we can do with texts is read them – that moving from texts to the historical periods they claim to represent is impossible, either because (as many theorists would have it) all historiography is only "narrative" and "empowerment" or because for antiquity, at least, our documentation is so meager that it does not allow responsible reconstruction of what really happened.

The approach we follow is known as the philological-historical one, for it studies ancient history on the basis of the study of written sources that have survived from antiquity. There are, of course, other approaches to the study of history, including ancient history. Basically, there are two other alternatives, which – if we think of modern historians of antiquity as working in a deep shaft down to the chronological level, and in the region, that interest them – we may term "horizontal" and "vertical." Horizontally, such historians can stick to ancient sources but broaden their view so as to study (a) the direct evidence supplied by non-written sources – for example the remains of buildings, of utensils, or of works of art – that relate to the

[1] S. Mason, "Contradiction or Counterpoint? Josephus and Historical Method," *Review of Rabbinic Judaism* 6 (2003) 146 (original emphases).

[2] A. Momigliano, "The Rules of the Game in the Study of Ancient History" – below, p. 189.

ancient region or people that interest them, and / or (b) the indirect evidence supplied by the ancient sources of all types that relate to other regions and peoples of the ancient world, in the reasonable expectation that they will afford a basis for inferences concerning the ones that interest us. Thus, for example, anyone interested in studying Roman rule in Judea may supplement the written sources that report about Roman rule in Judea both by non-written sources from Judea and by written and non-written evidence about other Roman provinces. Vertically, in contrast, such historians can study the history of other – and often better-documented – places and times and attempt to build models that will allow them to imagine similar processes in the period and region that are the object of their study. Thus, to stay with the same example, it is likely that those interested in understanding Roman rule in ancient Judea may profit from comparative studies of Spanish rule in South America or British rule in India.

Both of those other approaches can be very useful, but in the nature of things, even in the best cases they supply information that is general. That is usually good enough for such broad and general fields as cultural and social history. In contrast, the written sources about the place and time that interest us *offer* us specific information about ancient people and episodes, just as they also *offer* us the nuts and bolts we need to build a basic chronological outline of the historical period – which is, of course, the basis for any study of causality, for something can cause something else only if it precedes it in time. This volume, which is devoted to the study of Jewish history of the first century, addresses the written sources and focuses on the questions we must ask and the conditions we must impose when deciding whether, and to what extent, to accept what those sources offer.

The writings of Flavius Josephus are our main source for Jewish history of the first century. As our opening citation from Steve Mason indicates, however, in Josephan studies today it is in fact very common to hold that we should, because of doubts pertaining to the move from any sources to history, or at least because of doubts pertaining to the move from ancient sources to ancient history, stick to reading his writings in order to understand him and his works. As Tessa Rajak put it, commenting on the twenty years that passed between the 1983 appearance of her book on Josephus and its reprinting in 2002:

> There have been welcome shifts in the emphasis of scholarship over these years. Notably, interest seems to be declining in the critical question which has always dogged Josephus, the matter of his truthfulness. This was territory which any book on Josephus had to enter – and probably still does – and where I felt it imperative to defend an often thoughtlessly maligned author. But at least now it is well understood that there are other ways of looking at a historian's writings than weighing them, in as many different ways as possible, on the simple scale of truth or falsehood. The

"detective historians," to borrow a phrase from Steve Mason, have had their day. This development brings with it a readiness to push harder along lines which I did seek to initiate, reading Josephus' accounts of the history and culture of his own day and age not just as evidence for reconstructing the situation, but as itself a large and fascinating part of that history. This made Josephus' inevitable and highly visible biases into a feature to be welcomed and exploited.[3]

That is, while Rajak does somewhat parenthetically admit that historians studying the writings of Josephus should "probably still" care about the truth of what he wrote about things beyond himself, she welcomes the relative sidelining of such interests and the fact that Josephus and his writings have themselves, along with their evidence for him and his times rather than for the events he describes, become more and more the focus of scholarly interest.

The world of scholarship, however, is multihued, and the fact is that "detective historians" working on various cases have continued to do so. And while sometimes some of them do so on the basis of a facile assumption that whatever Josephus wrote corresponded to what happened, in other cases the detectives fully recognize the problems along the way. In the present volume, I shall attempt to show that while there are real difficulties along the way from Josephus' works to reconstructing what really happened, there are also ways of dealing with them, and so in many cases the conclusion, that reasonable certainty is beyond our reach, is overly pessimistic.[4] At the same time, I hope to respond also to those who might admit that we can reconstruct what happened but tend to doubt – in line with Mason's "merely" and Rajak's "not just" – that this can be interesting and meaningful.

Over the past thirty years I have had the privilege of teaching, at the Hebrew University of Jerusalem, a course for freshman historians entitled "From Sources to Events in the Study of Jewish History in the Period of the Second Temple, the Mishnah and the Talmud" – a course devoted to the sources for Jewish history during the millennium or so from Alexander the Great to Mohammed. Although I came to realize it only over time, the course is based on three major premises:

(1) that the stories told by modern historians, while based on the ancient sources, can be very different from what those sources say;

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[3] T. Rajak, *Josephus: The Historian and His Society* (London: Duckworth, 2002[2]) xi.

[4] Thus, this volume may be regarded as an instance and application of the type of position taken by R.J. Evans in his *In Defence of History* (London: Granta, 1997). For an earlier expression of such a position, with specific regard to ancient history, and especially in response to early expressions of post-modern doubts, see the 1975 essay by A. Momigliano appended to this volume – from which the second citation at the opening of this preface is taken.

(2) that we can – frequently if not always – responsibly and confidently move from reading sources to reconstructing what happened; and

(3) that it can be interesting and meaningful for us to do so.

The present volume, as much of my research over the past decades, is built upon insights and approaches developed in that course – especially that major part of it which deals with the Second Temple period, for which Josephus' writings are our main source. As is indicated by such formulations as "From Sources to Events" and "Reading the First Century," it is offered to those who, as I, are interested both in understanding the testimony of our sources and in moving beyond them to what really happened in the century which was, in such fundamental ways, the "first" for the Jews and Judaism, as we know them, just as much as it was for Christianity and the West.

I would like to thank most sincerely the Mandel Foundation and the Scholion Interdisciplinary Reseach Center in the Humanities and Jewish Studies at the Hebrew University of Jerusalem, and the Netherlands Institute for Advanced Study in the Humanities and the Social Sciences in Wassenaar, for fellowships that allowed me the time, and the working conditions, necessary for completing this project. I would also like to thank my friends, Prof. Robert Brody (Jerusalem) and Prof. Jan Willem van Henten (Amsterdam), for their most helpful critiques of of an early manuscript of this volume, and Steven Ben-Yishai and Hannah Wortzman for help with proofreading.

Daniel R. Schwartz Jerusalem, April 2012

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## Within the Text: Meaning in Context

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## Above the Texts: The Big Picture

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# Abbreviations

| | |
|---|---|
| Acts | Acts of the Apostles (in the New Testament) |
| *Agrippa* | D. R. Schwartz, *Agrippa I: The Last King of Judaea* (TSAJ 23; Tübingen: Mohr [Siebeck], 1990) |
| *ANRW* | *Aufstieg und Niedergang der römischen Welt* |
| *Ant.* | Josephus, *Antiquities* |
| BT | Babylonian Talmud |
| *CCFJ* | K. H. Rengstorf (ed.), *A Complete Concordance to Flavius Josephus*, I–IV (Leiden: Brill, 1973–1983)[1] |
| *CPJ* | V. A. Tcherikover, A. Fuks and M. Stern (ed.), *Corpus Papyrorum Judaicarum*, I–III (Cambridge, Mass.: Harvard, 1957–1964) |
| DJD | Discoveries in the Judaean Desert |
| *DM* | H. Danby, *The Mishnah* (Oxford: Oxford Univ., 1933) |
| *DSD* | *Dead Sea Discoveries* |
| *FJTC* | *Flavius Josephus, Translation and Commentary* (Leiden: Brill, 2001–) |
| *GLA* | M. Stern, *Greek and Latin Authors on Jews and Judaism*, I–III (Jerusalem: Israel Academy of Sciences and Humanities, 1974–1984) |
| *HJP* | E. Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B. C.–A. D. 135)*, I–III (new English ed. by G. Vermes et al.; Edinburgh: Clark, 1973–1987) |
| *HTR* | *Harvard Theological Review* |
| *JBL* | *Journal of Biblical Literature* |
| *JGR* | S. J. D. Cohen, *Josephus in Galilee and Rome: His Vita and Development as a Historian* (Leiden: Brill, 1979; reprinted 2002) |
| *JJS* | *Journal of Jewish Studies* |
| *JLCL* | *Josephus,* I–IX (LCL; London: Heinemann and Cambridge, Mass.: Harvard, 1926–1965)[2] |
| *JNT* | S. Mason, *Josephus and the New Testament* (Peabody, Mass.: Hendrickson, 1992; 2003[2]) |
| *JPFC* | *The Jewish People in the First Century,* I–II (2 vols.; ed. S. Safrai and M. Stern; Assen: Van Gorcum, 1974–1976) |
| *JQR* | *Jewish Quarterly Review* |

[1] Prior to the four main volumes of this concordance to Josephus' vocabulary there already appeared, as a supplementary volume, A. Schalit's concordance to proper names in Josephus: *Namenwörterbuch zu Flavius Josephus* (Leiden: Brill, 1968). In 2002, Brill reissued all five volumes in a two-volume "study edition."

[2] Reprintings since 1980 have appeared in ten and even in thirteen volumes. Although page numbers changed accordingly, the text and pagination have remained the same, and references to the first printing can easily be located in later ones by reference to the paragraph numbers.

| | |
|---|---|
| *JSJ* | *Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period* |
| *JSP* | *Journal for the Study of the Pseudepigrapha* |
| *JURR* | E. M. Smallwood, *The Jews under Roman Rule from Pompey to Diocletian: A Study in Political Relations* (SJLA 20; corrected ed.; Leiden: Brill, 1981) |
| LCL | Loeb Classical Library |
| *Lexicon* | H. St. J. Thackeray, *A Lexicon to Josephus*, I–IV (Paris: Geuthner, 1930–1955) |
| *LSJ* | H. G. Liddell and R. Scott (compilers), *A Greek-English Lexicon* (Oxford: Clarendon, 1992; repr. of rev. 9th ed. by H. S. Jones et al., 1940; includes 1968 *Supplement*) |
| PT | Palestinian Talmud |
| SJLA | Studies in Judaism in Late Antiquity |
| SL | Storia e letteratura |
| *Studies* | D. R. Schwartz, *Studies in the Jewish Background of Christianity* (Wissenschaftliche Untersuchungen zum Neuen Testament 60; Tübingen: Mohr [Siebeck], 1992) |
| TSAJ | Texte und Studien zum antiken Judentum / Texts and Studies in Ancient Judaism |

Chapter 1

# Introduction: Who Needs Historians of the First Century?

## 1.1 The first century and Josephus

No one would deny that the first century was of pivotal and foundational importance both for western civilization and for the history of the Jews and Judaism. After all, it was the setting for the birth of Christianity and – following the destruction of the Second Temple in 70 CE, although of course not overnight – for Judaism's transformation from a religion centering around a single Temple, and a priesthood defined by birth, into a religion centered in innumerable synagogues and houses of study and led by rabbis who, whatever their birth, chose their profession.

Similarly, no one would deny that the works of Josephus, written toward the end of that century, and which have survived nearly intact and fill nine substantial volumes in the standard Greek-English edition (*JLCL*), constitute the main source for Jewish history of that period.[1] Of his four works, the two larger ones – the *Judean War*[2] and the *Antiquities of the Jews* – provide the main framework for our knowledge of the post-biblical history of the Jews, until the first century CE (when Josephus lived and wrote), and they also supply much of the contents as well. Indeed, no one would deny that Josephus' own life (37–ca. 100 CE), which transformed him from Joseph ben Mattathias, priest of Jerusalem and rebel general in the Galilee (an episode which is the focus of one of his smaller works, his *Life* [also known as *Vita*]), into Flavius Josephus of Rome, historian and protégé of emperors, thus taking him from one pole of the conflict to the other, personifies the central tensions and transformations of the Jewish world in the first century. Similarly, his fourth work, *Against Apion*, a polemical treatise in which he defends the Jews against various charges brought against them by Greek-writing authors, shows his own awareness of the conflicted world in which the Jews of his day lived.

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[1] For some basic introductions to Josephus, see P. Bilde, *Flavius Josephus between Jerusalem and Rome* (*JSP* Supplement Series 2; Sheffield: Sheffield Academic Press, 1988) and T. Rajak, *Josephus: The Historian and His Society* (London: Duckworth, 2002[2]).

[2] Formerly known as the *Jewish War*; see below, Ch. 5, n. 117.

## 1.2 Who needs historians, what can they do, and why bother?

What may be asked, however, is: Who needs historians to study this period? What could they possibly do that the ancient sources do not do? More particularly, questions frequently arise on two flanks of the modern historian whose work focuses on this period and, especially, on the main historical source of and for that period: the writings of Flavius Josephus.

On the one flank are those – generally freshmen or laymen – who wonder why one might need such modern historians, for all they can do is retell the stories provided by Josephus and whatever other ancient sources there might be. True, since those sources are written in ancient languages (mostly Greek, some in Hebrew, Aramaic, or Latin) they require the work of translators. But why historians? If – so it is supposed – those sources are reliable they need only be translated, and if they are not reliable but are all that modern historians have to build upon, what can such historians possibly hope to do?

On the other flank are those – generally professional historians – who, while realizing that the ancient sources require much work on our part before they can tell their stories, doubt that one can with reasonable confidence move from reconstructing *stories* to the reconstruction of *history*. Whether as part of a sometimes doctrinaire epistemological "post-modern" skepticism that holds that all history in general is simply a matter of this or that writer's "narrative" and reflects no more than the writer's self-seeking quest for "empowerment," or rather out of despair about ancient history in particular, for which the sources are so few and fragmentary, we are often told that it is impossible to move from stories to history and that it is best that we recognize this.

True, such historians recognize that we can use the ancient sources to tell stories they did not try to tell us. All agree that we can study Josephus' writings to see what his Greek language and culture were like, what his notions and models concerning historical writing were, what knowledge he betrays of Jewish traditions, and what his attitudes were toward such topics as faith, dreams, slavery, prophecy, women, and canon, to mention just a few examples of such topics.[3] But the move from the stories he tells to what really happened is all too often thought to be impossible, something to be contemplated only by the naïve.

This point of view was bespoken vociferously by Horst R. Moehring, who from a 1957 doctoral dissertation on novelistic elements in Josephus' writings went on – via an oft-cited study that argued that most or all docu-

[3] For an idea of the extent and variety of this type of work, see L. H. Feldman, *Josephus and Modern Scholarship (1937–1980)* (Berlin-New York: De Gruyter, 1984).

ments preserved in Josephus are either forged or so corruptly transmitted as to be useless – to a basic position that with regard to what one may derive from Josephus, the word *fact* can be used only when surrounded with quotation marks.[4] Moehring was very extreme in this regard. But it is the same theme, basically, that we find, for a very prominent and recent example, in the complaint on the back cover of a volume by Steve Mason, that scholars "have often strip-mined Josephus for selfish reasons,"[5] which within the volume is explained to mean that they have been "ripping chunks out of Josephus and citing them as 'raw data' or facts – as if they were written by a robot and not a real human mind with a story to tell." In fact, he claims, "scholars had been so preoccupied with *using* Josephus for various purposes that they had largely ignored the literary character of his writings." Accordingly, he calls upon us "to read Josephus as an author," to "listen carefully enough to Josephus' own story."[6] That is, we should read Josephus so as to understand Josephus – something which, as Mason and other have shown,

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[4] See *JJS* 31 (1980) 240–242. In this review of Cohen, *JGR*, Moehring complains that "It has become fashionable in some circles … to return to the naive view that historians of the Graeco-Roman age can be made to yield information that would allow us to reconstruct the 'historical facts' of Hellenistic Judaism or the early church. Cohen seems to believe that it is actually possible to separate 'fact' from 'fiction' …" For two of Moehring's earlier works that nourished, respectively, optimism about Josephus as an author and skepticism about his usefulness as an historian, see his "Novelistic Elements in the Writings of Flavius Josephus" (unpublished dissertation, Univ. of Chicago, 1957) and "The *Acta pro Judaeis* in the *Antiquities* of Flavius Josephus: A Study in Hellenistic and Modern Apologetic Historiography," in: *Christianity, Judaism and Other Greco-Roman Cults: Studies for Morton Smith at Sixty*, III (ed. J. Neusner; SJLA 12/3; Leiden: Brill, 1975) 124–158. For responses to the latter, see T. Rajak, *The Jewish Dialogue with Greece and Rome* (Arbeiten zur Geschichte des antiken Judentums und des Urchristentums 48; Leiden: Brill, 2001), esp. 304–311 (originally in *Journal of Roman Studies* 74 [1984] 109–112) and M. Pucci Ben Zeev, *Jewish Rights in the Roman World: The Greek and Roman Documents Quoted by Josephus Flavius* (TSAJ 74; Tübingen: Mohr [Siebeck] 1998) 8–10, 356–368. For another study by Moehring, see below, Ch. 3, n. 55.

[5] Mason, *JNT.* The language is reminiscent of that of Ernst Haenchen, who – with regard to another major work of first-century historiography – praised his predecessor Martin Dibelius for uprooting "the deeply-rooted tendency to regard Acts as no more than a quarry to furnish material for the reconstruction of primitive Christianity" (*The Acts of the Apostles: A Commentary* [Oxford: Blackwell, 1971] 41). The image is popular; for Moehring's complain about the way another scholar "abused [Josephus' writings] as a mine to be quarried for positive information or detailed information on specific points," see his "Joseph ben Matthia and Flavius Josephus: The Jewish Prophet and Roman Historian," *ANRW* II/21.2 (1984) 925. On Moehring, see our preceding note; on Haenchen, cf. below, Ch. 3, n. 16.

[6] The first and last of these four snippets are from Mason, *JNT*, 27 and 28; the middle two from Mason's introduction to *FJTC* 3 (2000) xiii, xv. See also his introduction to *Understanding Josephus: Seven Perspectives* (ed. S. Mason; *JSP* Supplement Series 32; Sheffield: Sheffield Academic Press, 1998) 11, and the quotation opening our Preface (above, p. VII) – where Mason's "merely" echoes Haenchen's "no more than" cited in our preceding note.

can be quite interesting. And it is also, of course, a type of history, for Josephus was an historical figure of the first century, and learning about him is a part of learning about it. Similarly, yet more recently Michael Stanislawski, a modern historian who reflects well the same trend in Josephan scholarship, writes very decidedly, in connection with Josephus' autobiography, on both sides of the coin:

> [T]he time has come simply to cease using the *Vita* as a source for the facts of Josephus' life-story … Rather, we should approach this text simply as the literary record of Josephus's last, retroactive self-fashioning … Given what we now know about the vagaries of autobiographical memory and autobiography writing, we cannot continue to reconstruct Josephus's life-story on the basis of the *Vita*. But this autobiography remains an extraordinary historical document, a superbly evocative testimony to the author's unrelenting and never resolved struggle to fashion himself at once as a loyal Jew and a loyal subject of Rome.[7]

However, these two arguments, the negative and the positive, by themselves do not create much of a dispute. For even those who hold we should read Josephus as evidence for Josephus himself assume that we can know *something* – in fact, quite a lot – about him and his historical context. That is, scholars who work on Josephus do in fact agree that Rome, Jerusalem, rebellion, the Galilee, Vespasian, Titus and the like are not merely rhetoric and narrative; they were real and are taken for granted in the interpretation of the meaning of Josephus' writings. Moreover, they accept the main points of Josephus' curriculum vitae as he presents it: born and raised in Jerusalem, participated in the Jewish rebellion of 66 CE, thereafter prisoner and then client of the Flavians, who took him to Rome and saw to his livelihood there. So the argument focuses only on smaller details and on contexts: Can we really learn from Josephus' writings what he himself did in Jerusalem or the Galilee, or how Roman governors such as Pontius Pilate dealt with the Jews, or – moving back in time – more than the barest facts about the reigns of Herod, the Hasmoneans, etc.? Such doubts are only a matter of degree, not a matter of principle.

As for the positive argument, that it is worthwhile to study Josephus for his own sake, here too there is really not much argument. The fact is that good historians have always recognized that they cannot simply "strip-mine" facts from their sources, extracting tidbits (or more) without taking notice of the interests, biases, habits, sources, and models of the authors who recorded them. For it is obvious that an author's interests impact upon the way he or she reports whatever is reported, just as they guide the very decision to record some things and not others. Anyone who would ignore

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[7] M. Stanislawski, *Autobiographical Jews: Essays in Jewish Self-Fashioning* (Seattle and London: Univ. of Washington, 2004) 24, 31.

the fact that Josephus' life and career transformed him, successively, from priest in Jerusalem to rebel general in the Galilee to protégé of the Flavian emperors in Rome, and who simply takes excerpts from Josephus' writings and cites them as "facts" about Jerusalem, the rebellion in the Galilee, or Vespasian and Titus, without considering Josephus' points of view and axes to grind, would be a fool. In practice, there are not very many such fools, and thinking readers should have no trouble identifying them.

If, then, all who are interested in ancient Jewish history agree about the importance of studying Josephus as a whole, whether as an aim in and of itself and as a witness to the life of an interesting Jew of the first century, or so as better to understand how to learn from his writings about the events and processes he describes and reflects, where do the arguments arise?

### *1.2.1 Tendencies and predispositions*

The answer has to do with what scholars are seeking. Schematically, we may put the matter the following way. Any report of an event in Josephus' writings can have, ultimately, one of four origins: either it happened and Josephus wrote it down himelf; or it happened and someone else recorded it (in writing or orally) and Josephus took that over (with more or less editing) into his own work; or it didn't happen, and the same two alternatives exist – either some predecessor made it up or Josephus did that himself. It seems to be natural and obvious, that those interested in using Josephus' writings as a source about history beyond himself prefer to view him as a mere – and minimally intervening – conduit for things that derive from one of the first two origins, and even the third is useful insofar as it leads us to something outside of Josephus, while those interested in reading Josephus to learn about Josephus prefer to posit the fourth.

That is: the more Josephus limited himself to faithful recording of what he knew at first hand, or to cutting and pasting what his source(s) reported, the happier we should be if what we want to know is what really happened or what other, earlier, authors wrote. If, on the other hand, we want to know about Josephus himself, we would not like to imagine him faithfully recording events or reproducing, unretouched, sources written earlier, by others.

However, while the above does say something about basic tendencies and predispositions, it is not much more than a caricature. No one imagines that Josephus was a photocopy machine. Moreover, everyone – those who study Josephus to learn about the events he described just as much as those who study Josephus' writings to learn about him – agrees that neither events nor sources could force their way into Josephus' writings. So if something is there, it must be because Josephus *decided* to include it his work. This has two implications. On the one hand, it behooves scholars of both bents, not

only those interested in studying Josephus himself, to analyze how Josephus edited and shaped his materials. On the other hand, it means that those who would read Josephus to learn about Josephus have no need to lean over backwards to deny that something happened,[8] or was taken from a source, as if such a derivation would make the relevant part of his writings a less significant witness to him. Just as those who rightly recognize that "Hear, O Israel … Thou shalt love the Lord thy God" and "Love your neighbor as yourself" are very important passages for understanding Jesus, who taught they are the two most important commandments (Mark 12:29–31 and parallels), have no need to deny the fact that he found them in the Pentateuch (Deuteronomy 6:4–5; Leviticus 19:18), so too the fact that Josephus took something from here or there need not deprive it of its significance for understanding him. So this issue of tendencies and predispositions should not really create much of a cleft.

### *1.2.2 Comparison of Josephus to other sources*

Another source of disagreement, which too turns out upon examination to be of little real significance, derives from the fact that for those who are pursuing what really happened it is vital to compare what Josephus says to what other sources say. Those other sources too, to the extent they exist, are witnesses whose testimony must be heard and examined, if we want to know what happened. In contrast, to the extent we want to understand Josephus himself the writings of others are less important.

However, even here there should not be much argument, for – as we will argue especially in Chapter 5 – comparison to other witnesses indeed does have great heuristic value also for those who want to study Josephus for his own sake, for two reasons: (1) it often makes Josephus' choices stand out by showing there were other options, paths not taken; (2) it often allows us to realize the intricacy of what Josephus has done in preparing a narrative which might otherwise seem clear and natural.

Thus, for an example to which we shall return in Section 5.6.2.1, it makes a difference for those interested in understanding Josephus, just as much as for those interested in studying the history of the Jews of Rome, to know whether Tiberius expelled the Jews from the city in 19 CE only in disproportionate and unfair response to a crime committed by four Jewish con artists, as Josephus claims at *Antiquities* 18.84 ("And so they were expelled from the city due to the wickedness of four men"). Is it not, perhaps, the case that Josephus chose to claim that, but in fact Tiberius expelled them because of a more widespread phenomenon and matter of principle – Jewish

[8] For a similar issue with regard to the Acts of the Apostles, see Ch. 3, n. 16.

proselytism? But the latter alternative occurs to us only because it is offered by another source – Cassius Dio's *Roman History* (57.18.5a – *GLA*, no. 419: "The Jews were converting many of the natives to their practices"). Even if we want to understand Josephus rather than the event, the very fact that such a statement as Dio's sounded reasonable for a Roman sheds light, that otherwise would be absent, upon Josephus' alternative version. It makes us realize that he was positing something contrary to another reasonable possibility.

Similarly, anyone who wants to know about Josephus' notions of history should want to know whether episodes Josephus chose to present as consecutive, and as (accordingly) causally meshed one with another, in fact happened one after the other. But any ability to answer that question is necessarily contingent upon our willingness to study other sources too, for it is only if they show the events were not consecutive that we can infer something about Josephus' creativity in presenting them as if they were. Thus, for example, it is only because Seleucid coins found at various sites show us that around fifteen years or more went by, between the death of Antiochus Sidetes (ca. 129 BCE) and John Hyrcanus' campaigns of conquest, that we can appreciate the fact that Josephus – who at *Antiquities* 13.254 says the campaigns began "immediately" after Sidetes' death and were thus explained by it – has supplied his readers with a narrative that is tighter and thicker than history really was.[9] That is a point that should be appreciated just as much by someone who wants to learn about Josephus' notions of causation and historiography – which are crucial for anyone who wants to know how he understood his tumultuous times – as by someone who wants to know the facts of the second century BCE, when the events transpired.

### *1.2.3 Josephus' use of sources*

Where the real argument comes is when the search for other sources leads us to search for them *within Josephus' works themselves*. No one would doubt that Seleucid coins or – to return to evidence closer to Josephus' day – Philo's *Embassy to Gaius*, Luke's *Acts of the Apostles*, or Tacitus' *Annals* or *Histories* (for some examples) are extra-Josephan sources and so comparison of them with Josephus' writings may be of heuristic value in developing a

[9] See D. Barag, "New Evidence on the Foreign Policy of John Hyrcanus I," *Israel Numismatic Journal* 12 (1992/93) 1–12. Similarly, a page or two later, at *Ant*. 13.270 and again at § 273 Josephus passes over the uneventful years (nearly a decade) during which – as coins and also the testimony of Justin and Porphyry indicate (see Schürer, *HJP* 1.208) – Antiochus VIII Grypus ruled Syria alone. Whether or not Josephus knew of this decade, skipping it – just as much as the use of "immediately" in § 254 – allows Josephus to give an intense narrative.

nuanced understanding of Josephus and the paths he chose as well as – for those of us who are interested – supplying us with additional witnesses to the same events. But the attempt to discern within Josephus' own narratives the sources he used, and then to use them the way we use those other sources that survived independently, is a different story.

True, all realize that Josephus must have used sources for his work, especially in the *Antiquities*, a work completed in the last decade of the first century[10] that recounts more than a millennium of Jewish history. Indeed, sometimes Josephus' use of sources is quite obvious, either because he himself cites them by name or because, even when he does not, the source survived independently so we can see for ourselves. Thus, for three clear examples from *Antiquities* 12–14: in the first part of *Antiquities* 12 Josephus follows the *Letter of Aristeas* at great length (12.11–118) and tells us so (§ 100) – but we would have known it anyway because that Alexandrian Jewish work survived independently;[11] from the middle of *Antiquities* 12 until the middle of *Antiquities* 13 (12.240–13.214) Josephus follows the First Book of Maccabees at even greater length, but doesn't tell us so – we know it is so because the book survived, in the Apocrypha; and early in *Antiquities* 14 Josephus uses, among other sources, a historical work by Nicolas of Damascus, Herod's court historian – as he tells us at *Antiquities* 14.9 and 14.68. What we can wonder, however, is whether (a) we can with reasonable confidence discern a source used by Josephus when he does not tell us he was using one and it has not survived independently, and (b) whether he left materials he extracted from his sources more or less as he found them so after identifying them we can use them as if they were external to Josephus just as we use the works of such writers as Philo, Luke, and Tacitus. Or is it rather the case that he edited them so thoroughly, in the course of incorporating them into his own work, that they are in fact, just as much as other parts of his writings, to be considered his own work and evidence for Josephus himself?

Here is where the real arguments arise. Those who are interested in knowing what happened, who tend to be happier the more witnesses they have and the earlier the testimony they can find, naturally tend to be optimistic about the possibility of discerning sources used by Josephus – and so tend to view him as an anthologist who edited his materials only super-

[10] At *Ant*. 20.267 Josephus dates the completion of the work to the thirteenth year of Domitian, who began to reign in 81 CE. That is, the work was finished in 93/94 CE. In the same passage Josephus notes that it was the fifty-sixth year of his own life, which corresponds to his statement at *Life* 5 that he was born in the year Gaius became emperor – 37 CE.

[11] For a translation of it, by R. J. H. Shutt, see: J. H. Charlesworth (ed.), *The Old Testament Pseudepigrapha*, II (London: Darton, Longman and Todd, 1985) 7–34.

ficially. In contrast, those who are more interested in studying Josephus for his own sake stand, as it were, to lose material every time a source-critic traces something in Josephus' corpus to one of his sources – and they prefer to view Josephus as an author.

However, even this is only "as it were;" it should not be such a terrible problem as it often seems to be in scholarly debates. For even where all admit Josephus used sources, for example in the first half of *Antiquities* (Books I–XI), where he is largely dependent upon the Hebrew Bible, much interesting work can be done in analyzing Josephus himself. In fact, such work can give scholarship quite a firm basis for such conclusions, for, basically, one may apply the following formula: A – B = J (where A is Josephus' narrative in *Ant*. I–XI, B is the Bible and J is Josephus).[12] Thus, Mason points to H. W. Attridge's *The Interpretation of Biblical History in the* Antiquitates Judaicae *of Flavius Josephus* (1976) as a turning-point in the development of the composition-critical approach to studying Josephus, the approach that focuses on the man and his writings rather than on the events they describe.[13] In the decades since that volume Louis H. Feldman has, similarly, written dozens of studies on Josephus' portraits of biblical heroes, all based on the same equation,[14] and other scholars too have done similar worthy work.

To illustrate with a brief example how useful this type of work can be, note that it is only by comparison of *Antiquities* 4.296 to its source in Deuteronomy 20:10 that we may realize that Josephus' reference to Jews engaged in *defensive* warfare represents a deliberate decision on his part to avoid speaking of them *initiating* wars, which is what Deuteronomy discusses.[15] And this point, of course, will fit into any dossier anyone cares to make about Josephus' ideas about war, or about the proper stance of Jews

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[12] Although, of course, on the one hand things Josephus reproduced faithfully from the Bible are also his, in a sense, for he could have chosen not to reproduce them, just as, on the other hand, things he added could be not only his, but, rather, picked up from others.

[13] See Mason's introduction to *FJTC* 3.xvi.

[14] Many are collected in his two volumes: *Josephus's Interpretation of the Bible* (Hellenistic Culture and Society 27; Berkeley: Univ. of California, 1998); *Studies in Josephus' Rewritten Bible* (*JSJ* Supplement 58; Leiden: Brill, 1998).

[15] Deuteronomy begins with "When you come near unto a city in order to fight against it, you shall proclaim peace unto it," whereas Josephus opens with "When ye are on the verge of war, send an embassy with heralds to your *aggressive* enemy" (trans. Thackeray, *JLCL*)! Similarly, where Deuteronomy continues with "And if it answers you in peace and opens up (its gates) before you, then all the people found within it shall be tributary to you and serve you," Josephus goes on to emphasize that it is bad to be forced to make war and take away from others what is theirs and therefore if they answer peacefully "it behooves you to keep the peace" (§ 297). For Josephus' concern that Jewish warfare be "just," in consonance with the demands of Greco-Roman culture, see esp. J. W. van Henten, "Commonplaces in Herod's Commander Speech in Josephus A. J. 15.127–146," in: *Josephus and Jewish History in Flavian Rome and Beyond* (ed J. Sievers and G. Lembi; *JSJ* Supplement 104; Leiden: Brill, 2005) 198–203.

vis à vis others. Moreover, that especially salient point, which arises out of comparison, leads to an appreciation of some finer points of Josephus' work, such as the fact that he discusses those to be released from army service only in § 298, after describing the failed negotiations with the enemy, because for Josephus there would be no war, hence no need for an army, had the enemy not chosen to attack. In Deuteronomy 20, in contrast, those exemptions were listed in vv. 5–9, prior to the negotiations, because the Israelites need the army to carry out the war they are initiating themselves. Points like these are legion, and no one would suggest passing up such comparisons as a valid and rich way of understanding Josephus' values and concerns, and of pointing up the work he invested to make his points.

But what Attridge, Feldman and others did for the first eleven books of the *Antiquities* one can do for the other nine as well – Books 12–20, that bring us from the Hellenistic period down to the first century. Sometimes it is just as simple, as in the large sections of *Antiquities* 12–13 that, as we noted, made much use of works that are extant. In those cases too, as with Josephus' biblical narratives, we can, so to speak, subtract Josephus' sources (such as the *Letter of Aristeas* or 1 Maccabees) from his own text and study the remainder, along with Josephus' omissions from his sources, as eloquent evidence for his own thought.[16] The question is whether – and with how much confidence – we can do that for other parts of *Antiquities* as well. This study, which will focus on Josephus' account of the first century in his *War 2* and *Antiquities* 18–20, along with other sources for Jewish history of the first century, will address that question, along with other questions related to the use of such sources in the reconstruction of the first century.

## 1.3 The philological-historical approach: Some introductory comments and test-cases

As explained in the preface, the approach we follow is known as the philological-historical method, for it studies ancient history on the basis of the study of written sources that have survived from antiquity. "Philological-historical" is a cumbersome and unfamiliar term in English, but sounds – or

[16] For synoptic editions of the texts that facilitate such comparisons, concerning hundreds of paragraphs in *Ant*. 12–13, see, for example, A. Pelletier, *Flavius Josèphe, adaptateur de la Lettre d'Aristée: Une réaction atticisante contre la Koinè* (Études et commentaires 45; Paris: Klincksieck, 1962) 307–327, and J. Sievers, *Synopsis of the Greek Sources for the Hasmonean Period: 1–2 Maccabees and Josephus, War 1 and Antiquities 12–14* (Subsidia Biblica 20; Roma: Pontificio Istituto Biblico, 2001). For examples of the potential results of such comparisons, see A. Pelletier, "Josephus, the Letter of Aristeas, and the Septuagint," in: *Josephus, the Bible, and History* (ed. L.H. Feldman and G. Hata; Leiden: Brill, 1989) 97–115, and I.M. Gafni, "Josephus and I Maccabees," ibid., 116–131.

once sounded – fine in German. Most of the major German academies of science had, in their nineteenth-century heydays, divisions and publications that included *philologisch-historische* in their title. Correspondingly, the historical study of sources is frequently denoted, even in English, by the German terms *Quellenforschung* or *Quellenkritik* ("source research" or "source criticism"). This reflects, first of all, the historical fact that the nineteenth and early twentieth centuries saw a flourishing of such work in Germany. Thus, for example, in the fields of collection and editing we may note that the standard collections of Greek and Latin inscriptions, the standard critical editions of patristic literature, the standard collection of the remnants of Greek historiography, and – to turn to our own field – the standard critical editions of the writings of Philo, of Josephus, and of the early works of rabbinic literature, were all German projects, as was also the standard multivolume encyclopedia of knowledge concerning classical antiquity.[17]

In particular, however, the term *Quellenkritik* is used to denote the study of a composition in an effort to get behind it, namely, to discover what source or sources were used by the composition's author or editor. This too was a typically German pursuit. Doctoral dissertations entitled *Die Quellen des … für …* (So-and-so's Sources for …), devoted to this or that ancient historian's work or parts thereof, were once a *Deutschmark* a dozen.

This type of work, which was in its day at the pinnacle – or, rather, at the foundation – of the study of ancient history, lost much of its luster in the twentieth century. Indeed, the very use of the German term generally contributes, at least in English-language scholarship, to marginalizing the pursuit. To some extent, this was due to its excesses. Anything can be taken too far, and when too many scholars spent too much time attempting to reconstruct hypothetical lost sources or lost editions, at times getting to a degree of detail and articulation that reasonable people simply found impossible to take seriously and at times leaving no creativity at all to the final author (in our case: Josephus) and ascribing everything to his hypothetical

[17] For a survey that emphasizes and demonstrates this German hegemony in classical studies see the preface to *Classical Scholarship: A Biographical Encyclopedia* (ed. W.W. Briggs and W.M. Calder III; New York and London: Garland, 1990) x–xii. To illustrate the lasting legacy of this German work, note not only that the more than eighty volumes of *Paulys Realencylopädie der classischen Altertumswissenschaft* (1894–1963) still serve as the standard reference work for just about all fields of classical scholarship, but also that they served as the basis for an updated five-volume version (*Der Kleine Pauly*,1964–1975) and now again for multi-volume works in German (*Der Neue Pauly*, 1996–2003) and English (*Brill's New Pauly*, 2002–2010). In the field addressed by the present volume, the parallel to cite is E. Schürer's *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*, which, seventy years after the last German edition (1901–1909$^{3-4}$), was adopted as the basis for a new standard handbook in English: Schürer, *HJP*.

sources, there was inevitably a reaction and the pendulum began to swing the other way – in Josephan studies as elsewhere.[18] The fact that Germany lost two world wars in the twentieth century also contributed to the loss of prestige of anything associated typically with it.[19] More generally, the general decline in the study of classical languages drastically cut down the number of those potentially capable of and interested in this type of work. Thus, one can understand why David S. Potter, in his work on the historical study of Roman literary evidence, found it necessary to begin a section of the book with the admonition that, nevertheless, "*Quellenforschung* should not be a dirty word."[20]

### *1.3.1 On pendulums and cuckoos*

Seconding Potter, I would offer two main responses to critics of source criticism. The first is that pendulums, when they swing, usually swing too far. One can overdo a rejection of source criticism just as much as one can overdo source criticism. Moreover, just as much as source-critics can err in the direction of hypercritically finding too many problems in the Josephan text and following them to flimsy and superfluous hypotheses about lost sources Josephus used to build his work, so too those who work in the tradition of composition criticism have a prejudice of their own: Since what they are studying is Josephus himself, he had better be worth it. So when a source-critic points to a tension or self-contradiction in Josephus' work which in any sophomore's paper we would take to mean the student had

[18] See Schwartz, *Studies,* 262–264.

[19] For a 1922 parody on English prejudice against German source-critics see A.E. Housman, *The Classical Papers of A. E. Housman*, III (collected and ed. by J. Diggle and F.R.D.Goodyear; Cambridge: Cambridge Univ., 1972) 1061, who has us imagine "an Englishman demonstrating the unity of Homer by sneers at 'teutonic professors,' who are supposed by his audience to have goggle eyes behind large spectacles, and ragged moustaches saturated in lager beer, and consequently to be incapable of forming literary judgments." Compare a comment a few years later by the main Josephan scholar of his day: H. St. J. Thackeray, *Josephus: The Man and the Historian* (New York: Jewish Institute of Religion, 1929) 62: "The whole question of investigation of sources, what the Germans call *Quellenkritik*, though a necessary and sometimes fascinating task for the historian, is apt perhaps to appear somewhat repellent." For a more recent example, note Cohen, *JGR*, 59: "Only a German source critic could claim that AJ 18–20 is a paraphrase of a single source – anonymous, of course." See also ibid. 44, n. 77 ("… Goldstein uses source criticism with a confidence worthy of Bismarckian Germany. He knows all the sources, whether extant or not, of Josephus") and idem, "The Modern Study of Ancient Judaism," *The State of Jewish Studies* (ed. idem and E.L. Greenstein; Detroit: Wayne State Univ., 1990) 70, n. 18 ("Schwartz practices source criticism with a fervor and a certainty seldom seen outside of German dissertations of the nineteenth century" – referring to my study cited in Ch. 5, n. 91).

[20] D.S. Potter, *Literary Texts and the Roman Historian* (London and New York: Routledge, 1999) 90.

used more than one reference work and failed to coordinate them properly, there is among composition critics a reluctance to accept such a conclusion when it comes to Josephus, for we would rather not think of him as a sophomore.

Thus, for example, when recently students of mine read *Antiquities* 14.74–77, where (as we shall see in Section 1.3.4), it seems evident that Josephus spliced in – without notice, attribution, or significant editing – an excerpt from an old Syrian source about Pompey's arrangements in Judea in 63 BCE that contradicted his own point of view, and then added his own comments after it, one of the students blurted out the Hebrew equivalent of "What kind of idiot was this guy?!" Whatever one might respond about Josephus having different notions than we do, or about different conventions about quotation and attribution in antiquity, or about *Antiquities* perhaps being an unedited draft, the fact is that that which makes the source-critic happy, and makes the historian of Pompey's days happy (for such analysis provides us with another witness, much closer than Josephus, to the days of Pompey), raises doubts, for the composition critic, about the extent to which Josephus indeed "composed" his work or, alternatively, about his intelligence. If it is true, as Wellhausen wrote, that cuckoo-eggs may frequently be found in Josephus' nest,[21] do we really want to devote a lot of time to him? For Wellhausen that was no problem, for he was using Josephus, alongside of other witnesses, in order to study Israelite and Judean history. But if we wish to focus upon Josephus himself, cases like this might push us to wonder whether some other author, more serious, might be more worthy of our attentions.

All I can offer composition critics (and the aforementioned student) in response is that if the truth is that Josephus' writings are at times built out of materials written by others and left more or less unedited, then we had better know it; that nagging by source-critics may push us to understand Josephus himself even better; and that such analysis gives us all the more confidence about which parts of his work *were* composed by Josephus. For those interested in knowing what happened in antiquity, even if "happened" refers only to what this or that ancient personality, such as Josephus, thought about this or that, there is – as Thackeray admitted (see n. 19) – an unavoidable need for such work. One can ignore it only if one chooses to interpret Josephus' books as timeless books – as literature, not history. That is certainly legitimate – just as legitimate as it is to read them in order to learn history.

[21] See J. Wellhausen, *Israelitische und jüdische Geschichte* (Berlin and Leipzig: De Gruyter, 1921[8]) 323, n. 1. Cuckoo birds typically lay eggs in other birds' nests. Wellhausen's comment comes with regard to *Ant*. 17.41–45, which he characterizes as a source that totally contradicts Josephus' own view.

But if he or she who reads Josephus' works as literature can afford to ignore history, those who read him in order to learn history cannot afford to ignore literature. In what follows I shall, by way of introduction, point out a few cases that illustrate the types of issues involved in reading Josephus so as to learn history, issues to which the successive chapters of this book are dedicated. As these examples will show, work is required from the bottom up – from establishing the text (Chapter 2) and establishing its meaning in context (Chapter 3) to assessment of the basis of its information (Chapter 4) and its relationship to information supplied by other texts (Chapter 5). All of these steps are necessary, and in many cases they are also sufficient, to allow us to reconstruct what really happened – concerning which I'll offer some general comments in Chapter 6. I have chosen the cases with an eye to illustrating the modern contexts in which there is interest not only in the stories the sources tell but also in the history to which they bear witness.

### *1.3.2 Issues of text and interpretation: The case of Josephus' divorce (Life 415)*

Jewish law, following Deuteronomy 24:1 ("and he shall write a bill of divorce for her and put it into her hand"), allows husbands to divorce their wives but not vice versa. Josephus states that in the context of his presentation of Jewish marriage law at *Antiquities* 4.253, and he underlines it demonstratively at *Antiquities* 15.259–260, condemning Herod's sister Salome for violating that law, "acting on her own authority" and dissolving her marriage by sending her husband a divorce document. This law is, quite understandably, a focus of much modern debate, given the suffering that can ensue when a husband abuses this monopoly or disappears, creating the phenomenon of the *'agunah* – a woman "chained" to a failed marriage or absent husband and denied the possibility of remarriage.[22] It was natural, therefore, that the 1995 publication of a second-century Aramaic papyrus from the Judean desert, in which a Jewish woman seems to refer to a bill of divorce that *she* gave her husband, aroused great interest, also polemics.[23] *If*

[22] Note, for example, that an entire volume of *Jewish Law Annual* (4, 1981) was devoted to studies concerning "The Wife's Right to Divorce." See also M.S. Cwik, "Bibliography Covering the Agunah Problem, Jewish Marriage, Jewish Divorce, and Related Issues," *Women in Judaism* 1, no. 2 (Summer 1998 [an Internet journal]), and, for example, A. Hacohen, *The Tears of the Oppressed: An Examination of the Agunah Problem – Background and Halakhic Sources* (ed. B. Greenberg; Jersey City, NJ: Ktav, 2004).

[23] The following titles will give something of an idea of the intensity of the debate: T. Ilan, "Notes and Observations on a Newly Published Divorce Bill from the Judaean Desert," *HTR* 89 (1996) 195–202; A. Schremer, "Divorce in Papyrus Se'elim 13 Once Again: A Reply to Tal Ilan," *HTR* 91 (1998) 193–202; H.M. Cotton and E. Qimron, "XḤev/Se ar 13 of 134 or 135 C.E.: A Wife's Renunciation of Claims," *JJS* 49 (1998) 108–118; D.

that is indeed the correct interpretation of the text, and *if*, therefore, Jewish law as it was in this early period (when the rabbis were just beginning to codify Jewish law) allowed women to divorce their husbands (but maybe the document reflects people following non-Jewish law), why not now too? This case easily illustrates the way modern people may be interested in what actually happened in the past; for many of them, it is meaningful in the context of their own lives, today. This is perfectly legitimate, as long as the interests that generate the questions, interests in what should happen in the present, do not also dictate the answers about what happened in the past – beginning, for example, with the two "if"s italicized two sentences ago. Now, from our point of view it is important to comment on the fact that the debate now and then drew in, as a supporting text, § 415 of Josephus' autobiography (*Life*), in which, according to standard translations, he reports in a matter-of-fact way that his first wife[24] "left him," whereupon he remarried. This text would seem to bolster the notion that women could divorce themselves from their husbands, and so it has been used.[25] Of course, it need not be used this way; perhaps Josephus means no more than that she left him with no legal process.[26] Or perhaps we should assume – given the fact that Josephus noted earlier (§ 414) that Vespasian "ordered" him to marry the woman – that his marriage was constituted according to Roman law so however it ended is not relevant to our issue. And, of course, there are other possibilities too. However, rather than getting into such issues here I would only note two doubts – at times overlooked – about *Life* 415:

### *1.3.2.1 Text*

While the above reading is based on all modern editions, which read here ἀπαλλάγη, i. e., "she left (me)," according to *all of the manuscripts* the verb has a final *nu* – ἀπαλλάγην, which means "I divorced (her)."[27] Of course, the editors have their reasons for omitting the final *nu*; the latest editor

Instone-Brewer, "Jewish Women Divorcing their Husbands in Early Judaism: The Background to Papyrus Ṣe'elim 13," *HTR* 92 (1999) 349–357; R. Brody, "Evidence for Divorce by Jewish Women?" *JJS* 50 (1999) 230–234.

[24] In fact, the wife mentioned here would be Josephus' second, if we take *War* 5.419 at face value. But it is not clear that we should, for that allusion to a wife comes in a speech where it serves a clearly rhetorical purpose – referring to the members of Josephus' family who were endangered by the continuation of the Roman siege.

[25] For discussion, see A. M. Rabello, "Divorce of Jews in the Roman Empire," *Jewish Law Annual* 4 (1981) 93–95.

[26] Thus, for example, the matter could simply be reconstructed as follows: "Even Josephus' own wife walked out before he could divorce her, but without giving him a divorce document" (Instone-Brewer [above, n. 23] 356, n. 27).

[27] As is indicated by the critical apparatus for this passage in the standard edition: *Flavii Iosephi Opera edidit et apparatu critico instruxit Benedictus Niese,* IV (Berlin: Weidmann, 1890) 387, note to line 15.

even terms this correction "trivial."[28] Nevertheless, given the fact that the manuscripts go back to the tenth century, anyone interested in knowing what really happened in the first century might want to check, for him- or herself, the basis for preferring the judgment of modern editors to the care and conscientiousness of medieval scribes. Chapter 2 deals with issues such as this, and in Section 2.2.3.1.1 we shall return to this very example.

#### *1.3.2.2 Interpretation*

Even if we read ἀπαλλάγη, i.e., "she left (me)," it should be noted that at least two modern scholars of Josephus have translated this verb as if it were a euphemism for "died" (compare our "passed away").[29] Indeed, a glance in any Greek dictionary, not to mention the special tools for Josephus, shows this is a possibility. The first part of Chapter 3 addresses issues such as this and how to deal with them.

### *1.3.3 Issues of meaning in context and authorial intention:*[30] *The case of Agrippa's birthday (Ant. 19.321)*

Let us take, to exemplify this type of issue, a question which is of perennial interest for Jews: Should Jews isolate themselves from non-Jewish culture? This question, as the legal one addressed in the preceding example, is one which readily translates into modern questions about ancient precedents. So, for example, let us ask about the celebration of birthdays. This was a usual practice in Greece and Rome, but – as the Bible shows, by its silence – not in ancient Israel. Did this change when the Jews met the Graeco-Roman world? The dossier of relevant evidence is not very thick, and we will focus on one of the few items in it: at *Antiquities* 19.321 Josephus reports that King Agrippa I was once in such a good mood, at a banquet celebrating his birthday, that he pardoned the commander-in-chief of his army, whom he had previously exiled. This, then, would seem to be good evidence that at least this Judean monarch of the mid-first century (Herod the Great's

[28] F. Siegert, H. Schreckenberg, M. Vogel et al. (eds.), *Flavius Josephus: Aus meinem Leben (Vita) – Kritische Ausgabe, Übersetzung und Kommentar* (Tübingen: Mohr [Siebeck] 2001) 9, n. 31.

[29] A. Pelletier, *Flavius Josèphe: Autobiographie* (Collection des Universités de France [Budé]); Paris: "Les Belles Lettres," 1993[4]) 64; G. Jossa, *Flavio Giuseppe: Autobiografia* (Napoli: D'Auria, 1992) 191.

[30] This formulation is meant to express a rejection, insofar as the study of history is concerned, of the notion of the "intentional fallacy," i.e., the doctrine that we cannot know and shouldn't care what an author meant; rather, we should concern ourselves with what the book means (in general, or to a specific audience). See, for example, the quotation from A. Shinan in Section 4.1. For historians it is very important to know what the author of a work meant.

grandson, "Herod" of Acts 12) celebrated his birthday. Of course, one could wonder just how broad the implications of this might be. After all, Agrippa was a king, and he had been raised in Rome (*Ant*. 18.143), so his practice might not have been typical of Jews at large. Nevertheless, it is something – perhaps enough to tilt the scales in the interpretation of another more ambiguous text, this time one in the Gospels (Matt 14:6//Mark 6:21), where another Herodian (Agrippa's uncle) is said to have celebrated his *genesia* and it is not clear whether this Greek term refers to his birthday or, rather, to the anniversary of his accession to rule.[31]

Before we put *Antiquities* 19.321 into our file on ancient Jewish acculturation, however, it might occur to us that this tidbit is quite reminiscent of Genesis 40:20, where, in the midst of the Joseph story, we read that Pharaoh was in such a good mood when he was celebrating his birthday that he sent for his hitherto imprisoned chief cup-bearer and restored him to office. Of course, this similarity between the passages need not mean much. But then again, if we have not just swooped down upon *Antiquities* 19.321 but have rather been reading all of *Antiquities*, or at least its Agrippa narrative in Books 18–19, we might well recall another three echoes of the biblical Joseph story:

(a) At *Antiquities* 18.195–201 Josephus reports that once when Agrippa was in jail in Rome a German fellow prisoner saw a bird over Agrippa's head and predicted that Agrippa would soon be released, adding that when the bird again appeared over his head he would die; both prophecies were fulfilled (*Ant*. 18.201; 19.346). The story is clearly reminiscent of Genesis 40:16–19, a conversation between Joseph and a fellow prisoner, Pharaoh's chief baker, whose story is told after that of the chief cup-bearer: when the chief baker reports a dream about birds over the tray on his head Joseph interprets this, correctly, to mean that he soon will die. When we notice that, according to Josephus (§ 201), the German fellow-prisoner asked Agrippa, just as the biblical Joseph asked Pharaoh's cup-bearer (Gen 40:14–15), to remember him after his release and request his liberation too, it becomes nigh impossible to think that Josephus' story is not meant to imitate the one in Genesis.

(b) At *Antiquities* 18.237, when Tiberius dies and his successor, Gaius Caligula, releases Agrippa from prison, Josephus reports that upon his release, but prior to appearing before Gaius, Agrippa got a haircut and changed his clothes. Probably we

[31] For a detailed discussion (including much comparative material) and bibliography see H. W. Hoehner, *Herod Antipas* (Society for New Testament Studies Monograph Series 17; Cambridge: Cambridge Univ., 1972) 160–161, n. 5. (Note, however, that the note is so long that Hoehner forgot, by its end, that its purpose was to define the meaning of *genesia* in Matt 14:6//Mark 6:21; that got him into a circular argument. Namely, in concluding his long discussion of whether the term in those verses refers to Antipas' birthday or rather to an anniversary of his coronation, after noting that Herod the Great celebrated the day of accession and Josephus even says that was usual [*Ant*. 15.423] Hoehner nevertheless depends upon these same verses from the Gospels, according to the usual translations ["birthday"], in order to nail down his claim that Antipas celebrated his birthday. There, but for the grace of God, go all us footnote-writers.)

would assume such mundane things even if Josephus did not report them – all the more reason to surmise that Josephus wrote them because they are straight out of Genesis 41:14: when Joseph from released from prison "he shaved and changed his garments and came to Pharaoh."

(c) The fact that Josephus, in the same passage (*Ant*. 18.237), reports that Gaius gave Agrippa a golden chain upon his release from prison, just like the one Pharaoh gave Joseph upon his (Gen 41:42), ices the cake.

If we now return to *Antiquities* 19.321 and ask whether we shall accept it as evidence that Agrippa celebrated his birthday, we should probably be somewhat less confident. Rather, it looks like we have here an aspect of a literary *topos*,[32] perhaps no more reliable historically, in its literal sense, than Luther's talk of the Church's "Babylonian captivity" or a modern journalist's reference to some politician who, in taking a daring step, "crossed the Rubicon." In return for giving up this evidence about a specific cultural practice, however, we shall have gained something else: the recognition that a first-century Jewish author was interested in applying a biblical story, that focuses upon a talented Jewish youth making it big in the imperial capital, when recounting and interpreting the career of another such figure in his own day. That too is history, but of another type. Anyone who takes *Antiquities* 19.321 as evidence for Jewish celebration of birthdays without considering what the author really meant by the reference, and, accordingly, without weighing the possibility that the desire to compare Agrippa to Joseph brought Josephus (or his source) to invent a birthday celebration (perhaps assuming that his readers will understand his intention, perhaps not), will be building on quicksand, just as anyone studying the status of the Bible and knowledge of it in the first century who ignores these texts will be working with an incomplete file. This type of issue is the subject of the last part of Chapter 3.

### *1.3.4 Issues of the use of sources: The case of Pompey's conquest (Ant 14.74–78)*

To illustrate this type of issue, characterized above (Section 1.2.3) as the main focus of controversy among readers of Josephus, let us look at some details of the the case that led my student to ask what kind of an idiot Josephus was (above, p. 13).

Anyone considering the ups and downs of Jewish history in the twentieth century, which saw both the Holocaust and the foundation of a sovereign Jewish state, a state which now rules much territory populated by non-Jews, may find it interesting to study Josephus' views on analogous events.

[32] That is, a fixed allusion or figure of speech. Section 3.3 is devoted to this topic.

A man whose life split fairly neatly between his public career as Joseph ben Mattathias, Jerusalemite priest and rebel general, on the one hand, and his literary career as Flavius Josephus of Rome, on the other – how did he view the Roman conquest of Judea? One obvious text to adduce in this context is *Antiquities* 14.74–76, in which Josephus summarizes Pompey's measures upon conquering Judea in 63 BCE, a conquest which put paid to the sovereign but internally conflicted Hasmonean state and dismantled the territory it had ruled:

(74) And he made Jerusalem tributary to the Romans, and took from its inhabitants the cities of Coele-Syria which they had formerly subdued, and placed them under his own governor; and the entire nation, which before had raised itself so high, he confined within its own borders. (75) He also rebuilt Gadara, which had been demolished a little while before, to please Demetrius the Gadarene, his freedman; and the other cities, Hippus, Scythopolis, Pella, Dium, Samaria, as well as Marisa, Azotus, Jamneia and Arethusa, he restored to their own inhabitants. (76) And not only these cities in the interior, in addition to those that had been demolished, but also the coast cities of Gaza, Joppa, Dora and Straton's Tower – this last city, which Herod refounded magnificently and adorned with harbors and temples, was later renamed Caesarea – all these Pompey set free and annexed them to the province. (*Ant*. 14.75–76, trans. Marcus, *JLCL*)

This passage clearly justifies the Roman conquest of Judea: the Jews had exceeded their natural borders and Rome put them back into their proper place, "setting free" the hitherto subjugated populations of Syrian cities and "returning them to their inhabitants." From beginning to end, Josephus' diction makes it clear that the Hasmoneans had wrongly conquered land that belonged to others and that Pompey had rectified that injustice. Thus, anyone interested in the hindsight of a former Judean rebel general, a few decades after the destruction of Jerusalem, will see here his recognition that Jewish overreaching had engendered a just response by a great power. Refusal to settle for what was rightfully theirs had had cost the Jews nearly everything.

However, before we take that conclusion and apply it as we choose, let us read the very next few lines:

(77) For this misfortune which befell Jerusalem Hyrcanus and Aristobulus were responsible, because of their dissension. For we lost our freedom and became subject to the Romans, and the territory which we had gained by our arms and taken from the Syrians we were compelled to give back to them, (78) and in addition the Romans exacted of us in a short space of time more than ten thousand talents; and the royal power which had formerly been bestowed on those who were high priests by birth became the privilege of commoners. But of this we shall speak in the proper place. (*Ant*. 14.77–78, trans. Marcus, *JLCL*)

Here what happened in 63 BCE, which the immediately preceding paragraphs applauded as justified and indeed quite positive, is bemoaned. The

Roman takeover of Judea was, plain and simple, unfair and a tragedy.[33] True, there is, strictly speaking, no contradiction between the two passages: Josephus can both justify Rome as having done unto the Jews as they deserved and also bemoan, as a Jew, that it happened. This would in fact be a normal Jewish stance, comparable, for example, to that of Jeremiah on the destruction of the First Temple.[34] Thus, for a prominent example, in the prologue to his *Judean War* Josephus is explicit about both themes; see *War* 1.9–12. In contrast to that, however, the stark contradiction between the point of view expressed in 14.74–76 and the one expressed in §§ 77–78 comes without any such authorial explanation; readers are, or should be, totally jarred by the move from § 76 to § 77. How shall this be explained? This is where source criticism steps in.

Note, first of all, that it is clear that §§ 77–78 were written by Josephus – for in them he repeatedly speaks of the Jews as "we" and at the end also refers to what "I" will relate in the proper place. In contrast, note that §§ 74–76 bespeak a non-Jewish, indeed Syrian, point of view:

(a) §§ 74–76 speak of the Jews in the third person.

(b) §§ 74–76 exhibit great knowledge about and interest in the details of non-Jewish cities, uses non-Jewish names for them,[35] and even knows of – and finds interesting to report – Pompey's special relationship with Demetrius of Gadara.

(c) In § 76 "the province" is used for Provincia Syria, although that province was not mentioned.

These three points show that §§ 74–76 not only justify the Roman dismemberment of Hasmonean Judea (as we first saw) but also are formulated in a way we would expect a non-Jewish Syrian to speak. The Syrian point of view comes through especially clearly in the way "the province" is used for Provincia Syria in § 76; in Josephus' day, there were more than thirty provinces in the Roman empire. Accordingly, were we to find a page with §§ 74–76 circulating separately, we would probably guess that the text had been authored by a non-Jewish Syrian. True, we found it in Josephus' *Antiquities*, but an intelligent reader would be remiss, I believe, if he or she failed to wonder if such a Syrian witness doesn't lie behind these para-

[33] Note especially the unabashed insistence, in § 77, that that which had been taken in war rightly belongs to the victor – which contradicts the obvious assumption of §§ 74–75 about a natural order of things that the Jews had violated.

[34] Indeed, as several scholars have noted it seems that Josephus consciously presented himself as something of a latter-day Jeremiah – another priest, another I-told-you-so, but also another lamenting prophet at a time of national catastrophe. See S.J.D. Cohen, "Josephus, Jeremiah, and Polybius," *History and Theory* 21 (1982) 366–381.

[35] Note especially that Josephus refers here to "Scythopolis" without any further details. Contrast his procedure in *Ant*. 5.83, 6.374–375, 12.348 and 13.188, where – following originally Hebrew sources – he uses "Beth-Shean" and explains that it is "now" or "by the Greeks" called "Scythopolis."

graphs. Indeed, if not earlier, then now the question should arise: How did Josephus, writing in Rome in the 90s of the first century, know the details of events that occurred a century before he was born and a century and a half before he wrote? If he was using no source readers should give him no more credence than they would to my report of otherwise undocumented events of the 1850s, and instead content themselves with studying this text as, at most, evidence for what Josephus believed and/or wanted his readers to believe. If, on the other hand, he was using a source, we should want to know what that source was so as to be able to assess its point of view, how it relates to Josephus', and how much credence we should allow it as a witness to the historical events it recounts.

Any reader of *Antiquities* 14 who begins to think along these lines can hardly escape recalling that, as we mentioned in Section 1.2.3, Josephus himself cites, in two preceding passages of this book (*Ant*. 14.9, 68) of which the latter is hardly a page before the passage we are now discussing, the historical work of Nicolas of Damascus – a Syrian scholar, diplomat, and historian who worked in Herod's court.[36] In those two passages the reasons he mentions Nicolas' name are very clear: in the former case he cites Nicolas in order to contradict him, while in the latter he cites Nicolas as a non-Jewish witness to the Jews' fortitude and devotion to their religion because, as Josephus explains, he is worried that readers might not believe his own laudatory account of their exemplary behavior. True, in §§ 74–76 Josephus does not claim to be following any source, but do we have any reason to think that Nicolas' work was no longer on his desk, or on a nearby shelf?[37] Or does the fact that Josephus cites no source at §§ 74–76 mean he was writing with none, off the top of his head? Obviously not. So although we cannot be as sure as when Josephus explicitly cites his source, it still remains very likely that §§ 74–76 are taken from the work of the Syrian historian – as is indicated not only by the points listed above which show they sound as if they were written by a Syrian historian, but also by the explicit evidence that Josephus had been using such a source around the time he wrote these lines. When we add in the fact that the parenthetical reference in § 76 recalling and lauding Herod's transformation of Straton's Tower into Caesarea is also something we would expect to hear from a Herodian court historian, the conclusion that §§ 74–76 are to be traced to Nicolas becomes, in my opinion, about as solid as any can ever be in the study of such issues concerning ancient historiography.

[36] On Nicolas and Josephus' use of his writings, see Stern, *GLA* 1.227–223, and M. Toher, "Nicolaus and Herod in the *Antiquitates Judaicae*," *Harvard Studies in Classical Philology* 101 (2003) 427–447.

[37] For Josephus' explicit usage of Nicolas elsewhere in this part of *Antiquities*, see also 13.250–251, 347 and 14.104.

That is, our conclusion concerning *Antiquities* 14.74–78 is that Josephus, having found in Nicolas' history the details of Pompey's arrangements, first cited the data as assembled by Nicolas,[38] then commented upon them himself. Today we would have demanded the use of quotation marks, or at least some form of citation or attribution. Indeed, Josephus could have cited Nicolas as his source for the passage, as he did in §§ 9, 68. Perhaps he failed to do so for §§ 74–76 because neither of the special reasons for pointing out such use – the desire to correct Nicolas, or to enlist his authority for an otherwise doubtful claim – obtains in this case. Perhaps he should have nonetheless, as we would demand from ourselves or our students, just as we would expect them to invest energy in changing the point of view of the text they use to fit their own. But that doesn't matter; our purpose is not to give Josephus grades, on honesty or historiography or anything else, but, rather, to learn how to read him and how to use his testimony.

To summarize this example of the use of source criticism: What is important is that anyone who would cite §§ 74–76 as proof for Josephus' own views without an analysis of the question of his source here would be just as wrong as anyone who depends upon *Antiquities* 19.321 as evidence that Agrippa I celebrated his birthday. But readers who conclude that *Antiquities* 14.74–76 is based upon Nicolas' testimony have assured themselves both that this testimony is much (about a century) closer to the events than would have been the case had we been dependent upon Josephus himself, and that they now have a window onto what Syrians – or at least one associated with the ruler who supplanted the Hasmoneans – thought about Pompey and his measures. Just as getting the Bible instead of birthdays, so too getting some Nicolas instead of some Josephus entails some losses and gains; the losses must be recognized and the gains can be interesting. Moreover, even if all we want to know is how Josephus worked, this type of conclusion is very important, for it allows us, as it were, to enter Josephus' study and look over his shoulder as he builds his book. How to go about this type of study is the subject of Chapter 4.

### *1.3.5 Issues of coordinating evidence: Josephus and Philo on Pontius Pilate*

To illustrate this final type of issue, let us take a sensitive bull by the horns: Did the Jews kill Jesus? Of course the Gospels make it clear that Pontius Pilate, the Roman governor of Judea, was the one who ordered the execu-

[38] To say Josephus took the material from Nicolas is not, of course, to say he took it verbatim. So even if Nicolas' point of view, and some of his diction, shine through, there is plenty of room for editing, whether it regards vocabulary or style or even contents.

tion, and that it was carried out by Roman soldiers at Pilate's command. But they just as clearly claim that Pilate in fact recognized Jesus' innocence and had him killed (after washing his hands of the guilt) only because he knuckled under to Jewish pressure. It is enough to recall such passages as John 19:12, where the Jews tell Pilate that he won't be a "friend of the Caesar" if he releases Jesus (a veiled threat that they will complain about him to the emperor), ibid. v. 15, where the Jews shout "away with him, away with him, crucify him!," and Matthew 27:15–26, where, given the choice to ask for the release of Jesus or of a notorious criminal, the Jews, despite Pilate's explicit preference for the former, who had done no evil, pick the latter. Now, given the fact that the Gospels were written and distributed within the Roman Empire, such an explanation of the Crucifixion had an obvious apologetic use: it allowed Christians a way to explain away Jesus' execution at the hands of a Roman governor, which in the absence of such an explanation would have constituted prima facie evidence that Jesus had been a rebel or a criminal. Early Christians could not afford to be portrayed as the devotees of a rebel or criminal.

That the claim that the Jews forced Pilate to kill Christ was apologetically useful for the early Christians is a point Jews have frequently emphasized in arguing about this critical issue. However, just as being included in the New Testament canon does not constitute proof, for the historian, that the Gospel version is true, so too the fact that something in the New Testament was apologetically useful does not mean that it is false (just as, for example, the fact that a suspect's alibi is useful does not mean it is false). Accordingly, anyone interested in investigating the truth of the explanation should be interested in examining other evidence that could bear on the question whether Pilate was indeed the type of governor who might give in to a Jewish mob. Moreover, if – as is naturally to be expected – especially Jews (such as the present writer) are happy to express doubts such as these about the veracity of the Gospels concerning such a sensitive issue, those interested in defending the Gospels' version of the episode should be especially happy if they can find Jewish evidence in support of the Gospels' presentation of Pilate's stance vis à vis the Jews.

In this context, we may understand the great significance frequently attached to Philo's account, in his *Embassy to Gaius* (§§ 299–305), of a confrontation between Pilate and his Jewish subjects.[39] According to this

[39] For a convenient Greek-English translation of this work, see: E.M. Smallwood, *Philonis Alexandrini Legatio ad Gaium* (Leiden: Brill, 1961, 1970[2]). For Smallwood's discussion of the issue upon which we shall now focus, see her commentary, ibid., 302–306, also her study, "Philo and Josephus as Historians of the Same Events," in: *Josephus, Judaism, and Christianity* (ed. L.H. Feldman and G. Hata; Detroit: Wayne State Univ., 1987), esp. 126–127. For a detailed presentation of my view, and of the historiography of

account by the great Jewish exegete and philosopher of first-century Alexandria, Pilate introduced into Jerusalem golden shields that somehow offended Jewish religious sensitivities; the Jews demanded that he remove the shields; Pilate refused; the Jews threatened to complain to Tiberius Caesar; Pilate was in a quandary, being afraid the Jews would complain about him but unwilling to lose face by backing down; and so the Jews indeed complained to Tiberius, who thereupon came down hard on Pilate, requiring him to remove the shields to Caesarea. Here then, we see the Jews having the upper hand over Pilate and a wishy-washy Pilate afraid that they might go over his head to Tiberius. Although of course not dealing with Jesus of Nazareth, this story – told by a Jewish author – supports the Gospels' picture of Pilate's posture vis à vis his Jewish subjects, especially that in John 19:12.

However, Josephus paints quite another picture of something that is strikingly similar to the incident reported by Philo. Namely, in *Antiquities* 18.55–62 Josephus tells two stories about conflicts between Pilate and the Jews, and the first one (§§ 55–59) is very similar to the one described by Philo: it too reports that Pilate introduced into Jerusalem something that offended the Jews' religious sensitivities; that they demanded he remove them; and that eventually he did remove them, to Caesarea, thus ending the affair. However, Josephus' story is not identical to that told by Philo. According to Josephus, Pilate first dealt with the Jews' protest by threatening to kill them all, and he backed down not because he was afraid of them or of the emperor (to whom no one turned) but only because he was very impressed by their noble devotion to their laws and willingness to die rather than see them violated. That is, Josephus' Pilate is strong and when he gives in to the Jews it is out of respect and admiration, not cowardice. In the second story (§§ 60–62), moreover, Josephus' Pilate does not back down at all. Rather, he reacts strongly to the Jews' protest, having his soldiers attack them, killing many Jews and driving the others away. This is a picture of Pilate's relationship with his Jewish subjects quite at odds with that of the Gospels.

An obvious question is whether Philo and Josephus (in his first story) are portraying two events or the same one. The former hypothesis would more or less entail the conclusion that at some point in Pilate's tenure his stance vis à vis his Jewish subjects was as Philo – and the Gospels – describe it. To make that hypothesis probable, we would want to imagine the order in which the two events occurred; that is, we would want some explanation as to why the relationship depicted by Philo changed to, or had changed from, the one depicted by Josephus. In contrast, the hypothesis that the

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the issue, see D.R. Schwartz, "Josephus and Philo on Pontius Pilate," in: *The Jerusalem Cathedra* 3 (1983) 26–45.

two accounts described, differently, the same historical episode, will become probable to the extent we can explain the differences away, one way or another, or show why one or the other author would want to depart from the truth. The present introductory chapter is not the place to go into this, but suffice it to say that concerning the cardinal difference between the accounts underlined above, namely the fact that Philo has Tiberius intervene while Josephus doesn't even mention the emperor, *Philo needed this detail due to the reason for which he told the story*. For the whole story is brought, by Philo, as one of a series of precedents indicating that *emperors* showed respect for Judaism and its institutions (*Embassy to Gaius* 294–329).[40] For Josephus, in contrast, the story is one about the relations between the Jews and their Roman governor, and the story ends appropriately enough with the latter learning to respect the Jews and their devotion to their laws. Anyone who wants to depend on Philo's story to support that of the Gospels should, therefore, first consider whether Philo might have wanted this precedent so much that he would have been willing to "enrich" it by adding Tiberius' involvement even if in fact the emperor was not involved. In Chapter 5 we will return to this issue (Section 5.3) and other analogous ones. That chapter will also discuss what might be the use of comparing parallel and similar accounts even when what we are seeking is not to reconstruct the event the historian described but, rather, the historian's own interests and values – which too are history.

## 1.4 Conclusion

In reverting to the doubts on the two flanks of historical research, with which I began, I would now express the hopes that, on the one hand, the few examples addressed in Sections 1.3.2 – 1.3.5 have suggested that the ancient sources cannot simply be read and allowed to tell their stories without work on our part. But they were also meant to suggest, on the other hand, that such work may allow us to reconstruct not only stories but also history – whether of the events our sources describe or, rather, of the sources and their authors themselves. As for yet another doubt sometimes voiced, namely, whether it can in fact be interesting or meaningful to pursue this type of work, I will first note there are enough of us who choose to believe that establishing the truth of what happened in the past is important simply because historical truth is interesting, perhaps even valuable, even if we

[40] Note especially § 298, which introduces this story as one that demonstrates the attitude of Tiberius, and § 322 where the string of precedents is summarized as one that shows the emperors themselves appealing to Gaius to abrogate his planned desecration of the Temple of Jerusalem.

don't always know if or how it will ever be useful beyond the reconstruction of what happened in the past. Moreover, the examples presented above may, I hope, suffice to show that such work is useful insofar as it may inform our discussions of issues important to us today. After all, there are enough of us interested, even existentially, about such questions as the status of women in Judaism, Jewish adoption of foreign culture, the risks of expanding a state's borders and the fairness of acquisition by conquest, and Jewish-Christian relations. But just as the last-named topic, though perennially contemporary, has always been conditioned by the historical question of who killed Jesus, so too concerning the first three issues, and myriads of similar ones, it is the case that many of us find it important to examine the evidence concerning their earlier rounds – whether so as to learn, *mutatis mutandis*, from our predecessors' experience or, rather, to allow our own debates to proceed, due to the distance, somewhat more calmly than is often possible when they are held in light of this morning's headlines.

In the chapters that follow, we will examine in turn the types of work involved in studying Josephus and other sources for the history of the first century. These divide, as we have seen, among four stages that may be described, figuratively, as being beneath the text (upon what does our text rest?), within the text (what do the words mean and what did the author mean?), behind the text (what source[s] did the author use?), and among texts (what is the relationship of an event described or reflected by one text to an event described or reflected in others?). Only on the basis of these steps can we proceed to the final goal of historical study, which is "above the text:" What happened, and what is the meaning of that which happened? That, of course, is a world unto itself, and answers to such questions do not derive only from the ancient written sources; as noted in our preface, other ancient sources, and models built on other and better documented chapters of human experience, have much to contribute. Nevertheless, the final chapter of this volume will offer some general reflections that indicate that the methods of work the sources require in fact point in a very real way toward the meaning of the first century.

Chapter 2

# Beneath the Text: What Text Shall We Read?

The first reason why we cannot simply read ancient sources is that very often we first have to construct their text. We must decide what is written in the text we want to read. What saves that process from circularity (first we write it, then we read it!) is that our decisions are not a matter of our own free will and imagination but, rather, based on evidence – be it direct (manuscripts of the original) or indirect (evidence left by other readers of the original – such as translations, citations, and allusions). The image of work "below the text" alludes to the fact that critical editions of ancient texts typically have a "critical apparatus" at the foot of each page that sets out the evidence – that accepted and that rejected – which the editor assembled and evaluated in constructing the edition.[1] However, although usually we may depend upon the thoroughness and the judgment of the editors who did the work, and while the evidence sometimes speaks for itself, problems frequently arise, and require our involvement and the application of judgment, either because despite the unanimity of the witnesses we think there is good reason to doubt the authenticity of the text they supply, or because witnesses to the text disagree with one another. We shall discuss the former case in 2.2 and the latter in 2.3.

## 2.1 When there's too little evidence: The case of Alexander Jannaeus' crucifixion of his enemies

First, however, we must point out that sometimes there is simply too little evidence and we must, at least for the present, resign ourselves to having no text. This is the case regarding numerous books that are totally lost. Thus, for example, note that although Josephus, in the prologue to his *Judean War* (1.1–8), asserts his book is much more reliable than various other published accounts of the rebellion, and at *Life* 365 he quotes a letter by Agrippa II that says the same thing, no such other book survives. Indeed, even the names of their authors are unknown – apart from that of Justus of Tiberias, with whom Josephus spars in his autobiography (*Life*); but Justus' works

[1] For an example of such an edition, see below, p. 52.

too are lost, apart from a few fragments.[2] So too we sorely miss Tacitus' account of the fall of Jerusalem, for the only manuscript of that great Roman historian's *Histories* breaks off at 5.26, not long after Tacitus began his account of Titus' siege of the city (5.13). Philo supplies a whole bevy of examples of lost first-century books: his *Embassy to Gaius* brings us to the peak of tension, promises at § 373 the "*palinode*" ("recantation," i. e., reversal), and then breaks off; the first line of his *Against Flaccus* ("After Sejanus it was Avillius Flaccus who continued his policy of persecuting the Jews") apparently implies a Philonic work on how the Jews were persecuted by L. Aelius Sejanus, a high official under Tiberius, but no such work survives; and Eusebius preserves enough of Philo's *Apology for the Jews* to whet our appetite, but not much more.[3] Again, when Luke opens his gospel with the notice that "many" have undertaken to compile narratives such as his, we have no reason to assume that he means only the authors of the gospels known to us.[4] Moreover, apart from such references to books which we know once existed, there were probably others that vanished without such traces.

But even within extant works there are at times passages where the text is – barring future discoveries – irretrievably lost. Here is a case that will illustrate this, but also the possibilities for dealing with such a problem. Suppose, for example, we are interested in knowing what ancient Jews thought about crucifixion, which was an extraordinarily cruel mode of execution that prolonged death for hours or even days.[5] Rabbinic literature refers to crucifixion as something totally un-Jewish; "the government's way of doing things."[6] Nevertheless, not all ancient Jews were rabbis or rabbinic, and one may ask if some or many Jews considered crucifixion a legitimate mode of execution.

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[2] See Stern, *GLA*, 1.455–457. On the fragments of Justus' writings, see C. R. Holladay, *Fragments of Hellenistic Jewish Authors, I: Historians* (Chico, Cal.: Scholars, 1983) 371–389.

[3] For the fragments, preserved in the eighth book of Eusebius' *Preparation of the Gospel*, see LCL *Philo* 9.407–443. For some recent doubts as to the specific attribution to Philo, rather than to "a Hellenized Judean [i. e., Jew – DRS] in the same circle as Philo, or dependent upon him," see Barclay, *FJTC* 10.353–355.

[4] See J. Fitzmyer, *The Gospel According to Luke*, I (Anchor Bible 28; Garden City, NY: Doubleday, 1981) 291.

[5] See, for example, Josephus' *Life* 420–421; M. Hengel, *Crucifixion in the Ancient World and the Folly of the Message of the Cross* (London: SCM, 1977) 22–32.

[6] See *Sifre* on Deuteronomy 21:22 (ed. Finkelstein, § 221, p. 254, trans. R. Hammer, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* [New Haven: Yale, 1986] 232): "One might think that he is to be hanged alive, as is the practice of the (Roman) government; therefore [i. e., to exclude that notion – DRS] the verse states, *And he be put to death, and thou hang him on a tree* [i. e., he is first to be executed, and only thereafter is the corpse to be exposed – DRS]."

In this connection, an important piece of evidence is supplied by Josephus' report at *Antiquities* 13.380, that after the Jewish enemies of the Hasmonean king Alexander Jannaeus invited Demetrius III of Syria to invade his kingdom in 88 BCE, and Demetrius did so but then withdrew, Alexander took his revenge upon his Jewish enemies by crucifying hundreds of them. This passage thus indicates that a Jewish monarch and high priest thought crucifixion an appropriate way to deal with his enemies. True, Josephus condemns the act as "inappropriate" and as "excessive cruelty" (§ 383), and by reporting (in § 380) that Alexander and his concubines dined before the eyes of the dying men he attempts to depict Alexander as a monster, just as he also reports that Alexander's Jewish enemies called him "Thracian" (§ 383), as if to emphasize how un-Jewish he was.[7] But we may still ask how representative Josephus' view was.

Now if we want to know whether the condemnation of crucifixion expressed by Josephus and the rabbis was typical of the Jews, or whether other Jews in fact approved of crucifixion, as did Alexander Jannaeus, a portion from a Qumran commentary on Nahum (*4QPesher Nahum*, Fragments 3–4, Col. 1, lines 1–8) will be of great interest:[8]

1. [The interpretation of it concerns Jerusalem, which has become] a dwelling for the wicked ones of the nations. WHERE THE LION WENT TO ENTER, THE LION'S CUB

2. [AND NO ONE TO DISTURB. The interpretation of it concerns Demet]trius, King of Greece, who sought to enter Jerusalem on the advice of the Seekers-After-Smooth-Things,

3. [but God did not give Jerusalem] into the power of the kings of Greece from Antiochus until the rise of the rulers of the Kittim; but afterwards [the city] will be trampled

4. [and will be given into the hands of the rulers of the Kittim. ] THE LION TEARS ENOUGH FOR HIS CUBS AND STRANGLES PREY FOR HIS LIONESSES.

5. [The interpretation of it concerns Demetrius, who made war] against the Lion of Wrath, who would strike with his great ones and his partisans,

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[7] For the Thracians' reputation for cruelty, well attested by Hellenistic evidence, see Polybius 22.13.6 and 27.12, Diodorus Siculus 33.14–15 and 34/35.12; J. Efron, *Studies on the Hasmonean Period* (SJLA 39; Leiden: Brill, 1987) 171, n. 124.

[8] Translation according to M. P. Horgan, *Pesharim: Qumran Interpretations of Biblical Books* (Catholic Biblical Quarterly Monograph Series 8; Washington, D. C.: Catholic Biblical Association of America, 1979) 163. The texts printed in capital letters are the biblical verses interpreted by this *pesher*: Nahum 2:12b, 2:13a, 2:13b and 2:14. For discussions of this text in connection with the episode recounted by Josephus, see G. G. Xeravits, "From the Forefathers to the 'Angry Lion': Qumran and the Hasmonaeans," in: *The Books of the Maccabees: History, Theology, Ideology* (ed. G. G. Xeravits and J. Zsengellér; *JSJ* Supplement 118; Leiden: Brill, 2007) 211–213, and H. Eshel, *The Dead Sea Scrolls and the Hasmonean State* (Grand Rapids: Eerdmans / Jerusalem: Yad Ben-Zvi, 2008) 117–131.

6. [but they fled before him (i. e., Demetrius). AND IT FILLS UP] ITS CAVE (?) [WITH PREY,] AND ITS DEN WITH TORN FLESH. The interpretation of it concerns the Lion of Wrath,

7. [ ]*mwt* in the Seekers-After-Smooth-Things; he would hang men up alive

8. [upon the tree, ] in Israel before, for regarding one hanged alive upon the tree [it] reads: BEHOLD I AM AGAINST YO[U …]

9. SAY[S YAHWEH OF HOSTS. I SHALL BURN UP YO]UR [ABUNDANCE IN SMOKE,] AND THE SWORD WILL DEVOUR YOUR LIONS …

As we shall see, this text refers to the same event as did Josephus; and since it also refers, in line 3, to the Roman conquest of Jerusalem (63 BCE),[9] we can confidently date it to no earlier than the middle of the first century BCE. In its line 8, it clearly said something about "hanging people alive"[10] in connection with what was ancient Israelite practice. However, the state of the text – the only manuscript of this part of the *pesher* – is such that we do not know what it said at this point. Did the author approve or not? In 1971 Yigael Yadin took the former view, suggesting that we restore line 8 as "[for thus was the law] in Israel before." Yadin's argument was based on two main pillars, namely: (a) the name "Lion of Wrath" is not pejorative but, rather, means "Lion of (God's) wrath," and (b) another Qumran text, the *Temple Scroll* (col. 64), approves of crucifixion as a punishment for traitors so probably *Pesher Nahum* does too.[11] That is, since that other Qumran scroll prescribes crucifixion for traitors and Alexander could reasonably view his enemies as traitors, the *pesher*'s author should have approved of the way Alexander executed them.

The very next year, however, Joseph M. Baumgarten argued in a detailed response to Yadin both that (a) *Pesher Nahum* itself and the biblical context

[9] Line 3 refers to the Romans as "Kittim" – a biblical term for people who come to the east from the islands to the west (Numbers 24:24; Jeremiah 2:10); according to Josephus, "all the islands and most seaside countries are called 'Kittim' by the Hebrews" (*Ant*. 1.128). For its use of the Romans, note especially Daniel 11:30, where it refers to the famous episode in which the Romans expelled Antiochus Epiphanes from Egypt in 168 BCE (Polybius 29.27). Especially interesting, in our Qumran text, is the contrast between the Greeks, who have kings, who of course come one at a time, and the Romans, who have "rulers," in the plural – thus indicating Jewish knowledge of this important distinction between the Roman Republic and the Greek kingdoms. For the same distinction, in a somewhat earlier Jewish text, compare 1 Macc 1:9 to 8:14–15. In general, see G. J. Brooke, "The Kittim in the Qumran Pesharim," in: *Images of Empire* (ed. L. Alexander; *Journal for the Study of the Old Testament* Supplement Series 122; Sheffield: Sheffield Academic Press, 1991) 135–159.

[10] As opposed to hanging, demonstratively, the bodies of people who are already dead, as is the plain sense of the Masoretic text of Deut 21:22, followed by Josephus in *Ant*. 4.202; see also the rabbinic exegesis quoted in n. 6.

[11] See Y. Yadin, "Pesher Nahum (4QpNahum) Reconsidered," *Israel Exploration Journal* 21 (1971) 1–12. For the text in question, see Y. Yadin, *The Temple Scroll* (3 vols.; Jerusalem: Israel Exploration Society, Institute of Archaeology of the Hebrew University, and Shrine of the Book, 1977) 2.288–291.

indicate that the sobriquet "Lion of Wrath" brands Alexander as cruel, and (b) since the *Temple Scroll* refers to "hanging on a tree" but not (as *Pesher Nahum*) to hanging *alive* (a qualification which indicates a long delay between hanging and death, as is the case with crucifixion), it probably refers not to crucifixion but, rather, to hanging by the neck.[12] Moreover, it is not at all clear that the author of *Pesher Nahum* need agree with the author of the *Temple Scroll*; indeed, since Yadin and Baumgarten wrote it has become all the more clear that we should not assume that everything found in Qumran bespeaks the same views.[13] All of this casts doubt on Yadin's restoration of line 8, leaving us only with a lacuna. So however disappointing, we must simply pass up this opportunity to derive from a Jewish text, of the first century BCE, an opinion about the propriety of crucifixion. To the extent we hoped this text would help us decide whether Josephus' view on the matter, as expressed in his account of Alexander Jannaeus, was representative of more widely-held Jewish views, we got nowhere with any certainty.

### *Context to the rescue*

Before leaving this frustrating case we should note, however, that this same Qumran fragment well illustrates that even when all of our witnesses are defective this does not mean the text is irretrievable. And it also illustrates the main tool we can use to restore lost text: consideration of context. Note, for example, lines 1–2. A glance in a Hebrew Bible will show that line 1 ends with the beginning of a quotation from Nahum 2:12b, a quotation which ends with a statement about no one disturbing. Since the extant text of line 3 refers to something contrasting that happened instead, "but afterwards [the city] will be trampled," it seems clear that line 2 must have referred to a case in which the city was not "trampled" – so probably that is what the Qumran interpreter took to be predicted by Nahum's reference, at the end of 2:12b, to not being disturbed. So that biblical text should have been cited

[12] J. M. Baumgarten, "Does *TLH* in the Temple Scroll Refer to Crucifixion?" *JBL* 91 (1972), pp. 472–481 = idem, *Studies in Qumran Law* (SJLA 24; Leiden: Brill, 1977) 172–182. For the continuation of the debate, see idem, "Hanging and Treason in Qumran and Roman Law," *Eretz-Israel* 16 (1982) 7*-16* (in English), and M. Hadas-Lebel, "Alexandre Jannée a-t-il crucifié ses opposants Pharisiens?,' in: *Internationales Josephus-Kolloquium, Paris 2001* (Münsteraner judaistische Studien 12, ed. F. Siegert and J. U. Kalms; Münster: LIT, 2002) 59–71.

[13] For the distinction between scrolls written at Qumran and those brought in from elsewhere see, for example, E. Tov, "The Orthography and Language of the Hebrew Scrolls Found at Qumran and the Origin of These Scrolls," *Textus* 13 (1986) 31–57. In particular, on the origin of the *Temple Scroll* long before *Pesher Nahum* and perhaps outside of the community that came to be the Qumran sect, see the balanced survey of scholarship by F. García Martínez, "Temple Scroll," *Encyclopedia of the Dead Sea Scrolls*, II (ed. L. H. Schiffman and J. C. VanderKam; Oxford: Oxford Univ., 2000), esp. 930–932.

in line 2, after the beginning of 2:12 in line 1, and since there is room for it at the beginning of line 2, no one has ever doubted that indeed it should be supplied there, as indeed it is supplied, in square brackets, in the translation cited above. Next, since it is the regular practice of this Qumran text, as of *pesharim* in general, to follow the citation of biblical text with "the interpretation of it concerns" (*pishro 'al*), it is just as certain that these words too should help fill the lacuna in line 2. Now all that is left to fill in that lacuna is a little space before "…]*trus*,[14] the King of Greece, who sought to enter Jerusalem," whose failure to reach Jerusalem contrasts with "but afterwards [the city] will be trampled" later on the text (line 3). This allows us to restore the king's name too, for a check of possibilities leads only to one Greek king's name that could end like that, "Demetrius," and readers will recall that Josephus reports that just before Alexander crucified those hundreds of Jewish rebels they had invited Demetrius III of Syria to invade Judea; Demetrius did so but failed to reach Jerusalem (*Ant*. 13.376–379). Thus, we may with complete certainty read "Demetr[i]us" instead of mere "….*]trus*." So although we have not been able to use this text so as to check whether Josephus' *attitude* toward crucifixion was shared by this Qumran author, we may confidently use this Qumran text as witness to the *event* Josephus describes.[15] For although in the past it was quite common, and perhaps reasonable, to imagine that the mass crucifixion story had been invented by a hostile non-Jewish author (Nicolas?), and that Josephus was blindly – or perhaps enthusiastically, if he in fact subscribed to an anti-Hasmonean

[14] So, or perhaps ]*tris* (there is only one *mater lectionis* – either *vav* or *yod*).

[15] It might be argued that there is a certain element of circularity here: We have used Josephus' story to restore the Qumran text, then viewed it as a separate witness to the event Josephus reports. Two responses: (a) our decision to read "Demetrius" derives not only from Josephus but also from the fact that no other name of a Greek king ends with "*tr[i]us*;" (b) the fact for which we are adducing testimony is that Jannaeus crucified people, "hanging people alive," and that is only indirectly related to our decision to read "Demetrius." Beyond those two responses, we will also note that yes, at times we do depend on circular arguments. When a hypothesis based on a given datum accounts for another datum too, we view that latter bonus as additional confirmation for the hypothesis, and often we are right. We all do this, for example, in an analogous case: we correct orthographical errors, acting on the assumption that we know what meaning the author meant to impart and that he or she fell victim to a slip of the pen (by the author or a copyist), and then confirming that assumption by the fact that the word we suggest makes the text meaningful according to the way we want to understand it. We do that all the time despite the theoretical possibilities that the author was using a word with which we are not familiar or that the text says something surprising. Of course, we are not always right about this, but the more literate we are the more often we will be right. So too in historical reconstruction; there is nothing unacceptable about this type of argument, so long as we are aware of the uncertainties and maintain open minds concerning new evidence if and when it becomes available. Cf. below, n. 107.

(= Quisling-like pro-Roman) stance – following that source,[16] to maintain such a claim today would require setting aside the testimony of two very disparate witnesses, not just one.

Thus, although when there is too little evidence there is nothing to read, context – that which once accompanied the text but now stands alone – is itself evidence. In the instance just discussed, the relevant "context" was of the most basic kind; the letters adjacent to a lacuna. As we shall see in the next paragraphs, there are other types of context as well, and sometimes context can be so cogent that it can outweigh even more direct evidence.

## 2.2 When there's unanimous evidence but we doubt it

When the testimony supporting a given text is unanimous, or almost unanimous, normally we accept it. It comes from the past, and speaks for it to us; not to accept it would be not to study history. So while frequently we might have some idea as to what the text could have been, without strong reason we should leave it as it is, however strong the temptation to emend.

### *2.2.1 When it ain't broke, don't fix it: The case of Life 185*

For an example of the excesses to which our imaginations can take us, see A. Schlatter, *Die hebräischen Namen bei Josephus* (Gütersloh: Bertelsmann, 1913) 53. Here Schlatter suggested that at *Life* 185, where the manuscripts identify one Joseph as ΤΗΣ ΙΑΤΡΙΝΗΣ, i. e., "son of the midwife" or "son of the (female) physician," we should instead read ΤΗΣ ΙΑΙΡΟΥ ΠΑΙΣ, "son of Jair." This suggestion, which Schlatter supported only by pointing to a number of possible paleographical errors that could have engendered such a corruption,[17] and which was probably born in skepticism about the identification of a person by reference to his mother, was accepted by nu-

[16] A position maintained by several Israeli scholars even after the publication of *Pesher Nahum*, so unwilling they were to imagine a Jewish king doing something so cruel. See, for example: Efron, *Studies* (n. 7), where the story of the mass crucifixion is recounted on p. 170 in the context of his review in pp. 167–175 of Nicolas' legacy in Josephus' writings ("The story of Jannaeus and the events of his period occur, almost ceaselessly, on the same non-Jewish historiographic stage … the same Damascene work that heaped abuse upon the entire people of Israel, their Hasmonean leaders and their spiritual mentors … the poison comes from the same Herodian historiography … that same Hellenistic Herodian work whose distortions are etched in every corner of that historical work, steeped in foreignness and enmity"). This position comes along, necessarily, with a general distrust of Qumran literature as relevant for the study of the Second Temple period, considering it instead late and Christian (see esp. Efron, ibid., xi and 63, n. 72).

[17] As he wrote (in my translation from his German): "In τηϛ there hides τις, in νηϛ there hides παῖϛ, and T is I; accordingly, read ᾽Ιώσηπός τις ᾽Ιαίρου παῖϛ."

merous scholars.[18] However, in the absence of any manuscript support, of any other evidence for a relevant "Jair," and of any serious problem with the text as received,[19] Schlatter's suggestion is, in my opinion, quite wild, and its acceptance by others – quite surprising. Rather, the text as received should stand, and be used by anyone who wishes to study women's professional activity in ancient Judea.[20]

### *2.2.2 Text authentic, although wrong: The cases of Antiquities 14.158, Antiquities 15.407, and War 5.236*

Indeed, even when we are sure that what the text says is wrong we may accept it as authentic. After all, not only copyists can make mistakes. Authors can too, just as they can deliberately depart from the truth. Thus, for a simple example, at *Antiquities* 14.158, referring to Herod's appointment as governor of the Galilee in 47 BCE, Josephus says that Herod "was very young – he was, in fact, only fifteen years old." The number "fifteen" is confirmed by all witnesses to the text, but that (a) seems too young to be appointed governor and (b) deviates by almost a decade from the implication of Josephus' statement at *Antiquities* 17.148 that Herod was "about seventy years old" in the year of his death – 4 BCE. Accordingly, many scholars would correct the text of 14.158 to "twenty-five"[21] – but that would not sit well with Josephus' statement there that Herod "was very young." We are left, therefore, with no choice but to leave the text as is and infer that what it says is not true; perhaps Josephus (or his source) was carried away by his desire to portray Herod as especially precocious.[22]

Or, for another example: witnesses to *Antiquities* 15.407 are unanimous in having the Roman emperor Claudius instruct Vitellius, the Roman gov-

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[18] See, most recently, Siegert (Ch. 1, n. 28) 84–85 and Mason, *FJTC* 9.94, n. 800.

[19] For people identified with reference to their mothers rather than fathers see T. Ilan, "'Man Born of Woman …' (Job 14:1): The Phenomenon of Men Bearing Metronymes at the Time of Jesus," *Novum Testamentum* 34 (1992) 23–45.

[20] This passage is indeed cited along with other evidence about Jewish midwives in antiquity in T. Ilan, *Jewish Women in Greco-Roman Palestine: An Inquiry into Image and Status* (TSAJ 44; Tübingen: Mohr [Siebeck], 1995) 189.

[21] So, for example, Schürer, *HJP* 1.275, n. 29, and Smallwood, *JURR*, 44–45, n. 1.

[22] For that suggestion see now N. Sharon, "Herod's Age when Appointed as Strategos of Galilee in 47 BCE: Scribal Error or Literary Motif?" (forthcoming). For a similar issue note that various explicit sources agree in placing Julius Caesar's birth in 100 BCE but the facts of his career, when taken together with our knowledge concerning the minimum ages for various positions in a Roman public career, indicate 102 BCE. For a lengthy defense of 102 (which is comparable to maintaining the reading "fifteen" in our case but refusing to build upon it), see T. Mommsen, *The History of Rome*, IV (New York: Scribner's, 1866 [?]) 27–29, note *. The current consensus, however, prefers 100; see A. K. Goldsworthy, *Caesar: Life of a Colossus* (New Haven: Yale, 2006) 30; cf. below, n. 62.

ernor of Syria, concerning the disposition of the high-priestly vestments; the preceding context (§§ 405–6) clearly places this event in the mid-40s, after the death of Agrippa I. However, it is quite clear that Vitellius was no longer governor of Syria by then. For, on the one hand, *Antiquities* 18.261 reports that already Claudius' predecessor, Gaius Caligula (d. 41) removed Vitellius from office, replacing him by Publius Petronius, just as *Antiquities* 19.316 and 20.1 mention, in turn, two of his successors to the governorship of Syria – C. Vibius Marsus and Cassius Longinus. Moreover, on the other hand, Vitellius (whose son was to become emperor in 69 CE) was well enough known that other sources allow us to follow his activities *in Rome* during Gaius' and Claudius' days – including consulships in 43 and 47, and responsibility for the empire during Claudius' participation in the invasion of Britain in 43 (Suetonius, *Vitellius* 2). Thus, it is clear that he was not again governor of Syria in the mid-40s.[23]

Already on the basis of what we have assembled in the preceding paragraph we should conclude that the reference to Vitellius in *Antiquities* 15.407 is wrong, historically. But we can be even more certain about that because we can suggest how the mistake arose. Namely, Josephus' account in *Antiquities* 15 of this mid-first-century event comes out of its historical context, as part of Josephus' detailed account of the Temple and the priestly vestments (15.391–425) apropos of his account of Herod's renovation of the Temple. Josephus narrates the same event in *Antiquities* 20.6–14, in its proper historical place, and there Josephus quite reasonably has *Longinus* being the governor involved (§§ 1, 7). However, Josephus reports there that Claudius, in his letter regulating the matter, *refers to the precedent previously established by Vitellius*. Thus, it becomes relatively simple to infer that Josephus, in his secondary account of the episode, at 15.407, confused the governor at the time of the event with his predecessor, who figured in the correspondence as the author of the relevant precedent. But this is not a reason to emend the text of 15.407. Rather, it is reason to think that Josephus' error at 15.407 was understandable – and thus reinforces our decision to leave that text as received and simply remember our conclusion that what it says is wrong.

Similarly, when at *War* 5.236 all witnesses to the text have Josephus stating that the high priest wore his especially ornate vestments (described ibid. §§ 231–235) only once a year, when entering the Holy of Holies on the Day of Atonement, that statement is perfectly acceptable as is. Having first described the fine linen clothes of regular priests (§ 229), and having stated that on most holidays the high priest served "together with them" (§ 230), which

[23] For details and references on Vitellius and his successors, see Schürer, *HJP* 1.262–264.

led him to describe the high priest's special ornate vestments (§§ 231–235), it makes perfect sense for Josephus now to clarify:

> These robes were not worn by the high priest in general, when he assumed plainer attire, but only when (ὁπότε δ') he penetrated to the innermost sanctuary; this he entered alone once in the year, on the day on which it was the universal custom to keep the fast to God. (*War* 5.236, trans. Thackeray, *JLCL*)

Indeed, it makes perfect sense, not only from the point of view of Josephan composition, but also from our notions of propriety, that the high priest would wear especially ornate vestments for the once-a-year special opportunity – just as it makes sense that, on the other holidays when he served alongside other priests, he would wear simpler linen garments.

True, the fact is that this contradicts, head-on, the Bible and the Mishnah, which have the high priest's garments precisely the other way around: regular linen on the Day of Atonement, ornate vestments on other occasions.[24] But that is not a sufficient reason to correct the Josephan text.[25] Nor is it justified to assert, in defense of such a correction, that Josephus means in § 231 that the high priest wore his special vestments on the other holidays, so he *must* have meant to say, in § 236, that the high priest wore something else, plainer, on the Day of Atonement. Rather, as we have seen, §§ 231–235 describe the special garments and § 236 takes care to emphasize that, quite logically, he wears those special vestments, different from those of the other priests, only when he did something different from what the other priests could do: enter the inner sanctum once a year, on the Day of Atonement. We should leave the text as is, but then go on to wonder whether Josephus reflects practice that differed from what the Bible and rabbinic literature mandate or – perhaps more likely – either that he wrote carelessly or that the assistants who helped him "with the Greek language" in the *War* (as he mentions in *Against Apion* 1.50), who did not know the matter first-hand, wrote what made sense and seemed natural.

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[24] See Leviticus 16:4 as compared to 8:7–8 (and Exodus 28 and 39); Mishnah, *Yoma* 3:7 (*DM*, 165).

[25] See D. R. Schwartz, "Emending Josephus to Conform to the Mishnah – A Century Later," *JQR* 100 (2009/10) 529–543. As indicated there, over the centuries various scholars proposed various emendations of the text of Josephus' statement so as to harmonize it with the Bible and the Mishnah. That was done by adding or omitting words so as to make Josephus contrast the ornate vestments the high priest usually wore *when officiating* to the "plainer attire" he donned on the Day of Atonement, or so as to make him contrast the non-sacred garments the high priest usually wore *when not officiating* to the other two types he wore when officiating: the ornate ones on most occasions and the "plainer attire" on the Day of Atonement.

### 2.2.3 Context shows text is not authentic

Sometimes, however, context is such an overpowering consideration that we may depend on it not only to restore lost text, as with *Pesher Nahum* in 2.1, but also to correct, with no other manuscript support, a text that has been transmitted unanimously, whether via one witness or more.

#### 2.2.3.1 Local literary context

In general, the cases in which context urges us most cogently to change the received text, even when it is based on unanimous witnesses, are those in which it is the very local context doing the urging – cases in which a phrase or sentence doesn't make sense. Thus, for example, we are more confident about correcting the text of a sentence that reads "The sun rise in the west" than one that reads "The sun rose in the west" because the words within the former are mutually exclusive (subject in the singular, verb in the plural) while the latter only contradicts what we know, from elsewhere, about the facts of nature; perhaps its author had some special reason to write otherwise. Similarly, while one Josephan text may contradict another (as for example in the case of "Vitellius" at *Ant*. 15.407 as opposed to "Longinus" at *Ant*. 20.1, 7 – Section 2.2.2), it is much less acceptable for the contradiction, or the roughness, to be within a single sentence, or between two adjacent sentences – cases in which the contradiction should have been obvious to the writer. Given the assumption that writers normally avoid such problems, when they are obvious, these are the cases in which we most easily assume that what the writer wrote did not, in fact, conform to what has been preserved in the manuscripts. However, while there are some cases in which it is clear that something does not make sense, at times this too is a matter of degree and judgment will be required.

Thus, for a simple example: when at *War* 6.94 Josephus says the daily sacrifices ceased, during the siege of Jerusalem, "due to a lack of men," some scholars have assumed that, despite the unanimity of the manuscripts, this is a clear case of a mistake, scribes having written the common word, ΑΝΔΡΩΝ ("men") instead of the less common ΑΜΝΩΝ or ΑΡΝΩΝ ("lambs"), which are similar to it paleographically (and therefore easily confused) and, apparently, much more relevant.[26] Indeed, of the two latter terms one is used by

[26] For the suggestion, first offered in the nineteenth century, see e. g., Thackeray, *JLCL* 3.402–3. Smallwood terms it "obvious" (*JURR*, 322, n. 128). It is defended by J. J. Price, *Jerusalem under Siege: The Collapse of the Jewish State 66–70 C. E.* (Brill's Series in Jewish Studies 3; Leiden: Brill, 1992) 229–230; Price expresses surprise that few scholars have accepted the suggestion. Note, for example, that the new Schürer doesn't even consider it, writing simply that the daily sacrifice "had to be suspended … due to … the lack of men" (*HJP* 1.505).

the Septuagint for the daily lamb sacrifices (Numbers 28:4) and Josephus uses the other in the same context (*Ant.* 3.237). Moreover, the problem of a lack of sacrificial animals during a siege of Jerusalem is a familiar one for Josephus (see *Ant*. 14.26–27, and cf. 13.242–243). But can we really be sure that the problem was not a lack of manpower?[27] However, apart from expressing the suggestion, and the doubt, and from observing that some attractive modern arguments are opposed by unanimous ancient testimony in favor of a not impossible text, there really is not much more to do here. Other cases, however, can be more involved.

*2.2.3.1.1 The case of Life 415.* In our introduction (1.3.2) we referred to Josephus' statement at *Life* 415 that he ἀπαλλάγην, "divorced," his wife, as all six manuscripts have it; his statement is corrected by all modern editors into ἀπαλλάγη, that is, she "left." What leads them to do that? Three reasons, of which the first two are positive and have to do with context:

(a) *What best fits the context?* In introducing the problematic phrase Josephus begins the sentence by noting that this wife "did not remain long with me." This sounds like she is the main actor in the story, so we expect her to be the subject of the verb to come in the latter half of the sentence – hence "she left," not "I divorced." In other words, "leaving" is a more natural opposite for "remaining" than is "being divorced."

(b) *What is absent from context?* The verb in question has no explicit object. As in English, so in Greek: "I divorced" without "her" is difficult, while plain "she left" is fine.[28]

(c) *Explanation of the genesis of the error:* It is very easy, even "trivial,"[29] to explain away a final *nu*, for scribes insert this letter frequently in order to close an open final syllable,[30] not realizing or caring that at times it changes the meaning of the verb.

In this case, then, the local context of ἀπαλλάγην – what introduces it earlier in the sentence and what does not follow it later in the sentence – argues against the verb itself, and since nothing more serious than a final *nu* stands in the way of the correction, editors make it with confidence.

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[27] For a defense of the received text, in the sense that there were not enough healthy and unblemished priests around for the required offices (cf. Lev 21:17–24), see Flavius Josephus, *De Bello Judaico*, II/2 (ed. O. Michel and O. Bauernfeind; München: Kösel, 1969) 164, n. 28. But the main argument is simply the lack of textual support for the emendation.

[28] Cf. for example *Ant*. 12.105: the translators remained working until mid-afternoon, then "left" (ἀπηλλάττοντο) for lunch; *Ant*. 16.225: after explaining why he cannot agree to Herod's demand, Syllaeus "left" (ἀπαλλάττεται).

[29] See Ch. 1, n. 28.

[30] On this phenomenon (similar to our use of "an" instead of "a" prior to words beginning with a vowel, but without total consistency) in Josephus' *Life*, see C.D. Gross, "A Grammar of Josephus' 'Vita'" (unpublished PhD. Dissertation, Duke University, 1988) 58–59. For an example in *Ant.* 19.332, see below, n. 66.

*2.2.3.1.2 The case of War 2.279.* In *War* 2.279, complaining about the avarice and cruelty of Gessius Florus, the Roman governor of Judea under whom the revolt of 66 CE broke out, Josephus writes that "his avarice brought desolation upon all the cities,[31] and caused many to desert their ancestral haunts (ἠθῶν) and seek refuge in foreign provinces" – so Thackeray in the Loeb edition. This translation reflects an important textual decision, for "haunts" does not appear in any manuscript, which all read πατρίων ἐθῶν, "ancestral customs." The emendation of the second word into "haunts" (ἠθῶν) was already proposed in a note in an eighteenth-century edition and was introduced into the text itself in the Niese-Destinon edition of 1894, which was followed by Thackeray and other modern editors.[32]

If we ask what motivates this emendation, it seems we should point to three types of reasons, of which, as in the preceding case (*Life* 415) the first two are positive and the third suggests how to explain the error; but this time the second consideration is a different one.

(a) *Context*: The received text is unsatisfactory due to issues of local context, for (i) there is no apparent reason to think that a governor's avarice would make people abandon their ancestral customs and (ii) there is no apparent, or necessary, contrast between customs and place of residence.

(b) *Evidence for alternate text:* There is evidence, albeit indirect, for another reading, for the parallel at *Antiquities* 20.256[33] reads ἠθῶν (according to some witnesses) and the Latin translation of our passage in *War*, *sedibus* ("seats," i. e., residences), points in the same direction.

(c) *Explanation of the genesis of error:* It is relatively easy to see how the mistake could have arisen, given (i) the similarity of the two Greek words (they sound the same, "*ethōn*," and the only orthographical difference is the first letter) and (ii) the fact that references to ancestral customs are indeed frequent in Josephus,[34] whereas ancestral "haunts" are not, so the latter is the *lectio difficilior* (the "more difficult reading," which – all things being equal – should be preferred).[35] That is, it is not at all difficult to imagine a scribe seeing "ancestral haunts" and thinking he saw "ancestral

[31] The witnesses here split between "cities" and "toparchies" (= districts); Niese and Thackeray prefer the former. For our purposes here, the point is immaterial.

[32] See, for example: Thackeray in *JLCL* 2.432; Flavius Josephus, *De Bello Judaico*, I (ed. O. Michel and O. Bauernfeind; München: Kösel, 1962[2]) 236–237; Flavius Josèphe, *Guerre des Juifs*, II (ed. A. Pelletier; Paris: "Les belles lettres," 1980) 57.

[33] "The Jews … were one and all forced to abandon their own country (τῶν ἰδίων ἠθῶν) and flee, for they thought that it would be better to settle among Gentiles, no matter where" (trans. Feldman, *JLCL*).

[34] For a recent study of Josephus' references to the Jews' ancestral laws and customs, see B. Schröder, *Die 'väterlichen Gesetze:' Flavius Josephus als Vermittler von Halachah an Griechen und Römer* (TSAJ 53; Tübingen: Mohr [Siebeck] 1996).

[35] This standard rule of textual criticism assumes that if we have evidence for two different readings of a given text and it is easy to imagine why a scribe would change the first into the second but not the second into the first, then, all things being equal, we would assume the first is the more original reading, because it would be *more difficult* to explain its existence as the result of a secondary process. Thus, for example, in Section 2.2.3.1

customs." Indeed, it happens not infrequently that, especially in the plural, these two words are mixed up.[36]

Hence, from all sides we come to the conclusion that, as all recent editors indeed agree, the text should be emended. However, some doubts will remain, given (i) the unanimity of the Greek witnesses for ἐθῶν in *War* 2.279; (ii) the fact that the parallel in *Antiquities* is not really decisive for as opposed to *War* it doesn't speak of "ancestral," which indeed goes better with "customs" than "haunts;" (iii) the fact that Josephus, who uses ἦθος often, usually uses it for "character" or "manners" or the like and apart from *Antiquities* 20.256 there seems to be no passage where it has anything to do with a place ("haunt"), rather than character or custom;[37] (iv) the fact that, contrary to our statement under the heading "Context," above, that "there is no apparent, or necessary, contrast between customs and place of residence," it is actually the case that for Josephus, especially in *War*, as we shall see *(*Section 5.7.3*)*, Judea and Judaism do go very closely with one another. But this means that the very first reason to emend, namely, the assessment that the received text does not make sense, *which is the consideration that entitled us to consider emending the text in the first place,* is not as cogent as we first supposed.

Such doubts originally led me to consider another approach to this text. It begins with the fact that although (or: because) Thackeray's translation is fairly elegant, it departs significantly from the structure of the Greek text. That has its advantages, but also can have its price. In this case, note that while he offers two parallel verbs in the infinitive about those who fled, namely, "caused many *to desert* … and *seek*," in fact the Greek gives the former as a participle in a past tense and only the latter as an infinitive – a construction that normally indicates that the former was over and done

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we considered the suggestion that the familiar "men" was substituted for the unfamiliar "lambs" in *War* 6.94. However, frequently not all other things are equal. Cf. below, n. 100.

[36] See, for example, *Ag. Ap.* 2.171, 179, along with Barclay, *FJTC* 10.267, n. 672.

[37] See *CCFJ* 2.292–293, where the following translations are given: "abode, home(land); (good) custom, way of life; consistent character (disposition); attitude, conduct, behaviour, manner(s); character." However, despite the order in which these translations are offered, the fact is that a check of the thirty-plus occurrences of the term in Josephus' writings finds only one, *Ant*. 20.256, that fits the first definition. One passage may warrant discussion in this connection: *War* 6.115. Here Josephus reports that when Jewish notables turned themselves over to Titus, during the siege of Jerusalem, he, knowing they would not like living "among foreign ἤθη" (the plural of ἦθος), settled them in Gophna, a town north of Jerusalem. The language is reminiscent of that at our 2.279, and it is just possible that this means that although Titus considered settling them abroad, he decided instead to settle them in Judea – in which case "haunts" might fit. However, since life abroad isn't mentioned, it is more economical to take it to explain why Titus didn't keep them in his camp. So Thackeray, *JLCL* 3.409 ("recognizing that they would find life distasteful amidst foreign customs, dispatched them to Gophna"); the modern German translation (n. 27: 21) even inserts, into the translation, the explicit explanation that if the Jews were to remain among Romans they would find the Romans' foreign practices offensive.

with before the latter occurred, as result of the former or somehow on its background.[38] Moreover, the sentence is actually built quite neatly with standard Greek parallelism, a main phrase stating the cause – literally "In any case, due to his avarice it happened that" – being followed by two parallel results, linked one to another with "and:" each result is introduced by a two-syllable adjective in the accusative case beginning with *pi* and expressing inclusiveness, and each result is detailed, as is usual in this construction, by an infinitive together with a subject in the accusative case. Thus, the entire sentence may be mapped out as follows:

In any case, due to his avarice it happened that
– all (*pasas*) the cities became desolate
and
– many (*pollous*) people fled to other provinces
(here follow the words whose translation we are discussing)

In Greek, this may be displayed as follows:

διὰ γοῦν τὴν ἐκείνου πλεονεξίαν συνέβη
**πάσας** ἐρημωθῆναι τὰς πόλεις
καὶ
**πολλοὺς** φυγεῖν εἰς τὰς ἀλλοφύλους ἐπαρχίας
τῶν πατρίων ἠθῶν ἐξαναστάντας

It is regarding the second result that we get, in the underlined words, some more details: the people who fled to foreign provinces were people who had already departed from their – from their what? The fact that Josephus offers no details abou the first result seems to indicate that Josephus thought that we could understand without difficulty that cities might become desolate due to a governor's avarice, but that the decision by some people to flee abroad required some explanation: Which people? Or: Why did they so decide? Hence the additional words of explanation. But why would Josephus disturb the parallelism to add something so superfluous as the fact that those who fled abroad did so after leaving their ancestral homes? That is of course obvious, for if they left home they did not stay home. If, in contrast, what he said is – as the manuscripts indicate – that they did so after departing from their ancestral customs, it would not be superfluous at all. Rather, it would be bespeaking a Judean's assumption that links the Jews' ancestral way of life to their homeland.

[38] The past tense of this participle is known as the "aorist." Compare, for example, a few lines later in *War* (§ 284): "The Greeks of Caesarea, *having been victorious* with Nero … brought back the text of the decision." Here too, the italicized English words, which refer to something that was completed prior to the action denoted by the main verb ("brought"), and that was its background, appear in the Greek as an aorist participle.

Based upon such reasoning, I at first tended to correct Thackeray's translation of *War* 2.279 as follows: "it happened, due to his avarice, that all the cities became desolate and many of those who had deserted their native customs fled to foreign provinces." That is, Josephus would be saying that, even under such pressure as Florus', only Jews who had already deserted their native customs left their land.

However, I abandoned that idea when, after checking dictionaries and concordances, I found no good parallel for the metaphorical use of the verb in question, ἐξανίστημι, for the abandoning of customs. Rather, it is most often used for "getting up" and leaving real places. The usage I considered is still a possibility, but unlikely.

As so often happens, however, the investigation involved in checking an hypothesis that eventually has to be abandoned turned out, I believe, to point the way to a better solution to this problem. To understand this, we should note a problem with Thackeray's translation which, as others, takes the verb to mean "desert" or the like.[39] Such translations make the émigrés responsible for their own decision; they *decided* to leave. Use of "desert" and the like seems to condemn them for doing so, and even if we say (as the classic eighteenth-century English translation by William Whiston) only that they "left" the country, we are still ascribing the initiative to them. But the point of *War* 2.279 is to underline the terrible things done by Florus, and how they impacted upon others – and it makes no sense to condemn his victims, or even to impute to them the initiative for their emigration. It would fit the context much better if, just as Josephus wrote that the cities "were made desolate" by Florus, so too the people who fled abroad had been *forced* to do so. Indeed, in the course of checking out the possibility that Josephus was referring to "desertion of customs" I discovered, with the help of the standard Greek-English lexicon, that this verb, together with an object in the genitive case (as here), can mean "to be driven out from one's home" – and the very first examples the lexicon gives, from Herodotus, link it with ἦθος; indeed, the very first example cited there uses the verb in the same form as in Josephus.[40] That is, Josephus explains to us that the second result of Florus' avarice was that many, *having been forced* to leave their ancestral haunts, fled into foreign provinces.

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[39] Thus, for example, the German translation cited in n. 32 says that what the refugees did "contradicted their native customs" and the French one cited there says they did so "renouncing their ancestral customs" (my translations).

[40] See Herodotus 1.15, cited by *LSJ* 585: "The Cimmerians, having been driven out of their haunts by the nomadic Scythians (ἐξ ἠθέων ὑπὸ Σκυθέων τῶν νομάδων ἐξαναστάντες), came to Asia." Note the essential identity of the underlined words with Josephus' in *War* 2.279: ἠθῶν ἐξαναστάντας (the different form of the verb reflects only the fact that Herodotus did not use, here, the structure Josephus does: infinitive plus accusative). Similar usage: Herodotus 1.56.3.

Such a translation accepts the emendation suggested by the local context but, as we see, only after an examination that required us, in the end, to change the translation – something invited, on the one hand, by the logic of the matter (Josephus wants to condemn Florus, not the refugees), and made more plausible, on the other hand, by the existence of parallel usage elsewhere. This symbiosis of emendation and translation is, of course, quite natural, and just as at times we refuse both to translate a text in a strange way and to emend it, and so prefer to accept a historical conclusion that is or seems to be surprising (as in Section 2.2.3.3.2), while other times it seems wisest to emend the text (as in the next Section), so too can it happen that the problematics of a received text (such as our ἐθῶν) turn out to reflect problems of both translation and text. This is to be expected, for if a word in a passage was improperly transmitted by scribes that might well have happened because they misunderstood some other part of the text. Since scribes are usually quite literate, their failure to understand the original text probably means it was somewhat ambiguous.

### *2.2.3.2 Presumptive literary context: Manual of Discipline 11:9–11*

Sometimes, the literary context to which we turn for help with a text is not so local; it is not, or not only, the sentence in question. Sometimes, indeed, it is not even part of the document in question, and must be assumed. Nevertheless, it may be just as conclusive, as we saw, for example, in our discussion of the way Josephus' references to Agrippa I, in *Antiquities* 18–19, play with verses in the biblical story of Joseph (Section 1.3.3). In that case, such consideration of "intertextuality" brought us to question whether a datum supplied by Josephus – Agrippa's birthday party – should be believed. Sometimes, however, such considerations can bring us to question the text itself, and to emend it.

Suppose, for example, that we are interested in ancient Jewish beliefs concerning the issue of free will vs. determinism: To what extent do people control their own actions and fortunes, and to what extent are they rather controlled by God or some "fate"? In this connection, we will of course be drawn to Josephus' portrayal of the three Jewish sects, of which the Sadducees attributed nothing to fate, the Essenes – everything, and the Pharisees – some things (*Ant*. 13.171–173).[41] Indeed, this passage, and other similar Josephan material, has been the subject of much study.[42] However, with the discovery of the Dead Sea Scrolls, which in general were identified

[41] On such neat – perhaps too neat – triads in Josephus, see Ch. 5, n. 70.

[42] For one of the main studies of the pre-Qumran era, see G. F. Moore, "Fate and Free Will in the Jewish Philosophies According to Josephus," *HTR* 22 (1929) 371–389.

as being Essene,[43] the dossier about them became thicker, and while some of it – most famously the discussion of Sons of Light and Sons of Darkness in the third and fourth column of the *Manual of Discipline*[44] – easily combines with Josephus' statements about their believing that all is predetermined, some does not.

Let us take, for example, the following Qumran text:

ואני לאדם רשעה ולסוד בשר עול עוונותי פשעי חטאתי [...] עם נעוות לבבי לסוד רמה והולכי חושך
כיא לאדם דרכו ואנוש לוא יכין צעדו כיא לאל המשפט ומידו תום הדרך ובדעתו נהיה כול […]

This poetic passage from the central sectarian text known as the *Manual of Discipline* (col. 11, lines 9–11)[45] is clearly despondent about the human condition. I translate the text as follows:

(9) As for me, I (belong) to wicked humanity and the assembly of sinful flesh. My iniquities, my rebellious transgressions, my sins *[here something is erased in the original scroll]* along with the crookedness of my heart (10) (belong) to the assembly of (those destined to) worms and walkers in darkness. *[here I skip, for the moment, the three words underlined in the Hebrew quotation above]* and man does not direct his own step, for judgment is God's (11) and it is from His hand that perfection of way (comes), and it is according to His thoughts that all came to be […]

Here the Qumran author expresses the notion that he is powerless to choose his own path. Turning now to the three underlined words, however, they clearly pose a problem, for the obvious translation is "For a man's way is his own." Such a translation, which apparently ascribes to each man control of and responsibility for the path he chooses, baldly contradicts both the continuation of the line ("and man does not direct his own step") and the thrust of the entire passage – not to mention the *Manual's* programmatic discussion in Columns 3–4 and Josephus' claim that the Essenes ascribe everything to fate.

How shall we deal with this problem? Should we view our text as contradicting the other evidence? There are a number of possibilities, but what is important here is to note that commentators, no matter what solution they choose, all agree that the context is so strong that it must be allowed

[43] This is, however, still a debated topic. See A. Baumgarten, "Who Cares and Why Does it Matter? Qumran and the Essenes, Once Again!," *DSD* 11 (2004) 174–190; M. Broshi, "Essenes at Qumran? A Rejoinder to Albert Baumgarten," ibid. 14 (2007) 25–33. For an extensive comparison of Josephus' texts on the Essenes to the Scrolls, see: T.S. Beall, *Josephus' Description of the Essenes Illustrated by the Dead Sea Scrolls* (Society for New Testament Studies Monograph Series 58; Cambridge: Cambridge Univ., 1988).

[44] For translations of the *Manual of Discipline*, see below, n. 47–49. In general, on the present topic, see Beall (n. 43) 113–114.

[45] My transcription of the text from Column 11 of the facsimile edition: M. Burrows (ed.), *The Dead Sea Scrolls of St. Mark's Monastery*, II/2 (New Haven: American Schools of Oriental Research, 1951).

to govern our interpretation of this text, and, therefore, not to leave it self-contradictory.[46] Thus, for example, Dupont-Sommer, taking advantage of the fact that this ancient text has (as usual) no punctuation, rendered the words as a rhetorical question that demands a negative answer:

For is man master of his way? No, men cannot establish their steps […][47]

Qimron and Charlesworth, in contrast, taking advantage of the fact that this ancient text has (as usual) no capitalization, and that אדם, which we translated "man," is literally "Adam," took another path:

For my way (belongs) to Adam. The human cannot establish his righteousness; for to God alone belongs the judgment and from him is the perfection of the Way.[48]

This translation, by focusing upon Adam, who lived in the past, and by inserting "belongs," indicates that a man's path is fixed by his (sinful) antecedents. That is, the statement that a man's path is "his" is taken to mean not that man controls it but that man is the way he is and cannot change himself. This translation, obviously, could easily link up with ancient notions concerning Adam's Fall and Original Sin.

In my opinion, however, a third solution, one adopted by many other scholars,[49] is more convincing. Namely, if in considering our text we were to consult a concordance to the Hebrew Bible we would easily discover the following verse in Jeremiah 10:23: כי לא לאדם דרכו לא לאיש הלך והכין את צעדו ("I know, O Lord, that a man's way is not his own; it is not given to a man to walk and guide his own steps") – a verse quoted properly, moreover, in another Qumran text.[50] Given the virtual identity of the underlined words, it is impossible to imagine that the Qumran author of our passage – who certainly knew his Bible,[51] as did all Qumran writers[52] – did not have this

[46] This is a case of the phenomenon that C.S. Lewis dubbed "the insulating power of the context;" see his *Studies in Words* (Cambridge: Cambridge Univ., 1967) 11–12.

[47] A. Dupont-Sommer, *The Essene Writings from Qumran* (Cleveland and New York: Meridian, 1969) 102.

[48] E. Qimron and J.H. Charlesworth, "Rule of the Community (1QS)," in: J.H. Charlesworth (ed.), *The Dead Sea Scrolls*, vol. 1 (Tübingen: Mohr [Siebeck] and Louisville: Knox, 1994) 49. Note that this translation, which renders "my way," reads דרכי rather than דרכו. It is often quite difficult, or impossible, to distinguish between *yod* and *vav* in Qumran texts.

[49] Such as T.H. Gaster, *The Dead Sea Scriptures* (Garden City, New York: Anchor, 1976[3]) 142: "For a mortal's way is [not] of himself."

[50] A fragment of the *Hodayoth* (Thanksgiving) Scroll known as 4Q428, fragment 10, line 10, edited by E. Schuller in *Qumran Cave 4,* XX (DJD 29; Oxford: Clarendon, 1999) 141. See also her commentary, ibid. 144, where she comments on the haplography in our text.

[51] For biblical verses cited or alluded to in the *Manual of Discipline*, see listings for "M" and "HI" in the index of "Biblical Quotations and Parallels" in Gaster (above, n. 49) 569–580.

[52] See D.L. Washburn, *A Catalog of Biblical Passages in the Dead Sea Scrolls* (SBL Text-

text in mind when he wrote, so it becomes very inviting to think that the scribe who created this copy simply left out the first לא by mistake.

Moreover, just as above we noted how easy it is for a *nu* to be added at the end of a Greek word, now we may add how easy it is for the word לא to have been omitted by a copyist due to "haplography." This is a common scribal phenomenon in which, when the same string of letters or word appears twice in a given text, copyists skip from one occurrence to the other, thereby omitting one of them and all the text between the two and giving a text which has only a "single" (*haplos* in Greek) occurrence of the string. If, that is, the original text indeed read כיא לא לאדם דרכו a scribe who had copied the first *lamedh-aleph* sequence might well – perhaps when returning to his work after some interruption or lapse of attention – have skipped to the second one and continued with *daleth* and *mem*, thus eliding the word לא. Or perhaps the scribe glanced at the text that read לא לאדם and, after copying the first לא into his own manuscript looked back at the original and his eyes settled on the second appearance of the sequence. One way or another, mistakes like this (just as the opposite – "dittography," copying the same word[s] twice) are very human and very common, as anyone who tries to copy any substantial text will find.[53]

Thus, in this case too, as in *Life* 415 and *War* 2.279, discussed in Sections 2.2.3.1.1 and 2.2.3.1.2, we have three considerations. But if in those cases the only contextual arguments we had were from the very local context, here, apart from the argument from ease of scribal error there are two from context of which only one is local (apparent self-contradiction) while the other is from something which at first glance seems anything but local – the Book of Jeremiah. Our willingness to assume that the latter too is relevant, and hence a reliable basis for a text-critical decision, is due to our confidence that the Qumran author must have been well at home in the Hebrew Bible – a confidence based on a reading of the entire text and the corpus of which it is a part (see nn. 51–52).

Before going on I should note that our willingness to emend the Qumran text in this case also reflects to some degree the fact that the "unanimous" evidence we are correcting consists of that of a single witness – the single manuscript of this text. Had there been more witnesses we would have hesitated more. Which brings us to our next cases:

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Critical Studies 2; Leiden: Brill, 2003). As for Jeremiah in particular, note G.J. Brooke, "The Book of Jeremiah and Its Reception in the Qumran Scrolls," in: *The Book of Jeremiah and Its Reception* (ed. A.H.W. Curtis and T. Römer; Leuven: University Press and Peeters, 1997) 183–205.

[53] Note, for example, that in an article of mine – "Did the Jews Practice Infant Exposure and Infanticide in Antiquity?" *Studia Philonica Annual* 16 (2004) 63, line 25 – despite intensive proofreading the words "if we were to ask" exasperatingly appeared as "if were to ask."

*2.2.3.3 Presumptive non-literary context*

Once, as is in the preceding case, we allow ourselves to adduce even external context (there: Jeremiah) as a reason to emend a text, we must face the question of deciding what external contexts are apposite. In the case of the relevance of the Hebrew Bible for Qumran we had no trouble. But sometimes the matter is more difficult. Suppose, for example, that we were to run across a reference to newspapers that appear once a week as "weaklies." Given our knowledge of a well-known external, namely, English orthography, we would probably correct it without hesitation (although perhaps with a chuckle) to "weeklies." But we would be wrong, if there happened to be a more local context that dictated the otherwise mistaken spelling – as is indeed the case below at Ch. 3, n. 36. Similarly, with regard to antiquity as well it sometimes happens that we think we can assume what outside circumstances (comparable to English dictionaries) dictated, but there may be room for doubt. Thus:

*2.2.3.3.1 Governmental context? The case of Pilate's successor (Ant. 18.89, 237).* In *Antiquities* 18.89 Josephus writes that when L.Vitellius, the Roman governor of Syria, suspended Pontius Pilate from office and sent him off to defend himself in Rome, he also "sent out one of his friends, Marcellus, to take charge of Judea." Nothing more is heard of this Marcellus, but in § 237 we read that the emperor Gaius Caligula, upon accession to office not long thereafter, "sent out Marullus to be *hipparchēs* ("commander of the cavalry") of Judea." We never hear of him again either.

Along with these two isolated notices, the absence of another datum is relevant here: nowhere are we told, in so many words, who was appointed *governor* of Judea after Pilate was suspended. The description of Marcellus sounds like one of a temporary caretaker and anyway Vitellius seems not to have had the authority to appoint a governor of Judea. The emperor did, and earlier (and later) governors were appointed by the emperors; but although Gaius is said to have appointed Marullus the position he gave him was *hipparchēs*, "commander of the cavalry." That, at least, is what all the manuscripts say.

Now, if our point of departure is the assumption, based on information supplied elsewhere, that in 37 Judea was a Roman province and, as such, simply *must* have had its own governor, then – given the fact that Josephus regularly gives us the names of Judean governors one after the other and in fact uses them, frequently, to define the successive chapters of his history[54] – we should be very bothered by the fact that we do not know who

[54] See Schwartz, *Studies*, 188–198. Compare the way historians typically organize the

succeeded Pontius Pilate. Moreover, we might also be bothered by the fact that Josephus, in this case alone in his treatment of Roman Judea, has the emperor appointing a lesser official – "commander of the cavalry." Both problems can encourage us to turn Marullus into a governor, allowing us to reconstruct as follows: when he suspended Pilate, Vitellius appointed Marcellus caretaker, and later the emperor, as usual, appointed a new governor – Marullus.

Accordingly, already John Hudson, who edited Josephus in the early eighteenth century, emended *Antiquities* 18.237 so as to turn Marullus from *hipparchēs* into *eparchos* (governor), and in the late nineteenth century Niese conjectured *hyparchos*, which would mean the same.[55] Following this line of reasoning, such standard works as Schürer's include Marullus in their lists of the governors of Judea.[56] Moreover, to make the picture even neater, there have been those who assume that Gaius had no special reason not to make Vitellius' standby arrangement permanent, so probably he did – so they posit that Marcellus and Marullus were two versions of the name of the same person.[57] Both suggestions, of course, point to the general paleographical similarity of the titles (ΙΠΠΑΡΧΗΣ-ΕΠΑΡΧΟΣ-ΥΠΑΡΧΟΣ) and the names (ΜΑΡΚΕΛΛΟΣ-ΜΑΡΥΛΛΟΣ) in support of the probability that one or both mistakes was made in the course of the text's transmission.

However, as explained above (n. 35) it is a usual rule of textual criticism that when choosing among conflicting readings we should prefer the "more difficult reading" (*lectio difficilior*) on the assumption that scribes tend more to regularize and simplify odd texts than to turn the expected into the unexpected. In this case, scribes copying the latter books of the *Antiquities*, which are full of Roman governors succeeding one another, might – just as modern scholars – have been surprised not to find one listed after Pilate. If they nevertheless offered us the surprising *hipparchēs* at 18.237, and unanimously at that (so we're not even called upon to choose among variant readings), we should think twice before changing it into a term for "governor." That is, we should at least consider dealing with our surprise not by

chapters of works about monarchies according to the reigns of their kings, or works about American history according to the terms of office of presidents.

[55] For the conjecture, see Niese's note to his large edition (Ch. 1, n. 27) 183. The same year, in Niese's smaller edition ("editio minor," i. e., almost devoid of notes), he emended the text itself according to that conjecture: *Flavii Iosephi Opera recognovit Benedictus Niese*, IV (Berlin: Weidmann, 1890) 157. There are, understandably, many similar cases in which Niese, in his large edition, adhered conservatively to the manuscript evidence and confined his conjectures to notes in the critical apparatus, while in his smaller edition he allowed himself more freedom and creativity; for another example, at *Ant*. 19.332, see the next Section (2.2.3.3.2).

[56] See Schürer, *HJP* 1.383; Smallwood, *JURR* 174.

[57] See Schürer, ibid., n. 131, and Smallwood, ibid., n. 101, both referring to S. L. Le Laet, "Le Successeur de Ponce-Pilate," *L'Antiquité classique* 8 (1939), esp. 418–419.

emending the text but, rather, by wondering whether there was a surprising situation in Judea, a hiatus in the succession of governors, in 37 CE.

If we look around for additional evidence for such an hiatus, we will immediately notice that although there was, as a result of Gaius' order in 39 CE to erect his statue in the Temple of Jerusalem, quite a lot of Roman activity in Judea during the period when Marullus was there, nevertheless throughout it all, documented in detail by both Josephus and Philo, Marullus is not mentioned.[58] Throughout, Rome was represented by the governor of Syria, Publius Petronius. Should we really assume that Gaius and Petronius ignored the Roman governor of Judea? Should we not, perhaps, prefer to stick with the received text of *Antiquities* 18.237 which, according to all witnesses, does not say Marullus was governor – and infer that, after Pilate, Rome stopped appointing govenors for Judea? Would it perhaps be fruitful to think about *why* Rome might have decided to suspend the separate existence of Judea as a province?[59] Is it so unlikely – so unlikely as to require or justify an emendation of the text – that Gaius was unhappy with all the problems under Pilate and was considering another way of running Judea? Note that the same year that Pilate was suspended and Marullus appointed, 37 CE, Agrippa I was appointed king of a third of Palestine. This made the province of Judea smaller, so perhaps more likely to be ruled by the governor of Syria via various underlings, such as our "commander of cavalry."

Indeed, once we start thinking in this direction, and examining the issue anew, we will probably note another text that has bothered scholars in the same context. Philo (*Embassy to Gaius,* 199), in the context of the same period, refers to one Capito as "the tax collector of Judea," a point that has bothered scholars because normally the governor of Judea was in charge of provincial taxation but there is no evidence that Capito was ever governor of Judea. This problem is so serious that it brought Smallwood, for example, to suggest emending the text so as leave Capito only "tax collector of Jamneia," i. e., a local official.[60] However, while we know from Josephus (*Ant*. 18.158) that Capito was indeed the Roman procurator of Jamneia, can we really be sure he was not the tax collector for all of Judea too, in the absence of a Roman governor? The fact that *two* cases of such tampering with the

[58] See esp. Josephus, *War* 2.184–203 and *Ant*. 18.257–309, also Philo, *Embassy to Gaius* and the brief report in Tacitus, *Histories* 5.9.2 (*GLA* 2, no. 281). On this episode – to which we shall return in Section 6.1.1 – see P. Bilde, "The Roman Emperor Gaius (Caligula)'s Attempt to Erect his Statue in the Temple of Jerusalem," *Studia Theologica* 32 (1978) 67–93, and Schwartz, *Agrippa*, 77–89.

[59] For such thoughts, see Schwartz, *Agrippa*, 65–66.

[60] See Smallwood, *Philonis Alexandrini Legatio* (Ch. 1, n. 39) 261. Jamneia was the Greek name for Yavneh, in the southern coastal plain of Palestine. According to *Ant*. 18.31, the town was bequeathed by Herod's sister, Salome, to Augustus Caesar's wife; hence its need for a Roman administrator of its own.

evidence, emendation of Josephus' "commander of cavalry" and of Philo's "Judea," have been thought necessary in order to maintain the notion that Judea had a governor in those years suggests that we ought to consider revising that notion, not the texts. Perhaps, that is, we should realize that Rome was not happy with the record of provincial government in Judea (perhaps especially on the background of the violent episodes under Pilate) and, therefore, was experimenting with other approaches, just as a few years later it would, for a few years, entrust Judea to a Jewish king – Agrippa I.[61]

It turns out, in other words, that the governmental context is not as clear as one might have thought, and hence must be seen as a very precarious basis for emending a well-founded text.[62] On the other hand, the problems that these texts raise have jogged us into contemplating Roman second thoughts about how to rule Judea. And as for identifying Marcellus and Marullus, a lesser issue: While it is possible that they were indeed one and the same, we should also remember that – as students of hagiography or children's literature know – it is very human, but not critical historiography, to want to hear a lot about a few characters rather than a little about this one and a little about that one.[63] If in this case the copyists of Josephus managed to avoid that temptation for centuries, maybe we should too.[64]

*2.2.3.3.2 Religious context? The case of Agrippa's critic (Ant. 19.332).* At *Antiquities* 19.332, in the course of his narrative of the monarchy of Agrippa I,

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[61] On Roman experimenting with different ways to rule Judea and the Jews, see A.I. Baumgarten, "How Experiments End," in: *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern* (ed. L.I. Levine and D.R. Schwartz; TSAJ 130; Tübingen: Mohr Siebeck, 2009) 147–161.

[62] By way of comparison, note that if for some reason a scholar of American history had available a nearly complete list of presidents and their terms of service from 1800 to 1900, with no one listed for 1861–1865, but also had available the US Constitution and material referring to Lincoln as "commander in chief" during those years, he or she would be absolutely justified in inserting Lincoln into the list of presidents. That would be because the list and the Constitution create the presumption of continuity and because the Constitution explicitly states (in Article II, Section 2) that the "commander-in-chief" is the president. Regarding Judea in the 30s (where provincial rule was soon to be interrupted by Agrippa's monarchy) and the title *hipparchēs* we have nothing comparable. The issue is similar with regard to Julius Caesar's year of birth (above, n. 22): Is our certainty about the minimum ages for Roman offices, in the early first century BCE, as great as it is about the terms of American presidents in the nineteenth century or as limited as that about the Roman administration of Judea in the early first century?

[63] See H. Delehaye, *The Legends of the Saints* (London: Longmans, Green and Co., 1907) 20–21: "Above all, do not expect the populace to distinguish between namesakes. Great men are so rare! […]."

[64] To revert to our comparison with American presidents (n. 62), note the ease with which – if evidence were as scarce for modern times as it is for antiquity – overly confident historians would turn two John Adams and two George Bushes into one each. Cf. the two Baumgartens who wrote on the same subject, cited below in n. 83.

Josephus reports that someone named Simeon, reputed to be very strict in his religious observance, complained that the king should not enter the Temple of Jerusalem because entry was restricted to those who are "of good birth" (*eugenesi or eugenesin* – so two manuscripts and the Epitome [a medieval summary]) or "of native birth" (*eggenesin*; so one manuscript). Both readings amount to the same thing: Simeon's complaint was that Agrippa, who was Herod's grandson and thus descended from Idumaean converts – was not of pure Jewish descent. That is what the manuscripts say – as is reported by Niese in the critical apparatus to his full 1890 edition of Josephus,[65] as also by Louis H. Feldman in his 1965 *JLCL* edition, of which the relevant page is reproduced below. Niese, however, although adopting the reading *eggenesin* in that full 1890 edition, raised the possibility, in a note, that the reading should in fact be that entrance to the Temple was restricted to *euagesi* (= those free from pollution, pure); indeed, that same year Niese, in his smaller and less elaborate edition of *Antiquities*, adopted that emendation into the text itself.[66] Although the 1929 French translation ignored this emendation,[67] it was adopted by Feldman in his Greek-English edition of 1965. Niese's apparatus offered him no opportunity to explain why he suggested the emendation, or what *euagesi* meant, but Feldman, whose format allowed him footnotes, supplied a few that explain his move (*JLCL* 9.370–371); see the following pages.

As we see, Feldman first added note (a), pointing out that a prominent rabbinic scholar of the nineteenth century, Zacharias Frankel, had speculated that the Simeon said to be very exacting concerning the law is to be identified with a prominent rabbinic sage of the first century known from rabbinic literature. True, Feldman rejects the suggestion as lacking evidence, but the very citation of it shows the context within which, for Feldman as for Frankel, this issue was to be discussed – as his next two notes bear out. Namely, in his note (b) Feldman explains that his translation deviates from the plain sense of Josephus' Greek, for while the Greek says that Simeon denounced Agrippa as being *unholy*, Josephus' own statement at § 331 (of which the last words may be seen in the text reproduced from *JLCL*) and several rabbinic sources agree that Agrippa was in fact scrupulously observant (hence not "unholy"), from which Feldman concludes that Simeon must have meant something else, and more technical, viz., that Agrippa was

[65] Niese (Ch. 1, n. 27), 267.

[66] *Flavii Iosephi … recognovit* (above, n. 55) 227. Here Niese in fact reads *euagesin*, not *euagesi* as suggested in the apparatus to his fuller edition; on such offhanded treatment of the final *nu*, see above, n. 30.

[67] "… dont l'accès n'était permis qu'aux gens du pays" ("entrance into which was limited to the people of the country") – *Œuvres complètes de Flavius Josèphe*, IV (trans. G. Mathieu and L. Herrmann; Parix: Leroux, 1929) 245.

## JOSEPHUS

ἦγεν ἁγνείας οὐδ' ἡμέρα τις παρώδευεν αὐτῷ τὰ νόμιμα χηρεύουσα θυσίας.

332 (4) Καὶ δή τις ἐν τοῖς Ἱεροσολύμοις ἀνὴρ ἐπιχώριος ἐξακριβάζειν δοκῶν τὰ νόμιμα, Σίμων ἦν ὄνομα τούτῳ, πλῆθος εἰς ἐκκλησίαν ἀλίσας τηνικάδε τοῦ βασιλέως εἰς Καισάρειαν ἐκδεδημηκότος ἐτόλμησεν αὐτοῦ κατειπεῖν, ὡς οὐχ ὅσιος εἴη, δικαίως δ' ἂν εἴργοιτο τοῦ ναοῦ τῆς εἰσόδου[1] προσηκούσης

333 τοῖς εὐαγέσιν.[2] δηλοῦται μὲν δὴ διὰ γραμμάτων ὑπὸ τοῦ στρατηγοῦ τῆς πόλεως τῷ βασιλεῖ δημηγορήσας Σίμων ταῦτα, μεταπέμπεται δὲ αὐτὸν ὁ βασιλεὺς καί, καθέζετο γὰρ ἐν τῷ θεάτρῳ τότε, καθεσθῆναι παρ' αὐτὸν ἐκέλευσεν. ἠρέμα τε καὶ πράως, "εἰπέ μοι," φησίν, "τί τῶν ἐνθάδε γινομένων

[1] ὡς . . . εἰσόδου] quasi non sanctum et iustum suadens uti rex prohiberetur a templi limine Lat.

[2] τοῖς εὐαγέσιν] coni. Niese: τοῖς εὐγενέσι (-σιν A[1]) AM: τοῖς ἐγγενέσιν W: τῆς εὐγενέσι E: dignis Lat.

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[a] His identity is otherwise unknown. There is no evidence supporting the guess of Z. Frankel, *Darke ha-Mishnah*, 1859, pp. 58-59, that he was perhaps the son of Hillel and father of Gamaliel I.

[b] Lit. "unholy." But it is clear from § 331 and from the Talmudic sources (Mishnah, *Bikkurim* iii. 4, Bab. *Pesaḥim* 107 b, *Ketubot* 17 a, *Leviticus Rabbah* iii. 5) that Agrippa was scrupulously observant, at least in Jerusalem, and that he was praised for his piety by the rabbis. (It is not always certain, however, whether Agrippa I or II is meant in these rabbinic references.)

[c] I have adopted Niese's emendation. One of the MSS. reads *ἐγγενέσιν*, "those who were natives," *i.e.* of Jewish stock. This reading has some appeal since Agrippa's ancestry was a source of embarrassment to him, as he was part Edomite, while the Torah demands that a king be "from among thy brethren" (Deut. xvii. 15). Indeed we hear (Mishnah, *Soṭah* vii. 8: the reference, in all probability, is to

## JEWISH ANTIQUITIES, XIX. 331–333

purification, and no day passed for him without the prescribed sacrifice.

An example of Agrippa's forgiving nature.

(4) Here is a supreme example of his character. A native of Jerusalem named Simon [a] with a reputation for religious scrupulousness assembled the people in a public meeting at a time when the king was absent in Caesarea, and had the audacity to denounce him as unclean.[b] He asserted that the king ought properly to be excluded from the temple, since the right of entrance was restricted to those who were ritually clean.[c] The commanding officer in the city reported to the king by letter that Simon had made this harangue. The king thereupon sent for him, and, since he was sitting in the theatre at the time, bade Simon sit down beside him. "Tell me," he then said quietly and gently, "what is contrary to the law

Agrippa I rather than Agrippa II) that when Agrippa reached this passage he burst into tears. But only a non-Jew (Mishnah, *Kelim* i. 8) was excluded from the temple; Agrippa (Mishnah, *Bikkurim* iii. 4) did enter the temple, bringing the first-fruits as far as the altar. We read, furthermore (Mishnah, *Soṭah* vii. 8), that the rabbis approved of his standing rather than sitting in the temple while reading the selection from Deuteronomy pertaining to the institution of the king; hence they did not regard him as a non-Jew. He could not have been excluded as an Edomite since he was more than three generations removed from the Edomite Antipas, grandfather of Herod the Great, who was Agrippa's grandfather; and Edomites were prohibited to enter the house of Israel only until the third generation (Deut. xxiii. 8). Hence the only possible reason for claiming that Agrippa ought to have been excluded is that he was impure (Mishnah, *Kelim* i. 8). It is possible that Agrippa contacted such impurity at or on his way to or from the theatre and that this is the significance of Agrippa's summoning Simon to the theatre and asking him what he found contrary to the law there, the implication being that Agrippa had taken proper precautions to prevent contact with uncleanliness there.

not *pure*.[68] Similarly, in his long note (c) Feldman explains that he adopted Niese's emendation, *euagesin*, translating it as "ritually clean," because rabbinic literature indicates that only non-Jews, but not converts or their descendants, are to be excluded from the Temple. Indeed, he notes, rabbinic literature specifically reports that Agrippa brought sacrifices in the Temple.[69] Accordingly, Feldman concludes that Josephus could not have said that someone punctilious about Jewish law, such as Simeon is said to have been, wanted to exclude Agrippa due to his non-Jewish ancestry, and so he emended the text in consonance with Niese's suggestion that the complaint had in fact to do with Agrippa's ritual purity.

That is, if in Section 2.2.3.1.1 the consideration of very local context brought us to emend *Life* 415, and in Section 2.2.3.2 the assumption that the Bible was taken for granted at Qumran allowed us to use Jeremiah to emend the Dead Sea Sect's *Manual of Discipline*, here Feldman has presumed that rabbinic literature provides an appropriate context for Simeon's critique of Agrippa and thus an appropriate basis for the emendation of Josephus' report about it. It is evident that this is a riskier procedure than that followed in those two cases, and rather reminds us of that discussed in Section 2.2.3.3.1 (Marullus the *hipparchēs*). Are we really sure that a scrupulous observer of Jewish law held opinions proclaimed by later rabbinic literature, and could not have complained about someone of Agrippa's ancestry entering the Temple? Or that Josephus could not have claimed that someone like that so complained? To the extent we admit some doubt on this matter, our confidence that Josephus' text requires correction will diminish. Moreover, if work of this type requires two steps, not only the suspicion of the extant text but also the suggestion of a better one, in the present case we are worse off on the second count too, for rabbinic literature, which is in Hebrew and Aramaic, cannot directly offer us a better text for Josephus' Greek work the way Jeremiah can for the *Manual of Discipline* since both of the latter texts are in Hebrew.[70] Nevertheless, perhaps in the late 1950s, when Feldman

[68] Perhaps we should explain that, according to biblical and Jewish notions, being impure need not have moral implications, for even people who do such good things as having babies and burying the dead can become impure. See, for example, Leviticus 13:1–5, 21:1–5 and Luke 10:30–34 (where the priest and the Levite, but not the Good Samaritan, avoid contact with someone they assume is dead and, hence, would convey impurity to those who handle him.)

[69] Actually, the rabbinic text Feldman cites (Mishnah, *Bikkurim* 3:4 [*DM*, 97]) refers to the presentation of first-fruits, and doesn't say that Agrippa did it, only that were he to do so he would have to follow the usual rules; see Schwartz, *Agrippa I*, 163–164. For another, later, rabbinic source that does talk about King Agrippa bringing sacrifices, see ibid., 165–166. Here the whole topic is immaterial.

[70] Which is not to say that a Hebrew text cannot *indirectly* suggest how to emend a Greek one. It can. For an example, see above, n. 25. For an example of a Hebrew text explaining a Greek one, see below, Section 3.2.4. As for Greek texts allowing us to emend

wrote,[71] his moves – both his rabbinically-based suspicion of the received text (a suspicion based on the notion that religious Jews in antiquity must have been rabbinic Jews) and his adoption of Niese's emendation – were reasonable ones.

Note, finally, that apart from his inferences from rabbinic literature, Feldman's willingness to adopt Niese's suggestion built, of course, upon the paleographic similarity of *euagesin* to *eggenesin* or *eugenesin*, which suggests that such a scribal error could easily have been made. And it probably also reflected the reasonable presumption that Niese, who edited all of Josephus' works, had a good sense for Josephan style and vocabulary, so the word he suggested in place of the one supplied by the manuscripts is probably one that Josephus could easily have used.

*New discoveries change context.* Since the 1950s, however, a few things changed. On the one hand, while Feldman was translating *Antiquities* 18–20 a German team was working on the preparation of a concordance to Josephus' vocabulary, and with the publication of the second volume, in 1975, it became clear that Josephus in all his writings nowhere uses the word Niese proposed to "restore" in his text – *euagēs*.[72] Just as had he used it frequently we would have taken that fact as a point in favor of the emendation, infrequent usage is a point against it. That is, there is less room for confidence that he used the word here so as to solve for us our problem with Simeon. On the other hand, the very notion that Simeon's complaint about Agrippa's pedigree poses a serious problem began to crumble, under the weight of the discovery and publication of two Dead Sea Scrolls: (a) *4QFlorilegium*, first published in 1958, looks forward to a time when the Temple will no longer be polluted by the entry of proselytes;[73] and (b) the *Temple Scroll*,

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rabbinic texts, examples are legion – not only in cases of transliterated loanwords, but also in cases of calques (loan translations) and the like. For a simple example, note a rabbinic text (*Sifre* on Numbers, § 131 [p. 170 in ed. Horovitz]), where a general urges the inhabitants of a rebellious city to "take *yamim*," "days" – which makes no sense at all. As S. Lieberman noted, the true reading is "take *yamin*" ("the right [hand]") – a standard Greek way to express "make peace;" so, for example, at *War* 3.31 and 6.433. See S. Lieberman, *Studies in Palestinian Talmudic Literature* (ed. D. Rosenthal; Jerusalem: Magnes, 1991) 472–475 (in Hebrew). In Hebrew texts exchanges of final *m* for final *n* are very usual (due to the fact that both can signify the plural), a fact which makes this correction (ימין for ימים) at least as "trivial" as the one discussed in Section 1.3.2.1.

[71] According to *JLCL* 9.ix, Feldman submitted his manuscript in 1960.

[72] *CCFJ* 2.225. *euagēs* is the singular form of the word Niese proposed, *euagesin*.

[73] See J.M. Allegro, "Fragments of a Qumran Scroll of Eschatological Midrāšîm," *JBL* 77 (1958) 351. Allegro translates "That is the house where there shall never more enter … and the Ammonite and Moabite and bastard and alien and sojourner for ever." Ibid., n. 6, in a note on "soujourner" (*ger*), Allegro writes "Hardly 'proselyte,' cf. CD xiv.4." That is, he recognizes that "proselyte" is the obvious translation (certainly when it appears alongside "alien," which leaves room for little else) but avoids it without stating a reason;

first published in 1976/77, includes in cols. 39–40 detailed rules about entry into the Temple which, despite the fragmentary state of the text, clearly discriminate between Jews by birth, on the one hand, and proselytes and their descendants, on the other[74] – a position that makes perfect sense for a community that grants special authority and prestige to priests, who too are defined by their birth (as Aaronites) alone.[75] Moreover, and more generally, with the publication of the *Temple Scroll*, and of some other halakhic texts from Qumran culminating with the 1994 publication of *Miqṣat Ma'ase HaTorah*, the notion that Jews who were sticklers about Jewish law and religion must have been of the Pharisaic-rabbinic variety was put to rest.[76] For an eloquent expression of this change, compare the title of W. D. Davies' *Paul and Rabbinic Judaism* (1948), which was published before the Scrolls became available, to that of E. P. Sander's *Paul and Palestinian Judaism* (1977). Qumran, whatever else it was, took Jewish law very seriously, but its law was not at all rabbinic.[77]

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I suspect it was simply the same type of incredulity that motivated Niese and Feldman, based on what is usual in rabbinic Judaism. (Allegro's reference to *Damascus Document* 14:4 explains nothing; there too "proselyte" is the obvious translation of *ger*.) For a more recent edition, and the translation "proselyte," see J. Milgrom, "Florilegium: A Midrash on 2 Samuel and Psalms 1–2 (4Q174 = 4QFlor)," in: *The Dead Sea Scrolls*, vol. 6B (ed. J. H. Charlesworth; Tübingen: Mohr [Siebeck] and Louisville: Westminster John Knox, 2002) 250–251 (with 248, n. 7).

[74] See Yadin, *Temple Scroll* (above, n. 11) 2.165–170.

[75] On priests in Qumran, see for example the *Manual of Discipline* 5:8–9 (all who join the sect swear to follow the law as decided by the priests) and 9:7 ("Only the sons of Aaron shall rule with regard to law and property, and according to them shall decisions be made concerning all matters of the men of the community"), also *Damascus Document* 14:3–8 (the community is divided into four castes of which the priests are the first and proselytes are the last).

[76] For a review of these developments, see D. R. Schwartz, "Introduction: Was 70 CE a Watershed in Jewish History? Three States of Modern Scholarship, and a Renewed Effort," in: *Was 70 CE a Watershed in Jewish History?* (ed. D. R. Schwartz and Z. Weiss; Ancient Judaism and Early Christianity 78; Leiden: Brill, 2012), esp. 8–15. What is usually regarded as the seminal modern study of pluralism in first-century Judaism appeared only in 1956: M. Smith, "Palestinian Judaism in the First Century," *Israel: Its Role in Civilization* (ed. M. Davis; New York: Harper and Brothers, 1956) 67–81 (= idem, *Studies in the Cult of Yahweh*, I [ed. S. J. D. Cohen; Leiden: Brill, 1996] 104–115). For its impact, see esp. D. Goodblatt, "The Place of the Pharisees in First Century Judaism: The State of the Debate," *JSJ* 20 (1989) 12–30. As Goodblatt's survey shows, it takes time for these things to have their impact.

[77] On law in Qumran see inter alia Y. Sussmann, "The History of the Halakha and the Dead Sea Scrolls" in E. Qimron and J. Strugnell, *Miqṣat Ma'aśe Ha-Torah* (DJD 10; Oxford: Clarendon, 1994) 179–200; L. H. Schiffman, *Reclaiming the Dead Sea Scrolls* (Philadelphia and Jerusalem: Jewish Publication Society 1994) 245–312; *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995, Published in Honour of Joseph M. Baumgarten* (ed. M. Bernstein, F. García Martínez and J. Kampen; Studies on the Texts of the Desert of Judah 23; Leiden: Brill, 1997); and A. Shemesh, *Halakhah in the Making: The Development of*

That is, if once it could reasonably be assumed that rabbinic literature supplied the context for Josephus' narrative here, guiding our expectations from someone deemed to be punctilious about Jewish law even to the extent of leading us to emend the text of Josephus' *Antiquities*, the discovery of new material, from Qumran, changed that entirely.[78] While it is not clear that Simeon of *Antiquities* 19.332 is to be understood as a spokesman of Qumran-type Judaism, that is now a clear enough possibility to warn us against deviating from the evidence of the manuscripts.

## 2.3 When witnesses disagree

Frequently, and fortunately, context is so strong a consideration that differences among textual witnesses need not prevent historians from understanding a text even when they are not sure about the precise reading.

### *2.3.1 Obviously trivial discrepancies*

Sometimes, the difference itself is trivial, pertaining only to orthography or a grammatical fine point that doesn't change the sense, although it might indicate something about Josephus' education.[79] But even when it pertains

*Jewish Law from Qumran to the Rabbis* (Taubman Lectures in Jewish Studies 6; Berkeley: Univ. of California, 2009).

[78] Similarly, this case also provided reason to revert to a plain reading of yet another text as well. Namely, already in 1872 Clermont-Ganneau published an inscription from Herod's Temple that forbade the entry of anyone who is *allogenēs* – literally, "of other birth" (cf. Luke 17:18, where it is used of a Samaritan, who practices Judaism); for this inscription, see Schürer, *HJP* 1.378, n. 115; A. Deissmann, *Light from the Ancient East* (Eugene, Oregon: Wipf and Stock, 2004) 79–81 (with a photograph; for a better one, see A. Schalit, *König Herodes* [Berlin: De Gruyter, 1969, 2000$^2$] xxiii). However, noting that such a literal interpretation of *allogenēs* would exclude not only Gentiles but also proselytes, Clermont-Ganneau added that "it would probably be going too far" to take the term literally, for that "would make the issue not only one of religion but one of race" (C. Clermont-Ganneau, "Une stèle du temple de Jérusalem," *Revue archéologique* n.s. 23 [1872] 232 [my translation – DRS]). He did not explain why that was unlikely, no more than Niese explained in his critical apparatus why he suggested avoiding the same implication of *Ant*. 19.332 (above). As indicated above, both were presumably building upon what they knew about traditional, rabbinic, Judaism, which accepts proselytes as full-fledged Jews in virtually all respects. Given all we know today about pluralism in ancient Judaism, and about ancient priestly Judaism, in contrast, there is much less reason to avoid the plain meaning of the text.

[79] Note, for example, G. C. Hansen's discussion of the variant witnesses to *Ant*.14.482, where Herod's soldiers are said to have stormed forward "to see" the holy things in the Temple and the sanctuary. Whether we read the dative case with some witnesses or the accusative with several others, the translation will not be affected, so if we are interested in the event the question is of no consequence. If, instead, we want to know about Josephus'

to the sense of a verb, or to numbers (for which there is frequently variant evidence), the matter is often of little significance, because stories are usually clear enough to indicate what tense is meant and, as for numbers – for example: of participants or casualties in a battle – anyway we frequently ascribe them little significance, given the ancient predilection for exaggeration.[80] Again, sometimes even the use of different words does not matter, as with *eggenesin* and *eugenesin* in witnesses to *Antiquities* 19.332 (discussed in Section 2.2.3.3.2), for – as compared to foreigners – it amounts to the same to say a Jew was of "native birth" or of "good birth."[81] So too, for example, when most manuscripts of *Life* 74 refer to Jews who "use" (*chresontai*) oil but one refers to those who "anoint themselves" (*chrisontai*) with it, the point doesn't matter much to historians, for *anointing* was the usual *use* of oil. That is, the context is often strong enough to hold deviance down to relatively minor proportions.

### *2.3.2 Seemingly serious discrepancies that turn out to be nugatory: Did the Essenes offer sacrifices (Ant. 18.19)?*

Indeed, context can be so strong that even such a radical difference as the presence or absence of a negation may turn out to be of no consequence. Thus, for example, what could be a more serious issue than the choice between the ancient Latin translation and Epitome of Josephus, on the one hand, and that of the manuscripts of *Antiquities*, on the other, when at *Antiquities* 18.19 the former say the Essenes *do not* sacrifice while the latter say they *do*? Nevertheless, when taken in context the two texts basically end up

development as a Greek writer, the use of the dative (if indeed it is to be preferred, as Niese and Hansen would have it) is interesting, for in the *War* (at the parallel at 1.354 and elsewhere as well) Josephus uses only the accusative. His differentiation in the *Antiquities*, between the accusative case for direction and the dative case for purpose, would thus indicate that the 15–20 years between the works allowed Josephus a growing appreciation of the nuances and possibilities that Greek offers. See G. C. Hansen, "Einige Anmerkungen zum Sprachgebrauch des Josephus," in: *Internationales Josephus-Kolloquium Brüssel 1998* (ed. J. U. Kalms and F. Siegert; Münster: Lit, 1999) 50–51.

[80] Compare below, at Ch. 3, n. 46. On exaggerated numbers in ancient historiography, whether in order to excuse losses ("because we were greatly outnumbered"), glorify victories ("although we were greatly outnumbered"), or simply to make a story more impressive, see B. Bar-Kochva, *Judas Maccabaeus: The Jewish Struggle Against the Seleucids* (Cambridge: Cambridge Univ., 1989) 29–30. Bar-Kochva refers, inter alia, to H. Delbrück, *Numbers in History* (London: Univ. of London, 1913).

[81] Although *eugenesin* literally refers to those of "good" birth and might be used to denote nobility, since no one would imagine limiting entrance to the Temple to nobles alone it is clear that here it means no more than *eggenesin* does – of native Jewish birth.

saying the same thing, as J. Strugnell and others have shown. Here are the two options as set out by Strugnell:[82]

(a) Although they send votive offerings to the temple they do not (*ouk*) perform their sacrifices (there) because they employ different rituals of purification. For this reason they are barred from the common precinct of the Temple and perform their sacrifices by themselves.

(b) Although they send votive offerings to the temple they perform their sacrifices employing a different ritual of purification. For this reason they are barred from the common precinct of the Temple and perform their sacrifices by themselves.

Given the fact that the passage, whichever reading we adopt, ends by saying the Essenes performed their sacrifices separately, it is difficult to interpret the opening statement as if it meant they did not sacrifice at all. Accordingly, any denial on the subject, created by the negation *ouk*, must mean only that they did not sacrifice in some particular place – hence the necessity to add "there" in parentheses.

Of course, there are those who might feel that adding such a parenthetical explanation is taking too much liberty with the text. Indeed, we would all rather it were explicit. But apart from the general response that such supplements are indeed often part of a natural reading of a text (compare: "I'm so busy that I can't eat lunch," where the context will often clarify that we should understand the statement as if it concluded with "today"), from a methodological point of view we must note that if we were to reject the supplement, thus engendering a contradiction between the opening statement (with *ouk*) that the Essenes do not sacrifice and the closing statement that they do, we would have to go on and choose one of the following three options:

(a) conclude that Josephus contradicted himself.

(b) translate the end of the second sentence so as to refer not to "performing sacrifices" but, rather, something more general: "performing rites."[83]

(c) prefer the manuscripts' version of the text, that has no negation (*ouk*).

Now, of these three options, the first should always be only a last resort – especially when, as in this case, the putative contradiction comes within a

[82] J. Strugnell, "Flavius Josephus and the Essenes: *Antiquities* XVIII. 18–22," *JBL* 77 (1958) 113–115.

[83] For a defense of this approach, translating "they do not offer sacrifices … but conduct their worship separately" although the Greek is the same in both phrases, see J.M. Baumgarten, "Sacrifice and Worship among the Jewish Sectarians of the Dead Sea (Qumrân) Scrolls," *HTR* 46 (1953) 154–155 (= his *Studies* [above, n. 12] 52–53). Later, when the publication of more Scrolls demonstrated this sect's interest in real sacrifices, Baumgarten abandoned this translation, accepted the conclusion that Josephus was referring to real sacrifices, and suggested that the Essenes consumed their sacrifices in some part of the Temple set apart for them for that purpose; see his *Studies* (above, n. 12) 57–74. Cf. A.I. Baumgarten, "Josephus on Essene Sacrifice," *JJS* 45 (1994), esp. 170, n. 4.

very short text; see Section 2.2.3.1. Texts must be read, first of all, on the presumption that they make sense. But the second option – although indeed suggested in the past by scholars who wanted their Essenes to be truly spiritual and therefore uninvolved in sacrifice[84] – is just as indefensible, for the same Greek words, *thysias epitelousin*, appear twice in this passage, and there is nothing that suggests that once they refer to sacrifices and once to non-sacrificial "rites." So those who would refuse to add the parenthetical "there" are forced to accept the third option, omitting the *ouk*, which, although it leaves them with one Josephan text whereas above we maintained both possibilities, has them ascribe to Josephus the same statement which we found in both: that the Essenes do sacrifice, somewhere, "by themselves." Whether or not that statement is true (perhaps it is, but perhaps Josephus merely assumed they must sacrifice somewhere), and where that somewhere was (elsewhere in the Temple [but not in the "common precinct"]?; outside of the Temple?[85]), are other issues.

### *2.3.3 Discrepancies that do make a difference*

Frequently, however, the differences among witnesses to a text do make a difference, and it may be that deciding among the alternatives may require quite a varied array of arguments, which usually have to do with our presumptions about copyists – their habits, their knowledge and their interests. Basically, we tend to assume that scribes erred due either to carelessness, to misplaced helpfulness, to ignorance, or to bias. Here are examples of each.

#### *2.3.3.1 Careless scribes? Toponyms in War 2.573 and Life 188*

It is difficult to copy anything without error, especially the type of thing – such as numbers and proper names – for which there is nothing in the text that guarantees proper copying.[86] Thus, for example, at *War* 2.573 and at the parallel in *Life* 188 the manuscripts give, on the one hand, a whole gallery

[84] Or, at least – uninvolved in animal sacrifice, a notion that built especially on Philo's *That Every Honest Man is Free* 75, which states that the Essenes are "especially devout in the service of God, not by offering sacrifices of animals, but by resolving to sanctify their minds" (trans. Colson, LCL). For this in the general context of portraying the Essenes as paragons of spirituality, see, for example, Schürer, *HJP* 2.567–571. Ibid., 570, n. 56, the translation "but do not perform sacrifices" is maintained for our passage, with a reference to Strugnell's article introduced merely by "cf."

[85] In their articles cited above (n. 83), J.M. Baumgarten suggests the former and A.I. Baumgarten – the latter.

[86] Thus, for example, if a number of people are asked to copy a sentence in which the subject is unfamiliar but clearly singular and the verb is, accordingly, in the singular, such as "Theleminia says it's hot," it is much more likely that their spellings of the name will differ than that the verb will change into the plural, "say."

of readings for the name of one of the Galilean places that Josephus says he fortified. It is clear that scribes simply failed to copy it properly, and scholars have worked endlessly on deciding what the proper reading is and on locating the place.[87] On the other hand, in the same parallel passages no one has any trouble resolving the difference between *Life*'s "Papha" and *War*'s "Iapha" in favor of the latter, since Iapha (Japhia), near Nazareth, is well-known and in the right vicinity while Papha is unknown. Indeed, the *Life* itself mentions Iapha elsewhere (§§ 230, 233, 270), even characterizing it as "the largest village of the Galilee" (§ 230). Hence, with no difficulty editors decide to read "Iapha" at *Life* 188, chalking up "Papha" to careless copying (ΙΑΦΑ ⇒ ΠΑΦΑ).[88]

*2.3.3.1.1 But authors too can err: Which Lyons (War 2.183 vs. Ant. 18.252)?* However, just as correcting one author's work according to the truth told by another can be a risky business, as we saw for example in Section 2.2.2 concerning *War* 5.236, for authors are allowed both to err and to differ one with another, so too should we reiterate what we saw in that same Section concerning *Antiquities* 15.407 with regard to a single author as well: he is allowed to contradict himself. Just as authors may differ one with another concerning such major issues as the propriety of excluding a person from the Temple due to non-Jewish descent, and just as Josephus himself may change his mind on other major issues from one book to the next (as we shall see in Section 5.7), so too can he change his mind, or write mindlessly, with regard to such banal issues as the choice of a proper name. In these cases too, as in all other cases, our job is not to make the text true, nor to correct it in some other way, but, rather, to make it conform to what the author wrote.[89] So concerning Papha/Iapha I would emphasize that it was not merely the fact that the parallel in *War* refers to Iapha that led us to emend the *Life's* Papha into Iapha. It was also important for us to note (a) the fact that a place called "Papha" seems not to have existed, so it goes past the acceptable difficulty of a "lectio difficilior" (see n. 35); (b) the fact that Iapha should be expected on the list; and (c) the paleographical similarity of Papha to Iapha, so it could easily be a copyist's error.[90]

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[87] I refer to the toponym Thackeray transcribed as "Capharecchо" in *JLCL War* and as "Kapharath" in *JLCL Life*. See esp. B. Bar-Kochva, "Notes on the Fortresses of Josephus in Galilee," *Israel Exploration Journal* 24 (1974) 108–113.

[88] So, for example: S. Mason, *FJTC* 9.97, n. 833.

[89] As L.H. Feldman put it "Flavius Josephus Revisited: The Man, His Writings, and His Significance," *ANRW* II/21.2 [1984] 765), with regard to issues concerning the quality of Josephus' Greek, which at times could be better: "Naber [a nineteenth century editor] undoubtedly knew more Greek than did Josephus, but the task of an editor is to restore the original rather than to improve upon it."

[90] For a very banal case in which the same three considerations apply, see Ch. 6, n. 4.

Such additional considerations are not always found. Contrast, for example, the following case: while all manuscripts of *War* 2.183 say that Herod Antipas ("Herod" of the Gospels) was banished, by Gaius Caligula, to "Spain," and that he subsequently died in "Spain," the parallel at *Antiquities* 18.252, which refers to his banishment although not to his death, says he was sent to reside in "Lugdunum, a city in Gaul" – i. e., Lyons. While the great 1894 Niese-Destinon edition of *War* emends the Greek text of 2.183 twice to read "Gaul," explaining in the apparatus that the emendation is "Niese ex Ant. Iud. XVIII 252" (Niese's suggestion on the basis of *Ant*. 18.252), on all three counts this is much less convincing than the case for turning the *Life's* Papha into Iapha. That is because: (a) Spain is, of course, well-known; (b) there is no obvious reason why Gaul was more likely a place of exile than Spain was – or, to be precise, there is no obvious reason why Josephus should have thought, or written, that Gaul was more likely than Spain; and (c) "Gaul" and "Spain" (in Greek) are not paleographically similar. Accordingly, it seems wiser to leave the text of *War* as it is and allow Josephus to err, or to change his mind, in the fifteen-twenty years that passed between the time he wrote the *War* and the *Antiquities*. Our willingness to do so is all the greater, in this case, given the fact that there are two easy explanations as to why he may have done so: in addition to the well-known Lugdunum in Gaul (Lyons) there was also a Lugdunum Convenarum on the border between Gaul and Spain, so if Josephus knew that Antipas had been exiled to "Lugdunum" he may well have changed his mind, between the *War* and the *Antiquities*, concerning either (a) which city was meant or – if he knew that Lugdunum Convenarum was meant – (b) whether that border city was to be considered part of Gaul or of Spain.[91]

### *2.3.3.2 Overly helpful scribes? Which Darius (Ant. 11.302)?*

At *Antiquities* 11.302 all the Greek witnesses have Josephus say that Sanballat, the Persian satrap of Samaria, had been appointed to his position by "Darius, the last king" (of Persia). The ancient Latin version, in contrast, which may have been based upon a Greek text that did not survive otherwise, gives only Darius' name but does not define him as "the last king." Since the last King Darius, Darius III, reigned from 336 BCE until he was overcome by Alexander the Great in 330, the Greek text thus makes Sanballat a contemporary of Alexander – as indeed Josephus goes on to do. However, of this Sanballat Josephus reports, in § 303, that he gave his daughter in marriage to one Manasses, a brother of the high priest Jaddus, who is said to have been a son of Johanan, son of Jehoidada, son of Eliashib (§ 297). As a result of this marriage, Manasses was driven out of Jerusalem.

[91] See Schürer, *HJP* 1.352, n. 41; Hoehner (Ch. 1, n. 31) 262, n. 1.

In the Bible, however, Nehemiah reports, in a first-person list of his accomplishments, that that he drove out of Jerusalem one of the sons of Eliashib who had married Sanballat's daughter (Neh 13:28); given the similarity of names and events it is quite natural to assume his story and Josephus' refer to the same event. That, however, is a very problematic conclusion, for it is usually assumed, for good reason, that Nehemiah lived a century before Alexander the Great.

This is, in fact, quite a complicated issue, with various ramifications, but there is no need to open up the whole file here.[92] In the present context, what interests us is why the Latin translation fails to define Darius as "the last king." Reverting to our discussion of "more difficult" readings, we may note that since our text does indeed go on to link Sanballat with Alexander, it is difficult to imagine why a translator would choose to ignore such words if they were in his Greek text. But it is simple to imagine that a scribe or scribes, aware of the fact that there had been more than one Darius, might have deduced from the context that the reference is to the last Darius and added that in to help orient readers.[93] Accordingly, editors might well prefer to depend upon the Latin evidence and correct the Greek text so as to eliminate the identification of Sanballat's Darius as the last king. If they do so, they will leave more open the possibility that Josephus' juxtaposition of Sanballat and Alexander was a secondary combination, rather than something dictated by his sources. This, in turn, will have its implications for both of our usual types of clients: both those who want to know what happened in the period described (the Persian period) and those who want to know about Josephus himself – what he knew about ancient history and how sovereign he felt in dealing with his sources. We will return to this case in Section 5.5.1.

#### *2.3.3.3 Ignorant scribes? A Benjaminite priest (2 Maccabees 3:4)?*

In our discussion of Simeon's complaint about Agrippa at *Antiquities* 19.332 (Section 2.2.3.3.2), our conclusion was that some Jews (such as those at Qumran, and apparently Simeon too) ascribed greater significance to the details of a Jew's pedigree than the rabbis later did. Suppose we want to

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[92] See already Marcus' 1937 bibliography and appendices on the subject in *JLCL* 6.498–532. For later discussion, due in part to subsequent discoveries, see D. R. Schwartz, "On Some Papyri and Josephus' Sources and Chronology for the Persian Period," *JSJ* 21 (1990) 175–199, and O. Tammuz, "Will the Real Sanballat Please Stand Up?" in: *Samaritans: Past and Present – Current Studies* (ed. M. Mor and F. V. Reiterer; Studia Judaica 53 = Studia Samaritana 5; Berlin: De Gruyter, 2010) 51–58.

[93] If that is what happened, this correction would be an instance of what the Germans term, somewhat colorfully, a *Verschlimmbesserung* – "an improvement that makes things worse."

trace the process by which Jewish notions of the importance of descent were eroding in Judaism of the late Second Temple period – the type of process that, contrary to the views of Simeon and his ilk, could prepare the way for John the Baptist's insistence that God can make even stones into sons of Abraham (Matt 3:9//Luke 3:8) and Paul's declarations that there is no difference between Jew and Greek (Gal 3:28; Rom 10:12) and that all who believe are sons of Abraham (Gal 3:7). Josephus would be very interesting in this context, for he frequently distinguishes between what a person is "by descent" and what he or she *is*.[94] We would also place in this dossier such passages as *Life* 7, where Josephus says he is "not only" of prominent descent but also had an impressive education,[95] and *War* 5.194, where, although the inscriptions – of which two have been discovered in the past century and a half – that forbade Gentiles entry to the Temple referred to people of foreign *birth*, *allogenēs* (see n. 78), Josephus uses *allophylos* – a more general term ("member of another tribe") that need not apply specifically to descent.[96]

Such relativizing of pedigree might be thought surprising when it comes from priests such as Josephus, given the fact that Jewish priests (*kohanim*) are defined by their Aaronite pedigree. Looking for antecedents for such an attitude in the priesthood, and in Jewish Hellenistic thought, we should take interest in the report in 2 Maccabees 3:4 that a certain Simeon, who served as chief administrator of the Temple, was – according to all the Greek witnesses to the text of this Greek book – of the tribe of Benjamin. Normally we would suppose that someone holding this position would be a priest, but according to biblical and post-biblical Jewish tradition all priests are descendants of Aaron (Moses' brother) and so of the tribe of Levi – not Benjamin. And even if we might be willing to accept a non-priestly administrator of the Temple, the next chapter of 2 Maccabees (4:23–24) introduces Menelaus – who will be a major villain – as *Simeon's brother*, hence of the same tribe as Simeon, and recounts, with no comment about his descent, that he was appointed high priest.

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[94] See D. R. Schwartz, "Priesthood and Priestly Descent: Josephus, *Antiquities* 10. 80," *Journal of Theological Studies* n.s. 32 (1981) 129–135, and S. J. D. Cohen, "ΙΟΥΔΑΙΟΣ ΤΟ ΓΕΝΟΣ and Related Expressions in Josephus," in: *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith* (ed. F. Parente and J. Sievers; Studia Post-Biblica 41; Leiden: Brill, 1994) 23–38.

[95] See also *Life* 191, 198; these passages too show that while pedigree is important it is not enough.

[96] Note especially *Ant*. 12.23, where Josephus has Aristeas offering the disclaimer that he is a Jew neither by *genos* nor by *phylos* – i. e., neither by birth nor by religious affiliation. On this differential terminology, see D. R. Schwartz, "Should Josephus Have Ignored the Christians?" in: *Ethos und Identität: Einheit und Vielfalt des Judentums in hellenistisch-römischer Zeit* (ed. M. Konradt and U. Steinert; Paderborn: Schöningh, 2002), esp. 165–170, apropos of Josephus' characterization of Christians as a *phylon* (*Ant*. 18.64).

Before we begin to debate what to do about this – whether to view the fact that the author of 2 Maccabees makes no comment about that as evidence that it was just fine, or rather to assume he saw this appointment to the high priesthood as just another aspect of Menelaus' villainy, of which in general he said enough[97]– we should note that the ancient Latin translation of the Books of Maccabees reads at 3:4 not "of the tribe of Benjamin" but, rather, "ex tribu balgea" – "of the tribe of Balgea."[98] According to 1 Chronicles 24:14 and other sources, Balgea (Hebrew: Bilgah) was one of the families of Aaronite priests. Does this represent the original reading of 2 Maccabees 3:4? The question has attracted much discussion. Most scholars indeed adopt the reading of the Latin text, which in general has a good reputation, but some stick with the Greek witnesses and "Benjamin."[99]

At this point, having gotten into a problematic case of conflicting textual evidence, we will allude once again to the *lectio difficilior* ("more difficult reading") rule – the assumption that copyists try to solve problems, not to create them, so we should assume, when witnesses disagree, that the more difficult reading is the more original one. On the basis of this rule, it has been argued that since Benjamin is a common name while Balgea is rare, it is likelier that the original text had "tribe of Balgea" but some copyist(s) who did not realize that the reference was to a family of priests rather than to one of the famous twelve tribes of Israel changed the text so as to read the name of the only tribe that begins with a B – Benjamin. The fact that this was also Paul's tribe (Philippians 3:5) would have made it all the more familiar for scribes, who typically were monks. That is, scholars who argue that "Balgea" is the original reading assume that "Benjamin" was created by ignorant scribes who did not realize that the text was referring not to one of the twelve tribes of Israel but, rather, to something more obscure – a clan of Aaronites.

However, the *lectio difficilior* rule is often difficult to apply, for (as noted in n. 35) the presumption that scribes tend to make difficult texts easier comes along with the rider "all things being equal" and this condition often does not obtain.[100] Note that we are not talking about just any historical

[97] Note 4:25 (Menelaus was "equipped with nothing worthy of high-priesthood") and the gloating account of Menelaus' downfall at 13:3–8.

[98] See D. De Bruyne (and B. Sodar), *Les anciennes traductions latines des Machabées* (Maredsous: Abbaye de Mardesous, 1932) 118–119.

[99] For summaries of the debate and the literature, see V. Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia: Jewish Publication Society and Jerusalem: Magnes, 1959) 403–404; M. Hengel, *Judaism and Hellenism*, I (London: SCM and Philadelphia: Fortress, 1974) 279; and D.R. Schwartz, *2 Maccabees* (Commentaries on Early Jewish Literature; Berlin: De Gruyter, 2008) 95–96.

[100] For the same the comment with regard to another editorial rule of thumb, "*lectio brevior potior*" (the shorter reading is to be preferred), see G.D. Kilpatrick, in *Studies in*

character or about just any copyist. We are talking about a high priest and about monks, who were to some extent, at least, familiar with the basics of the Bible. Would it really have been so easy for such a scribe to turn Balgea into Benjamin, thus creating the anomaly of a high priest who lacked priestly descent? Moreover, is it really clear that the author of 2 Maccabees – who troubles to explain to his readers that Jews are not allowed to eat pork (7:1) or to have idols (12:40), and that the Sabbath is a holy day (5:25) – would assume his readers knew of or cared about the family of Balgea? Tribes are arcane enough, but clans within them? Indeed, is it really so clear that the Greek *phylē*, or the Latin *tribus*, can without wishful thinking be taken to refer to a clan within a tribe, not to a tribe?[101] Or again, from yet another direction, should we not put weight here upon the fact that another text, 1 Maccabees 7:14, reports that pious Jews welcomed Menelaus' successor, Alcimus, as "a son of Aaron," the implication being, perhaps, that his predecessor was not? In light of all these questions, we should hesitate to prefer the indirect evidence of the Latin translation to the direct evidence of the Greek witnesses. So although some doubt will linger on, I prefer to leave open the possibility that the Jerusalem priesthood, already two centuries before the birth of Josephus, had once, in days of rampant Hellenization, tolerated – with whatever kicking and screaming – a non-Aaronite high priest. This, then, will indeed be part of the dossier for such undercutting of descent even within the Jerusalem priesthood.

#### *2.3.3.4 Theologically motivated scribes? Who sang the Magnificat (Luke 1:46–56)?*

Sometimes, however, the *lectio difficilior* rule does seem to be easy to apply, and may even point us in the direction of far-reaching results. Suppose that we wish to study John the Baptist and his disciples – a first-century Jewish movement that had something to do with the rise of Christianity. The way the Gospels tell the story, John recognized Jesus as his master very early on: Matthew (3:13–15) has him recognizing Jesus and accepting his primacy when Jesus came to be baptized; Luke (1:39–45) even has the yet-unborn John dancing in his mother's womb, in a way that expressed Jesus' superiority, when the pregnant mother of Jesus came to visit; and John (1:15, 30), in a more theological vein, has the Baptist recognizing Jesus, the first time

*the Septuagint: Origins, Recensions, and Interpretations* (ed. S. Jellicoe; New York: Ktav, 1974) 420. In general, see B. Albrektson, "Difficilior lectio probabilior: A Rule of Textual Criticism and Its Use in Old Testament Studies," *Remembering All the Way* (*Oudtestamentische Studiën* 21; Leiden: Brill, 1981) 5–18, and E. Tov, *Textual Criticism of the Hebrew Bible* (Minneapolis: Fortress, and Assen: Royal Van Gorcum, 2001²) 302–307.

[101] Another Greek term was typically used for clans within the priesthood – *ephēmeris* or *ephēmeria*. Some examples: *Ant*. 7.362; 12.265; *Life* 2; Luke 1:5, 8.

he sees him, as the one who preceded him despite the fact that he appeared in the world after him. However, there is also New Testament evidence for John himself being at the head of a movement that maintained itself separate from that around Jesus, even after John's death (e. g., Matt 11:2–3; Acts 18:24–19:4), even competing with it (Mark 2:18–20; Luke 11:1–2),[102] just as Josephus, who gives us several paragraphs about John (*Ant*. 18.116–119), makes no attempt to connect him with Jesus.[103] Wouldn't it be nice if we could discover some liturgy of John's movement?

In this context, it seems to be significant that the witnesses to Luke 1:46, which introduces the text of the song (the "Magnificat") recited when the two pregnant mothers met, offer three alternatives: most witnesses read "and *Mary* said," some have "and (*she)* said" (i. e., they do not name the speaker), and a few have "and *Elizabeth* said." What is normally supposed in cases like these is one of the following two scenarios: (1) the original text was non-specific ("and [*she*] said") and scribes undertook to make the text clearer by inserting a proper name; or (2) the original text had a proper name various scribes did not like, so some exchanged it for another while others, preferring to avoid such an extreme intervention in the received text, neutralized it into a pronoun.[104]

Let us consider these two possibilities in turn. If the original text were "and she said" and scribes, who were Christians, had to ask themselves which of the two women was meant, it is not at all surprising that many would conclude that Mary was meant. In a meeting between Mary and Elizabeth the one who gets to recite the Magnificat will be the more important of the two, and for Christian scribes the primacy of Mary was obvious; the same goes for the messianic references in the poem as well. What is surprising – and hence "more difficult," theologically – is the fact that several witnesses ascribe the poem to Elizabeth. Assuming, as we must, that the scribes who provided those readings too were Christian, we must assume they thought they had good reason to do so, and if it was good enough for

[102] See, in general, M. Enslin, *Christian Beginnings* (New York and London: Harper and Brothers, 1938) 149–153, and – for the coming discussion – D. R. Schwartz, "On Quirinius, John the Baptist, the Benedictus, Melchizedek, Qumran and Ephesus," *Mémorial Jean Carmignac* (ed. F. García Martínez and E. Puech; Paris 1988 = *Revue de Qumran* 13) 635–646. Cf. Ch. 4, n. 29.

[103] For Josephus on John the Baptist, see Mason, *JNT*, 151–163. As for Josephus on Jesus: it is usually assumed that the brief allusion to "Jesus who was called the Christ" at *Ant*. 20.200 is authentic and that the longer and more enthusiastic and Christian-sounding *Testimonium Flavianum* (= Josephan testimony to Jesus) at *Ant*. 18.63–64 is not, although it may be that Josephus wrote something about Jesus there and Christian copyists improved it. On the extensive debate, see below, Ch. 5, n. 81.

[104] See B. Metzger, *A Textual Commentary on the Greek New Testament* (London and New York: United Bible Societies, 1975) 130–131. For the latter option, compare Josephus' practice documented in Ch. 5, n. 41.

them, shouldn't it be good enough for us? Whatever that reason was (perhaps some other written source or oral tradition), since the text that ascribes the Magnificat to Elizabeth is from the theological point more difficult, but theologically-minded scribes who would not have made it up nevertheless transmitted it, it gets the preference as the more reliable text.

If, however, the other scenario were the case, and the original text had either Mary's or Elizabeth's name, we would come to the same conclusion, because while it would be attractive for a Christian scribe to replace Elizabeth's name with Mary's, the opposite is not the case. That is, according to this scenario too the witnesses that read "and Elizabeth said" have the reading that is to be preferred.

However, just as with regard to the choice between Balgea and Benjamin in 2 Maccabees 3:4 (Section 2.3.3.3), so too this case shows that our condition for the application of the *lectio difficilior* rule, "all things being equal," is not easily met, for scribes may have considerations that can lead them in more than one direction. Above we considered only the theological consideration – the preference for Jesus over John, hence for Mary over Elizabeth, which would have led Christian scribes to take the Magnificat from Elizabeth and assign it to Mary but not vice versa. However, just as scribes familiar with the Bible would know that priests must be of the tribe of Levi, so too would such scribes know that the Magnificat is similar to Hannah's prayer in 1 Samuel 2 – a prayer of thanksgiving recited by an aging wife, long childless, who had finally been blessed with a child.[105] Anyone who realizes this will also realize that Elizabeth too was such an aging first-time mother and the Magnificat, accordingly, fits her better than Mary – a realization that leads us to the conclusion that "Mary" is, from that point of view, the more difficult reading. Thus, if the *lectio difficilior* rule were all we had to go on, it would lead us to an impasse.

However, these lines of reasoning may be supplemented by two others. First, on a general level we may ask whether, historically, given what we summarized above about the original independence of John's movement, we should really expect that, originally, a text about the pregnancy of Elizabeth and the birth of John would include material about Mary and Jesus and, thus, afford John the opportunity to demonstrate his acceptance of Jesus' superiority. That is not likely – a point that should lead us to consider the possibility that Mary was not, indeed, part of the original story. Suppose, that is, that the text originally went straight from vv. 24–25, where Elizabeth becomes pregnant and is happy about it, to v. 46; we would read "and she said" and have no problem with the pronoun for no other woman will have

[105] To see this similarity, one need only follow the marginal references in an annotated New Testament: compare Luke 1:46 and 52, respectively, to 1 Sam 2:1 and 7b–8a.

been mentioned, and we would go on reading the Magnificat and appreciating the parallel with Hannah.

Now on such an hypothesis, that Mary's visit was inserted secondarily into the story so as to allow for the scene in which John demonstrates his respect for Jesus, we would expect that the second stage of our text's development had Mary visiting Elizabeth, John demonstrating his respect for Jesus, but still Elizabeth saying the Magnificat; only later, to complete the theological perfection of the story, would that song have been transferred to Mary. Such an hypothesis might occur to us already on the basis of the variant readings at v. 46, but of course it would be more convincing if there were additional evidence. Usually we expect secondary editing to leave fingerprints – something that leaves evidence of the disturbance of the original and natural phrasing. As anyone with experience in writing knows it is, in fact, almost impossible to insert any significant text into an extant document without creating some tension, roughness, or inconcinnity in the pronouns or other referents. Is there any such fingerprint here?

There is, and this time it is supported by overwhelming textual evidence. Namely, just about all witnesses to v. 56, right after the recitation of the Magnificat, read "And Mary stayed with her about three months." This differential usage of proper name (which normally implies the introduction of a new character or reference to one whom the reader would not expect if "he" or "she" were used) and pronoun (which normally denotes the person already present in the reader's mind) clearly implies that Elizabeth has until now been at the center of attention. But in the text as we have it, Mary has been at center stage, and Elizabeth in the wings, for the past ten verses. That this is not nitpicking, but seriously problematic, is indicated clearly by the fact that numerous modern translators find a need to add Elizabeth's name into v. 56, reading "Mary stayed with Elizabeth […]."[106] That is, the way v. 56 is written clearly implies the second stage of the story's development as hypothesized above: both women were already in the story, but the Magnificat was still (as in the first stage) Elizabeth's. It was only to be in the third and final stage that the Magnificat was transferred to Mary, not without leaving a hint not only in the manuscript evidence for v. 46 but also (as we now see) in the anomalous naming procedure employed in – that is, surviving in – v. 56.

[106] So, for example, the *New International Version*: "Mary stayed with Elizabeth …" and Segond's French translation: "Marie demeura avec Élisabeth." It would not be surprising if some translation (as any number of paraphrases) were to go all the way and write "She stayed with Elizabeth."

Table summarizing apparent growth of Luke 1:

*Stage 1:* Birth of John the Baptist, no mention of Jesus; Elizabeth sings Magnificat

*Stage 2:* Introduction of vv. 26–45, on Mary, her pregnancy, and her meeting with Elizabeth

*Stage 3:* V. 46 changed to transfer Magnificat to Mary; v. 56 left unchanged.

Thus, from three different directions – the varying evidence for the text of v. 46 analyzed according to the *lectio difficilior* rule; the biblical context (the implied comparison of the singer of the Magnificat to Hannah); and the local context, namely, the implication of the formulation of v. 56 – we have concluded that the Magnificat was originally understood to be sung by the mother of John the Baptist, not by the mother of Jesus. Moreover, we got to this conclusion by building on other evidence for the original independence of John's movement, evidence that encouraged us to look for evidence that Mary was not, in fact, part of the original text of what is now Luke 1 – a quest that bore fruit in our recognition of the anomalous formulation of v. 56. Accordingly, if to begin with we set out to find liturgy of John's movement, we have probably found some of that but also evidence for the process by which that movement, and its materials, were incorporated into Christianity. Not a bad harvest for a quest that began only with some badly outnumbered variant readings ("she" or "Elizabeth") in Luke 1:46. Below, in Section 5.2, we shall see that this instance of textual study can also contribute to historical conclusions about the chronology of Jesus' birth and the beginning of direct Roman rule in Judea as well. To the extent the hypothesis built here to explain the genesis of textual problems can also offer, there, a reasonable explanation for the genesis of an historical problem, that will reinforce our willingness to assume the hypothesis is true.[107]

[107] This is the principle known as consilience ("jumping together"). Compare, for example: if I come home and chocolate cake is missing from the refrigerator, my son isn't hungry although he hasn't yet had dinner, and there are brown smudges on his face and on his shirt, the fact that the same hypothesis that could explain one of those phenomena also "jumps up" to solve the others too speaks in its favor.

Chapter 3

# Within the Text: Meaning in Context

Once we have decided what text to read, the next step is to decide what it means, both in its local context and within the context of a work as a whole.[1]

## 3.1 What does a word or a sentence mean?

Deciding what a word or group of words or sentence means is sometimes quite simple, sometimes quite a challenge, but the methods for dealing with such issues are fairly straightforward. Josephus wrote in Greek, and between Greek literature in general and his own writings in particular there is an abundance of evidence for what his words mean.

Thus, for example, let us look at an issue of translation that we ignored when we discussed, in Section 2.3.2, the text of *Antiquities* 18.19. When Josephus says of the Essenes that they *eirgomenoi* from the common precincts of the Temple should we translate in the passive voice, "were excluded," or, rather, in the middle (reflexive) – "excluded themselves"? This is a question of some considerable historical interest, because the former option would imply a system of supervision and control. There has been some discussion of this point, facilitated by the fact that Thackeray's *Lexicon to Josephus*, although it remains a torso, did get up to just past this verb, thus allowing Ralph Marcus (who saw to the publication of that final fascicle of the *Lexicon*) to point out that Josephus always uses the verb in the passive voice, so here too it should be translated "they were excluded."[2] Accordingly, those interested in the question of who supervised entry into the Temple, and how this was done, may responsibly put this text into the appropriate dossier.[3] Similarly, if Section 1.3.2 raised the question whether ἀπαλλάγη in *Life* 415 means that Josephus' wife left him or rather that she died, recourse to Thackeray's *Lexicon* (p. 59, s. v. ἀπαλλάσσειν) will give the reader a full picture of

[1] In practice, of course, sometimes our thoughts proceed in the other direction, but that does not matter in an attempt such as this to present our work systematically.

[2] See R. Marcus, "Pharisees, Essenes, and Gnostics," *JBL* 73 (1954) 158 ("*eirgomenoi* is always passive, never middle voice in Josephus") and Thackeray, *Lexicon*, 220.

[3] For that dossier, see J. M. Baumgarten, "Exclusions from the Temple: Proselytes and Agrippa I," *JJS* 33 (1982 = *Essays in Honour of Yigael Yadin*) 215–226.

the evidence for Josephus' usage and allow readers to decide for themselves. For words not handled in that *Lexicon* we must depend upon Rengstorf's concordance to Josephus (*CCFJ*) to show us Josephus' usage or, of course, upon more general dictionaries of Greek.[4]

But there are under this heading other types of problems, and dictionaries cannot always resolve them. Josephus was not, for example, a professional architect or physician, so when he – just like any of us – describes buildings or medical problems his language can be far from precise. This accounts for many of the problems encountered along the way in attempting to deal with such famous issues as the architectural details of Herod's Temple and Masada, on the one hand, or the medical details of Herod's final illness, on the other.[5] But even with regard to something as mundane as the way Josephus himself was wounded when his horse fell, his language (at *Life* 403) is so imprecise that translators differ in their guesses as to whether he broke bones in his wrist or, rather, in his palm.[6]

## 3.2 What does something mean in its broader context?

Problems such as that will probably not bother too many readers. But the fall of Josephus' horse also broaches an issue that may well interest many, an issue that will also take us from what Josephus' words mean in their local context to what they mean in some broader Josephan context.

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[4] To which we should add that, apart from issues of vocabulary, there are also a fair number of studies focusing on other aspects of Josephus' Greek, such as: D. J. Ladouceur, "The Language of Josephus," *JSJ* 14 (1983) 18–38, and J. S. Ward, "Roman Greek: Latinisms in the Greek of Flavius Josephus," *Classical Quarterly* 57 (2007) 632–649; see also Pelletier's study (Ch. 1, n. 16) of Josephus' revision of the Greek of the *Letter of Aristeas*, which was composed about two hundred years before Josephus' time. Other important tools for the study of first-century Greek include the Bauer-Danker lexicon mentioned in Ch. 5, n. 111, and C. Spicq, *Theological Lexicon of the New Testament* (3 vols.; Peabody, Mass.: Hendrickson, 1994).

[5] On the Temple see I. L. Levine, "Josephus' Description of the Jerusalem Temple: *War*, *Antiquities*, and Other Sources," in: *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith* (ed. F. Parente and J. Sievers; Studia Post-Biblica 41; Leiden: Brill, 1994) 233–246. On Masada: M. Broshi, "The Credibility of Josephus," *JJS* 33 (1982 = *Essays in Honour of Yigael Yadin*) 379–384; Y. Shahar, "Josephus the Stage Manager at the Service of Josephus the Dramatist: Masada as Test Case," in: *Flavius Josephus: Interpretation and History* (ed. J. Pastor, P. Stern, and M. Mor; *JSJ* Supplement 146; Leiden: Brill, 2011) 353–379. On Herod's illness: D. J. Ladouceur, "The Death of Herod the Great," *Classical Philology* 76 (1981) 25–34, and S. S. Kottek, *Medicine and Hygiene in the Works of Flavius Josephus* (Studies in Ancient Medicine 9; Leiden: Brill, 1994) 181–190.

[6] For "wrist" see Thackeray in *JLCL* 1.147 and Pelletier (Ch. 1, n. 29) 64. For "palm": Siegert et al (Ch. 1, n. 28) 149 and S. Mason, *FJTC* 9.403. *CCFJ* 4.160 offers both possibilities, with a question mark.

### 3.2.1 Aspect of an overarching theme? "Demonic" intervention in Life 402

Namely, just before his account of his injury Josephus explains (*Life* 402) that everything had been going well for him that day and things would have been just perfect were it not for the intervention of some *daimōn* (demon), which caused his horse to fall. Here, anyone interested in Jewish notions of God in the first century – a topic of world-historical import – should very much want to know what he meant. Did Josephus, who frequently trumpets his belief in divine providence,[7] believe in demons? If so, did he conceive of them as independent of God, or, rather, as His agents? Or is he just referring here, in what might be no more than picturesque language similar to our "bugs" in a system, to bad luck or happenstance?

Recourse to the dictionaries will not help much here. Thackeray divides up the references for *daimōn* into various sub-categories ("*the* or *a Deity* as *evil genius*;" plural as "*spirits* or *ghosts* of the dead, as avengers (or avenged);" "*evil spirits, demons*"), placing *Life* 402 in the first category,[8] but that does not tell us what we want to know about how Josephus understood the "demonic" force in relation to divine providence. A better approach to an answer will derive, I believe, from noticing the central role of "demonic" forces in the *Judean War*. According to this work, all three of the Jews' major catastrophes occurred due to the intervention of a demonic force:

*War* 4.76: In Gamla, a fortified town in the Golan Heights, the Jews managed to defend themselves successfully until the Romans were reinforced by a "demonic wind" that propelled the Romans' missiles but deflected their own. The fall of Gamla ended the war's opening, northern campaign.

*War* 6.252: In Jerusalem the Temple was burnt despite Titus' orders[9] because a disobedient Roman soldier, moved by a "demonic impulse," threw a torch into the inner courtyard and it proved impossible to bring the ensuing flames under control. The destruction of the Temple marked the end of the war's central stage.

*War* 7.318: At Masada, the famous fortress by the Dead Sea, it was again a surprising shift of the wind, "as if from demonic providence," that fanned the flames against the Jews' wall, rather than against the Romans, thus dashing the defenders' hopes. Thus ended the struggle in the war's final, southern, front.

Now these three passages are very prominent, indeed fundamental to the very structure of the *War*, for as noted they explain the Jews' successive defeats from north to south – the beginning of the end, the end, and the end of the end.[10] But in each of these three cases Josephus, in nearby – or even

[7] For Josephus' focus on divine providence, see esp. Attridge, *Interpretation of Biblical History*, 71–107.

[8] Thackeray, *Lexicon*, 119.

[9] Whether or not that is true will be discussed in Section 5.6.3.2.

[10] For the completeness indicated by a triad, see Ch. 5, n. 70.

adjacent – passages of his narrative, explicitly states that the catastrophe had in fact been ordained by God Himself (4.26, 6.250, 7.319). Given the evident prominence of this theme in the *War*, we may be confident, it seems, that in *Life* 402 Josephus knew what he was doing: he was implying that it was God who arranged for his accident. Accordingly, we may link this passage up with others in the *Life* in which Josephus traces God's interference in history: *Life* 15, 301, 425. But since Josephus held God is good and that he himself was the beneficiary of His providential care, we may also suspect that this passage is to be associated especially with *Life* 48, where God made Philip son of Jacimus (Agrippa II's general) fall suddenly sick *and thus kept him out of harm's way*.[11] So too, if Josephus' major problem in his *Life* is how to portray himself both as honorable and conscientious in his defense of the Galilee but nevertheless as having avoided anti-Roman combat as much as possible,[12] his accident, which took him out of action, was truly a God-send. However, we can also understand that Josephus would not want, in the context of that janus-faced stance, to come right out and thank God for taking him out of combat. Hence *daimōn*.

Thus, our inquiry into Josephus' use of *daimōn* in *Life* 402 has led us not only to a proper understanding of the term with the help of comparative evidence from elsewhere in his work, but, also, to a better understanding both of the structure of Josephus' *War* and of his way of dealing with the problematic situation he faced in writing his *Life*, a situation in which ambiguity could be useful.

In other ways as well, studies of striking words can lead to better understanding of larger units of text. We shall offer three such examples.

### *3.2.2 Continuation of a story or beginning of a new one? When did Herod conquer Jerusalem?*

At *Antiquities* 14.66 Josephus says that Pompey completed his conquest of Jerusalem (in 63 BCE) on "the fast day," and at § 487, reporting Herod's conquest of the city with Roman help a generation later (37 BCE), we again read that it came on "the fast day." Josephus himself underlines the coincidence, remarking, in that same § 487, that it was "as if it were a renewed

[11] Similarly, but in reverse, Josephus is happy to point out here and there that God at times gives His enemies seeming victories so as to set them up for worse defeats; note *Life* 301 and *War* 2.539.

[12] Note that the main attack upon him by Justus of Tiberias, which elicited Josephus' vigorous self-defense in *Life* 340–356, consisted of the accusation that Josephus had been responsible for Tiberias' participation in the rebellion against Rome. Josephus had to defend himself against that, but nevertheless to assert that he had conscientiously fulfilled his obligations as the Galilee's commander to the best of his ability under the circumstances. See Cohen, *JGR,* 151–160.

round of the tragedy in the days of Pompey." However, given the fact that "the fast day" refers without a doubt to the Day of Atonement, the annual Day of Judgment which is the holiest day of the Jewish year,[13] one needn't be hyper-suspicious to wonder whether this isn't a theological motif. Namely, just as later Josephus underlines that the Romans destroyed the Second Temple on the same date that the Babylonians destroyed the First Temple, and in that case Josephus is explicit about God pulling the strings,[14] and just as later Eusebius (and those who followed him) emphasized that the Roman siege of Jerusalem began on Passover, so as to punish the Jews who had caused Jesus to suffer on that same festival, tit for tat,[15] so too may one suspect that having the Hasmonean state fall – first to Rome, then to its agent Herod – on the Day of Judgment is a way of implying that that fall was in accordance with God's will. This point, then, is part of a dossier we can build concerning Josephus' views about the mysterious ways in which God rules history and now and then hints at His activity behind the scenes, and part of another we can put together on Josephus' attitudes toward the Roman conquest of Judea.

In Section 1.3.4, writing about *Antiquities* 14.74–76, a text which might be expected to figure prominently in the latter dossier, we noted that careful readers should hesitate about including it, for it seems not, in fact, to reflect Josephus' own views. Rather, he seems to have taken that text over from Nicolas of Damascus. In that case, the question of the truth of the data in the passage in question did not come up; we wanted to know only whose point of view it expressed. Now we can expand upon that and say that the question of the truth of what a passage says is, in general, irrelevant to our assessment of the point of view the passage bespeaks, so – in the present case – we may be sure that *whether or not we accept or reject the calendrical*

[13] So too, for example, in *Ant*. 18.94, cited below, Section 3.2.4; *War* 5.236, cited above, Section 2.2.2; and Philo, *Embassy to Gaius* 306, cited in Section 5.3.

[14] See *War* 6.268 ("And one may well marvel at the exactness of the cycle of Destiny; for, as I said [in § 250], she waited until the very month and the very day on which in bygone times the temple had been burnt by the Babylonians" – trans. Thackeray, *JLCL*). For a similar case, note *War* 2.457: "The same day and at the same hour, as if it were by the hand of Providence […]." In general, for the ancient Jewish (as other) belief that a coincidence of dates indicates that God is the sovereign director of history, see Schwartz, *2 Maccabees*, 377. This is a very human tendency. Thus, for example, late in 1943 Jews still in Dresden were happy to report that, just as it had been at 4:15 a.m. that, in 1938, Jews were taken from their homes and sent to concentration camps, so too all the city clocks of Dresden stopped ticking at 4:15 a.m. when, five years later, the major Allied bombings of nearby Leipzig began (V. Klemperer, *The Language of the Third Reich* [London: Athlone, 2000] 64).

[15] See Eusebius, *Church History* 1.5.5–6, also H. Schreckenberg, "The Works of Josephus and the Early Christian Church," in: *Josephus, Judaism, and Christianity* (Ch. 1, n. 39) 320.

*datum itself* it remains true that Josephus' dating of Herod's conquest of Jerusalem to the Day of Atonement implies it was a divine judgment.

This point needs to be emphasized because there is a natural and widespread tendency to think that only untrue data are legitimate objects of interpretation as expressions of an author's beliefs and values – as if the true things simply had to be said, somehow forcing themselves willy nilly into the author's work.[16] But that is patently not the case. Even if, for example, Josephus knew for a fact that one or the other or both conquests of Jerusalem came on the Day of Atonement, there was nothing that forced him to record that fact; he was just as free to omit it even if it were true as he was to assert it even if it were untrue. Accordingly, if he did choose to write it we may interpret it as an expression of his point of view whether or not it was historically true.[17] The only caveat in this regard comes from source-critical considerations: when, as for example in *Antiquities* 14.74–76, it is simply unreasonable to interpret a passage as expressing Josephus' point of view (which instead is found in §§ 77–78), and there is good reason to infer that the passage was written, basically, by someone else, we must be prepared to recognize that. But even the decision, that Josephus' report about this or that was taken from another source, says nothing about whether the data are true or false, and neither does our decision that Josephus' desire to make the statement in question served some goal or value of his. Rather, determinations of truth have to be based on other considerations – and, first of all, upon proper understanding of what Josephus wrote.

In this connection, we may consider the fate of a particular word in Josephus' parallel narratives which has been taken – by those very aware of the theological point of Josephus' claim – to prove that Josephus' dating of Herod's conquest of Jerusalem is false. In *War* 1.343 and *Antiquities* 14.465, which parallel one another and come not long before Herod's final siege and conquest of Jerusalem, Josephus says Herod resumed his campaign after the end of the *cheimōn* and began to besiege Jerusalem. A glance in a Greek lexicon will tell us that *cheimōn*'s primary meaning is "winter," and that is how it is usually taken here. Assuming that winter ends and the

[16] Note, for example, E. Haenchen's disdain for the attempts of earlier scholars to defend Acts 2:13 by showing that indeed there could have been unfermented grape juice available in Palestine as late as Pentecost: "these are not considerations which are likely to have troubled Luke" (Haenchen [Ch. 1, n. 5], 172, n. 1). That is, Haenchen would be happy to admit that the datum is not true, for that would guarantee that Luke wrote it for his own reasons only. This corresponds with Haenchen's proclaimed purpose (p. vii) to be a "reader of Luke." Cf. D.R. Schwartz, "On Some New and Old Wine in Peter's Pentecost Speech," *Studia Philonica Annual* 3 (1991) 256–271.

[17] Of course, we would be even more confident about this if we knew the claim were untrue. My point is simply that the fact it is true does not exclude it from being an expression of Josephus' views.

campaigning season opens in Palestine in February or March,[18] and putting this together with the datum in *War* 1.351 that Herod's siege of Jerusalem lasted five months, the result is that the city fell in midsummer – well before the Day of Atonement, which comes in September or October. And this problem would be even worse if, as *Antiquities* 14.487 might mean, the siege lasted only three months. Hence, it seems likely to view Josephus' dating of Herod's conquest of the city to the Day of Atonement as historically false and, therefore, evidence for his (or his source's) ignorance, theology, or politics. Namely:

*Ignorance*: It is often suggested (e.g., Stern, *JPFC* 1.65–66) that the author of Josephus' source was a non-Jew who heard that the city was conquered on a fast day and turned it into *the* fast day, whereas in fact the original report meant to refer to a Sabbath – upon which, according to a widespread ancient misconception, Jews fasted.[19] That Jerusalem was taken on a Sabbath is indeed reported by Cassius Dio, regarding both the days of Pompey (49.22.4) and those of Herod (37.16.4) – *GLA*, nos. 406, 414.

*Theology*: as noted above, a Jewish dating of the event to the Day of Atonement could imply that Herod's success was part of a divine move to punish the Jews for their sins.

*Politics*: Smallwood (*JURR*, 566) suggests that Josephus' source meant to discredit Herod in Jewish eyes by having him conquer Jerusalem on the holiest day of the Jewish year.

However, just as with text (Section 2.2.2), so too with contents: whenever we claim that evidence supplied by Josephus contradicts claims made by Josephus we have to be very careful. There we noted that one of the legitimate alternative possibilities was that Josephus erred, and so his text is authentic although it says something that is incorrect. Here, in contrast, what we must take into account are the possibilities that Josephus is either supplying us with a picture that has some variety or even tensions in it, as history frequently does (a point urged especially by S. Mason),[20] or that he has changed his mind (a point we will illustrate in Section 5.7), or that we have not understood one or the other of his statements properly – as seems to be case in the present instance.

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[18] For the characterization of the end of winter as "the time when the kings go forth (to war)," see 1 Chronicles 20:1. For Roman readers too, March – named for the god of War, Mars – marked the annual opening of the war season, which lasted until October; see W.V. Harris, *War and Imperialism in Republican Rome, 327–70 B.C.* (Oxford: Clarendon, 1979) 9.

[19] For that latter misconception, see esp. Suetonius, *Divus Augustus* 76.2 and Stern's commentary in *GLA* 2.110.

[20] See S. Mason, "Contradiction or Counterpoint? Josephus and Historical Method," *Review of Rabbinic Judaism* 6 (2003) 145–188. In a similar vein, see also D.R. Schwartz, "Once Again on Tobiad Chronology: Should We Let an Anomaly Be an Anomaly? A Response to Gideon Fuks," *JJS* 53 (2002) 147.

Namely, although the understanding of *cheimōn* as winter is usually taken to be self-evident,[21] it is in fact quite surprising. For if we flip back a page in both *War* and *Antiquities* we shall see that what interrupted Herod's campaign was the sudden advent of an unusually severe *cheimōn* (*War* 1.339; *Ant*. 14.461), and all that separates those notices from these concerning the resumption of the campaign are the events of a single evening (when someone tried to assassinate Herod) and the following morning (*War* 1.440–442; *Ant*. 14.462–464). The suddenness and brevity indicate that we should prefer another translation, which the lexica show is almost as usual: "storm." Indeed, in the LCL translations Thackeray offers "storm" and "tempest" in *War*[22] and Marcus uses "storm" in both passages in *Antiquities*.[23] But sudden storms, that can hold you up for a day, can occur even in the springtime.[24] So it seems that swooping down onto *cheimōn* in *Antiquities* 14.465 (and *War* 1.343) as if it undercuts the reference to the Day of Atonement in *Antiquities* 14.487 is based on an interpretation of *cheimōn* that can be accepted – or, at least, that can be accepted as the most natural option – only if we sever this part of Josephus' narrative from something a mere page earlier in both narratives. That would be even more ill-founded than swooping down on *Antiquities* 19.321 as evidence for the celebration of birthdays without realizing, on the basis of 18.195–201 and 18.237, that in fact it is (as we saw in Section 1.3.3) evidence for use of the biblical Joseph story.

To summarize this point: examination of Josephus' use of *cheimōn* has led us to realize, on the one hand, the structure of his larger narrative here: this story picks up from something mentioned earlier, not from something the reader knows only from a general knowledge of the year's seasons. On the other hand, I should reiterate that removing this objection to dating Herod's conquest of Jerusalem to the Day of Atonement neither proves it did hap-

[21] See, for example, Schürer, *HJP*, 1.283 ("Only the advent of winter prevented him from starting an immediate siege of Jerusalem. In the spring of 37 B.C., as soon as the season permitted …); 285, n. 11 ("Herod began the siege as soon as the weather allowed [λήξαντος τοῦ χειμῶνος], probably in February therefore, at the latest in March"). So too Stern in *JPFC* 1.66 ("The siege began at the end of winter [λήξαντος τοῦ χειμῶνος] and lasted five months"). Note, for example, that the same phrase appears at *War* 4.658 to date Titus' departure from Egypt for Judea; from the continuation of the story it is clear that he arrived in Jerusalem prior to Passover (*War* 5.98).

[22] *JLCL* 2.159, 161.

[23] Marcus, *JLCL* 7.687, 689. However, in notes on p. 689 (n. f) and 693 (n. g), Marcus assumes that § 465 refers to a period "as early as the spring of 37;" shortly thereafter, a long footnote (694–695, n. a) indicates Marcus' dependence upon historians, such as Schürer (see above, n. 21).

[24] See Schwartz, *Studies*, 178. Note, in this connection, that both Schürer and Stern (n. 21) quote the Greek text of *Ant*. 14.465, where the verb, λήγω, typically means "cease." But in *War* 1.343 the text is λωφήσαντος τοῦ χειμῶνος; the verb λωφάω tends more to "rest," "abate," and so lacks something of the finality of λήγω. That is, in *War* even the verb used tends to support more the notion of a storm than a whole season.

pen on that date nor denies that Josephus' placing of the event on that date was meant as a theological statement.[25]

### 3.2.3 What did Josephus choose to leave out? Stasis in Antiquities 13.299

As has often been recognized, *stasis* – civic violence, violence between fellow-citizens – is an important motif in Josephus. Thus, his *Judean War* starts off at 1.31 (after the prologue) with the Jewish upper class engaging in *stasis*, announcing a theme that will run through the book and play a major role in explaining the final catastrophe.[26] So too there is much *stasis* reported in the *Antiquities*, and it is violent,[27] just as the usual usage of this Greek word would lead us to expect.[28] Accordingly, when at *Antiquities* 13.299, after reporting that the Hasmonean ruler John Hyrcanus I broke with the Pharisees, revoked the laws they had promulgated, and began to associate himself with the Sadducees, Josephus goes on to report that Hyrcanus "put an end to the *stasis*," translators rightly have their problems, because no violence has been reported. All that was reported was Hyrcanus' break with one party and establishment of a coalition with another. So while Marcus (*JLCL*) nevertheless translates "outbreak," in accordance with the

[25] By way of contrast, note that at *War* 7.401 Josephus says that Masada was taken on the fifteenth of Xanthicus. Given the identification of Xanthicus as the Hebrew month Nisan (so e. g., *War* 5.99; *Ant*. 1.81, 2.311), this dates the event to the first day of Passover, which means that the mass suicide, that took place the evening before, could well be compared to the sacrifice of the paschal lamb, which opens the festival celebrating deliverance. The implications could be very impressive, but we cannot be sure that Josephus thought of them or expected his readers to do so, for he gives only the Macedonian date and does not point out any connection with Passover. In the case of Herod's conquest of Jerusalem, in contrast, he explicitly names the Day of Atonement ("the Fast").

[26] See esp. T. Rajak, *Josephus: The Historian and His Society* (London: Duckworth, 2002[2]) 91–96, and G. Mader, *Josephus and the Politics of Historiography: Apologetic and Impression Management in the* Bellum Judaicum (*Mnemosyne* Supplementum 205; Leiden: Brill, 2000) 55–103.

[27] Note, for example, that although at *Ant*. 14.77 Marcus rendered *stasiasantes* ("due to having engaged in *stasis*") merely by "because of their dissension" (*JLCL* 7.487 – quoted above in Section 1.3.4), in fact that "dissension" included much bloodletting (e. g., 6000 casualties in the battle described ibid. § 33). Note also, for other nearby examples: *Ant*. 11.27 ("*staseis* [plural] and wars), 12.10 ("*staseis* and making warfare"), 12.294 (*staseis* by subject nations interrupted their payment of tribute and made the king set out on a military campaign to reestablish control); 14.100 (Syria was "infected" by *stasis* and disorder). Note also *Ant*. 18.8, quoted toward the end of Section 5.7.2.1, and 20.105 (*stasis* befell Jerusalem, wiping out numerous Jews).

[28] On classical use of *stasis*, focused upon an author who is one of Josephus' prime models (see n. 50), see J. J. Price, *Thucydides and Internal War* (Cambridge: Cambridge Univ., 2001). For its comparison to *polemos* ("war"), with emphasis upon how much worse and unavoidably deadly *stasis* is – ibid. 67–73. On *stasis* in the Hellenistic period, see A. Fuks, "Patterns and Types of Social-Economic Revolution in Greece from the Fourth to the Second Century B. C.," *Ancient Society* 5 (1974) 51–81.

usual meaning of the term (just as he uses "civil war" at *Antiquities* 14.22 and "revolt" at 14.120), others have toned *Antiquities* 13.299 down to a mere "dispute" (so Schalit, in Hebrew – *riv*; Clementz *diesen Streitigkeiten* ["these quarrels"]).[29] That, however, is quite difficult to accept, given Josephus' usual usage of *stasis* and also given his statement that Hyrcanus "put an end to it," which sounds like it refers to a one-sided end of something well-defined; this exact same verb (*pauō*) recurs, for example, with regard to bloody cases of *stasis* at *Antiquities* 18.62 and 20.117, and an intensified form of it, *katapauō*,[30] occurs in connection with others, just as bloody, reported in *Antiquities* 13.142 and 14.340. So although it is *possible* to live with a milder meaning of *stasis* here, before we allow the context of *Antiquities* to dictate that we should consider another possibility, namely, that something has been omitted. A glance at the parallel narrative in *War* 1.67 shows that there Josephus spoke about "open war" breaking out, just as a rabbinic parallel to this story has the Hasmonean ruler killing most of the Pharisaic sages.[31] If there is nothing like that in Josephus' narrative in *Antiquities* here, perhaps this should lead us to hypothesize that Josephus, in the *Antiquities*, is not as willing as he was in his *War* to discuss fighting among Jews, and that he cut short a story (which he himself told in the *War*) that filled this point out. As we shall see below (in Section 5.7.3.2), this would not be the only time Josephus leaves a narrative less than transparent in order to avoid a theme he finds unpleasant. Consideration of a hypothesis such as this one should lead in two directions:

### *3.2.3.1 Parallels?*

On the one hand, a single observation does not prove a theory, and so the next thing to do is to compare other parts of the *War* with the *Antiquities* to see if elsewhere too Josephus avoids or plays down warfare among Jews. To illustrate this type of work, I shall briefly note four items:

(a) Although *War* 1.150 reported that Jews were killed by *antistasiōtai* ("opposing *stasis*-makers") from among their fellow-Jews, the parallel at *Antiquities* 14.70 reports only that some of the Jews were slain by the Romans, others "by one another." Since concerning the latter Josephus abstains from characterizing the killers

[29] A modern Dutch translation, by F. J. A. M. Meijer and M. A. Wes, offers quite an extreme illustration of how translators feel under pressure to make this case fit the context (or, rather, the lack of violent context): "Hyrcanus wist de twisten echter binnen de perken te houden" ("Hyrcanus managed to keep the quarrels within limits"); Flavius Josephus, *De Oude Geschiedenis van de Joden (Antiquitates Judaicae)*, II (Amsterdam: Ambo and Leuven: Kritak, 1997) 392. That is very urbane, but whatever we say about "quarrels," certainly "keeping within limits" is very different from "putting an end."

[30] The opening *kata-* corresponds to the English "downward;" cf. our "put down."

[31] BT *Qiddushin* 66a; cf. below, Section 5.5.2.

as "opposing *stasis*-makers," readers naturally understand that he means to refer either to mutual suicide or to unintentional killing by fellow Jews in the confusion of the attack and flight; the latter is a common motif in such narratives (e.g., *War* 1.383; 3.296; *Ant*. 20.111).

(b) Although *War* 2.263 had the good Jewish citizens of Jerusalem fighting Jewish rebels, the parallel at *Antiquities* 20.171 has only the Romans fighting the rebels.[32]

(c) Although 1 Maccabees 2:44–47 reports Mattathias and his men fought against Jewish renegades and there is no reference to non-Jewish or governmental officials, in Josephus' rendition, at *Antiquities* 12.278, we read that the early Hasmoneans fought against officials who had been appointed to prevent Jews from circumcising their children. Given the fact that the prohibition had been made by the king, readers will understand that Josephus is referring to Seleucid officials.[33]

(d) The claim, that violence among Jews is the worst of all evils and to be avoided at all cost, is a very frequent one in Josephus' *Life*, as we shall see in Section 5.7.1.

These four points support the suspicion that Josephus, in his later works (*Antiquities* and *Life*), was not happy to report warfare among Jews. True, there are many other passages to compare before concluding this is a general pattern. In the present context, where our focus is upon methodology, it is enough to say that it looks like there is a general pattern here; that pursuit of the matter could indeed point up a notion important for Josephus; and that translators and readers who rush to tone *stasis* down into something appropriate to its non-violent context in *Antiquities* 13.299, despite its usual meaning, or who, alternatively, simply supplement *Antiquities'* vague and irenic account with the warlike details supplied in *War*,[34] might well miss the whole topic.

### *3.2.3.2 Historical explanation for the omission?*

The other direction in which this type of observation should lead us is that of historical explanation. *Why* should Josephus have been less willing in the *Antiquities* than in the *War* to write about Jews fighting Jews? This question parallels the one we asked in the preceding chapter about text: Can we

[32] These two texts are printed side by side below, in Section 5.7.3.2, in another connection.

[33] For a commentary that harmonizes Josephus and 1 Maccabees, by identifying the "sons of arrogance" of 1 Macc 2:47 as the officials mentioned by Josephus, see F.-M. Abel, *Les livres des Maccabées* (Paris: Gabalda, 1949) 44–45. However, realization of just how important this point was for Josephus should warn us against assuming that it is the best interpretation of his source. Dancy's position is much more reasonable: on the words "smote sinners … and lawless men" in 1 Macc 2:44 he comments that "as the rest of the verse shows, the first objects of reprisals were not the Seleucid authorities but renegade Jews. Modern partisan warfare in Europe has provided many parallels both to this priority and to the tactics employed in pursuing it …" (J. C. Dancy, *A Commentary on I Maccabees* [Blackwell's Theological Texts; Oxford: Blackwell, 1954] 87).

[34] As is done in notes on *Ant*. 13.299 in *JLCL* 7.377 and in *Œuvres complètes de Flavius Josèphe*, III (Paris: Leroux, 1904) 178, as also in the note on *Ant*. 14.70 in *JLCL* 7.482.

explain what caused the error? So too here: the easier it is to explain why Josephus would have tended to leave something out at *Antiquities* 13.299, the more probable it is that he indeed did so. In the present case, the best I can do with it, so far,[35] is to observe that just as above we noted that *Antiquities* 12 speaks less freely about this type of thing than does 1 Maccabees, so too is 2 Maccabees more reticent about this. Namely, although 1 and 2 Maccabees tell stories that overlap for a large and significant stretch, 1 Maccabees has numerous Jewish villains, indeed a whole Hellenizing party, but 2 Maccabees focuses upon a few bad apples among the Jews, ignoring as best as it can the existence of Jewish parties and internecine fighting. Note, for example, the contrast between 1 Maccabees 7:5, where the wicked Alcimus leads a whole delegation of Jewish opponents of Judas Maccabee, to 2 Maccabees 14:3, where Alcimus is all by himself. Since 2 Maccabees and Josephus' *Antiquities* are the works of diasporan Jews, whereas 1 Maccabees was written in Hebrew and by a Judean and Josephus wrote the *War* shortly after he got off the boat from Judea to Rome, it may be that a portrayal of Jewish unity should be understood as an aspect of diasporan historiography – the historiography of communities which, as I learned growing up in smallish Jewish communities in the USA, feel a need to keep up the pretense of a common front and avoid "washing their dirty linen in public."[36] However, while comparison of Jewish newspapers in the Diaspora to Israeli ones may illustrate this point, much more research on antiquity is needed – just as comparative studies of other small nations, and their literatures at home and abroad, could be useful.

### *3.2.4 Establishing a writer's Sitz im Leben*

Sometimes the establishment of the meaning of a word will help us assess the writer's world and values – what is usually termed the author's *Sitz im Leben* ("Seat in life"), the context in which he or she is at home. We have already seen a simple case of this in Section 1.3.4, where we observed that *Antiquities* 14.74–76's detailed interest in non-Jewish cities, its *parti pris* for them, and its use of "the province" for Syria, suggested that Josephus' source had been written by a Syrian. Sometimes, however, the matter re-

[35] See D. R. Schwartz, "From the Maccabees to Masada: On Diasporan Historiography of the Second Temple Period," in: *Jüdische Geschichte in hellenistisch-römischer Zeit. Wege der Forschung: Vom alten zum neuen Schürer* (ed. A. Oppenheimer; Schriften des Historischen Kollegs: Kolloquien 44; München: Oldenbourg, 1999) 35–36.

[36] For the complaint of the quondam editor of Baltimore's *Jewish Times* that the First Commandment of English-language Jewish newspapers in the USA was "Thou Shalt Not Wash Thy Dirty Linen in Public," which explains why "the Jewish weaklies" (sic) "still avoid controversy [and] still avoid questioning the activities of Jewish leadership," see G. Rosenblatt, "The Jewish de-Press," *Moment* 3/1 (November 1977) 46–50.

quires more analysis. Thus, for example, in *Antiquities* 18.90–95 Josephus offers a detailed account of the history of the custody of the high-priestly vestments – a topic of great political significance, for a ruler who controlled these vestments kept the high priest under his thumb. In the context of his discussion of a visit to Jerusalem by Vitellius, governor of Syria, to which we shall return in Section 4.4.1, Josephus tells the following story:

(91b) One of the priests, Hyrcanus, the first of many by that name, had constructed a large house (*baris*) near the temple and lived there most of the time. As custodian of the vestments, for to him alone was conceded the right to put them on, he kept them laid away there, whenever he put on his regular clothes in order to go down to the city. (92) His sons and their children also followed the same practice. When Herod became king, he made lavish repairs to this building (*baris*), which was conveniently situated, and, being a friend of Antony, he called it Antonia. He retained the vestments there just as he had found them, believing that for this reason the people would never rise in insurrection against him. Herod's successor as king, his son Archelaus, acted similarly. (93) After him, when the Romans took over the government, they retained control of the high priest's vestments and kept them in a stone building (ἐν οἴκῳ λίθοις οἰκοδομηθέντι), where they were under the seal both of the priests and of the custodians of the treasury and where the warden of the guard lighted the lamp day by day. (94) Seven days before each festival the vestments were delivered to the priests by the warden. After they had been purified, the high priest wore them; then after the first day of the festival he put them back again in the building (εἰς τὸν οἶκον) where they were laid away before. This was the procedure at the three festivals each year and on the fast day. (95) Vitellius was guided by our law in dealing with the vestments, and instructed the warden not to meddle with the question where they were to be stored or when they should be used. After he had bestowed these benefits upon the nation, he removed from his sacred office the high priest Joseph surnamed Caiaphas, and appointed in his stead Jonathan, son of Ananus, the high priest. Then he set out on the journey back to Antioch. (*Ant*. 18.92–95, trans. Feldman, *JLCL*)

Readers of this text may well be perplexed about Josephus' references to "building" in §§ 93–94, and they should be. It certainly sounds as if Josephus means the vestments were kept in the Antonia,[37] but then why not refer to it by that name, which has been introduced to the readers? This problem evidently bothered numerous translators, as we may easily infer from the fact that although the word *oikos* is simple and unambiguous ("house" or "building")[38] they chose – as Feldman did not – to use other words and/or not to use the same word in both of its occurrences here:

[37] If § 93 meant that the Romans began to keep the vestments in another building, we would have expected Josephus both to tell us what the other building was and/or what its name was, and also to explain why they decided no longer to store them in the Antonia. Moreover, *Ant*. 15.406, referring to the same event (see Section 2.2.2), specifically says the vestments had previously been held by the Romans in the Antonia.

[38] Readers who know no Greek may nevertheless appreciate the extent to which the word is so normally rendered "house" from the fact that in *War* 2.171, cited below in Section 5.7.3.1, when reference is made to demonstrations in front of the governor's *oikos*

| Translator | Language, date | Translation in § 93 | Translation in § 94 |
|---|---|---|---|
| unknown | Latin, 1510 | tabernaculo (= *hut, tent)* | loco (= *place)* |
| Whiston | English, 1737 | chamber (= *room)* | chamber (= *room)* |
| Matthieu and Herrmann | French, 1929 | construction (= *structure*) | lieu (= *place*) |
| Clementz | German, 1899 | Behälter (= *container*) | Behälter (= *container*) |
| Schalit | Hebrew, 1962/63 | *ḥeder* (= *room*) | *bayyit* (= *house*) |
| Feldman | English, 1965 | building | building |

That is, in contrast to Feldman most translators have preferred either to let *oikos* designate something *part of* or *within* the Antonia, such as a room (Whiston, Schalit) or even a cabinet/container (Clementz), or else to avoid the awkwardness engendered by the second reference to "the building" by offering, instead, something more nebulous – "place" (so the Latin and French translations).

Now, on the one hand we should take seriously the fact that translators, who are those most familiar with Greek in general and Josephus' style in particular, have sensed a problem. On the other hand, however, just as in the preceding instance I urged against rushing to deviate from the usual meaning of *stasis*, so too here: before we agree to force the plain and simple Greek word for "house" into meaning "room" or "cabinet" or "place," and/or allow it not to mean the same thing in both of its adjacent occurrences here (something we tried to avoid with regard to "performing sacrifices" in *Ant*. 18.19 – Section 2.3.2), we should wonder whether no other alternative is available. In this case, since the context refers to the removal of the high priest's vestments in preparation for his participation in the Temple service on the festivals, those who are used to comparing sources one to another in order to discover history may well try to fill out their dossier on this topic, in which case they will quickly come across the following two Mishnaic texts (*DM*, 162, 699):

Mishnah, *Yoma* 1:1: Seven days prior to the Day of Atonement the high priest is to be separated from his house to the Palhedrin office […]

Mishnah, *Parah* 3:1: Seven days prior to the burning of the red heifer the priest who is to burn the red heifer is to be separated from his house to the office, on the northeast face of the *birah*, that was called "House of Stone" (*beit even*).

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and one might expect something like "residence"or "headquarters" or the like, in fact Thackeray used plain "house" in his *JLCL* translation.

That is, if Josephus spoke of a building made of stone in or near the *baris*, the Mishnah reports there was an "office" "on the face of" (alongside? vis à vis?) the *birah* called "House of Stone," and this is the site where the high priest was sequestered prior to an important ceremony (mandated in Numbers 19), both to allow him to practice the rite and to prevent him from becoming defiled by some chance impurity. We have here no need to go into the question whether "Palhedrin" and "House of Stone" were one and the same office or, rather, different offices were used for similar purposes, or at different times in history;[39] what is important is that there was an *office* (something normally part of a larger building) used for such purposes and it was called "*House* of Stone." This is, in fact, part of a broader phenomenon: we know of numerous "offices" located within the Temple, and they too were termed "house of" (*beit*) this or that although they were part of the Temple.[40] So that which translators such as Whiston and Schalit wanted to impose upon the Greek turns out to have been common in Hebrew parlance concerning the Temple: a "house" could be part of a "building," certainly with reference to offices in the Temple complex.

This observation concerning Hebrew terminology leads easily to the hypothesis that whoever formulated this passage was aware of or at least influenced by Hebrew usage and tried to reflect it by terming the storage place in question a "house built of stone" (§ 93) or plain "house" (§ 94), by which he meant "office." Such a person, accordingly, will have been well at home in Jerusalem and familiar with Temple usage. Indeed, the very reference to the building as being made of stone seems to take "insider information" for granted: it seems to assume that readers will understand that since stone vessels are not susceptible to impurity, according to Jewish law, such a "house" is a very appropriate place to store the sacred vestments.[41]

The evident conclusion is that our passage was authored by a Jerusalemite priest, a conclusion that jibes easily with the fact that the whole passage is concerned with nitty-gritty details of the history of the high-priestly vestments and refers to them with a first-person interest ("Vitellius was guided by our law …" – § 95). This conclusion might, in turn, be put to use toward

[39] On that and related issues, see G. Alon, *Jews, Judaism and the Classical World* (Jerusalem: Magnes, 1977) 80–82.

[40] See, for example, Mishnah, *Tamid* 1:1 (*DM*, 582): "The priests guard in three places in the Temple (*beit hammiqdash*): in the House of Abtinas, the House of the Spark, and the House of the Flame (*beit Abtinas, beit hanniṣoṣ, beit hammoqed*)." Cf. Baumgarten, *Studies*, 70.

[41] See M. *Kelim* 10:1 and E. P. Sanders, *Jewish Law from Jesus to the Mishnah* (London: SCM and Philadelphia: Trinity, 1990) 225–226 and 357, n. 64. As Sanders notes, this presumption about stone vessels, and the priests' preference for a stone environment when purity is a desideratum, are obvious, for example, in the paragraph of the Mishnah that follows the one that mentions "Stone House" (M. *Parah* 3:2).

broader conclusions. Namely, if we assume the author to be Josephus, we may conclude that his upbringing as a Jerusalem priest was of such deep and lasting impact upon him that even in the 90s, when writing the *Antiquities*, after twenty years of living in the Diaspora and after the destruction of the Temple, he still thought it acceptable to reproduce in Greek a Hebrew formulation concerning the Temple, not realizing that it would mystify his readers (represented for us by his modern translators). This would be an important point to add to any file concerning Josephus' acculturation in Rome. If, however, as we shall see in the next chapter (Section 4.4.1), we have reason to think that Josephus was using a source here, this point will be useful in characterizing the author of that source and, therefore, in distinguishing between him and the author of other material used by Josephus.

## 3.3 Event or *topos*?

Moving beyond the meaning of words and what they indicate, in context, we must also recognize that sometimes the meaning of Josephus' words is clear but we must decide if we should accept his statements literally. At times, of course, this is because of the conflicting evidence of other sources; we will study that type of issue in Chapter 5. Here, rather, we refer to something simpler: the cultural context within which something is written and read. For it is always the case that the import of words is conditioned very significantly by the writer's and the readers' worlds of associations. Just as it is our prior knowledge of the English language that allows us to understand any particular word when we read it, so too it is our prior knowledge of English literature, and usage, that allows us to realize that the words of such statements as "I'm running around in circles" or "I'm all tied up" are not to be taken literally. Sometimes, indeed, this is really just a special case of understanding the meaning of a word. In other cases, however, the issue is more complicated.

### *3.3.1 Event or topos, or maybe both?*

*Topos* (plural: *topoi*) is the Greek word for "place" (as in "toponym" and "topography"), but in its usage as a literary term it is shorthand for *koinos topos* – something which is literally a "commonplace." The problem that *topoi* pose for historians is that commonplaces are in fact commonplace; often, for example, when we say something quite common happened, it indeed happened, and we would be quite wrong to deny the statement is true simply because it is a commonplace. How, then, shall we know which *topoi* are only *topoi* and which are actually true, historically?

Above, in Section 1.3.3, for example, we discussed Josephus' reference in *Antiquities* 19.321 to Agrippa I's celebration of his birthday. Given the fact that other passages in *Antiquities* 18–19 seem clearly to play with motifs from the biblical Joseph story, thus implying a comparison of Agrippa to that biblical hero, and given the paucity of other evidence for Jews celebrating their birthdays in antiquity, it became, I believe, quite convincing to discount the historical claim and rather view Josephus' notice as *only* a *topos*. That is, it is *only* an allusion to Pharaoh's famous birthday celebration as part of a general attempt to portray Agrippa in the image of the biblical Joseph. But that was a relatively easy exercise. Had there been less evidence for the modeling of Agrippa in the image of Joseph, or more evidence for Jews celebrating their birthdays, we would have been less sure.

In focusing upon this issue from the point of view of methodology, it is important to note that it comes in three varieties. Sometimes we are not quite sure that we are reading a *topos*; sometimes we are sure that we are and, in the context of our interests, we do not care whether we are also reading about an event; and sometimes we are sure that we are reading a *topos* but nevertheless want to know whether we are also reading an account of an historical event. We shall look at one instance of each.

#### *3.3.1.1 A topos or more? Cannibalism in War 6.201–213*

In the course of his account of Titus' siege of Jerusalem in the spring/summer of 70 CE, Josephus recounts the story of a woman named Miriam who, caught in Titus' siege of Jerusalem in the spring/summer of 70, was reduced to such straits that she killed her infant son, roasted him in her oven, and ate a good part of him (*War* 6.201–213). Did it really happen? We cannot know.[42] True, no source contradicts the story. However, such horror stories are widespread in ancient accounts of sieges, and the invention of stories of cannibalism as a manipulative way of inducing horror is well-attested in antiquity.[43] This might give us reason for doubt – but if we assume that

[42] See Price (Ch. 2, n. 26) 155–156. He emphasizes that the way Josephus tells the story no one witnessed the atrocity, but also that there is a good bit of evidence for such behavior during sieges both ancient and modern. This balanced approach leads Price to conclude that the incident, "despite distortions and additions to the account, cannot be rejected on the grounds of improbability." However, "cannot be rejected" is, of course, not the same as "can be confirmed" or "should be accepted as historical."

[43] See esp. Frontinus, *Strategemata* 3.5.1: a Spartan general conducting a siege deliberately allowed the enemy to view how he had a prisoner killed and his body distributed, as if for consumption, among the tents of the besieging soldiers – thus indicating that he would not allow any lack of provisions to force him to give up a siege. A similar story is told by Josephus at *Ant*. 13.345: Josephus reports that Ptolemy Lathyrus, a pretender to the Ptolemaic throne who invaded Judea toward the end of the second century BCE, had his men kill women and children, chop up their bodies, throw the pieces into boiling

the discovery of additional witnesses might allay such doubts, we will be disappointed. For although, as it turns out, rabbinic literature too reports such an event at the time of the destruction of the Temple,[44] the story is presented as fulfilling a biblical prophecy concerning the terrible events that will accompany the destruction (Lamentations 2:20: "Should women eat their offspring, the children of their tender care?!"; ibid. 4:10: "The hands of compassionate women have boiled their own children; they became their food in the destruction of the daughter of my people") – and in such cases we must wonder whether it was in fact history, and not the assumption that what the Bible prophesied *must* have happened, that lies behind this story. Indeed, the fact that elsewhere too (Leviticus 26:29, Deuteronomy 28:56–57) the Bible predicts such behavior during sieges makes it all the more likely that we have, here, *only* a *topos*. As B. L. Visotzky put it, in his study of the rabbinic versions of a similar story, "the historicity of a story which evolves from Scripture is impugned from the outset."[45] Perhaps, that is, we should consider Josephus' story about Miriam's cannibalism to be no more historical than another mother-and-infant story in Josephus' *War* (3.246), which exemplifies the horrors of the siege of Jotapata by reporting that when a pregnant woman was struck by a ballista stone she miscarried and the stillborn fetus was thrown half a furlong away – a statement which moved Thackeray to note, in the great tradition of British understatement, that "Josephus is prone to exaggeration."[46]

Indeed, even without presumptions about biblical predictions coming true, or about physical impossibilities, women and children are always good material for spicing up stories of suffering.[47] Note, for example, that although according to Josephus the Parthians were already before the walls

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cauldrons, and then taste of the broth – in order, Josephus explains, to spread terror among those of the enemy (the Jews) who heard of this. In general, on the horror of cannibalism in antiquity, see P. W. van der Horst, "The Myth of Jewish Cannibalism: A Chapter in the History of Antisemitism," *Proceedings of the Israel Academy of Sciences and Humanities* 8/3 (2008) 43–56.

[44] Sifra, *Beḥuqotai* 6:3 (ed. Weiss, 112a; English translation: J. Neusner, *Sifra: An Analytical Translation*, III [Brown Judaic Studies 140; Atlanta: Scholars, 1988] 368).

[45] B. L. Visotzky, "Most Tender and Fairest of Women: A Study in the Transmission of Aggada," *HTR* 76 (1983) 403–418; my quotation is from 405, n. 8. The logic is, of course, similar to that which we applied in Section 1.3.3, concerning Agrippa's celebration of his birthday. The difference between the two cases is created by the availability of evidence for atrocities such as cannibalism during sieges, in contrast to the lack of other evidence for ancient Jews celebrating birthdays.

[46] *JLCL* 2.647, n. c. A furlong (*stadium)* is approximately 190 meters. On exaggeration, cf. Ch. 2, n. 80.

[47] For the complaint of a prominent Hellenistic historian about others who used such ploys, see Polybius 2.56.7. For much similar material, from the ancient texts concerning besieged and conquered cities, see G. M. Paul, "*Urbs capta:* Sketch of an Ancient Literary Motif," *Phoenix* 36 (1982) 144–155.

of Jerusalem (*Ant*. 14.348) when Herod decided to flee the city with his family and followers in 40 BCE, and that although the fact that he is said to have fled at night (§ 352) indicates that he meant to do so secretly,[48] Josephus did not pass up the opportunity to put some loud pathos into his narrative: "And no enemy would have been so hard of heart that on witnessing what was taking place at that time he would not have pitied their fate as the wretched women led their infants and with tears and wailing left behind their native country and their friends in chains …" (*Ant*. 14.354; trans. Marcus, *JLCL*). Many other cases could be adduced.[49]

All in all, therefore, perhaps we should not expect there to be much factual truth in Josephus' report about Miriam's cannibalism. However, readers thinking quite naturally along those lines should remember that – to revert to Visotzky's phrasing – we cannot really know whether the story "evolved" *only* from Scripture. Biblical verses can be applied to things that happen, and what makes a *topos* a *topos* is precisely the fact that it refers to something common. Indeed, sieges and hunger do, in fact, reduce people to terrible straits. Moreover, such readers might also be impressed by the fact that – in contrast to the case of Agrippa's birthday, where we found allusions to the Joseph story in several other passages of *Antiquities* 18–19 – it seems we do not find, in Josephus' account of Titus' siege of Jerusalem, any other salient elements of the biblical prophecies of woe about such sieges. Thucydides figures significantly,[50] but not the Bible – perhaps a reflection of the contribution of Josephus' Greek assistants to this work. That is, it is not quite clear that this story conforms to a *topos* relevant to the literature in which we find it. Accordingly, in a case like this it seems we must reserve judgment. As opposed to the case of Agrippa's birthday, there simply isn't enough to go on one way or another.

### *3.3.1.2 A topos and that's enough: Shipwreck in Life 15 and Acts 27*

Josephus reports, near the beginning of his autobiography (*Life* 15), that he was once on a ship that sank in the Adriatic but after swimming all night

[48] Indeed, *War* 1.263–264 explicitly reports that Herod's flight was kept secret from his enemies, who pursued him only after they learnt of it belatedly. But that account doesn't include the loud and dramatic scene we are about to quote from the parallel in *Ant*. 14.354 – which, in turn, does not say that the flight was secret, although the logic of the story requires it.

[49] Such as: *War* 2.237, 395, 400, 465; 3.262–263; 4.113, 191; 5.28l; 7.334. Note, for example, that all nine times the Greek word "child" (*teknon*) appears in Josephus' *Life* (§§ 25, 58, 61, 84, 99 207, 230, 328, 419), it is in the plural and follows "women and." This is the type of thing upon which Moehring focused in his work on novelistic aspects of Josephus' writing; see below, n. 55.

[50] For some parallels, see already Thackeray, *JLCL* 2.xvii. For this topic see especially Mader's monograph, cited in n. 26.

managed to be rescued by a passing ship. Of course, his explanation for that ("due to divine providence") is something we cannot expect to confirm or deny, but what shall we say of the story itself? Since no source contradicts it, perhaps we should tend to believe it even if we allow for some exaggeration here and there. However, on the one hand we might be bothered by the fact that it is the kind of story that cannot be corroborated or falsified, and on the other hand we might – perhaps should – be impressed by the fact that ancient literature is full of stories about heroes who miraculously survived shipwrecks. We need only recall Luke's story about Paul in Acts 27, several ancient novels in which such events are *de rigueur*, and Lucian's spoof of such stories, a couple of generations after the days of Josephus and Luke, in his *A True Story*, just as he opens his *On Salaried Posts in Great Houses* with a complaint about those who revel in telling such stories.[51] This type of material rightly leads scholars to skepticism about any particular case.[52] Thus, for example, noting just how widespread this motif is, even Gerd Lüdemann, who in general is willing to find history in Acts of the Apostles, expresses no doubts about chalking up Paul's adventure to Luke's reading and literary skill rather than to history:

> The account probably has no genetic connection with the journey from Caesarea to Myra [i. e., Acts 27:1–5 – DRS], nor is it by an eye-witness (in terms of genre the 'we' goes with accounts of voyages), but is a literary entity, the result of his reading to which Luke has added the person of Paul at the passages mentioned [9–11; 21–26; 31, 33–36; 43 – DRS]. Given the wealth of instances which Weiser 1985, 660, has produced (cf. also B. E. Perry, *The Ancient Romances*, Berkeley 1967, 326 f.) there should no longer be any dispute here […] The only open question is whether Luke took over a complete account or possibly formulated it himself on the basis of Hellenistic models […][53]

Along with such a widespread willingness to discount the historicity of Paul's adventure, New Testament scholarship is full of studies of the precise import of Luke's story. Thus, for example, it has been argued that Paul's survival is meant to indicate not only God's providential care for him but also, more particularly, his innocence (given the fact that his sea voyage was as a prisoner facing trial).[54]

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[51] These two works by Lucian may be read, respectively, in the first and third volumes of his writings in the LCL edition.

[52] See V. K. Robbins, "By Land and By Sea: The We-Passages and Ancient Sea Voyages," *Perspectives on Luke-Acts* (ed. C. H. Talbert; Edinburgh: Clark, 1978), esp. 217–223.

[53] G. Lüdemann, *Early Christianity According to the Traditions in Acts: A Commentary* (London: SCM, 1989) 259–260. The reference to Weiser is to A. Weiser, *Die Apostelgeschichte, Kapitel 13–28* (Gütersloh: Mohn and Würzburg: Echter, 1985) 660, where many references to ancient accounts of sea voyages are assembled.

[54] See esp. D. Ladouceur, "Hellenistic Preconceptions of Shipwreck and Pollution as a Context for Acts 27–28," *HTR* 73 (1980) 435–449.

Now if we return from Luke's story of Paul's shipwreck to Josephus' of his own, there are some obvious differences. First, the story in Acts is very long and filled with speeches, while Josephus' is quite short – a single paragraph. That is, Luke obviously invested a lot of effort into his story, while Josephus did not, so it is easier to think Luke made up his story. Second, it has been pointed out that various aspects of Paul's functioning in Acts 27 are simply quite improbable, and that, indeed, some parts of the story work better if Paul is left out. That is, literary evidence that suggests that Luke used what German source-critics would call a *Vorlage* (a previously existent source), that originally had nothing to do with Paul, is readily available. These considerations mean that it is easier to reject the historicity of Paul's adventure than Josephus'. But that, of course, does not prove the historicity of Josephus' – and the fact is that we hardly care. After all, what difference does it make, for any historical issue, if Josephus spent a night in the ocean? Whether he did or did not we would still know the same things: that there could be severe storms in the Adriatic, that ships could sink as a result, that people could be saved by passing ships, that the perceived implication of such a salvation could be divine providence, and that Josephus knew how to write such things in a way familiar to readers of Graeco-Roman literature. Unless and until some psycho-historian convinces us that such an episode would have certain inevitable and knowable results, the historicity of this one doesn't seem to matter. However that may be, the story remains as evidence for Josephus' familiarity with a Greco-Roman *topos* and willingness to use it to enrich his own story and, apparently, hint at his own importance.

#### *3.3.1.3 A topos but also history: Josephus on Essene marriage (War 2.120–121, 160–161)*

In his long account of the Essenes in *War* 2 Josephus devotes some special attention to women, explaining at §§ 120–121 that Essenes avoided women and marriage because they did not believe a woman can remain faithful to her husband. However, at §§ 160–161 he adds that one branch of Essenes did marry, although only for procreation, for which reason they both check potential brides for fertility and, after marriage, abstain from sexual relations with them when they are pregnant.

This type of material is, of course, very interesting, even titillating – so much so that Horst Moehring, whose doctoral work was on novelistic elements (among which erotic elements are very prominent) in Josephus' writings and who, as mentioned earlier, was a flagbearer for the approach that denies our ability to find facts in Josephus' writings, thought that it should be chalked up to Josephus' needs:

Once it is clear that Josephus has a predilection for this material, the student ought to be careful to avoid taking such passages at face value. We may frequently be confronted with material introduced for literary purposes rather than with an account of facts.[55]

Moehring criticized, in this connection, scholars who, ignoring this Josephan interest and predilection, have pounced upon Josephus' statements about Essene celibacy and used them to fill out evidence from the Dead Sea Scrolls about the Qumran community. That is, scholars who for other reasons tend in general to assume the Qumran sect was Essene (see Ch. 2, n. 43), and who concerning women in particular are impressed by the lack of evidence about their presence there, have pointed to Josephus' statement about the Essenes as further evidence that the Qumran sectarians did not marry. As Moehring put it, in response, the Scrolls should be the yardstick by which Josephus' evidence should be judged, not the other way around.[56]

Similarly, more recently Steve Mason has argued that Josephus' account of the Essenes in *War* 2 is through and through an attempt to display them as ideal Jews who embody ideal Roman and Spartan values. Accordingly, he too urges us to caution in using Josephus' account in order to depict the Essenes.[57]

Caution is always a virtue. Nevertheless, to say that we must be cautious, and that we should interpret Josephus first of all on the basis of his own corpus, not on the basis of other writings, does not preclude the possibility of making such comparisons and coming up with positive results. In the present case, without going into detail it seems that the following balanced assessment of the evidence may reasonably be offered:

(a) *Josephus says that mainstream Essenes don't marry (War 2.120; Ant. 18.21).* This claim is supported by the facts that Pliny, a first-century geographer, reports that the Essenes who lived near the Dead Sea had no wives; that Philo says the Essenes took no wives; that the evidence for women buried at Qumran has turned out to relate to modern burials; and that the Scrolls do not give the impression that there were women in Qumran.[58]

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[55] H.R. Moehring, "Josephus on the Marriage Customs of the Essenes," in: *Early Christian Origins: Studies in Honor of Harold Willoughby* (ed. A. Wikgren; Chicago: Quadrangle, 1961) 127. For Moehring's doctoral dissertation, see Ch. 1, n. 4.

[56] Ibid., echoing B.J. Roberts, "The Qumrân Scrolls and the Essenes," *New Testament Studies* 3 (1956) 58.

[57] S. Mason, "Essenes and Lurking Spartans in Josephus' 'Judean War': From Story to History," in: *Making History: Josephus and Historical Method* (ed. Z. Rodgers; *JSJ* Supplement 110; Leiden: Brill, 2007) 219–261.

[58] Pliny, *Natural History* 5.73 (*GLA* 1, no. 204); Philo, *Hypothetica* 11.14–17. For both, see: G. Vermes and M. Goodman, *The Essenes according to the Classical Sources* (Oxford Centre Textbooks 1; Sheffield: JSOT, 1989); on the authorship of the *Hypothetica*, see above, Ch. 2, n. 3. Qumran graves: J. Zias, "The Cemeteries of Qumran and Celibacy: Confusion Laid to Rest?" *DSD* 7 (2000) 220–253, and Broshi (Ch. 2, n. 43) 29–31. For

(b) *Josephus explains that the Essenes abstained from marriage because they did not believe a woman could be trusted to be faithful her husband (War 2.121)*. This seems to be the type of statement that a priori might be more suspect of being Josephus' own contribution, and in any event might sufficiently be explained by Josephus' own experience with three-four wives and the prejudices he bespeaks when discussing the last two of them.[59]

(c) *Josephus says that some Essenes did marry, but only for purposes of procreation (War 2.160–161).* This tallies well with a passage in the *Damascus Document* (7:3–10) that contrasts those sectarians who live in perfect holiness and for whom God's covenant guarantees eternal life, on the one hand, to other members of the same movement who live in "camps" (regular settlements?) and marry and have children, on the other.[60]

That is, it seems that Josephus' main statements about the Essenes' marriage practices coincide with what emerges from the Qumran scrolls and other evidence about the Essenes and the Qumran sect. True, it is indeed the case that this material spiced up Josephus' narrative, and very likely that Josephus intended it to do so – and that is an important point for anyone who wants to know about Josephus' tastes. Nevertheless, for those who care about reconstructing the history of the Qumran sect there would seem to be no good reason to refuse to put Josephus' data together with that from Qumran and use it to draw the appropriate conclusions – most prominently: the bolstering of the case for the identification of the Qumran sect as Essene.

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a general review of the topic, concerning both archaeology and literature, see: B. Kugler and E. Chazon, "Women at Qumran: Introducing the Essays," ibid. 11 (2004) 167–173. As they note, "the growing consensus is … that there was at most only minimal female presence at Qumran'" – although it is also the case that there is not a tremendous amount of evidence. The debate goes on; see, for example, E. Regev, "Cherchez les femmes: Were the *yaḥad* Celibates?" ibid. 15 (2008) 253–284.

[59] See *Life* 415, 426, 427: of the three wives Josephus describes, one left him (see Section 1.3.2), one he divorced because he was displeased at her ways, and one "surpassed many women in her character." (On a possible fourth wife, see Ch. 1, n. 24.) Cf. *Ant*. 17.352, where Josephus reports that a dead husband appeared in a dream and told his widow, who had remarried, that her behavior confirms the proverb that "women are not to be trusted."

[60] On this passage, see especially J.M. Baumgarten, "The Qumran-Essene Restraints on Marriage," in: *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. L.H. Schiffman; *JSP* Supplementary Series 8, JSOT/ASOR Monographs 2; Sheffield: JSOT, 1990) 18–19. The fact that those who do not marry and have children, said to be especially holy, are contrasted with those marrying sectarians who live in "camps," apparently implies that the former live in some special center, such as Qumran. For some – to my mind, unconvincing – doubts about this interpretation of this passage, see Regev (n. 58) 255–259.

Chapter 4

# Behind the Text: Josephus' Use of Sources

## 4.1 *Quellenkritik*

We now turn to "source criticism" in its narrow sense, the activity which is most often meant when it is thought to be German and belong to the past, to those detective historians who have had their day (see above, p. IX): the attempt to discover what sources Josephus used, to analyze how he used them, and then to use them separately, independently of Josephus' use of them. As we indicated in the Introduction, everyone admits that Josephus used sources, whether or not he cites them. Apart from debates about details, the debates over principles in this connection come, basically, from the same two flanks delineated in Section 1.2. On the one hand, there are those who doubt we can know more than what the sources tell us, so if Josephus told us about his sources or if the very existence of the *Letter of Aristeas* and 1 Maccabees indicates that Josephus used them we can know those facts, but we cannot know about lost sources any more than we can know anything the ancient sources did not report. On the other hand, those who would read Josephus only as evidence for his own thought prefer to believe, if not simply to postulate, that even where Josephus admittedly used sources he so thoroughly incorporated them into his own work that it may and should be used as evidence for his own thought. Accordingly, for what they want to do the fact that Josephus was using sources becomes basically irrelevant.

The present chapter will set out my response to criticism on the former flank. For those skeptical as to whether we can discover Josephus was using a source, and say something reasonable about it even when he did not and even when the source does not exist today, I will show why and how I think it can be done responsibly and be meaningful. But as for criticism from the other flank, that posits that by adopting material into his works Josephus made it his own, so we may – or must – use it as evidence for his own thought, I can respond only that sometimes that is true and sometimes it is not. As a rule, I would agree that we may use what Josephus wrote as evidence for what Josephus thought, even if he was using materials that were originally composed by others. But there are cases in which that simply seems to be impossible or at least improbable, given what we know about people in general or Josephus in particular. Moreover, sometimes even when

Josephus uses material from a source and it does bespeak his point of view, it is important, at least for historians, to recognize that the material began in some other time and place.

To make that point clear, I will cite, for the sake of contrast, something I heard phrased nicely by Prof. Avigdor Shinan, a colleague of mine at Hebrew University – but in the Department of Hebrew *Literature*. As he puts it, "when we were kids we were taught we should learn what the poet meant, when we were students we were supposed to learn what the poem meant, and now they want us to study what this or that audience understands." Anyone who holds that by adopting other people's material into his book Josephus made it part of his book is perfectly justified in saying that if he or she wants to understand *the book*; we may read it, all of it, without being bothered by the fact that some materials originated elsewhere. For books are timeless, eternal.

Historians, in contrast, deal with people, who lived in certain times and places, and want to know not what a book means (or: not only that) but what it meant in a given time and place, to given people – including Josephus himself. Historians reading Josephus may pursue this either because they want to learn about the events Josephus recounted or because they want to learn about Josephus himself; both are legitimate objects of historical study. But no matter which we pursue, the fact remains that Josephus was not timeless. Josephus lived in a given place and time. To use evidence we admit to be from other places and times as if it reflects upon *him* the same way we use materials from his own place and time (and pen) would amount to turning off our minds. Of course, it may be that Josephus so remade such materials as to make them his own. But that needs to be asked and shown in each case.

In fact, a lot of good work on what Josephus thought is based precisely on source criticism. If, to keep to the same examples as above, one puts *Antiquities* 12 alongside of the *Letter of Aristeas* and 1 Maccabees one can discover many differences that can responsibly be interpreted as reflecting differences between Josephus' concerns and agendas and those of his sources.[1] Or, for another example, much good work – such as Louis Feldman's corpus of studies of Hellenization in the depiction of biblical figures – has been done comparing Josephus' biblical history (*Ant*. 1–11) with the Bible itself.[2] Where the debates begin is where Josephus' sources do not exist independently, so they cannot readily be compared with his own versions of them so as to bear testimony to the differences contributed by his own thought. In such cases, those who prefer to read Josephus as evidence for his

[1] See Ch. 1, n. 16.
[2] See Ch. 1, n. 14.

own thought will tend to preserve for that pursuit as much evidence as possible, combining skepticism about our ability to discover his use of sources (even when the possibility is admitted) with optimism about the degree to which Josephus transformed the materials he borrowed into his own work. In this chapter I shall take some cases in point and show that (a) we may at times be confident that Josephus was using a source even when he does not say so and it has not survived independently; (b) we may at times be sure that Josephus did not agree with what his source said; and (c) such conclusions can allow us responsibly to do what historians do: to discover what happened in given times and places, whether those discoveries pertain to topics and events Josephus is describing or, rather, to Josephus himself.

## 4.2 Where is Josephus' own voice?

In the introduction (Section 1.3.4) I pointed to the case of *Antiquities* 14.74–78, where §§ 74–76 seem clearly to be taken over from Josephus' Syrian source of Herod's days – Nicolas of Damascus. The contrast between those three paragraphs and §§ 77–78, where Josephus uses the first person of the Jews and himself, left us all the more certain that the latter paragraphs are good evidence for Josephus' own attitude toward Pompey's conquest of Judea. On the other hand, anyone who wants to know what happened in 63 BCE will be happy to learn that the details in §§ 74–76 were composed not a century and a half after the events but, rather, within a few decades of them.

## 4.3 Cumulative evidence for splicing

In the preceding case the argument was based upon the contents and attitudes of the passage traced to Nicolas: On what details does it focus and what is its point of view? Those, along with nearby explicit evidence for Josephus' use of Nicolas (*Ant*. 14.9, 68), brought us to ascribe the passage to Nicolas. Sometimes, however, there are also more mechanical types of evidence. Thus, for example, we find the following at *Antiquities* 20.141–144, shortly after Josephus reported that Agrippa II married off his sister Drusilla to Azizus, king of Emesa:

(141) Drusilla's marriage to Azizus was dissolved not much time later due to the following reason. (142) At the time when Judea was being governed by Felix he saw her, and since her beauty was above and beyond that of all others he took up a passion for the woman and sent her a friend of his named Atomus – a Jew of Cyprian birth who pretended to be a magician – who cajoled her to leave her husband and marry him, promising to make her happy if she did not disdain him. (143) And she,

being unhappy and desiring to escape the jealousy of her sister Berenice (who due to her beauty frequently abused her), was indeed convinced to transgress the ancestral ordinances and marry Felix. When she had a son by him she named him Agrippa. But as for the way that youth and his wife disappeared during the eruption of Mt. Vesuvius in the days of Titus Caesar – we shall relate that later. (*Ant*. 20.141–144)

Formulae like the last five words are used frequently by Josephus, with the verb in the past or future, to refer to other parts of *Antiquities*, and in most cases we can indeed confirm the cross-references.[3] Moreover, even when, as in the present case, we cannot confirm the cross-reference, we can usually assume that Josephus simply erred about what he wrote or planned to write; as any of us, he too could be mistaken about what he had written, or express the intention to write things and then fail to do so. But this case is different, for Mt. Vesuvius (near Pompeii) erupted in 79 CE and it is nigh impossible to imagine that Josephus, by the middle of *Antiquities* 20, had not decided to end his work, as he did, with the events of 66 CE – which was a perfectly logical place to conclude his account, since at that point there began the rebellion to which he had devoted his earlier work, *War*, to which he could refer his readers (as he did, at *Ant*. 20.258). So where and when did Josephus, approaching the age of sixty, plan to write about events of 79 CE? There was no room for such a narrative in his *Against Apion* or *Life* (his last two works), and although he does express the hope to write another work, it was to deal with Jewish laws and the reasons for them.[4]

Of course, maybe Josephus hoped to write yet another book, where such an account would be appropriate, or some appendix on the Herodian dynasty similar to his summary on the high priesthood (*Ant*. 20.224–251), or the like. Before we settle for such an otherwise undocumented possibility, however, we should observe that the paragraph where this notice appears, *Antiquities* 20.141–144, sticks out of its surroundings like a sore thumb. First, note that since § 137 had just reported Felix's appointment to office, and § 139 reported that Agrippa II then betrothed his sister Drusilla to Azizus king of Emesa, it is superfluous to say, in § 142, that the next step of the story occurred "At the time when Judea was being governed by Felix …" And to this observation, which might strike any sensitive reader, we may add that Josephan scholars have shown that when a passage is introduced with a summary of the coming story followed (as our § 141) by "for the following reason" (*dia toiautēn aitian* or the like) and then the details, the

[3] For a long table of Josephus' internal cross-references and their referents, see H. Drüner, *Untersuchungen über Josephus* (Diss. Marburg; Marburg: Hamel, 1896) 82–94.

[4] See *Ant*. 3.94, 205, 218; 4.198; H. Petersen, "Real and Alleged Literary Projects of Josephus," *American Journal of Philology* 79 (1958) 263–265; D. Altshuler, "The Treatise ΠΕΡΙ ΕΘΩΝ ΚΑΙ ΑΙΤΙΩΝ 'On Customs and Causes' by Flavius Josephus," *JQR* 69 (1978/79) 226–232.

detailed story is often based on material from a discrete source being spliced into Josephus' main narrative. It is because the new material is from a source different from that used in the preceding narrative, a source that accordingly deals with a new topic, that such mechanical splicing is needed.[5] And the same is true of such words as "not much time later" (also in § 141): they too allow a writer to insert into a narrative material that otherwise does not fit in.[6] But when material does not fit in organically, maybe it comes from elsewhere. That is, § 141 and the first words of § 142 hint that what follows may be based upon a source that did not supply Josephus with the surrounding materials. And the same conclusion emerges from two more considerations:

(a) Anyone who reads §§ 142–144 and is asked to give them a title will offer something like "Drusilla and Felix." But Josephus, in § 141, introduces the story as one about how Drusilla left Azizus; in this introduction Josephus does not mention Felix any more than the body of the story (§§ 142–144) mentions Azizus' name. Thus, it seems evident that Josephus formulated § 141 in an attempt to keep up the continuity of the story of Drusilla and Azizus that he began in § 139, but told the story itself on the basis of ready-made materials with a different focus. This is a common phenomenon.[7]

(b) The story told in §§ 142–144 is quite hostile toward Agrippa II. That one of his sisters is said to have been persuaded by a magician to leave her husband and violate Jewish law is bad enough, but that part of the motivation was another sister's jealousy and nastiness makes it all the worse. But Josephus, shortly after writing this in *Antiquities* 20, has in his *Life* (where we can be sure he was writing by himself), as already in the *War*, only good things to say about Agrippa II.[8]

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[5] See H.G.M. Williamson, "The Historical Value of Josephus' *Jewish Antiquities* XI. 297–301," *Journal of Theological Studies* n.s. 28 (1977), esp. 50–55; Schwartz, *Studies*, 271, n. 76.

[6] For a familiar example, see Genesis 38:1. In general, see D.R. Schwartz, "KATA TOYTON TON KAIPON: Josephus' Source on Agrippa II," *JQR* 72 (1981/82), esp. 246–254.

[7] For a very similar case, see *Ant*. 14.25, where, just after reporting the murder of the righteous Onias, Josephus states that "God immediately punished the Jews for their cruelty in killing Onias, in the following way." That sentence promises continuity. Then, however, instead of reporting a punishment, Josephus reports (§§ 26–28) a new crime and the punishment *it* engendered. Moreover, both stories note the event occurred at the time of Passover, with nothing in the second reference revealing awareness of the first. "This second mention of Passover (cf. § 21) and the two different reasons given, in §§ 25 and 28, for the divine visitation show that Josephus has been careless in combining his sources" (Marcus, *JLCL* 7.460–461, n. a, on § 25). As usual, a translator's deviation from the plain text points up the problem well: Clementz, in his German translation of § 25, irons out the difficulty by simply adding "wie gesagt" ("as already stated") alongside the second reference to Passover. For another case of an introduction that fits the context leading into a text that does not, see Ch. 5, n. 36.

[8] Note esp. *War* 2.345–401, where Agrippa is allowed to make the main anti-war and pro-sanity speech, and *Life* 359–366, where Josephus is proud to cite Agrippa's approval of his *War*. Compare, in general, S. Schwartz, *Josephus and Judaean Politics* (Columbia Studies in the Classical Tradition 18; Leiden: Brill, 1990) 110–160, also D.R. Schwartz,

If, then, we began by asking only how Josephus could promise in *Antiquities* 20.144 that he would later relate events of 79 CE, we now see that this passage has two other peculiarities about it: it shows obvious signs of having been spliced into his narrative and it contradicts Josephus' usual attitude toward Agrippa. On all three counts it becomes simplest to explain the passage as being here because Josephus adopted it from some other source, which contained information that Josephus found interesting but told it from its own point of view. A reasonable conclusion, then, will be to use this paragraph as we use *Antiquities* 14.74–76 – as evidence for the facts it reports (or at least for gossip current about them), but not as evidence for Josephus' own attitude toward the Herodians involved. If we had a number of such paragraphs with similar attributes we could consider characterizing that other source, as we can do for Nicolas of Damascus. Indeed, elsewhere I have tried to do just that.[9]

### *4.3.1 "Grotesque?"*

Many students and scholars rebel at the notion that a writer such as Josephus might take over into his own composition not only contents supplied by another author but also the other's attitudes, hopes, and cross-references. Some would even term this notion "grotesque."[10] Indeed, the notion would seem to make Josephus so mindless that he might not be a worthy object of study for those who want to know what Jews of the first century *thought* about things – but since there are not many other candidates for such study that would be a highly unwelcome conclusion. To such skeptics I would say, in any case, that in principle there is nothing more grotesque about copying a hope or cross-reference than there is about copying a statement that Pompey restored the natural order by freeing Syrians from subjugation to

"Herodians and *Ioudaioi* in Flavian Rome," in: *Flavius Josephus and Flavian Rome* (ed. J. Edmondson, S. Mason and J. Rives; Oxford: Oxford Univ., 2005) 74–75.

[9] See the study mentioned above, n. 6. Note, for example, that the very next paragraphs (*Ant*. 20.145–147), on Drusilla's sister Berenice, likely come from the same source. For they too are very nasty toward Agrippa II (reporting a rumor that he maintained an incestuous relationship with Berenice) and Berenice (accusing her of other licentiousness as well), and then, as if for good measure, § 147 goes on to add that yet another sister, Mariamme, left her husband and married another. The section then ends with a promise to "to report accurately about each of these points later on," a promise that remains just as unfulfilled as the one at 20.144.

[10] See Petersen (above, n. 4), 267. I see no reason to suppress the source-critical hypothesis that this adjective suggested itself to Petersen, in this context, because he had run across it in a German article on the same topic that he cites approvingly on the very same page (n. 38): E. Täubler, "Die nicht bestimmbaren Hinweise bei Josephus und die Anonymushypothese," *Hermes* 51 (1916) 213. Täubler uses "grotesk" of Niese's suggestion (similarly discussed and rejected by Petersen) that phrases such as "as we shall relate elsewhere" are simply Josephus' ways to end up a discussion.

the Jews when one's own opinion is that it was unfair and a catastrophe; that I am willing to bet that I am not the only university teacher who has seen students do the same; and that, in any case, our eyes see what they see and we must take Josephus as he was.

Furthermore, as a rule we should not assume that someone is totally stupid, and there is plenty of evidence that Josephus was not only quite literate but also intelligent. So if Josephus nevertheless did something that looks ridiculous, we should at least consider the possibility that the rules that guided him were different from ours. Note, for example, that Josephus reports the emperor Tiberius' death at *Antiquities* 18.89 in connection with the suspension of Pilate from office, again at 18.124 in connection with Herod Antipas' war against the Arabs, and a third time at 18.224, in connection with the career of Agrippa I. Similarly, Josephus reports Gaius Caligula's death at 18.223, in a proleptic allusion to the way he murdered Tiberius' son and was himself killed, and again at *Antiquities* 18.307, where it puts a sudden (and providential) end to the emperor's plan to erect a statue of himself in the Temple of Jerusalem; but then in *Antiquities* 19.1–273 Josephus gives a long account of the conspiracy that indeed culminated with the assassination of Gaius and with Claudius' succession to the imperial throne. Of all of these passages, only one (18.307) explicitly recognizes that the event is mentioned or detailed elsewhere in the work. We would not write that way or, if we did, our writing would be rejected as "sloppy"[11] and refused passing grades if we are students or publication if we are professors. But Josephus did write that way, apparently depending upon his readers to understand that the various stories refer to the same event, so any episodes that lead up to it must have occurred more or less at the same time. Indeed, we do understand that, and that should be good enough for us. Those who choose may label his work "sloppy," but our job is not to give Josephus marks but, rather, to learn how to read him as an historian.

## 4.4 Sources and chronology

Chronological problems are often thought of as very dry and technical. Indeed, sometimes they are. They are also considered, frequently, to be of little importance – but it is more difficult to agree about that. For chronology supplies the very foundations of our historical reconstruction of the past; the order in which things happened is basic to any proper understanding of why they happened and what they mean. In the study of sources, moreover,

[11] A characterization of Josephus popularized by Cohen, *JGR*; see the entry in his index (p. 276) for "Josephus: inconsistency and sloppiness."

chronological problems have a special priority, for chronological contradictions are more clear-cut than most other contradictions. Thus, by way of comparison, if one Josephan passage criticizes Herod and another lauds him it could be Josephus meant them both and we just have to fine-tune our understanding of his position,[12] but if one passage says A happened before B and another that B happened before A there is no room for nuances and so it is easier to proceed to the hypothesis that what we have are statements originating from two different reporters, or, alternatively, that the two passages are not talking about the same A and B.

### *4.4.1 Juxtaposed sources on the same event: The case of Vitellius' visit(s) to Jerusalem (Ant. 18.89–122)*

To exemplify the move from chronological problems to separation of sources, let us revert to the discussion of a case begun in Section 3.2.4, where we concluded that Josephus' cumbersome reference to "a house built of stone" in *Antiquities* 18.93 is meant to render the Hebrew *beit even* and that Josephus' narrative here, which deals with the custody of the high-priest's vestments, betrays the formulation of someone well at home in Jerusalem and the Temple. This narrative, we may now add, happens to be at the center of a serious chronological conundrum that has exercised numerous scholars. As we shall see, the debate, which will take us into the questions of Josephus' sources here, is of importance both for those who would like to know what happened in the days of Pontius Pilate and for those who want to know what Josephus thought about those events and how he desired to portray them.

The chronological data are as follows. At *Antiquities* 18.89, just before the narrative about the high-priestly vestments (discussed in Section 3.2.4), Josephus reports that the Roman governor of Syria, L. Vitellius, sent Pilate to Rome for a hearing before Tiberius, but, although Pilate hurried (§ 89), he arrived only after the emperor died. Tiberius died in mid-March 37, so if Pilate hurried from Judea to Rome but nevertheless arrived after the emperor's death we should infer Vitellius' intervention came early in 37, perhaps as late as April of 37; had it come any earlier Pilate should have made it to Rome in time, and had it come any later Vitellius should have heard of the emperor's death before he suspended Pilate. Then come §§ 90–95, which report that, in an evident gesture of goodwill after suspending the unpopular governor, Vitellius visited Jerusalem while Passover was being celebrated; as explained above, this must have been Passover of the spring of 37. During this visit Vitellius, as a further gesture of goodwill, turned the

[12] This is the major point of Mason's article cited above – Ch. 3, n. 20.

high-priestly vestments over to the control of the priests. Next, however (§ 96 ff.), there comes a long narrative which, after beginning with Roman-Parthian negotiations, weaves Herod Antipas (Herod's son, tetrarch of the Galilee and Jewish Transjordan; "Herod" of the Gospels) into the story, relating his involvement in those negotiations. Then, after a short account of Antipas' brother's affairs, Josephus' story focuses upon Antipas' troubles with the Nabataeans, which led to a war and to Tiberius' decision to order Vitellius to intervene on Antipas' behalf. Vitellius came to Judea with a large expeditionary force, and on his way to battle against the Nabataeans he visited Jerusalem, together with Antipas, at the time of an unspecified Jewish festival (§ 122). During that festival visit Vitellius received a letter informing him of Tiberius' death (§ 124).

Now for the chronological problem. If, as we concluded, Vitellius' Passover visit (§ 90) was on Passover of 37, when was his second visit (§ 122)? Josephus says it came during a Jewish festival but does not name it. The next festival would have been Pentecost (*Shavuot)*, fifty days after Passover (see Leviticus 23:15–21; Josephus, *Ant*. 3.252 and *War* 1.42) – but it is impossible to imagine that, in the spring when the Mediterranean was open for travel,[13] it took two months for news of the emperor's mid-March (i. e., pre-Passover) death to reach the most powerful Roman official in the East, who had four legions at his disposal and was responsible for the Parthian border. It is much more reasonable to assume that the news arrived in Jerusalem during Passover of 37, but that assumption forces the visit of § 90 – said explicitly to have been on Passover – back to the spring of 36. However, if that were the case we would not be able to understand how Pilate, having been ordered to Rome, could have "hurried" thither but not arrived before Tiberius died a year or more later – which is what Josephus reports in § 89.

This is a well-known problem that has attracted much scholarly attention. All the obvious maneuvers have been tried. Some speculate why notice of Tiberius' death would in fact arrive as late as Pentecost, or that Josephus erred in referring to Passover in § 90 and really that visit came at the time of an earlier holiday, or of no holiday at all, so that Passover of 37 is free for the second visit; others – most commonly – assume that Pilate was suspended before Passover 36 but didn't really hurry to Rome.[14] But all of these solutions are forced or encounter other objections. The simplest solu-

[13] The wintry period when the sea was considered "closed" (*mare clausum*) ended in mid-March. See L. Casson, *Ships and Seamanship in the Ancient World* (Princeton: Princeton Univ. 1971) 270–272, following Vegetius 4.39 (L. F. Stelten [ed. and trans.], *Flavius Vegetius Renatus: Epitoma Rei Militaris* [New York: Lang, 1990] 282–285).

[14] For the latter suggestion, and a review of literature, see Schürer, *HJP* 1.387, n. 144 – a long note that opens as follows: "It may have taken Pilate about a year to travel from Judaea to Rome […]." For a rejection of that possibility, and a review of the whole issue, see Stern in *JPFC* 1.68–70, also Smallwood, *JURR*, 173, n. 97.

tion seems to be that Vitellius visited Jerusalem once, on Passover 37, but Josephus juxtaposed two narratives that mentioned it, each within its own context.[15] Just as Josephus could mention Tiberius' and Gaius' deaths three times each, juxtaposing narratives that each mention them, and yet no one supposes he was referring to additional but otherwise unknown emperors, so too could Josephus juxtapose an account of Vitellius' visit that focused on its implications for the high-priestly garments with one that focuses on its implications for Vitellius' relationship with Herod Antipas.

Now, just as no one supposes Josephus was a first-hand witness for the long story about the Roman conspiracy to assassinate Gaius, or that he – a historian of the Jews – would have had the interest to put together such a long account (*Ant.* 19.1–273!) by himself, so he probably had a source or sources for that narrative,[16] so too is it likely that Josephus' juxtaposition of narratives mentioning Vitellius' visit reflects his use of different sources. As a rule, in fact, it may be assumed that when the same event is reported in two separate narratives, with no coordination, it reflects the use of sources, for a single author, aware of the two stories and of the fact that they refer to the same event, would have made that fact clear.[17] Indeed, when one reads §§ 90–95 with all the detailed interest in the high-priestly vestments and their history, and with its Hebraism regarding "house of stone," and compares that story with the account in §§ 96–125 which – with the exception of §§ 116–119 (see below) – has no interest in anything religious and focuses on Herod Antipas[18] and on his relations with the great people of this world, namely the kings of Parthia and Arabia and the Roman governor of Syria, it is difficult to imagine that they go back, ultimately, to the same writer.[19] Moreover, the assumption that Josephus used a special source for

[15] For a detailed defense of this suggestion, first offered in brief by W. Otto, see Schwartz, *Studies*, 205–217.

[16] See L.H. Feldman, "The Sources of Josephus' 'Antiquities', Book 19," *Latomus* 21 (1962) 320–333. His logical point of departure (p. 328) is the reasonable assumption, shared by many he cites, that "that [Josephus] did employ such works seems likely in view of the unusual length – about three-fourths of Book 19 – of the narrative and its almost total irrelevance to Jewish affairs." In fact, despite the plural "works" Feldman, as numerous others, tends to assume that Josephus followed a single main source for the story.

[17] For cases in which Josephus does make it clear that he is citing, or using, more than one version of the same event, see for example his accounts of the deaths of Hyrcanus II (*Ant*. 15.174 – "We have written these things as they are found in the records of King Herod. But others do not agree about these things …") and of Gaius Caligula (*Ant*. 19.106, 196–197: "some say … others say").

[18] As is shown, especially tellingly, by the identification of Philip at § 106 as "Herod's brother." Were it not for the context, plain "Herod" would refer – for the ancients as for us – to Herod the Great, who was Philip's father.

[19] To the indications that the two accounts are of different origin I will add also the nonchalance with which § 93 terms Archelaus "king," although in fact he was only an ethnarch – an error hardly to be expected of someone focusing on Herod Antipas, for

the first story is buttressed by another criterion we have seen: after *Antiquities* 18.90–91 summarizes the story of Vitellius' gesture concerning the high-priestly vestments, Josephus then proceeds to give the details after the connecting phrase "for the following reason" – the same procedure we saw him using in *Antiquities* 20.141–144.[20] But if §§ 90–95 and §§ 96–125 derive from different sources it is all the easier for us to accept the notion that Josephus did not coordinate the two narratives and, therefore, that they both refer to one and the same event.

### *4.4.2 Further distinctions: Sources within sources*

Frequently it is the case that once a chronological (or other) problem has forced us to characterize a source in contrast to another, our understanding of what the source is about will direct us to check whether it is indeed of one piece. The impetus for such an examination will typically be either that some part of the passage in question causes some problem for the reconstruction suggested by the rest of it, or else that it deviates from the rest from the point of view of style, interests, or the like. Our differentiation between the priestly interests of §§ 90–95 and the worldly interests and focus upon Herod Antipas of §§ 96–125, which we depended upon to reconstruct what happened in 37 BCE (one visit by Vitellius), supplies two such cases, of very different types.

#### *4.4.2.1 A high-priestly chronicle?*

Our conclusion, that Josephus' two accounts of Vitellius in Jerusalem both refer to the same visit but from different points of view, would seem to be contradicted by the fact that both accounts report that during his visit he switched high priests:

*Antiquities* 18.95*:* Having done those things, and been beneficent to the people, he removed Joseph, known as Caiaphas, from the priesthood and appointed Jonathan the son of the high-priest Ananus.

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whom the distinction between king and lesser titles was of cardinal importance (see esp. *Ant*. 17.317–318 and 18.240–246!). On popular nonchalance about the titulature, in contrast, see below, Ch. 5, n. 4.

[20] See above, n. 5. Here is the text of *Ant*. 18.90–91a according to Feldman's *JLCL* translation: "(90) Vitellius, on reaching Judea, went up to Jerusalem, where the Jews were celebrating their traditional feast called the Passover. Having been received in magnificent fashion, Vitellius remitted to the inhabitants of the city all taxes on the sale of agricultural produce and agreed that the vestments of the high priest and all his ornaments should be kept in the temple in custody of the priests, as had been their privilege before. (91) At that time the vestments were stored in Antonia – there is a stronghold of that name – *for the following reason.*" There then follows the story as cited in Section 3.2.4.

*Antiquities* 18.123: After he went up to the city and was received there quite properly by the Jewish masses he stayed there for three days, during which he took the high priesthood away from Jonathan and appointed his brother, Theophilus.

If the priestly source that (as we argued) lies behind §§ 90–94 went on to report Jonathan's appointment, and the source focusing upon Herod Antipas that lies behind §§ 96–125 reported the removal of Jonathan and appointment of Theophilus' in his stead, the plain implication would be that the two sources were dealing with different visits.

However, there are several reasons to think that Josephus found neither notice in his two basic sources here. Rather, it seems that he found them in an annalistic listing of the high priests, and inserted them in what seemed to him to be appropriate places. The reasons are as follows:

(a) We know there was such a list, and that Josephus had access to it, because he refers to it a few times; note especially *Against Apion* 1.36 ("The names of our high priests for two thousand years are to be found in the written records") and the long summary of the high priesthood given in *Antiquities* 20.224–251.[21]

(b) The notices do not function as part of the surrounding narratives, and the first one (§ 95) is positively intrusive. Namely, after the opening of § 95 presents Vitellius as insisting that Roman officials should not involve themselves in matters of the Jewish cult, the very next lines report, with no explanation whatsoever, that he himself removed Joseph Caiaphas from the high priesthood and replaced him with Jonathan. I find it very difficult to believe that one author freely composed this passage, which pulls clearly in two different directions; had one hand been at work, there would have been some coordination between the two positions.[22] Rather, I tend to imagine that the story about the vestments has been supplemented by a notice about the switch of high priests. While the notice in § 123 does not present such a contradiction, it is, nevertheless, just as unlinked to the surrounding narrative.

(c) Indeed, it seems that the chronicle had only the barest facts: the name of each high priest and a brief statement as to how his predecessor's tenure ended (death? removal from office?) – and that, indeed, explains why often there is no connection between the narrative and notices concerning the high-priestly succession. See, for example, the laconic listings in *Antiquities* 11.297 (where Josephus has nothing to report about Jehoida apart from his name and those of his predecessor and successor) and 18.34–35 (where we read only of Gratus' four successive appointments of high priests, with no story at all), and note especially the way notices about the high-

[21] Additionally, note *Ant*. 13.78, where unspecified proof is cited for the succession of the high priests, and *Life* 1–6, where Josephus cites (not without some evident errors) detailed genealogical information about his own pedigree, which he says he found in the "public registers." If such information was available for priestly families, it is all the likelier that the facts of the *high*-priestly succession were recorded. Indeed, it is a priori likely that such lists were kept, and biblical passages such as Ezra 7:1–6 make the presumption all the likelier.

[22] As we find in modern paraphrases, which bespeak a need to suggest some way to coordinate between the two notices, such as by supposing that Caiaphas was so unpopular that replacing him was a positive gesture, just as was the decision to restore the high priest's vestments to Jewish control; see the next footnote.

priestly succession are frequently found at points of transition in the narrative – as if Josephus is bringing us up to date concerning the various fronts he is covering. Thus, for example, according to *Antiquities* 11.347 Jaddua died at the same time as Alexander the Great; *Antiquities* 20.103–104 has Herod of Chalcis dying right after appointing a new high priest – and at the same time that a new governor came to Judea too; *Antiquities* 20.179 has Agrippa II appointing a new high priest at the end of a governor's tenure; etc. It is not at all likely that all these events were indeed so synchronized. Rather, it is far likelier that when Josephus' narratives anyway mentioned historical figures whose names appear in the high-priestly list as having appointed high priests, Josephus inserted the appropriate notices into his own narrative at convenient transitional points, without having any way to know whether the appointment came before or after the other events of which he knew concerning the historical figure.

To conclude this point: Rather than seeing the names of the two appointees as evidence that Vitellius, after all, visited Jerusalem twice, I tend to retain the original conclusion, in Section 4.4.1, that he visited Jerusalem only once; to assume that Josephus found two successive notices in the high priestly chronicle and inserted one at the end of his passage based upon a priestly source (that focused upon the high-priest's vestments) and the other at the end of his worldly source (that focused upon Antipas); and that we, who are aware of the chronological conundrum entailed by the notion that Vitellius visited Jerusalem twice, should rather assume that Vitellius made one appointment during his only visit to Jerusalem and the other one on some other occasion. Probably, given the fact that Caiaphas had served for many years alongside of Pilate,[23] Vitellius thought it wise to make a new start and sent Caiaphas packing when he suspended Pilate from office, even before his visit to Jerusalem.

#### *4.4.2.2 A source on John the Baptist?*

If in the preceding case it was a chronological problem that led us to infer that Josephus' passages based upon a priestly source (§§ 90–95) and upon one interested in Herod Antipas (§§ 96–125) had both been supplemented with snippets from a third source (a high-priestly chronicle), we will now turn to another section of the long Antipas narrative and see that, despite the absence of any evidence as coercive as a chronological difficulty, it too seems to have a provenance of its own.

Josephus' account of John the Baptist, in §§ 116–119, clearly interrupts the rest of the narrative, and its interests are quite different. Indeed, Jose-

[23] Which suggests "cordial relations" and "close cooperation" between Caiaphas and Pilate, the latter perhaps being "Caiaphas' protector;" so B. Chilton, "Caiaphas," *Anchor Bible Dictionary*, I (New York: Doubleday, 1992) 805–806. So too, Smallwood supposes that Caiaphas was unpopular because he was considered Pilate's "tool" (*JURR*, 172).

phus introduces the passage in § 116 as reporting what "some Jews" thought about the event he just reported: that Antipas' defeat at the hand of the Arabian king was a divine punishment for his mistreatment of John the Baptist, whose preaching and fate Josephus proceeds to describe. This passage, then, Josephus seems to have inserted into the midst of material about Herod Antipas, and structurally it is similar to *Antiquities* 14.77–78 (see Section 1.3.4), where after reporting the details of a military and political defeat (§§ 74–76) Josephus comments on that which caused it. However, if in that case Josephus used the first person and referred to himself as an author ("we shall speak in the proper place") so we are sure that he composed §§ 77–78 and that they reflect his views, in *Antiquities* 18.116–119 he cites what "some Jews" thought. Should we view these paragraphs as expressing Josephus' own view of John the Baptist or, rather, as passing on to us that of some unnamed others, presumably followers of Jesus or, perhaps, survivors of John's own movement?[24]

In dealing with this question, let us first note that the passage deals with a favorite Josephan issue: divine providence governs the world,[25] so military defeats are to be understood as expressing God's will.[26] In particular, however, note that Josephus likes to explain troubles of Jerusalem by reference to murders within it: Antipas' murder of John was like the murder of Onias in *Antiquities* 14.24–25, which explains Pompey's success a few pages later, and like the murder of the Roman garrison of Jerusalem in 66, which caused God to consign the city to destruction (see *War* 2.454–455 and 539) – something which elsewhere Josephus says about indiscriminate murders in the city (*Ant*. 20.166) and, in particular, about the murder of two high priests (*War* 4.314–325). That is, this passage conforms well to what Josephus likes to preach. Second, let us note that this passage is similar to others in which Josephus makes reference to what some people believed and it seems he agrees; note, for example, that at the very end of *Antiquities* 15 (§ 425) Josephus says that "it is said" that it rained only at night while Herod was building the Temple, thus demonstrating God's approval of the project, which is, he says, a major proof for the efficacy of divine providence. While we can document, from rabbinic literature, that this claim about rain in Herod's day was indeed made by others,[27] it is nonetheless clear that Josephus – who as

[24] For that distinction, see above, Section 2.3.3.4.

[25] See Ch. 3, n. 7.

[26] See, for some examples of this belief, Abiah's pre-battle speech at *Ant*. 8.279–280 (discussed below, in Section 5.7.3.4.2); Judas Maccabaeus' at *Ant*. 12.307; Herod's at *Ant*. 15.127–146; and Eleazar ben Jair's first pre-suicide speech in *War* 7.323–336. Note also the material assembled above in Section 3.2.1, on "demonic" influence on events.

[27] See BT *Ta'anit* 23a (H. Malter, *The Treatise Ta'anit of the Babylonian Talmud* [Philadelphia: Jewish Publication Society, 1967] 334–335). It is in fact usual for Josephus to employ "it is said" or the like to introduce traditions we know from rabbinic literature –

noted likes to point up divine providence whenever he can – was happy to repeat the story. Our passage on John makes the same impression. Third, let us note that the theology ascribed to John here deviates in some ways from that ascribed to him by New Testament writers but fits Josephus quite well. Thus, on the negative side, there is nothing ascetic about John (contrast Mark 1:6) and nothing apocalyptic about his message (contrast Matt 3:7–12); for Josephus' notion of asceticism as being something associated with a phase youths might go through but no more see *Life* 11–12, and for his contempt for prophets of coming ends and redemption see *War* 2.259 (below, Section 5.7.3.2) and 6.285 (on false prophets who promised "signs of deliverance" precisely on the day the Temple was destroyed). On the positive side, note (with Mason) that Josephus' summary of John's preaching – one should live virtuously "with justice one to another and piety toward God" – is a standard Josephan ideal.[28]

Thus, what we have seen is that *Antiquities* 18.116–119, on John the Baptist, is not part and parcel of its surrounding narrative; that it functions the same way Josephus' comments do at 14.77–78; that it is formulated in a way similar to those at 15.425 and bespeaks the same Josephan agreement; and that it portrays John, both in what it says and in what it does not say, in a way congenial to Josephus. So whatever informants or even sources Josephus may have had on this subject, it seems warranted to view this passage as evidence for what Josephus himself thought about John. This is evidence that the cooption of John's movement by Jesus' followers was not a *fait accompli* by the time Josephus was writing.[29]

By way of conclusion, I would note that getting to such an inference as a spin-off from a discussion of Vitellius' visit(s) to Jerusalem is a good example of how such chronological issues can start off inquiries that may lead in more than one direction. True, someone might remark that there was no need for our discussion in order to get to our final conclusions, for any reader of *Antiquities* 18.116–119 can see that Josephus does not link

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he apparently picked them up from popular tradition just as the later rabbis did. See for example *Ant*. 13.282 where "they say" John Hyrcanus heard a divine voice about his sons' victory – a story told also in Tosephta, *Sotah* 13:5 (ed. Lieberman, 232; for an English translation, see J. Neusner, *The Tosefta: Nashim (The Order of Women)* [New York: Ktav, 1979] 202). On this type of material see, in general, S.J.D. Cohen, "Parallel Historical Tradition in Josephus and Rabbinic Literature," *Proceedings of the Ninth World Congress of Jewish Studies*, vol. B/1 (Jerusalem: World Union of Jewish Studies, 1986) 7–14.

[28] Mason, *JNT*, 153. For the passage on the Baptist being typical of Josephus' style see also Thackeray (Ch. 1, n. 19) 132.

[29] Within the New Testament, the latest direct evidence for the separate existence of John's movement is Acts 18:24–19:4, referring to the sixth decade of the first century. For the likelihood that "the thin thread of the community following John" lasted until the third century, see K. Rudolph, "The Baptist Sects," in: *The Cambridge History of Judaism*, III (ed. W. Horbury, W.D. Davies, and J. Sturdy; Cambridge: Cambridge Univ., 1999) 481.

John to Jesus. To this I would respond that yes, any reader of *Antiquities* 18.116–119 can see that the passage does not link John to Jesus, but only a discussion of the nature of the passage, both by itself and in contrast to that which surrounds it, can give us the confidence to say that Josephus is the writer. Had we concluded, for example, that this passage too came from the source interested in Herod Antipas, then – since we do not know who wrote that or when and where he worked – we would not know where, and when, and by whom, John's movement was still viewed as distinct from that of Jesus. It was only the chronological problem concerning Vitellius' visit(s) to Jerusalem that forced us to consider the possibility that this part of Josephus' narrative is based upon disparate sources, to characterize one of them as focusing upon Antipas, and then to single out the Baptist material by which the passage based upon the latter had been expanded.

That is, study of Josephus' sources allows us to learn not only about them and their views, but about him and his as well. As we noted at the outset of this chapter, this has always been recognized regarding cases where his sources are extant; everyone agrees that by comparing *Antiquities* 12 to the *Letter of Aristeas* and 1 Maccabees we can learn a lot about Josephus. What we have now added is that, apart from the fact that discovering Josephus' use of lost sources can teach us about them and about the events they describe, it can also help us spotlight Josephus' own views as well.

Chapter 5

# Among Texts: Rubbing Sources Together

## 5.1 Introduction

As we just saw in the way a problem in Vitellius' chronology led us to distinguish between a priestly source and one focusing on Herod Antipas, which in turn led us to focus not only upon Josephus' data about high-priestly appointments but also upon his account of John the Baptist, within his Antipas narrative, and thereby upon the issue of whether John's followers had merged with Jesus', so too even when the sources are distinct to begin with: when you rub two texts together sparks may fly in all sorts of directions. Those interested in knowing what happened will want to know if both sources refer to the same event or different ones, how to coordinate the differences between their details and, if need be, how to choose between them. Those interested, instead or primarily, in knowing one or the other writer better on his own terms will find the comparison important, if only insofar as it points up the fact that there were other options, roads not taken. Moreover, the comparison may bring us to interesting perspectives on the other source too. In this chapter we shall see several instances of what can spin out of the comparison of two sources. The first case will build upon our observation in the preceding chapter (Section 4.4), that chronological contradictions, which are so clear-cut, are frequently good points of departure for the analysis of sources.

## 5.2 Josephus vs. Luke: The case of Quirinius' census (*Ant*. 18.1–2, 26 vs. Luke 1–2)

At the beginning of *Antiquities* 18 Josephus reports that Publius Sulpicius Quirinius, the Roman governor of Syria, administered a census in Judea. Josephus twice dates this census to 6 CE: at *Antiquities* 18.1–2 he reports the census was conducted upon the exile of Herod's son Archelaus, who had ruled Judea for ten years (*Ant*. 17.342; *Life* 5[1]) since his father's death

[1] *War* 2.111 says Archelaus ruled for nine years. What caused this minor discrepancy (a mistake? a different system of reckoning?) is unknown.

in 4 BCE; and at *Antiquities* 18.26 he says the census was conducted in the thirty-seventh year of the Actian era. That datum fits the other one precisely, for the Battle of Actium (which made Octavian – soon-to-be Augustus – sole ruler of the world, leaving Antony and Cleopatra to their suicides) was fought in September of 31 BCE.

A census by Quirinius is also mentioned at Luke 2:1–4. Luke reports that it was in order to be registered in this census that Joseph and Mary – then pregnant with Jesus – had to report to Bethlehem, and so it happened that Jesus was born in Bethlehem. As for when this happened, however, there is a famous problem which has caused oceans of ink to be spilled: if Josephus clearly dated the census to 6 CE, Luke seems to date it at least a decade earlier, to the days of Herod. True, that dating of the census is not explicit. All Luke says, at 2:1, is that it was held during the reign of Augustus, that is, 30 BCE – 14 CE. But the dating to the days of Herod (who died in 4 BCE) is nevertheless clear, for the first chapter of Luke opens with one Zechariah and his wife Elizabeth living "in the days of Herod, king of Judea" (Luke 1:5); in the course of that chapter Elizabeth becomes pregnant (v. 24); six months into her pregnancy her cousin Mary too becomes pregnant (vv. 26 ff.); and Mary gives birth in Ch. 2, at the time of Quirinius' census. Any reader of Luke 1–2 who knows that pregnancies take only nine months must conclude that, according to Luke, the census was held in Herod's days or right after them – a decade or more earlier than the date supplied by Josephus. Note, moreover, an ancillary but important part of the issue: the Gospel of Matthew, although making no reference to Quirinius or a census, clearly confirms Luke's report that Jesus was born in the days of Herod the Great (Matt 2:19, 22). This makes the conflict between Josephus and the Gospels – known as "the Quirinius Problem," all the more severe.[2]

Now, as with the Vitellius problem described at the end of the preceding chapter all of the options have been tried: either there were two such censuses, or perhaps we have misunderstood one or both of our sources, or there was one such census and one of our two sources is wrong about its date. However, since there has never been much doubt about Josephus' dating of Quirinius' census (which places it at the inception of direct Roman rule in Judea),[3] but the attempts to avoid the contradiction by positing

[2] For reviews of the problem and the literature, see Schürer, *HJP* 1.399–427; Stern, *JPFC* 1.372–374; Smallwood, *JURR*, 568–571, and the two works cited below, n. 6.

[3] Apart from the usual preference for Josephus because he was a historian of Judea while Luke had other things on his mind and anyway links the census to Herod's days only indirectly (via Mary's pregnancy), a Roman census in Judea in 6 CE is usually accepted as quite reasonable, either because such an administrative step was part and parcel of the inauguration of direct Roman rule in Judea that year, or because the census happened to be taken at that time and Judea was included because it had come under Roman rule. See H. Cotton, "Some Aspects of the Roman Administration of Judaea/Syria-

that Quirinius also administered an earlier census or by reinterpreting Luke (maybe "Herod" was Archelaus,[4] or maybe Luke 2:2 means the census was "before" that by Quirinius[5]) have failed to convince many scholars (even those who, given their basic acceptance of the Gospels as Sacred Scripture, should have been happy to accept them[6]), the only real question left to discuss has been whether anything, historically, lies behind Luke's account. Perhaps, for example, there was indeed a census in the days of Herod, although Herodian and not Roman.

Let it suffice for the present discussion to note that most scholars concede, today, that (a) Luke dated Quirinius' census in Judea to the days of Herod and (b) Luke was wrong, for it was actually held in 6 CE. But that conclusion only opens the discussion as to how and why Luke erred. And it must be underlined that this second discussion is actually part of the first one, for just as with textual errors, so too with broader historical ones, we shall be more convinced that something is wrong if we can understand why and how the error occurred. The more mysterious that is, the more unexplained the error remains, the more doubt will remain that perhaps, after all, like a "difficult" reading, no one would have made it up were it not true.

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Palaestina," in: *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1. bis 3. Jahrhundert* (ed. W. Eck and E. Müller-Luckner; Schriften des Historischen Kollegs: Kolloquien 42; München: Oldenbourg, 1999) 78. A Roman census under Herod, in contrast, would be quite problematic, for although he was a vassal he was still an autonomous king. Nevertheless, for a recent attempt to reopen this issue, see J.H. Rhoads, "Josephus Misdated the Census of Quirinius," *Journal of the Evangelical Theological Society* 54 (2011) 65–87.

[4] For this suggestion, which builds mostly upon the evidence of coins and Cassius Dio 55.27.6 (*GLA*, no. 418), see esp. J.D.M. Derrett, *Studies in the New Testament*, II (Leiden: Brill, 1978) 6–8 (originally in *Novum Testamentum* 17 [1975] 83–85). But there is little to recommend it, given the clarity of Matthew about Herod the Great being the king when Jesus was born (see n. 8) and given the fact that Archelaus was never a king, but only an ethnarch (*War* 2.93, 115; *Ant*. 17.317). True, ancient writers were capable of speaking generally about a "king" even when referring to some lesser figure, as Josephus does of Archelaus in *Ant*. 18.92 (cited in Section 3.2.4), as also of Hyrcanus II in *Ant*. 14.157, 168–183 *passim*, and as Matthew does of Archelaus (2:22) and of Herod Antipas (14:9) and Mark does of the latter (6:14); see H.W. Hoehner, *Herod Antipas* (Society for New Testament Studies Monograph Series 17; Cambridge: Cambridge Univ., 1972) 149–150. But even if we allow for that, given the far greater fame of Herod the Great we should expect clear words of distinction if another, lesser, figure were intended – just as we indeed find in Matthew 2:22 and *Ant*. 18.92, which both define "King" Archelaus as Herod's son and successor.

[5] For this suggestion and its rejection, see Schürer, *HJP* 1.421–422; Fitzmyer (Ch. 2, n. 4) 401.

[6] See Fitzmyer (n. 5), 400–405; R.E. Brown, *The Birth of the Messiah* (London: Chapman, 1977) 547–556.

So, what could have engendered Luke's error?[7] First, let us recall what creates the problem: Mary is pregnant in Ch. 1, which is dated to "the days of King Herod" (v. 5), but gives birth in the days of Quirinius' census. Had Mary not been mentioned in Ch. 1 there would be no contradiction between Josephus and Luke.[8] Now I shall note that Mary's presence in Ch. 1 creates several other problems as well, of different types, of which we have already seen the first two:

(a) *Two textual problems.* As we saw in Section 2.3.3.4, the hypothesis that Mary was added secondarily into Luke 1 can account for the variety of witnesses to 1:46 and the anomalous formulation of 1:56.

(b) *A literary problem.* Were we to remove Mary from Luke 1, allowing the chapter to proceed from v. 25, where Elizabeth is said to have completed five months of pregnancy, to v. 46, where she began to say the Magnificat, we would have no difficulty in analyzing the structure of the first three chapters of Luke. Chapter 1 would be entitled "The Birth of John" and end up leaving him in the desert to grow and await further use (Luke 1:80); Chapter 2 would be entitled "The Birth and Childhood of Jesus" and end up by leaving him to grow and await further use (2:52); and then, after the two major characters had been created, Chapter 3 would open the real story, marked by chronological fanfare (vv. 1–2),[9] reporting how first John and then Jesus began their public ministries. As it is, however, with Mary at center stage in Luke 1:26–56, we cannot do this – although it seems fairly obvious that readers should tend to do so.[10]

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[7] For a recent study devoted to this question, see J.M. Rist, "Luke 2:2: Making Sense of the Date of Jesus' Birth," *Journal of Theological Studies* n.s. 56 (2005) 489–491. He suggests that the ultimate source for Luke's report dated Jesus' birth to the days of "Quinctilius," referring to P. Quinctilius Varus, who was governor of Syria around 7/6 BCE, but Luke (or his source or his copyist) mistakenly thought the reference was to Quirinius – which led him to add the well-known census into the story. I believe the explanation I am about to offer – first proposed in my study cited in Ch. 2, n. 102 – is less speculative.

[8] Although there would be one between Luke and Matthew, for while the references to Herod's death and the succession of Archelaus in Matt 2:19, 22 clearly date the birth of Jesus to the days of Herod, we would apply Josephus to Luke 2 and conclude that the latter dates Jesus' birth to 6 CE. Given Luke's historical orientation (note his authorship of the Acts of the Apostles), it is interesting to speculate how scholarship would have dealt with a contradiction between Luke and Matthew had there been none between Luke and Josephus.

[9] For the use of various chronological markers as a way of indicating the importance of an event, compare especially Thucydides' dating of the beginning of the Peloponesian War, after the completion of his introductory material: "The thirty years' truce which was entered into after the conquest of Euboea lasted fourteen years. In the fifteenth, in the forty-eighth year of the priestess-ship of Chrysis at Argos, in the ephorate of Aenesias at Sparta, in the last month but two of the archonship of Pythodorus at Athens, and six months after the battle of Potidaea, just at the beginning of spring, a Theban force […]" (Thucydides 2.2, trans. R. Crawley).

[10] From the point of view of method, it is important to note that the observation that verses about Mary are intrusive in Ch. 1's narrative that focuses upon John is similar to our observation in Section 4.4.2.2 that §§ 116–119 of *Antiquities* 18 are intrusive in the long

(c) *A human problem:* If Mary stayed with her cousin Elizabeth for three months (Luke 1:56), beginning in the sixth month of the latter's pregnancy (1:26, 36), why would she leave just before the birth, when she could have been helpful and also participated in the celebrations? No explanation is given, and it is strange from a human point of view – so strange as to create (or, by now: reinforce) a doubt about the visit itself.[11]

Thus, our discussion of the chronological problem has brought us to see that the passage that creates it – Mary's pregnancy in Luke 1 – creates three other kinds of problems as well. Any one of those problems suggests the hypothesis that that passage is secondary, and it is obvious that the more problems a given hypothesis can solve, the likelier it is.[12] Indeed, we have already seen, in Section 2.3.3.4, that there was a good theological reason for Luke, or an editor, to insert Mary into the narrative about Elizabeth: the theological need to reassure readers that John was secondary to Jesus, and that John admitted it. Therefore, to conclude, we now propose that we explain the genesis of the Quirinius Problem on the assumption that it too – as the other problems we listed – arose out of the expansion of Luke 1, due to theological reasons, by the insertion of Mary and Jesus. Originally, it seems, Luke's materials reported only John's birth "in the days of Herod" and did not interweave Mary's pregnancy with Elizabeth's.

Having come to that conclusion, we have not only destroyed something (the notion that there was an earlier census too). We have also made three positive contributions: we have reinforced the security of our surmises about (1) the text of Luke 1:46, 56 and (2) the way Luke built up Ch. 1, for now we see that other problems point us to the same solution arrived at in Section 2.3.3.4; and we have (3) added, accordingly, some confidence to our use of Luke's testimony about the census as relating to that which, as we know from Josephus, was held in 6 CE. Thus, for example, note that according to Luke's report everyone was required to report to his or her residence for the census, but while there is some evidence for this type of procedure (census "at home"[*kat' oikian*]) elsewhere in the Empire, Josephus doesn't mention it.[13] Having established that Luke is referring to the same census

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section (§§ 96–125) that focuses upon Herod Antipas. In both cases, it is the characterization of the larger unit that makes the smaller inlay stand out.

[11] "It might seem strange that Mary would not be expected to stay with her relative precisely at the time when she would need her most, i. e., at the delivery of the child John. But Luke has his own literary purposes" (Fitzmyer [Ch. 2, n. 4], 369). On p. 362 Fitzmyer explained what that purpose was: Luke "wants to clear the stage before he returns to the narrative of the birth of John in his Baptist-source."

[12] On consilience, see above, Ch. 2, n. 107.

[13] See, in this connection, Schürer, *HJP* 1.411–413, and H.M. Cotton, "The Roman Census in the Papyri from the Judaean Desert and the Egyptian κατ' οἰκίαν ἀπογραφή," in: *Semitic Papyrology in Context – A Climate of Creativity: Papers from a New York*

as Josephus, anyone pursuing this issue will have to ask whether the detail is to be accepted or whether, in contrast, Luke inserted it into his account merely because he needed a way to bring Mary from the Galilee to Bethlehem, where the Messiah just *had* to be born (in accordance with Micah 5:1, quoted in Matt 2:6). And that hypothesis will, in turn, raise the question of where Luke imported it from – an inquiry that will address Luke's own origins, and the state of his knowledge about Roman administration. Be that as it may, the methodological point is that Luke's details about Quirinius' census can be true although he was wrong about its chronology. Or, put more generally, once we establish that a source is wrong chronologically this needn't disqualify the data it includes. It only helps us know better where to apply them. Anything can be grist for an historian's mill. The trick is to apply the proper mill.

## 5.3 Josephus vs. Philo: What did Pilate introduce into Jerusalem?

The preceding example used our understanding of Luke's theological need (to ensure Jesus' superiority to John) to settle our mind that Luke was really in error, chronologically, when he contradicted Josephus concerning Quirinius' census. Let us now look at a case where what we shall analyze, in the statement of a source that contradicts Josephus, are its author's attitudes toward truth and rhetoric. The case is the one we began to discuss in Section 1.3.5, where Philo and Josephus contradict one another about what Pilate introduced into Jerusalem (Philo: aniconic shields; Josephus: iconic military standards [Latin: *signa*]) and, especially, as to how the episode ended: Did Pilate himself decide to remove the objects to Caesarea, as Josephus tells the story, or was Pilate ordered to do so by an enraged Tiberius, as Philo reports?

In Section 1.3.5 we noted that for Philo the emperor's intervention was crucial, for it made the story into a good precedent for the case at hand: Philo wanted to show it was wrong for Gaius Caligula to desecrate the Temple of Jerusalem and so it was important to claim that the preceding emperor had been outraged at the notion of such a threat – even a much lesser one – to the sanctity of Jerusalem. Had Tiberius not been involved, had – as Josephus reports – Pilate decided by himself to remove the offensive items from Jerusalem, Gaius might well have responded that Pilate was simply wrong, that he should not have given in to provincials' protests at the expense of the respect due the emperor. The way Philo told the story,

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*University Conference Marking the Retirement of Baruch A. Levine* (ed. L. H. Schiffman; Culture and History of the Ancient Near East 14; Leiden: Brill, 2003) 105–122.

in contrast, Tiberius' involvement served as a precedent that should guide Gaius and lead him to make such a gracious gesture toward the Jews.

Now we may add that Philo himself links the two cases explicitly, rhetorically emphasizing the ways in which Gaius' project was worse than Pilate's. Namely, right after recounting the story from the days of Pilate (*Embassy to Gaius* 299–305) Philo heavy-handedly puts it to work for his argument about Gaius' plan to have a statue erected in the Temple:

> On that occasion it was a question of shields bearing no representation of any living creature; this time it is a colossal statue. On that occasion the dedication was made in the residence of the procurators; this time the proposed dedication is to be made, we are told, right inside the Temple, in the actual shrine, which the High Priest enters only once a year, on the so-called Fast Day […] (Philo, *Embassy to Gaius*, 306, trans. Smallwood)

Philo's argument is that since Pilate's initiative was less offensive than Gaius', both in terms of what it was and where it was, and nevertheless Pilate's provoked Jewish resistance and Tiberius ordered Pilate to back down, all the more so will Gaius' project provoke resistance and all the more so should he back down.

This is quite a cogent argument, rhetorically. However, if the question we want to answer is whether the event described by Philo is identical with or different from the one described by Josephus, we should wonder about the fact that all three major discrepancies between their stories serve Philo's argument. Namely:

(a) As noted, Josephus does not involve the emperor, but Philo does.

(b) Josephus says Pilate introduced busts of the emperor, but Philo claims that what Pilate introduced was aniconic. This makes the contrast with Gaius' statue all the more polar, and so all the more effective: if the Jews were upset, and Tiberius too, about something so innocuous as aniconic shields, all the more should Gaius abstain from bringing in a statue – the worst possible type of icon, one in direct violation of the Second Commandment.

(c) Josephus says the busts were displayed in public, but Philo says they were only in the governor's residence. If the Jews were upset, and Tiberius too, about something that violated Jewish sensitivities even in the least Jewish part of Jerusalem, all the more should Gaius abstain from desecrating the Temple – the most Jewish part of Jerusalem.

It would, of course, be easier for us to conclude the two narratives refer to separate events if the major differences between the stories concerned useless points of circumstantial detail. The fact that all three major ways in which Philo's story differs from Josephus' make Philo's argument more persuasive should make us suspect that Philo created them for the purpose.

Moreover, note that concerning one of these details Philo contradicts himself quite blatantly. Namely, after first underlining in a clear declarative

statement about the items Pilate had introduced into Jerusalem that "they had no form nor anything else that was forbidden, apart from the requisite inscription that mentioned the following two: he who had made the dedication and he for whom the dedication had been made" (§ 299), Philo goes on to portray the Jews – with whom he obviously sides against Pilate – as clamoring at Pilate not to violate their customs and laws (§§ 300–301). This is a problem within Philo's account itself, even without comparison with Josephus'.

What shall we do when Philo's clear denial clearly contradicts his own story? To answer such a question we would want to see more cases. However, just as I know of no method, apart from reading Genesis and Josephus carefully, that can allow readers of *Antiquities* 19.321 to discover that Josephus applied Joseph motifs to the story of Agrippa (Section 1.3.3), so too here: I know of no special method that can allow us to build such a file of Philonic self-contradictions, apart from reading Philo carefully. But just as those who read other parts of Josephus on Agrippa will encounter other passages that recall the Joseph story, so too readers of Philo will encounter other clear declarative statements denying this or that but belied by their context. Here are two:

(a) In *Against Flaccus* 26 ff., where Philo reports that a visit to Alexandria by Agrippa I touched off anti-Jewish rioting in the summer of 38, Philo goes out of his way to emphasize that Agrippa did not want to visit Alexandria. Philo explains that the fact Agrippa traveled via Alexandria was due to the emperor's orders but he was just passing through on his way to Judea and deliberately stayed out of port until nightfall so no one would recognize him when he entered the city. After all, Philo adds, Agrippa "had not come to Alexandria to sight-see as he had visited it before ….The only reason he was there was to take a shortcut home" (§ 28).[14] Nevertheless, those dastardly Alexandrians were jealous and complained to Flaccus, the Roman governor, that Agrippa was "attracting the attention of all men by the sight of his spear-carrying army of bodyguards with their weapons adorned with silver and gold" (§ 30). What Philo does not tell us is how the Alexandrians learnt of Agrippa's visit despite all the measures he took to avoid notice, and how, in fact, we can believe Agrippa tried to remain incognito if, as the Alexandrians claimed and Philo leaves uncontradicted, Agrippa paraded about with such flashy bodyguards. Indeed, that Agrippa did parade about ostentatiously seems to be the clear implication of the way he was parodied by the Alexandrian mob, according to Philo's report itself (§§ 36–39). The obvious conclusion is that Agippa did not try to avoid public notice (and maybe even sought it out), but Philo, in his desire to leave his readers no doubt as to who the villains were, went beyond the evidence but wound up contradicting himself. After all (Philo could well convince himself), even if Agrippa did parade about with flashy bodyguards that was no justification for a pogrom against the Jews. Accord-

[14] Translations of *In Flaccum*, here and below, are from P. W. van der Horst, *Philo's Flaccus: The First Pogrom – Introduction, Translation and Commentary* (Philo of Alexandria Commentary Series 2; Leiden: Brill, 2003).

ingly, thinking more like a philosopher, or like a lobbyist, than as an historian, Philo seems to have decided that there was no reason to muddy the waters by mentioning some details like that which could create even a slight doubt about the Alexandrians' guilt.[15] Hence his denial of the public nature of Philo's visit, belied by the facts.

(b) In his *Embassy to Gaius* 261 Philo reports quite roundly that when Agrippa I arrived in Rome in September of 40 "he knew absolutely nothing of what Petronius had written or of what Gaius had first and later written." That is, he knew nothing of Gaius' order to erect the statue in the Temple of Jerusalem, nor of the ensuing correspondence on the matter between the emperor and Publius Petronius, the Roman governor of Syria who had been ordered to carry out the project. But the order had been given in the autumn of 39, almost a full year before. In the year since then, Palestine – including regions within Agrippa's kingdom – had seen massive movements of troops (*Ant*. 18.262), demonstrations against the plan (Philo, *Embassy* 225–253 and Josephus, *Ant*. 18.263–272), and diplomatic efforts by members of Agrippa's own family (ibid. §§ 273–278).[16] Can one really believe Agrippa knew nothing about all of this? Even if, as a modern commentator suggested, in desperation, Agrippa was away from Palestine and even at sea for most of the time[17] (which is otherwise undocumented), can one really believe that he would have known nothing of all the commotion in Palestine or of what must have been the talk of the Jewish world, a threat to its central institution?

But although the claim that Agrippa was clueless is hard to believe, it is very effective rhetorically. For it allows Philo to go on and claim that when Agrippa had an audience with Gaius (*Embassy* § 261 ff.) and during it first heard about the emperor's project, he could faint in the most sensational way:

(266) Before Gaius had time to add more, Agrippa's anguish of mind made him change colour in every possible way; in one minute he became flushed, pale, and livid. (267) He was already shivering from head to foot. Trembling and shuddering convulsed every limb and part of his body. His sinews became limp and slack, and he staggered and finally collapsed, and would have fallen, had not some of the bystanders caught him […] (*Embassy to Gaius* 266–267, trans. Smallwood)

Obviously, Agrippa could not have fainted if he knew about the project in advance. By portraying Agrippa as in the dark about the whole affair, Philo allowed himself the opportunity not only to show off his rhetorical skill and entertain his readers, but also to demonstrate how a good person

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[15] This is a more sympathetic formulation of essentially the same observation that the problematic nature of Philo's account here once elicited from a prominent German historian: "Philo hasn't the slightest respect for facts" (H. Willrich, "Caligula," *Klio* 3 [1903] 402–3, n. 1 [my translation – DRS]). For a recent study of these events, focusing on how Philo skewed his account in the Jews' favor, see A. Kerkeslager, "Agrippa and the Mourning Rites for Drusilla in Alexandria," *JSJ* 37 (2006), pp. 367–400.

[16] On this episode, see Ch. 2, n. 58.

[17] So A. Kasher in a note to his translation of Philo's Embassy in *Philo of Alexandria: Writings*, I (ed. S. Daniel-Nataf; Jerusalem: Israel Academy of Sciences and Humanities, 1986) 126, n. 386 (in Hebrew).

should react when he or she hears that Jewish sancta are being threatened with desecration.

Thus, time and again Philo denies something true so as to make good and bad, hero and villain, clearer to the reader. Truth about details is sacrificed on the altar of general truth; Philo is a philosopher writing history.[18] Whether or not this is justifiable is not our issue, for – just as with regard to Josephus' failure to cite sources or his "sloppiness"[19] – our purpose is not to give grades to the authors of our sources, but, rather, to know how to use what they wrote. In this case, what we have seen is that Philo's denial of the iconic nature of what Pilate introduced into Jerusalem is rhetorically functional but involves him in a self-contradiction, and so here too, as in the other two cases we cited, we must reject his claim. Accordingly, it becomes very difficult to maintain that the event he reports is different from the one that Josephus reports. That is still possible, but our analysis of Philo's report has, at the very least, created a serious question mark. And that serious question mark applies, accordingly, to the use of Philo's report as support for the Gospel's picture of Pilate's fear and trembling before his Jewish subjects – which was, as indicated in Section 1.3.5, an important context in which Philo's report has been put to use. On the other hand, in return, our study has enriched our appreciation of Philo's values and aims – and they too are history.

I would add, before leaving this case, three more observations about the conclusion that we should not believe Philo about some details of the episode, and that we should therefore prefer to assume there was only one such event:

(a) I will readily admit that my willingness to come to this conclusion is probably influenced by a Jew's predisposition to undermine an argument that has been used so often to bolster the Gospels' exculpation of Pilate and condemnation of the Jews – just as much as others, with opposite predisposition, have come to the opposite conclusion. Namely, it is quite widespread to assume that: (i) there were two separate incidents; (ii) the incident involving iconic standards came first; (iii) "the incident of the golden shields [= Philo's story – DRS] is best understood as Pilate's naïve attempt to re-establish himself with Tiberius without offending the Jews;"[20]

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[18] Compare Aristotle's ranking of poetry versus history according to their relation to philosophy: "one tells what happened and the other what might happen. For this reason poetry is something more scientific [lit.: more philosophical] and serious than history, because poetry tends to give general truths while history gives particular facts" (*Poetics* 9.2–3 [1451b], trans. W.H. Fyfe [LCL]). Given the fact that Philo wrote so much more philosophy than history (of which latter there is less than a single volume in the twelve-volume LCL set of his writings), it is not surprising that even when writing history he preferred the philosopher's agenda. See also Perowne's comment cited below, Ch. 6, n. 6.

[19] For the former, see Ch. 1 after n. 38; for the latter – Ch. 4, n. 11.

[20] So P.W. Barnett, "'Under Tiberius All was Quiet,'" *New Testament Studies* 21(1974/75) 568. He refers, inter alia, to P.L. Maier, "The Episode of the Golden Roman Shields at Jerusalem," *HTR* 62 (1969), esp. 115.

(iv) and Pilate's weak stance vis à vis the Jews, in the shields' episode, corresponds with, and so confirms, the Gospels' picture.[21] That, on both sides, is interesting, even a part of modern history, but neither here nor there as an argument concerning what really happened in antiquity.

(b) To some extent our conclusion builds upon the fact that each source reports only one event. Had – as in the case of Vitellius' visits to Jerusalem – a single work described both events, we would have begun with a much stronger presumption that there were, historically, two separate events. As it is, the case is reversed: just as we are used to picking up different daily newspapers and reading about the same event from different points of view, so too here. But we should note two differences that qualify our confidence when it comes to applying this assumption in the present case, as many others in antiquity: (i) while the fact that only one such episode is mentioned by Josephus is indeed significant, for he is giving what purports to be a survey of the events of Pilate's tenure and is thus indeed somewhat comparable to our newspapers, Philo does not purport to give such a survey, but only to cite a single useful precedent from Pilate's days, so the fact that he reports only one such event is even less probative than silence usually is; (ii) Pilate served a decade or more,[22] and even when we combine Josephus' accounts and the Gospels and all our other evidence we still don't know as much about the events of his tenure as we know, today, from any single newspaper about any day of most modern governors' lives and affairs. So we cannot really exclude the possibility that a second event, such as the one described by Philo, also occurred. All we can say is that given the evidence available to us, it is likelier that Josephus and Philo are describing the same event.

(c) Concluding that we should prefer Josephus' version does not mean that (i) every detail in Philo's account is untrue, nor that (ii) every detail in Josephus' is true, nor that – whether or not every Josephan detail is true – (iii) his story is useful only as a source about Pilate's days and tells us nothing about Josephus and his work. On the contrary: (α) Philo's report includes some circumstantial data, absent from Josephus' report of this affair, which are worthy of consideration and probably worthy of our trust (such as the special involvement of Herodian negotiators and the statement that the governor usually used Herod's palace in Jerusalem; both points are quite reasonable and corroborated by analogous evidence[23]); (β) Josephus' statement that Pilate deliberately violated Jewish sensitivities and introduced the images into Jerusalem at night so as to avoid notice might not be true, for perhaps Pilate was not aware of the problem and Josephus frequently has sneaky things happening at night even when his sources do not;[24] (γ) it is simple to see that Josephus' story shows the Jews take their religion seriously, are willing to risk even death rather than allow their sancta

[21] See Section 1.3.5, with bibliography cited in Ch. 1, n. 39.

[22] It is usually assumed, on the basis of *Ant*. 18.35 and 89, that he served ca. 26–36/37. For the argument that he was in fact appointed as early as 19 CE, see Section 5.6.4 (a).

[23] Herodian intervention with another governor: *Ant*. 18.273 (and cf. Luke 22:12!); add several cases of Herodians appealing on the Jews' behalf to even higher officials (*Ant*. 16.27–61; 19.288; 20. 9, 135–136). Governors residing in Herod's palace: *War* 2.301.

[24] As was noted by Drüner (Ch. 4, n. 3) 45–46. Thus, for example, compare *Ant*. 13.28 and 122, respectively, to their sources at 1 Macc 9:67–68 and 11:21. Moreover, note that Josephus' claim that Pilate was deliberately provocative comes in the opening summary (§ 55); as is natural, and often noted, it is especially at the opening and closing lines of stories that Josephus is most active editorially. For this point, see also below, n. 36.

to be violated, and should therefore elicit their rulers' respect. But these are points of obvious apologetic importance that Josephus makes elsewhere as well – including in the Jews' confrontation with Petronius in an attempt to dissuade him from introducing a statue into the Temple at Gaius' orders (*War* 2.195–198; *Ant*. 18.269–272). Josephus devotes much space to that episode shortly after his Pilate narratives, and we may well imagine that it was important for Josephus to play up these themes in the Pilate episode too,[25] just as he does elsewhere in his writings.[26]

## 5.4 Josephus vs. epigraphical evidence

Now and then it happens that something comes out of the ground that relates directly to something reported by Josephus. In Section 2.1, for example, we compared *Pesher Nahum*, from Qumran, to Josephus' report concerning Alexander Jannaeus' crucifixion of his enemies. Similarly, in our discussion in Section 2.2.3.3.2 of who was allowed to enter the Temple we cited Qumran texts and (in Ch. 2, n. 78) an inscription from the Temple Mount that – as Josephus' Simeon – forbade the entry of people of foreign *genos*. Sometimes, however, there is room for doubt.

### *5.4.1 Really the same? The case of Potlas*

Thus, for example, when a scrap from Qumran was discovered to say something about bloodshed and about someone named "Potlas," one could speculate that the reference was to the individual named "Ptollas" mentioned by Josephus in *Antiquities* 17.219, shortly after the report of a massacre in the days of Archelaus.[27] However, in this case there were doubts on all sides, for on the one hand Josephus does not directly link this Ptollas to the massacre, and on the other hand there is a good bit of doubt about his name, for (a) Potlas is not Ptollas, (b) the parallel in *War* 2.14 calls him not Ptollas but "Poplas" and in *Antiquities* 17.219 some of the manuscripts read not "Nicolas, Ptolemy, and Ptollas, of among his [Archelaus' – DRS] friends" but, rather, "Nicolas, Ptolemy, and many (*pollous*) of his friends …." However, it must be said that in this case, as in so many others, even when the original theory is rejected it has its abiding value insofar as it set people to

[25] Below, in Section 5.7.3.1, we shall see that Josephus' narratives about Pilate and Petronius agree not only about the Jews' willingness to die for their religion, but also about the way that religion is defined.

[26] For Josephus' emphasis upon this theme in his rewriting, in *Ant*. 12–13, of the story of 1 Maccabees, see Gafni's study (Ch. 1, n. 16), esp. 124–125. And note the heavy emphasis upon it in *Ag. Ap*. 1.42–43 and 2.218–219.

[27] For the Qumran text and the suggestion to link it to *Ant*. 17.219 see M. Broshi, "Ptolas and the Archelaus Massacre (4Q468g=4Qhistorical text B)," *JJS* 49 (1998) 341–345.

work on the possibility of combining texts this way. In this case, as it happened, two scholars who were unhappy with the original Potlas-Ptollas equation were jogged into thinking, independently, of the same alternative solution – identifying the scroll's Potlas with a Jewish rebel leader named Peitholaus mentioned by Josephus in connection with the fifties of the first century BCE.[28] The text is very fragmentary, but seems to refer to a massacre, and so *might* have something to do with the story Josephus tells at *War* 1.162–163 and *Antiquities* 14.84–85.

### *5.4.2 Jewish editing? The case of Claudius' edict(s)*

A case with much more to it and much broader implications was launched when, in 1924, H.I. Bell published a long Greek papyrus from Egypt preserving the text of a letter from the Roman emperor Claudius to the population of Alexandria. The letter, which the papyrus says was publicly read out in Alexandria on 10 November 41, deals with the affairs of the city and includes, in its fourth and fifth columns, a separate section (lines 73–109) pertaining to the Jews of Alexandria and their violent clashes with their neighbors.[29] The discovery of such a well-preserved and detailed imperial document was a sensation in and of itself. Moreover, given the fact that Josephus too supplies two long missives, one to Alexandria and one to the rest of the empire (*Ant*. 19.280–285; 286–291), from the same emperor in the same year, and they too address the question of the Jews' rights, the papyrus provided a virtually unique opportunity to coordinate Josephus' narrative with contemporary evidence preserved for almost two millennia without the intervention of any scribal middlemen.[30] Given the fact that there is no reason to doubt the authenticity of the papyrus letter, what shall we say about the text of the letter to the Alexandrians preserved by Josephus?

Comparison of the two texts shows that Claudius is much more even-handed in the papyrus than in Josephus' text: where in the papyrus he turns first to the Alexandrians and then to the Jews and warns both to abstain from misbehavior, Josephus has him blaming the Alexandrians for attacking the Jews (*Ant*. 19.284). Indeed, where the papyrus (lines 99–100) has Claudius warning the Jews that if they do not desist from importing compatriots

[28] For criticism of the Potlas = Ptollas theory, and the nomination of Peitholaus in Ptollas' stead, see W. Horbury, "The Proper Name in 4Q468g: Peitholaus?" *JJS* 50 (1999) 310–311; D.R. Schwartz, "4Q468g: Ptollas?" ibid. 308–309; and Eshel (Ch. 2, n. 8) 142–143.

[29] See H.I. Bell (ed.), *Jews and Christians in Alexandria* (London: British Museum, 1924); *CPJ* 2.36–55 (no. 153).

[30] For a comparable case for Tacitus, see M.T. Griffin, "The Lyons Tablet and Tacitean Hindsight," *Classical Quarterly* n.s. 32 (1982) 404–418. For Josephus, the closest comparison would seem to be that between his version of the text of the warning inscriptions in the Temple and the text preserved by the inscriptions actually discovered; see Ch. 2, at n. 96.

from Syria or Egypt he will proceed against them as if they were "fomenting a common plague for the whole world" (cf. Acts 24:5!), Josephus' Claudius himself emphasizes that Jews had lived in Alexandria from the earliest times (19.281), were called "Alexandrians,"[31] and had been granted "equal civic status" by the Ptolemaic kings (§ 281). Moreover, Josephus' Claudius writes that since Augustus had guaranteed that each people could live by its ancestral customs and religion the Jews had the right to do so; that Gaius had been "out of his mind" (§ 284) when he humiliated the Jews for refusing to worship him as a god; and that the Alexandrians had risen up against the Jews in the days of Gaius (ibid.).

The difference between the tones of these documents is blatant and thorough-going, but what shall we infer from it? Shall we assume that Josephus is simply giving us a version of the text congenial to the Jews, edited by him or by some Jewish predecessor? Or shall we rather assume that both texts are authentic – which would require us to suggest some reconstruction of the events of 41 CE that would leave room for both, i. e., for an even-handed Claudius and for one who is totally on the Jews' side?[32]

This topic has been debated in great intensity and detail[33] and this is not the place to rehearse the arguments.[34] Of the two options suggested in the preceding paragraph, some would take the latter, some – the former. From a methodological point of view what is important is to point out questions that arise in studying this topic – what we earlier called sparks that might fly when we rub Josephus' testimony together with that of the papyrus.

Prior to the discovery of the papyrus, we knew of one clash in Alexandria in 41 CE; Josephus describes it in *Antiquities* 19.278–279, claiming that it was initiated by Jews,[35] and then cites, in §§ 280–285 and §§ 287–291, two

[31] For the import of this point, see *Ag. Ap*. 2.38–42, where Josephus argues doggedly against Apion's astonishment at the notion that Jews could be called "Alexandrians." Note also a papyrus of 5/4 BCE (*CPJ* 2.29–33 [no. 151]) in which an Alexandrian Jew, in a petition to the Roman governor, first termed himself "an Alexandrian" but that was knocked down to "a Jew from Alexandria;" see J. Mélèze Modrzejewski, *The Jews of Egypt from Rameses II to Emperor Hadrian* (Philadelphia and Jerusalem: Jewish Publication Society, 1995) 164–165.

[32] From the point of view of methodology, the latter would be similar to the possibility of reconstructing Pilate's tenure in Judea so that at times he was confident vis à vis the Jews and at times afraid of them and worried that they would appeal over his head to the emperor; see above, at n. 20.

[33] For something of the massive bibliography, see the lists in *CPJ* 2.36–37 and Feldman, *Josephus* (ch. 1, n. 3) 331–338.

[34] For the documents, and the reconstruction of the events, see Schwartz, *Agrippa*, 99–106; M. Pucci Ben Zeev, *Jewish Rights* (ch. 1, n. 4) 294–342; and E. S. Gruen, *Diaspora: Jews amidst Greeks and Romans* (Cambridge, Mass.: Harvard, 2002) 78–83.

[35] Josephus introduces the clash, in § 278, as one the Jews of Alexandria fought "against" (*pros*) the Greeks of the city, and goes on to say that they took heart and armed themselves following the death of Gaius.

Claudian edicts in its wake, of which one is addressed to Alexandria. Now we have a papyrus addressed to Alexandria and pertaining (among other topics) to Jewish-Greek relations in Alexandria in the same year, and all the options open up. If, on the one hand, both Claudian texts concerning Alexandria are authentic, what is the relationship between them? Shall we assume that the benevolent document Josephus cites, which relates only to anti-Jewish violence under Gaius (§ 284), was written by Claudius before he heard of the violence initiated by the Jews at the beginning of his reign – i. e., shall we assume that, despite appearances, Claudius' letter is not responding to the circumstances recorded by Josephus in his introduction to the letter (§§ 278–279)? That would be surprising, but Josephus can do worse.[36] Or should we instead assume that only the papyrus is authentic, that is, that Claudius responded only to the renewed violence described in §§ 278–279, Josephus' document being a Jewish edition of that same letter that skews the emperor's position into one much more friendly to the Jews?

If, moreover, the two Alexandrian documents are in fact two versions – one Jewish and one Roman (original) – of one and the same text, then other sparks fly: Who composed the edict cited by Josephus? Josephus himself, or some predecessor? In what context? Whom did he, or Josephus, think he could fool? Or did Josephus (at least) assume his readers would realize the text was a Jewish version, and accept that as part of the historian's brief?[37] Does the use of a Jewish improvement upon an imperial edict concerning the Jews indicate that the Jews of Alexandria were in need of such help in Josephus' day, fifty years after Claudius wrote? Or, rather, that things there

[36] For an egregious case, compare *Ant*. 14.143–144 to the document those lines claim to introduce (§§ 145–148): the introduction discusses Julius Caesar's benefactions to Hyrcanus II and Antipater (Herod's father) in the forties of the first century BCE, but the text ignores them and discusses other issues. It is more or less universally assumed – and not only because two of the Jewish diplomats Josephus mentions here have names that are the same, or nearly the same, as those of Jewish diplomats of the mid-second century BCE mentioned in 1 Macc 12:16 and 14:22 – that the document is nearly a century out of context and in fact refers to John Hyrcanus, who was Hyrcanus II's grandfather. See for example Schürer, *HJP* 1.195–197, n. 17; Smallwood, *JURR*, 8–9, n. 15, and 39, n. 60; and E. S. Gruen, *The Hellenistic World and the Coming of Rome*, II (Berkeley: Univ. of California, 1984) 749–750. For Josephus' concern to make the introductions to stories flow with his larger narrative, even when the body of the story (perhaps drawn from another source) does not bear that out, compare Section 4.3 (a) on *Ant*. 20.141 and n. 7 there.

[37] For these two possibilities, compare Antiochus IV's letter to the Jews in 2 Maccabees 9:19–27, which is so exaggerated that it seems plain that the author would be disappointed if his readers did not realize it was an artful parody (see C. Habicht, "Royal Documents in Maccabees II," *Harvard Studies in Classical Philology* 80 [1976] 3–7), to Demetrius II's letter presented in 1 Maccabees 10:25–45. Although the latter too is likely a Jewish forgery (so, for a weighty exponent of this view, Schürer, *HJP* 1.178–179, n. 14 – the concessions contained in this letter "exceed the bounds of probability"), it is much more subtle, and its author might well have hoped for it to be accepted.

were so quiet that one could hope to pass off the forgery without being called to account by vigilant opponents?

One way or the other, the discovery of this papyrus set off a new wave of intense study not only of it, and of the events it reflects, but also of Josephus' account (see nn. 33–34) – but this was only due to a willingness to read the latter not only as its author's work of literature, but as a witness to a world of events (and attitudes etc.) for which other testimony is available. All that testimony may be put to use, as usual, both by those who want to understand Josephus better and by those who also want better to understand what really happened in Alexandria in 41 CE.

## 5.5 Josephus vs. rabbinic literature

Although, as we have seen here and there, there are interesting points of comparison between Josephus and rabbinic literature, usually this has to do either with this or that detail (such as rain at night in Herod's days – above, 107), on the one hand, or this or that general development, on the other (such as the one discussed below, in Sections 5.7.3 and 6.1.3). It is rare that we actually find parallel stories relating to the Second Temple period in both corpora.[38] At times, however, we do, and for students of the period the comparisons can be very instructive on both of our usual counts: concerning the reconstruction of the events described and concerning the views and values of Josephus. Usually, in fact, it is the latter front which is more interesting, for the rabbis were so late, and so uninterested in history per se, that it is not to be expected that their reports of Second Temple events will be more accurate than Josephus'. Thus, for example, when they tell stories that Josephus relates to Herod as if they related to Alexander Jannaeus, the Hasmonean king who preceded him by two generations,[39] we have hardly more reason to suspect they might be right than when they tell us that the high priest "Simeon the Just" lived both at the time of Alexander the Great, in the fourth century BCE, and that of Gaius Caligula, in the first

[38] For a survey of the material, see Cohen (Ch. 4, n. 27), also: R. Kalmin, "Josephus in Sasanian Babylonia," in his *Jewish Babylonia between Persia and Roman Palestine* (New York: Oxford Univ., 2006) 149–172.

[39] For rabbinic stories about Yannai parallel to Josephus' stories about Herod in *Ant.* 14.171–174 (Herod's trial in the Sanhedrin, at which he intimidated the judges) and 17.174–179, 193 (Herod's plan to have Jewish notables executed upon his own death, so as to ensure mourning), see, respectively, BT *Sanhedrin* 19a-b and Scholion to *Megillat Ta'anit* for 2 Shebat (ed. V. Noam, *Megillat Ta'anit* [Jerusalem: Yad Izhak Ben-Zvi, 2003] 109–111); Efron (Ch. 2, n. 7) 190–197, 210–211.

century CE.[40] Nonetheless, even on this front they are at times useful. And they can be very useful as points of comparison that allow us to understand better from what, and how, Josephus built his accounts, and what interested and motivated him. A few examples:

### *5.5.1 Comparison leads us to discern Josephus' attitude toward his traditional sources: Respectful but sovereign*

As mentioned just above, the rabbis report a meeting between Alexander the Great and the Jews' high priest, Simeon the Just. Josephus, in contrast, reports a similar meeting but it was between Alexander and a high priest named Jaddua (*Ant*. 11.326–339). However, in the body of that long story, as opposed to its framework and transitional phrases (which name Jaddua in §§ 302, 306, 322, 326), Josephus strangely avoids the high priest's name, cumbersomely referring time and again to "the high priest" (§§ 318, 330, 331 [twice], 336 [thrice], 338) or even "the high priest of the Jews" (§§ 317, 319, 333) rather than "Jaddua." Recognition of the fact that Josephus is using traditional material, that used the name "Simeon the Just" (see n. 40), will both explain this strange phrasing (Josephus wanted to correct his source but avoided the need to do so frontally[41]) and point up Josephus' interest in getting his chronology right and his confidence that he was able to do so even if it involved correcting received Jewish tradition.[42]

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[40] Simeon the Just meets Alexander: BT *Yoma* 69a and Scholion to *Megillat Ta'anit* for 21 Kislev (ed. Noam, 262–265). Simeon hears a voice from heaven upon the death of Gaius Caligula: Tosephta, *Sotah* 13:6 and Scholion to *Megillat Ta'anit* for 22 Shebat (ed. Noam, 283–290). It is usually assumed that Simeon the Just lived in the early (Josephus, *Ant*. 12.43) or middle (Mishnah, *Avot* 1:2, cited below, Section 6.1.3) Hellenistic period. See J. C. VanderKam, *From Joshua to Caiaphas: High Priests after the Exile* (Minneapolis: Fortress, and Assen, The Netherlands: Van Gorcum, 2004) 137–157, and my review of that discussion in *Israel Exploration Journal* 58 (2008) 118.

[41] For another clear case of this in the same part of *Antiquities,* where Josephus' chronology differed from that of his source and so he omitted the name his source supplied but did not actually replace it with the one his own narrative indicated, see *Ant*. 11.22 (vs. I Esdras 2:17//Ezra 4:11) along with R. Marcus' comment in *JLCL* 6.325, n. c: "By omitting the name Josephus avoids the awkwardness of openly correcting Scripture." (On the chronology, see Marcus' preceding note.) Cf. Ch. 2, at n. 104. It may be that in *Ant*. 18.122 too, where Josephus refers vaguely to "an ancestral holiday of the Jews," his source referred specifically to Passover, but he made it vague due to his preceding reference to Passover at § 90; see Section 4.4.1 and D. R. Schwartz, "Cassius' Chronology and Josephus' Vagueness," *Scripta Classica Israelica* 16 (1997 = *Studies in Memory of Abraham Wasserstein*, II), esp. 111–112.

[42] Of course, Josephus' reconstruction of events, even when it corrects the narrative supplied by tradition, need not be correct, especially when – as in this case – he did not have access to all the material we now have. For the impact of twentieth-century discoveries of papyri and coins on our assessment of Josephus' narrative on Alexander the Great, see Ch. 2, n. 92.

### 5.5.2 Comparison leads us to discern Josephus' use of sources: Antiquities 13.288–298 vs. BT Qiddushin 66a

Both Josephus (*Ant*. 13.288–298) and the rabbis (BT *Qiddushin* 66a) report that a Hasmonean ruler, who was high priest, had a falling-out with the Pharisees when, at a banquet of his they attended, someone raised the accusation that the ruler's mother had been a prisoner-of-war. Given the likelihood that she had been raped, her offspring would have been disqualified for service in the priesthood.[43] There are, of course, various differences between the stories, beginning with the fact that Josephus tells it of John Hyrcanus I, who ruled in the last few decades of the second century BCE, while the Talmud tells it of the latter's son – Alexander Jannaeus, who ruled in the first few decades of the first. What is important for us in the present context, however, is that comparison of Josephus' account, which puts the banquet story into a more general context, with the talmudic story, which does not, directs our attention to Josephus' volte-face in tone vis à vis the Pharisees. Namely, although Josephus' introduction to the story (§ 288) evinces acerbic hostility (pointing out that the Pharisees were moved by jealousy, that they enjoyed great influence with the *masses* [anything but a compliment, for the aristocratic Josephus], and are immediately believed whenever they say anything *against* a ruler, i. e., even when it is not true), the body of the story begins – just as the talmudic story – with irenic and mutually respectful relations between the Pharisees and the Hasmonean, and continues to report that the falling-out was due only to a misunderstanding, with a malicious troublemaker stirring the pot.

Once comparison with the talmudic story leads us to notice the nasty attitude bespoken in *Antiquities* 13.288 there are a few options as to where it might lead us. Thus, after I suggested, in 1983, that the passage is to be traced to Josephus' main source for the period, Nicolas of Damascus, who as a Gentile and a Herodian spokesman had good reasons for hostility to the Pharisees, Steve Mason argued, in his 1991 book about Josephus on the Pharisees, that Josephus himself shared such hostility – a thesis which, in turn, led to various important avenues of research, such as the questioning of what was long considered one of the most secure bits of evidence in our dossier evidence on the Pharisees, namely, that Josephus claims to have been a Pharisee (*Life* 12).[44]

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[43] For the rule that priests may not marry women who had been in captivity see *Ant*. 3.276 and *Ag. Ap.* 1.35, also Mishnah, *Ketubbot* 2:9 (*DM*, 247).

[44] See S. Mason, *Flavius Josephus on the Pharisees: A Composition-Critical Study* (Studia Post-Biblica 39; Leiden: Brill, 1991) 342–356, and, already preceding and leading up to it: S. N. Mason, "Was Josephus a Pharisee? A Re-Examination of *Life* 10–12," *JJS* 40 (1989) 31–45. For my 1983 study, see below, n. 91.

This is not the place to get into the substantive issues (although I will note that the two basic positions need not contradict one another, for perhaps Josephus agreed with the tone of what he adopted from Nicolas).[45] Rather, from the methodological point of view what is important here is that (a) it was noticing the clash between § 288 and the narrative it introduced that generated discussion of the former's origin and, hence, of larger questions of Josephus' attitudes toward the Pharisees; but it was only (b) comparison of Josephus' story with the talmudic parallel that led us to notice the change in tone between § 288 and § 289. Anyone who reads Josephus' narrative without such comparison may well fail to notice it – as generations of scholarship show. Without the comparison with the talmudic story we would be less likely to consider the possibility that Josephus' narrative is built in part on traditional material and, accordingly, we would be less likely to focus on the transition at § 289 and, therefore, to suspect or notice any serious change in tone when that traditional material begins to kick in.[46]

### *5.5.3 Comparison leads us to discern disparate agendas: War 2.409 ff. vs. BT Gittin 55b–56a*

Both Josephus (*War* 2.409 ff.) and the rabbis (BT *Gittin* 55b–56a) report that the rebellion against Rome, which culminated in the destruction of the Second Temple in 70 CE and ended with the fall of Masada a few years later, was touched off by a Jewish refusal to offer sacrifice for Rome in the Temple of Jerusalem. Again, the stories are far from identical, the major difference being that Josephus reports a decision on principle, by young and hotheaded priests, to refuse such sacrifices, whereas the Talmud reports that only one sacrifice was refused. Moreover, according to the talmudic story even that refusal was for technical reasons only, not out of any desire to rebel: the animal brought as the emperor's sacrifice was blemished, in a way that violated biblical law (see Leviticus 22:18–25; Malachi 1:8). Hence, according to the talmudic story it was only due to an informer's malicious misinterpretation of the refusal, as if it were an expression of rebelliousness, that the event

[45] Much has been written on these two parallel texts; see, for example, M.J. Geller, "Alexander Jannaeus and the Pharisee Rift," *JJS* 30 (1979) 202–211. More recently, see Kalmin (above, n. 38) 159–167, along with the discussion, ibid. 167–168, arguing, as I have, that Josephus too used traditional material, and so the rabbis need not have gotten their story from Josephus. See also V. Noam, "The Story of King Jannaeus (*b. Qiddushin* 66a: A Pharisaic Reply to Sectarian Polemic," *HTR* (forthcoming).

[46] From the point of view of methodology, the comparison with another extant source thus functions in this case as do the chronological problems concerning Quirinius' census (Section 5.2) and Vitellius' visit(s) to Jerusalem (Section 4.4.1): it directs our attention to other problems within the narratives, problems that might derive from it being constructed out of disparate materials.

touched off the war.[47] Here then we have, on the one hand, a case in which Josephus, in his *Judean War*, forthrightly explained that the rebels – whom he condemns – claimed the Jewish religion required them to reject Roman rule; as we shall see, the later, diasporan, Josephus of *Antiquities* not only condemned that attitude but also tried to obscure its very existence. In this respect, the Babylonian Talmud is, on the one hand, just as diasporan; since Jews of course have no reason, qua Jews, to reject foreign rule, it must be that the war was due to some misunderstanding.

On the other hand, the Babylonian Talmud, which is, after all, a text used for training rabbis, has other messages that are appropriate for *its* readers. Namely, its version of the story focuses first on rabbis who failed to criticize a rich man although he deserved such criticism. Then it centers upon one particular rabbi who, at the Temple, recognized that refusal of the sacrifice could lead to war but was afraid to undertake the responsibility for deviating from normal procedures – and so war, and eventual destruction, did indeed ensue. That is, in both scenes the story teaches those training for the rabbinate that rabbis must be willing to speak out, being neither afraid of the rich and powerful nor unwilling to undertake the responsibility for hard decisions; if they can't take the heat they shouldn't enter the rabbinical kitchen.[48] There is in Josephus' narrative nothing like that, both because he knew that the rebellion was in fact desired by those who decided to refuse Roman sacrifices, and because he was not writing for rabbinical students.

Comparison with the talmudic story also points up another fact: Josephus has the hotheads decide to refuse Gentiles' *gifts* and sacrifices (*War* 2.409), a fact echoed shortly later in his narrative when Josephus has those he presents as the legitimate spokesmen of Judaism emphasize how ridiculous the rebels' case was, since after all the Temple had been built with Gentile *funds*, and *gifts* from Gentiles had always been accepted and even displayed around the Temple courts (§§ 412–413). The talmudic story makes no reference to gifts, only to sacrifices, and the comparison thus draws our attention to the gifts.

Where to go with this observation is, as usual, for us to decide. Did Josephus know that the rebels indeed decided to reject Gentiles' gifts to the Temple, something which might be supported by another rabbinic source?[49] Or is it rather the case (as seems likelier to me) that Josephus inserted the

[47] Indeed, according to the story it was the malicious informer himself who had mutilated the animal, so as to bring about the crisis.

[48] On this story, see P. Mandel, "The Loss of Center: Changing Attitudes towards the Temple in Aggadic Literature," *HTR* 99 (2006), esp. 25–32.

[49] See PT *Shabbat* 1:4 (3c) on eighteen decrees mandating self-distancing from Gentiles, apparently in the context of the rebellion against Rome; one of the decrees prohibits "their gifts." For the talmudic text and discussion, see M. Hengel, *The Zealots: Investigations into the Jewish Freedom Movement in the Period from Herod I until 70 A. D.* (Edinburgh:

decision about gifts, and made it the rebels' major premise, because it was easier for him to have his heroes, who opposed the rebellion, argue about gifts than about sacrifices?[50] Again, as with *Antiquities* 13.288 (Josephus' opinion or that of his source? – see Section 5.5.2), the two views need not be mutually exclusive. What is important, in the present context, is that without the comparison with the rabbinic story Josephus' reference to gifts would not have attracted our attention at all – a point easily proved by the fact that some translators and paraphrasers have omitted reference to the gifts altogether and rendered Josephus' story, or referred to it and summarized it, as if it referred to sacrifices alone.[51]

## 5.6 Josephus vs. Roman historians

Josephus and Tacitus wrote in Rome in the same generation: Josephus wrote his *Antiquities*, *Life* and *Against Apion* in the last decade of the first century, while Tacitus wrote his *Histories* and *Annals* in the first two decades of the second. Comparison of these two historians' narratives, especially when they overlap, can be very instructive, for they wrote, of course, from very different points of view. Such comparison, accordingly, can have one or both of the two usual points: it can lead us better to understand the events the two historians describe, and it can, by the contrast it affords, allow us better to understand the points of view they bespeak. Especially the *Histories*, which in Book 5 offers a long account (chs. 1–13 = *GLA*, no. 281) of the Jews that Tacitus used to introduce his – now lost – account of Titus' conquest of Jerusalem, provides much that is useful. Similarly, other Roman historians too at times provide data that may usefully be rubbed against Josephus'. Let us take a few examples:

### *5.6.1 Tacitus supplements Josephus' story*

As we have seen (Section 5.3), Josephus and Philo both report that the Jews protested Gaius Caligula's plan to erect a statue in the Temple of Jerusalem. Both writers report Jewish diplomatic efforts and also depict mass demonstrations, which even include scenes in which Petronius, the Roman governor of Syria charged with carrying out the project, asked them whether they want to fight Caesar, a question that the Jews, according to both Jewish authors, answered demonstratively in the negative: taking the high ground

Clark, 1989) 200–206, including 205–206 on this particular prohibition and the suggestion that it refers to the event under discussion.

[50] For this suggestion, and the topic in general, see Schwartz, *Studies,* 102–116.

[51] See ibid., 112, n. 30, also, for example, *JPFC* 2.579, 876.

of potential martyrs, they declare they are willing to be killed, but not to fight (*War* 2.196–197; *Ant*. 18.271; Philo, *Embassy* 229–242). Tacitus, however, in reporting this episode makes no reference to demonstrations, nor to such declarations of passive resistance; his entire account of the Jews' response consists of "they resorted to arms;" see below, n. 65. It may be that a reasonable historian who wasn't born yesterday should suspect that some Jews did this even if no source said so, but Tacitus' testimony makes us all the more confident about such supplementation of the picture painted by our two apologetic Jewish historians.[52]

### *5.6.2 Cassius Dio supplements Josephus' story*

This Roman historian of the second-third century recorded much of interest for the first century, supplementing Josephus' account at many points. Thus, for example, in his *Roman History*, 55.27.6 (*GLA* 2, no. 418), Dio refers to Archelaus as "Herod of Palestine;" Josephus never uses this dynastic name for Archelaus. But Dio is supported by numismatic evidence,[53] and the matter is, potentially, of some significance, even if we doubt that the "Quirinius problem" (Section 5.2) should be resolved by identifying "Herod" of Luke 1:5 as Archelaus (see above, n. 4). Again, Dio reports at 60.8.2–3 (*GLA* 2, no. 423) that Agrippa I and his brother were allowed, extraordinarily, to address the Senate in Greek rather than Latin. Although their knowledge of Greek would have been posited even in the absence of such evidence, that they were not at home in Latin (although they grew up in Rome and were said to be educated with children of the imperial family – *Ant*. 18.143, 165) is another matter.[54] A perusal of Dio's narratives supplies many data such as these, which can fit here or there into our reconstructions of Jewish – and Christian – history of the first century.

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[52] As Stern notes (*GLA* 2, 51), Tacitus' reference to armed resistance is probably justified, but Philo's references to such a potentiality (*Embassy to Gaius*, 208, 215) are no more than that. See also S. G. F. Brandon, *Jesus and the Zealots* (Manchester: Manchester Univ., 1967) 87: Josephus attempted to present the Jews "in a favourable light" "by vilifying Gaius, whose memory was universally execrated, and by emphasising Jewish patience and forbearance under so great a threat: to have recorded any acts of Jewish fanaticism would have detracted from the favourable impression which he sought to create."

[53] See Y. Meshorer, *A Treasury of Jewish Coins* (Jerusalem: Yad Ben-Zvi, and New York: Amphora, 2001) 78–81, along with N. Kokkinos, *The Herodian Dynasty: Origins, Role in Society and Eclipse* (*JSP* Supplement Series 30; Sheffield: Sheffield Academic Press, 1998) 226–227, n. 78.

[54] For the circles in which they were raised in Rome, and their knowledge of Greek, see Schwartz, *Agrippa*, 41–44. On the comparable question as to whether, and to what extent, Josephus, who spent the last decades of his life in Rome, learnt Latin, see esp. Ward's study cited in Ch. 3, n. 4.

In some cases, however, what Dio adds to Josephus not only adds data but also sheds fairly clear light, by comparison, on the difference between his point of view and Josephus'. Two examples:

### *5.6.2.1 Not just a few bad apples*

In concluding his account of the expulsion of the Jews from Rome in 19 CE, to be discussed below (Section 5.6.4), Josephus blames it on four Jewish scoundrels who brought down punishment upon the whole community, complaining that "due to the wickedness of (only) four men (all) the Jews were banished from the city" (*Ant*. 18.84). Dio, however, in his account of the event (57.18.5a – *GLA*, no. 419), mentions no specific villains but, rather, says Tiberius expelled most of the Jews of Rome because too many Romans were converting to Judaism. Similarly, at 60.6.6 (*GLA*, no. 422) Dio reports that Claudius imposed restrictions upon the Jews of Rome because their numbers had grown again, and he implies that Claudius considered expelling them; another Roman writer, Suetonius, indeed states that Claudius expelled them; and that statement is supported by an explicit statement in the Acts of the Apostles.[55] Josephus, in contrast, said nothing about a general phenomenon of Jewish proselytism in Rome, nothing about the great number of the Jews worrying anyone there, and nothing about any Claudian measures against the Jews. It is difficult to imagine that, writing in Rome, Josephus was not aware of these events, or that his omission of reference to them is not to be ascribed to an apologetic sensitivity. Without the evidence of Dio (and Suetonius and Acts) we would not have been aware of any of this. As it is, their testimony, together with Josephus', gives us some interesting evidence for Josephus feeling a part of the Jewish community of Rome, and also gives us some guidance as to what type of topic Josephus thought too hot to touch.[56]

### *5.6.2.2 Roman disobedience*

Dio has, at 66.4–7, quite a detailed account of the final fighting in Jerusalem in 70 CE. Most of what he says is paralleled in Josephus' *War*, which is,

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[55] See Suetonius, *Divus Claudius* 25.4 (*GLA*, no. 307: "Since the Jews constantly made disturbances at the instigation of Chrestus he expelled them from Rome") and Acts 18:2 ("for Claudius had ordered all the Jews to leave Rome"). For discussion, see Schwartz, *Agrippa*, 94–96; L. V. Rutgers, *The Hidden Heritage of Diaspora Judaism* (Leuven: Peeters, 1992[2]) 181–182; and Gruen, *Diaspora* (above, n. 34) 36–41.

[56] It is, accordingly, probably not by chance that Josephus is most willing to be expansive about conversion to Judaism, and about its advantages for proselytes, when discussing a royal house *outside* the Roman Empire; see *Antiquities* 20.17–96, on the conversion of the royal house of Adiabene, a small kingdom in Mesopotamia. For this point, see Feldman, *Studies* (Ch. 1, n. 14) 198.

understandably, even more detailed. So what Dio adds to Josephus' account is of special interest –including his report, in 66.5.4, that there were Roman deserters who, despairing due to the protraction of the siege and beginning to suspect that the city was impregnable, went over to the Jews. Again, a few lines later (66.6.2), Dio notes that when the time came to rush into the Temple itself, there were Roman soldiers who, due to their superstition (i. e., reverence for the holy place), refused to do so and had to be coerced by Titus. These are embarrassing details from a Roman point of view, and although Dio felt secure enough to report them, we should not be surprised to see that Josephus, the Flavians' protégé, has nothing of all this.[57]

In this connection, I would note that Josephus' failure to mention the Roman soldiers who refused to enter the Temple was used, in 1934, as the centerpiece of a short Hebrew article entitled "The Forgetful and Lying Josephus."[58] In this article, Menahem Stein, who after translating the *Life* into Hebrew (perhaps before as well) had a very low opinion of Josephus as an individual and a Jew,[59] condemned him for "forgetting" to mention the episode Dio reports; he considered this to be a case of Josephus kowtowing to Rome. From my point of view, I would comment again that just as with "sloppy" (above, 100) our job is not to give Josephus grades but, rather, to learn how to read him and understand him. In this case, as in the preceding one, Dio has helped us to do so by showing us something Josephus ignored.

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[57] For Dio's report, see *GLA* 2.374–375 (no. 430). True, at times Josephus is happy to report failures of Roman planning and/or discipline, whether as part of his general attempt to show how hard it was to defeat the Judeans and thus indirectly to emphasize the Romans' success in finally managing to do so (see *War* 1.7–8), or, as one of the war's losers, to do something to subvert the victors; see J.S. McLaren, "Josephus on Titus," *Josephus and Jewish History* (Ch. 1, n. 15), 286–287. Indeed, at the very peak of his narrative in *War*, the destruction of the Temple, Roman soldiers disobey orders (*War* 6.252–266) – but they do so in a way that allows Titus to look good (they disobeyed his order to spare the Temple) and makes it clear that God wanted the Temple to be destroyed; see above, Section 3.2.1. For Josephus to report Roman deserters to the Jews would have been going very far, and for him to report that reverence for the Temple prevented Roman soldiers from entering it until Titus forced them to do so (so Dio) would have been positively counter-productive.

[58] The article by M. Stein, which first appeared in a Hebrew periodical in Warsaw, was reprinted in his *The Relationship between Jewish, Greek and Roman Cultures* ([Tel-Aviv]: Massada, 1970) 56–57 (in Hebrew).

[59] Suffice it to note that in a footnote to his Hebrew translation of Josephus' *Life* (Tel-Aviv: Shtibel, 1932/33; p. 89, n. 5) concerning Josephus' statement in § 415 that his wife "left him" (see our Section 1.3.2), Stein simply remarked, feeling no need for any supporting argument, that "it may be surmised that she was disgusted by the traitor and took the opportunity to rid herself of him." In general, on the tendency of Jewish nationalists to despise Josephus as a traitor, see Bilde, *Flavius Josephus* (Ch. 1, n. 1) 15–16; also N. Ben-Yehuda, *The Masada Myth: Collective Memory and Mythmaking in Israel* (Madison: Univ. of Wisconsin, 1995) 398 (index, s.v. "Traitor: Josephus Flavius as"), and, for example, the incident described by J. Katz in his *With My Own Eyes: The Autobiography of an Historian* (Hanover and London: University Press of New England, 1995) 131–132.

### *5.6.3 Tacitus contradicts Josephus*

In the preceding examples we had no problem simply adding what the Roman historian said to Josephus' account, easily understanding that the Jewish observer and the Roman one preferred, respectively, to point up or to ignore different details. Sometimes, however, the contradictions are at a more basic level and require us to choose between our witnesses. As the following two examples will indicate, it need not be that we always prefer the same one.

#### *5.6.3.1 Tacitean generalization vs. Josephan detail: Was all quiet under Tiberius?*

According to Tacitus' review of Jewish history, "all was quiet under Tiberius" (*Hist.* 5.9.2 – *GLA*, no. 281). This contradicts Josephus' narrative head-on, for his portrayal of the period of Tiberius (emperor 14–37 CE), which centers on the Judean governorship of Pontius Pilate, portrays it as a series of intense clashes. Namely: *Antiquities* 18.55–59 and §§ 60–62 deal with clashes between Pilate and the Jews of Judea, of which the second ended in a massacre and the first nearly did; §§ 65–84 deal with two ugly (if entertaining) episodes in Rome, of which the second ends with the expulsion of the Jews of the city; and §§ 85–89 deal with a violent clash between Pilate and his Samaritan subjects, that concluded with Pilate's suspension from office. It is clear that Josephus portrays Pilate's days as a string of "tumults" (*thoryboi*), a leitmotif that reappears (as noun or verb) in each of the episodes of the Pilate narrative.[60] Now it is true that Josephus may have been interested in creating such an impression. Perhaps he wanted to prepare the reader for Rome's trying a new approach by appointing a Jewish king (he begins the story of Agrippa I shortly after that of Pilate), perhaps he had some

[60] See *Ant*. 18.58, 62, 65, 85, 88, and note especially the way the latter three cases guide readers at the opening of each new episode (cf. above, n. 36). In this connection, note that Josephus' famous account of Jesus (the "*Testimonium Flavianum*") in §§ 63–64 has no such term, which makes it stand out in general and also creates a jarring discontinuity with the next episode, which opens in § 65 by noting that "at the same time *another* terrible event threw the Jews into tumult (*ethorybei*)." As Eduard Norden noted, in a famous study published in 1913, this implies that the original text of the *Testimonium* included a reference to a "tumult" concerning Jesus too, so the received text is not authentic; Norden's "Josephus und Tacitus über Jesus Christus und eine messianische Prophetie" was reprinted in: *Zur Josephus-Forschung* (Wege der Forschung 84, ed. A. Schalit; Darmstadt: Wissenschaftliche Buchgesellschaft, 1973); see esp. 29–39. For an interesting case in which this consideration was raised already in the seventeenth century, in the context of a debate between Jews and Christians concerning the authenticity of the *Testimonium*, see A. Whealey, *Josephus on Jesus: The Testimonium Flavianum Controversy from Late Antiquity to Modern Times* (Studies in Biblical Literature 36; New York: Lang, 2003) 100–101.

other motive, perhaps he just thought it made his story more interesting for readers.[61] But his evidence is supported by that of the Gospels too, which not only focus upon the case of one Jesus of Nazareth, whom the Romans considered a rebel and eventually executed, but also make occasional references to the "brigands" executed along with Jesus (Matthew 27:38, 44), to civic violence[62] in the city (Mark 15:7; Luke 23:19), and to "the Galileans whose blood Pilate mixed with their sacrifices" (Luke 13:1). It is, therefore, difficult to reject Josephus' stories out of hand just because he pointed up their "tumultuous" aspect. But then what shall we do about Tacitus' claim that "all was quiet under Tiberius?"

Two possibilities. We might infer that Tacitus was simply unaware of the events of Pilate's day; since they were all handled locally, without direct involvement on the part of the emperor,[63] it could be that those who were not especially interested in Judea and the Jews might not have heard of them. Such an inference, however, would not be very likely, for Josephus does tell his Pilate stories and there were numerous Christians in Rome, in Tacitus' day, who would have been interested in the history of Judea in Pilate's days; one way or another, with the slightest effort Tacitus could have gotten the picture we have summarized from Josephus and the Gospels.[64] Rather, it seems that we must take the other option and realize the rhetorical point of Tacitus' statement: by saying that "all was quiet under Tiberius" he sets us up for the major conflict under the next emperor, Gaius Caligula, to which he turns in the continuation of the very same sentence.[65] That is, Tacitus' approach is just like that of Philo in his *Embassy*: they both use Tiberius as a foil for Gaius.[66] Readers who realize this, and are aware of the popularity

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[61] As Norden noted (ibid., 35), Josephus does something similar in his account of another Roman governor – Cumanus; see especially the transitional phrases at *Ant*. 20.105, 113 and 118. For a similar procedure, note the way Josephus uses "success" (*eupragia*) as a leitmotif to link one topic to the next in his account of the days of John Hyrcanus I (*Ant*. 13.284, 288) – which paves the way for his portrayal of the days of that Hasmonean's successors as a decline from that apogee (§ 300).

[62] Greek: *stasis*. On the meaning of this term see above, Section 3.2.3.

[63] For the rejection of Philo's claim that Tiberius in fact played a role in one of these episodes, see above, Section 1.3.5.

[64] Some scholars have posited that Tacitus read and used Josephus, some have denied it; for the debate, see Stern, *GLA*, 2.3.

[65] The whole sentence reads as follows: "Sub Tiberio quies; dein iussi a C. Caesare effigiem eius in templo locare arma potius sumpsere, quem motum Caesaris mors diremit" ("Under Tiberius [all] was quiet; when then ordered by Gaius Caesar to set up a statue of him in the Temple they rather resorted to arms – to which uprising the death of the emperor put an end") – *Histories* 5.9.2 (*GLA*, no. 281).

[66] For the same tactic, compare *War* 2.271, where Josephus' short encomium of Festus serves merely to set us up for his detailed condemnation of Fadus' successor, Albinus, immediately thereafter (§§ 272–276). Next, similarly, in § 277 Josephus claims that even Albinus was a saint in comparison to *his* successor, Florus.

of besmirching Gaius in Roman literature,[67] will probably agree to set aside any doubts that Tacitus' generalization may have planted in their minds about Josephus' account of Pilate's tenure.[68]

### *5.6.3.2 When Tacitus and Josephus are both detailed: The burning of the Temple*

In *War* 6.236–243 Josephus reports that on the eve of the burning of the Temple, in the summer of 70 CE, Titus convened a council of his generals to debate what to do. According to Josephus' report, three views were voiced: some were in favor of destroying the Temple for otherwise it would always serve as a focus for rebellion; some were in favor of destroying it only if the Jews persisted in using it as a fortress; and others – *including Titus* – were in favor of preserving it at all costs. According to Josephus, Titus held both that it was wrong to punish inanimate objects and that preserving the Temple would redound to the good name of Rome and the magnificent Temple would remain an ornament for the empire. Josephus reports that since other generals supported Titus his view was adopted – and so if the Temple nevertheless burned down the next day, that was only because some soldier disobeyed orders and threw in a torch (*War* 6.252).

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[67] See the quotation from Brandon above, n. 52, and esp. M.P. Charlesworth, "The Tradition about Caligula," *Cambridge Historical Journal* 4 (1933) 105–114. The main surviving literary sources are by Suetonius, Cassius Dio, and – especially on Gaius' death – Josephus. Books 7–10 of Tacitus' *Annals*, which contained his narrative concerning Gaius' reign and the first several years of his successor, Claudius, did not survive – a good example of Josephus' (and our) good fortune due to the interest Christian copyists took in his work.

[68] This conclusion is precisely the opposite of that reached by Barnett (above, n. 20), who concludes his study by citing, approvingly, Tacitus' generalization about all being quiet in Judea under Tiberius. However, in his detailed discussion of Pilate's tenure (pp. 567–568) he notes that there was "great tension" in Pilate's days; all he can do to mitigate that is to underline that "the incidents of the standards and the shields were not accompanied by bloodshed" – as if that makes them "quiet." Then he continues: "The only known disturbances in Judea in Pilate's time in which bloodshed occurred were the massacre over the descration of the *Corbonas* [= the Temple treasury; for the term, see *War* 2.175 – DRS], the slaughter of Galileans at a Passover sacrifice, and the insurrection over which Barabbas had been arrested (and, in all probability, the two *lēstai* ["bandits" – DRS] crucified with Jesus);" for the last three allusions, see Luke 13:1, Mark 15:7, and Mark 15:27. To my mind, to belittle all of that as if it left Tacitus' "all was quiet" intact constitutes special pleading (just as does his emphasis on p. 569 that there was no violent Jewish response to Gaius' order to erect an idol in the Temple of Jerusalem – thereby ignoring the continuation of Tacitus' statement quoted in our n. 65 – although he quotes it, without comment, on p. 571). Barnett's objective is clear: his article was devoted, explicitly, to refuting the thesis (associated especially with Brandon – see his book cited in our n. 52), that Jesus should be understood as an anti-Roman rebel, something Barnett attempted to do by arguing that such a phenomenon hardly existed in Jesus' days, the days of Tiberius. On that debate, see Schwartz, *Studies*, 128–146 (p. 141 on Barnett's study).

Another account of the evening council has come down from antiquity, in the *Chronicles* of Sulpicius Severus – a fourth-century church historian.[69] According to this account, only two views were expressed (destroy it or preserve it), and Titus' view was that it should be destroyed. This is a contradiction about as head-on as one could possibly imagine. What shall we do about it?

Normally, of course, when it comes to a first-century event concerning the Jews and a Flavian emperor, we should have no problem choosing between the testimony of Josephus, of first-century Jerusalem and Rome and close to the Flavians, and that of a fourth-century historian in Gaul. However, in this case we might tend to doubt Josephus' story *a priori*, because it might reflect no more than telling the world, and perhaps the Jews in particular, what Titus would rather they hear. But there are also *a priori* reasons to doubt Sulpicius Severus' version too: given the fact that Titus was commanding the Roman army in Jerusalem and it did defeat the Jews and the Jewish temple was destroyed, would not anyone guess, or allow his memory to mislead him into thinking, that Titus had ordered its destruction? That is, what the Christian chronicler wrote might reflect no more than an inference from the end of the story, given the normal presumption that armies carry out the wishes of their commanders. Or, for another question: Is it really clear that Titus would rather have the world think that he wanted to spare the Jews' temple? Might that not make him into a softy vis à vis rebels? And is it really clear that Josephus would rather have the Jews think that? True, it has some apologetic value, for it amounts to telling the Jews that the Empire did not really want to destroy the Temple so there is perhaps more room, than were it otherwise the case, to think about peacefully submitting to Rome in the future. But Josephus' version also has Titus being made a fool by a single disobedient soldier, who threw in a torch contrary to orders; would Josephus really make up such a story were it not true? Or, for another approach, we might note that Josephus' presentation of the debate as one among three views, of which there was one at each extreme and one in the middle, is so typically Josephan that we might suspect that his narrative is more an exercise in creative writing than a real historical report.[70] But it is nevertheless true that sometimes such three views are

[69] *Chron*. 2.30. For this text, commentary and bibliography, see *GLA* 2, no. 282. See also a more recent French-Latin edition: Sulpice Sévère, *Chroniques* (ed. G. de Senneville-Grave; Paris: Cerf, 1999) 294–297.

[70] Compare, for example, his account of the three Jewish sects of which one posits predestination, one denies it, and one has an intermediate position (*Ant*. 13.171–173); his account at *Life* 32 of the three factions in Tiberias (one for war, one against, and one that dissimulated); and his report at *Life* 124 that each of the three main Galilean cities (so § 123) followed a different course – Sepphoris rejected John's appeal, Araba accepted it, and Tiberias rejected it but decided to maintain friendship with John. This is, of course, a

expressed in such deliberations, and even if in fact we suppose that only two views were expressed, anyone reading Josephus' account would have to assume that Titus' view was the opposite of that ascribed to him by Severus/Tacitus. With such *a priori* and hypothetical considerations and debate one could go on and on without hope of any certainty at all.

However, in 1861 Jacob Bernays put the whole question onto a different footing when he showed that Sulpicius Severus' report, despite some Christian input, goes back to the lost continuation of Tacitus' *Histories*. His argument, which rests on linguistic and thematic comparisons of this and other parts of Severus' *Chronicles* to extant parts of Tacitus' *Histories*, has been accepted more or less across the board.[71] That is, we must choose not between Josephus of Jerusalem and Rome and the first century, on the one hand, and Severus of Gaul and the fourth, on the other. Rather, we must choose between two nearly contemporary historians who were both very close to the center of things in Rome.

This, of course, makes it more difficult to reject the version that has Titus favoring the destruction of the Temple, and we must ask, as so often, the question of the "more difficult" version. Suppose Titus had opposed it; is it easy or hard to explain why Tacitus would say he supported it? That is difficult to say, for as we saw there are *a priori* considerations on both sides. Suppose, however, Titus had supported it; is it easy or hard to explain why Josephus would say he opposed it? At this point it is, I submit, relatively easy to offer such an explanation, one which is especially convincing insofar as it is based not upon factors external to Josephus (what Titus might have liked to hear or the like) but, rather, the message Josephus clearly expressed in his own book. Indeed, I would almost say Josephus could not have said that Titus was in favor of destroying the Temple, for – as we saw in our discussion of "demonic" forces in Section 3.2.1 – it was central to Josephus' narrative in the *War* that it was God Himself who, due to the Jews' sins,

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very common rhetorical way to present issues: two polar alternatives and a compromise between them. Note also Josephus' general fancy for such triadic formulation, e. g., at *War* 5.539: while all Romans rejected the appeal for help of some besieged Jews who wanted to submit, some ("on the one hand") did it out of disdain and others ("on the other hand") – out of disbelief, but most simply ignored the appeal as being pointless. Similarly, at the opening of *Against Apion* (1.3) Josephus says the book is meant to confute detractors ("on the one hand"), to correct those who are ignorant ("on the other hand"), and to instruct all who desire to learn the truth.

[71] See J. Bernays, "Ueber die Chronik des Sulpicius Severus," in his *Gesammelte Abhandlungen*, II (Berlin: Hertz, 1885), esp. 165–181; Stern, *GLA* 2.66; D. R. Schwartz, "On Abraham Schalit, Herod, Josephus, the Holocaust, Horst R. Moehring and the Study of Ancient Jewish History," *Jewish History* 2/2 (Fall 1987) 16; and, most recently: T. D. Barnes, "The Sack of the Temple in Josephus and Tacitus," in: *Flavius Josephus and Flavian Rome* (Ch. 4, n. 8) 133–135, along with the cautions offered by D. Gera, "Josephus: Craft and Environment," *Scripta Classica Israelica* 27 (2008) 129–131.

destroyed the Temple. While as with Nebuchadnezzar and the destruction of the First Temple it is of course possible for someone – certainly someone who fancies himself a latter-day Jeremiah[72] – to claim that God wanted it to happen even if Titus did too, once Josephus reveals that there was deliberation and divided opinion in the Roman camp it would be much easier to claim God wanted it to happen if Titus did not. That is, whatever we say about the other *a priori* considerations it seems that Josephus almost *had* to make Titus oppose the destruction of the Temple. Accordingly, if Tacitus wrote the opposite, and no similar case for a clear need to distort can be made for him, there is serious reason to follow his report and reject Josephus'.

### *5.6.4 Tacitus pushes us to examine Josephus' story more closely, and this fills out our dossiers*

As already broached in another context (Section 5.6.2.1), both Josephus (*Ant*. 18.65–84) and Tacitus (*Annals* 2.85 – *GLA*, no. 284) report that in the days of Tiberius the Senate took punitive measures against Egyptians and Jews in Rome, expelling thousands from the city. They also indicate that this occurred in connection with charges of promiscuous sexual behavior: in Josephus this nexus is explicit and detailed, for he tells how Egyptian priests and some Jewish con artists were guilty of taking advantage of some respectable Roman matrons. In Tacitus, as so often, a similar result is achieved via innuendo, namely, by bringing the Senate's decisions to conscript and expel Egyptians and Jews right after a paragraph dealing with the problem of prostitution and profligacy.[73] Given this juxtaposition of Jews and Egyptians, their punishment, and the context (both writers even specify Sardinia as the place to which the conscripts were sent), it seems very clear, as scholars agree, that both writers are reporting the same events.[74] But there does seem to be a major discrepancy between the two writers concerning the chronology of the events in question, for while both put them in the days of Tiberius (who ruled 14–37 CE), Tacitus – by his references to consuls[75] – clearly places the events in 19 CE while Josephus, after beginning his

[72] See Cohen's study cited in Ch. 1, n. 34.

[73] On innuendo that stops short of explicit statements in Tacitus, especially regarding the period of Tiberius, see P. Sinclair, "Rhetorical Generalizations in Annales 1–6: A Review of the Problem of Innuendo and Tacitus' Integrity," *ANRW* 2.33.4 (1991), esp. 2799–2808.

[74] See, for example: Smallwood, *JURR*, 206–210; Stern, *GLA* 2.69–73; Gruen (above, n. 34) 29–36.

[75] The expulsion, narrated at *Annals* 2.85, comes – shortly after the death of Germanicus (2.72) – between the notices concerning the consuls of 19 CE (2.59) and those of 20 CE (3.2).

account of Pontius Pilate, including his first two clashes with the Jews and then the *Testimonium Flavianum*, introduces these Roman stories by saying they happened "at the same time." According to the usual reconstruction of events, Pilate was governor of Judea for a decade beginning in 26 CE, so Josephus seems to have dated these events in Rome at least 6–7 years later than Tacitus did.

Much scholarly attention has been devoted to this problem, and it seems that, if we set aside the desperate suggestion that the authors refer to different expulsions, there are three main approaches. Namely, we may:

(a) reject Josephus' dating of Pilate so as to move the beginning of Pilate's term of office up to 19 CE;

(b) assume Pilate indeed began to serve in 26 CE and that Josephus placed these stories several years too late, and then go on to wonder whether he erred out of ignorance or, rather, deliberately misplaced these stories for some reason, such as the desire to juxtapose these Roman cheats to his account of Jesus; or

(c) reread Josephus in a more general way, so that when he says the Roman events happened "at this same time" he means not "the time of Pilate" but, rather, "the time of Tiberius."

Each of these options has its merits, and what is important is that each leads us to investigate Josephus more thoroughly than might otherwise have occurred to us. To take them in order:

(a) *Move up Pilate's appointment?* The usual reconstruction of Pilate's term of office as running 26–37 CE is based on three explicit Josephan data: at *Antiquities* 18.33a he reports Tiberius' accession to the imperial throne, at § 33b we read that Valerius Gratus was appointed governor of Judea, and § 35 reports that after eleven years in the governorship Gratus was replaced by Pontius Pilate. Given Tiberius' accession to office in August 14, this would bring us down to 25 or 26 CE, depending upon how long we imagine it took Tiberius to remove Gratus and appoint his replacement, and how long it took the latter, Pilate, to arrive in Judea. Correspondingly, in *Antiquities* 18.89 we read that Pilate served ten years, then (after suspension from office) hurried to Rome but by the time he arrived Tiberius had died. Tiberius died in March 37, which means that Pilate began to serve around 26 or 27 CE. These two data, in § 35 and § 89, which fit one another well insofar as they fill up Tiberius' years as emperor (as is pointed out explicitly in *Ant.* 18.177 as well[76]), are quite clear and unambiguous, but they are also the only explicit evidence for dating Pilate's entry into office as Gratus' successor.

[76] Note Josephus' interesting comments here about Tiberius' tendency to leave provincial governors in place for long periods of time.

Without Tacitus, we might not think twice about these data. However, once Tacitus pushes us to think about this some more, we easily note two striking facts:

(1) any reader of Josephus' account of Gratus should be very surprised to read that Gratus served eleven years, for all Josephus tells us of his affairs, in *Antiquities* 18.34–35, is that he deposed four high priests one after the other: one upon his arrival in Judea (so it sounds), the second – "not long thereafter," the third and the fourth after a year each – whereupon he was recalled to Rome and replaced by Pilate. Were it not for the fact that the received text of Josephus states "eleven" we probably would have guessed "three" or "four." It could be that our guess, that is, our impression from the story itself, is better than the received text of this numeral.

(2) Josephus mentions, in his *Antiquities*, twelve Roman governors of Judea, and three others in his *War*, but it is only regarding Gratus and Pilate that he states (in our two passages in *Ant.* 18 – §§ 35, 89) how long they served. That makes these data suspicious, and since they apply to the governors of Judea in the most interesting period of Judean history in the eyes of Josephus' Christian copyists, it is not difficult to suspect that some well-meaning copyist attempted to make Josephus more specific than he really was.

Suspicions, however, are not the same as conclusions. What is important, in the present context, is that such suspicions as these should send us off to do three things: (1) to see if there is any other evidence, in Josephus, for placing Pilate's appointment to office around 19 CE; (2) to see if there is any other evidence, outside of Josephus, for things changing in Judea around 19 CE; and (3) to see whether there was any good reason for a copyist of Josephus to want to make Pilate begin governing later than he really did. These all prove to be fruitful.

(1) The first question immediately directs our attention to the fact that Josephus begins his account of Pilate's service as governor, in *Antiquities* 18.55, right after referring to the murder of Germanicus (Tiberius' nephew, Claudius' brother), which occurred in 19 CE (§ 54).[77] This suggests that Josephus thought that is when Pilate entered into office. In fact, since the appointment of Pilate was mentioned in § 35 but the account of his tenure begins only in § 55 it sounds like the reader is meant to imagine Pilate traveling from Rome to Judea around the same time as the events recounted in between[78] – which culminate, as stated, with Germanicus' death in 19 CE.

(2) The second question leads us to ask what else was happening in our region in 19 CE, and that takes us directly to a Tacitean passage concerning 17 CE (*Annals* 2.42.5 – *GLA* no. 283) where we read of complaints, by the inhabitants of Judea and Syria, about the high tribute they were required to pay. Tacitus does not say how the complaint was handled, but since Ger-

[77] For this dating, see n. 75 and Schürer, *HJP* 1.260–261.
[78] We shall revert to this literary tactic below, pp. 144–145.

manicus' mission to the East, which began in 17 CE, was intended to deal with various disputes and complaints that had arisen around the Roman East,[79] the Judeans' complaints could well have been on his agenda. Switching governors is always a way of mollifying provincials.[80]

(3) The third question, whether any copyists had anything to gain by making Pilate's career begin later than it really did, has led scholars to notice, and to bring into the present discussion, the fact that the Church father Eusebius reports in his *Church History* (Book 1, Ch. 9) that there was circulating, in his day (the early fourth century), an anti-Christian text purporting, so it seems, to be Pilate's report to Tiberius about the case of Jesus. Eusebius argues that those so-called *Acta Pilati* must be false since they date the report to Tiberius' fourth consulate, which came in 21 CE – five years before Pilate in fact entered into office, according to Josephus. However, since it is difficult to believe that forgers of such *Acta Pilati* would choose a date so easily refutable on the basis of the main relevant source, it may well be that their copy of *Antiquities* did not include the chronological data in *Antiquities* 18.35, 89. The fact that Eusebius read the *Testimonium Flavianum* in his copy of *Antiquities*, whereas a century earlier Origen apparently did not, makes it all the more likely that also the chronological data in Eusebius' copy of Josephus, and hence in our texts, were the contribution of creative Christian copyists.[81]

We could, and elsewhere have, delve more into the ins and outs of this type of argument.[82] In the present context, where the focus is upon methodology, suffice it to say that it was only by rubbing Tacitus against Josephus that we began to notice such things as the lack of proportion between Josephus' account of Gratus' tenure and the length he ascribes it, the unique status of Josephus' chronological data for just these two governors, the juxtaposition of Germanicus' death and Pilate's entrance into office, the open question as to what Rome did about the Judean and Syrian complaints Tacitus reported for 17 CE, and Eusebius' report about the false *Acta Pilati*. That is quite a lot of leads, and some meaningful results, stemming from the comparison of two texts.

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[79] So Tacitus, *Annals* 2.43, 54, and Suetonius, *Caligula* 1.2.

[80] We don't have any specific evidence that Germanicus visited Judea, but we do know he went from Syria to Egypt and back in 19 CE, and that he visited "numerous provinces" (Tacitus, *Annals* 2.62).

[81] On the *Testimonium Flavianum* debate, see P. Winter in *HJP* 1.428–441 (432 on Origen); Mason, *JNT*, 163–183; and Whealey (n. 60) – where pp. 12–29 are on Origen and Eusebius. On ancient doubts about the date of the Crucifixion, see also R. M. Grant, "The Occasion of Luke III: 1–2," *HTR* 33 (1940) 151–154.

[82] See Schwartz, *Studies*, 182–201, where I argue that Pilate probably arrived in 19 CE; so too Mason, *FJTC* 1b.139, n. 1054.

(b) *Deliberate misplacement?* A second approach to the discrepancy between dating the Roman events to 19 CE and Josephus' placing them in the framework of Pilate's tenure admits that Josephus' arrangement is wrong, chronologically, and suggests that, if not simply due to error, it may have derived from Josephus' desire to juxtapose the Roman scandals to his account of Jesus, which had to come in the chapter about Pilate. In particular, it has been suggested that since the first Roman story is about the way some villains took advantage of a naïve Roman lady by letting her think her sexual partner was a god, Josephus – it has been suggested – juxtaposed it with the *Testimonium Flavianum* in order to make fun of the belief in the virgin birth.[83] However, as things stand the *Testimonium* is very positive about Jesus but makes no mention of the notions that Jesus' father was God or his mother a virgin. Moreover, this type of hypothesis entails the additional notions that (1) the *Testimonium* was originally negative and (2) the beliefs about Jesus' father and mother were current early enough for Josephus to mock them. The former issue would take us to such points as the fact, noticed above (n. 60), that § 65 seems to indicate that the *Testimonium*, which immediately precedes it, reported some sort of tumult, as well as other evidence concerning the text of the *Testimonium*; the latter issue would take us into New Testament scholarship and its attempts to trace the development of the beliefs in question,[84] a development that was part and parcel of the transformation of a national savior ("Son of David") into a universal one ("Son of God"). Thus, just as the preceding hypothesis took us both into the Josephan context and, eventually, to Tacitus and Eusebius, the present one would take us into the Josephan context and, eventually, to the New Testament.

(c) *Chapter on Tiberius, not on Pilate?* The suggestion – as old as Johannes Keppler – that Josephus considered his chapter to be defined by the term of office of Tiberius as emperor, not that of Pilate as governor of Judea, so the Roman stories would not be out of place, chronologically,[85] leads to an in-

[83] A. A. Bell, "Josephus the Satirist? A Clue to the Original Form of the *Testimonium Flavianum*," *JQR* 67 (1976/77) 16–22. This suggestion has a long history, in one variety or another; see Whealey, *Josephus on Jesus*, 102–103.

[84] See Brown, *Birth of the Messiah*, 517–542.

[85] True, they would still be related after Pilate's affairs, although they transpired before he was appointed to office. However, it seems that Josephus considered Judean affairs the backbone of his narrative, so it would not be difficult to understand that it was only after reporting the Judean affairs of a given period that he turned to other events of that period. For similar practice elsewhere, see e. g. *Ant.* 18.27, where, after concluding his account of Archelaus' rule of Judea, which filled the decade that began with Herod's death and ended in 6 CE, Josephus opens his account of the activities of Archelaus' brothers, Herod Antipas and Philip, beginning with their ascent to their respective non-Judean thrones upon Herod's death – a decade before the end of Archelaus' tenure. Similarly, at the end of *Antiquities* 18, after taking Judean affairs down to Gaius Caligula's death in 41 CE

vestigation of the "markers" Josephus used to distinguish one chapter from the next. Was the structure of his narrative, for the first century, supplied by the succession of emperors or, rather, by that of the governors of Judea? I have discussed this in detail elsewhere, and with the help of an analysis of all of *Antiquities* 18–20 have shown why it seems that Josephus considered "this time" to be that of Pilate, not that of Tiberius.[86] True, there are some open questions in that case, some room for more thought. In the present context it is enough to say that whoever wants to pursue this type of argument needs to go through large sections of the *Antiquities* so as to assess how it divides into chapters.

Pursuing these avenues of research will contribute to our certainty as to when Pilate became governor of Judea. Some will care about this, others might not. What is clear, however, is that even those who don't want "merely" to "mine" Josephus for "facts" should realize that it was only the external pressure, of Tacitus, that forced scholars to read Josephus with eyes that allowed them to see all there is to see. Those who read Josephus all by himself will never know, for example, that Germanicus died in 19 CE (a point that is quite clear in Tacitus' annalistic narrative [see n. 75] but not at all indicated by Josephus), hence never have the occasion to wonder why Josephus juxtaposed that death with the beginning of Pilate's tenure, something that apparently contradicts Josephus' dating of that tenure – a point which we may pursue as we like, whether to learn more about Pilate or, rather, more about Josephus.

### *Continuous narrative – continuous history? From Germanicus to Pilate (Ant. 18.35, 55)*

To illustrate, finally, what we can learn from Josephus from such avenues of research, let us revert for a moment to the point mentioned earlier: Josephus announces Pilate's appointment in *Antiquities* 18.35 but has him arrive and begin to rule Judea only twenty paragraphs later (§ 55), after recounting all sorts of events in the East. For the reader, the effect is as if Josephus sent Pilate on his way from Rome to Judea and then, to fill up the time while he traveled, told us about events elsewhere in the world. This, in fact, is a usual ploy; note, for a nearby example, that after *Antiquities* 18.1–3 says Quirinius came to take a census in Judea and liquidate Archelaus' estate there, Josephus first rants about rebels of the "Fourth Philosophy" (§§ 4–10) and then

(§ 309), Josephus offers a long story about the Jews of Mesopotamia – a story that covers the events of many years (§§ 339, 373) and, it seems, ends around 41 CE; see D. Goodblatt, "Josephus on Parthian Babylonia (Antiquities XVIII, 310–379)," *Journal of the American Oriental Society* 107 (1987) 605–622.

[86] Schwartz, *Studies,* 188–200. On the suggestion that the chapter is about Tiberius, not Pilate, see ibid. 188, n. 26.

goes on to give a long account of all four Jewish sects (§§ 11–25). After all that, he resumes the narrative at § 26 by noting that "by now" Quirinius had completed the liquidation of Archelaus' estate – as if time has passed since he first mentioned Quirinius' mission. Indeed, the reader who has read several pages since then may feel well-prepared for this notice, although those pages did not record a single event said to have occurred in the meantime. Similarly, in *War* 3.503–505, after Josephus reports that Vespasian, on the western shore of the Sea of Galilee, ordered the construction of a fleet of rafts, he then proceeds to give a long geographical excursus describing the Sea and its environs (§§ 506–521), after which he picks up the narrative at § 522 with "Vespasian, when his rafts were ready […]" – and the reader can appreciate that some time was needed for their construction.[87] Anyone interested in assessing Josephus' artistic capacity, or his notion that history must be continuous, would not want to miss this. But if we now revert to the postponement of Pilate's arrival in *Antiquities* 18, we may note that these analogies suggest that Josephus indeed meant us to understand that Pilate was appointed around the time of Germanicus' mission to the East and death there, of which his narrative filled up, as it were, the time Pilate needed for his trip to Judea.

Once we take note of this Josephan penchant for a continuous narrative, which was so strong that he used extraneous excurses to give us the impression that time passed when time had to pass, we might infer that when he has no such excurses to offer he might portray events as if they were continuous even if they were not. Thus, for example, we have already noted that although Josephus says at *Antiquities* 13.254 that after the death of Antiochus VII Sidetes (129 BCE) John Hyrcanus I "immediately" started a series of military campaigns, archaeological and numismatic evidence shows that in fact more than fifteen years went by.[88] Any discussion of such moves by Josephus presupposes a willingness to read extra-Josephan evidence in order to determine whether Josephus' account corresponds to events or, rather, to his ignorance or to his own notions of what makes a book good reading. Thus, even those who want to focus on Josephus himself cannot neglect comparing him to others, if they want to work with as much evidence about Josephus as possible.

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[87] See P. Villalba i Varneda, *The Historical Method of Flavius Josephus* (Arbeiten zur Literatur und Geschichte des hellenistischen Judentums 19; Leiden: Brill, 1986) 171: "It seems, at least from the psychological point of view of the reader, that while the craft are being built, Flavius Josephus uses the waiting time to go into an extensive description of the Lake of Gennesaret, the River Jordan, and the extremely fertile region which the lake touches. The description lasts as long as the time for the construction of the boats. Once they are finished, then the narrative thread continues without interruption in continuity."

[88] See Ch. 1, n. 9.

## 5.7 Josephus vs. Josephus: Changing perspectives

Although we have mentioned, here and there, that Josephus' works contain some parallel narratives of the same events, we have not yet focused upon this phenomenon. It seems, however, that comparison of his parallel narratives one to another can often be at least as instructive as rubbing his narratives against those by others.

Josephus at times supplies us with parallel narratives in different works of his, for obvious reasons. There are two main cases of this: the period 175 BCE – 66 CE is covered both in *War* 1–2 and – in much greater detail – in *Antiquities* 12–20, and the period 66–67 CE (the beginning of the rebellion) is covered both in *War* 2–3 and in the *Life*.[89] There are also cases in which the same event is reported or alluded to a few times in the same work; usually, in those cases too it is clear that, due to explicit anticipation or retrospect, the different passages refer to the same event.[90] The hardest cases are those in which the same work – usually *Antiquities* – contains two similar stories and we are not sure whether they refer to the same episode and, if so, whether Josephus was aware of that. Thus, for example, in Section 4.4.1 I argued that Josephus' accounts of two visits by Vitellius to Jerusalem in fact refer to the same visit. Another oft-discussed case is that of *Antiquities* 15.370 vs. 17.41–45, where Josephus reports, with some similarity but also with differences, about Pharisees who refused to swear loyalty to Herod; here too it is not clear whether the same episode is meant.[91]

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[89] Apart from these main cases of parallel Josephan narratives in different works, there are a few others as well, including: a story by Agatharcides mocking the Jews' observance of the Sabbath is quoted at *Ant*. 12.5–6 and, at greater length, at *Ag. Ap.* 1.209–211; a passage by a Phoenician historian named Dius (*GLA* 1, no. 36) is quoted in *Ag. Ap.* 1.112–115 and *Ant*. 8.147–149 (after reports, in both books, at §§ 106–111 and 141–143, respectively, about Solomon's relations with Hiram of Tyre); various biblical stories recounted in the early books of *Antiquities* are also alluded to, one way or another, here and there in *War* (esp. in Josephus' speech in *War* 5.375–419); and the Jews' troubles in Antioch in the days of Vespasian are reported summarily in *Ant*. 12.120 and recounted with much different detail at *War* 7.100–110.

[90] Thus, for some examples: Josephus reports how the Septuagint was created both in *Ant*. 1.10–13 (as a precedent for his own work) and in 12.11–118 (in its historical context, following the *Letter of Aristeas*); the fact that John Hyrcanus and Herod removed money from David's tomb is reported in *Ant*. 7.392–394 and again at 16.179–182, with Hyrcanus' action reported also at 13.249; Herod's generals' campaign against the Arabs during Herod's absence is recounted at *Ant*. 16.130 and again at 16.271–274; Vitellius' disposition of the high-priestly vestments is recounted at *Ant*. 15.405 and again at 18.90–95, Claudius' – at 15.407–408 and again at 20.6–14 (see Section 2.2.2); Nicolas of Damascus' defense of the Jews of Ionia, in the days of Herod, is reported summarily in *Ant*. 12.125–126 and at length in its historical context in 16.27–65; etc.

[91] For detailed discussion, see Schürer, *HJP* 1.314, n. 94; Smallwood, *JURR*, 98; D. R. Schwartz, "Josephus and Nicolaus on the Pharisees," *JSJ* 14 (1983) 159–160.

Cases of the latter type readily turn into discussions of sources, for otherwise it is difficult to understand how Josephus could include two accounts of the same event in the same work. As such we have addressed some cases in Chapter 4. Here we will confine ourselves to comparisons of parallels that appear in different works. What can study of them teach us?

The question, what relation or relations exist between parallel accounts, has exercised numerous scholars. The main question has always been whether the parallels in *Antiquities* to *War* result from Josephus' use of *War* or, rather, of its sources.[92] But be that as it may (and the answer might not always be the same), it seems that comparison of such parallels, between a book written in the 70s and one written in the 90s, can be very instructive about Josephus' development – and, as such, can be very instructive about the way at least some Jews dealt with the epoch-making transformation of Jewish life by the destruction of the Second Temple.

### *5.7.1 War vs. Life: Good Jews don't fight one another*

Above (Section 3.2.3), in discussing the issue of how to translate *stasis* in *Antiquities* 13.299, we saw some evidence for a growing reluctance on Josephus' part to discuss fighting among Jews, and I suggested that we view it as evidence for playing by the rules of the Diaspora, in which Jews need to preserve at least the semblance of a common front. Now I will add that one of the most salient points that arises out of any comparison of the *War* to the *Life* is precisely Josephus' constant emphasis, in the latter work, absent from the former, of his concern to avoid shedding any Jewish blood and/or starting any inner-Jewish warfare.[93] These protestations, so often repeated, are evidently very important to Josephus, but it does not seem that they can be explained as a response to any attack by Justus of Tiberias, the rival whose work occasioned Josephus' response, for the goal of Justus' attack on Josephus was – as we see in *Life* 340–356 – to saddle him with responsibility for Tiberias' participation in the rebellion against Rome, not to blame him for any inner-Jewish conflict. Rather, if we seek the proper context for Josephus' protestations, we should compare them to Paul's protestation (according to Luke – Acts 28:19) that he came to Rome, and to Caesar, "not to accuse his people," which, in turn, reminds us of 2 Maccabees' insistence (4:5) that the righteous high priest Onias turned to the Seleucid king "not as a plaintiff against his fellow citizens;" of the repeated insistence of such diasporan books as 2 Maccabees and *Letter of Aristeas* about the heinousness of

[92] See Cohen, *JGR,* 50–66; D.R. Schwartz, "On Drama and Authenticity in Philo and Josephus," *Scripta Classica Israelica* 10 (1989/90) 120–129; and K.-S. Krieger, "A Synoptic Approach to B 2:117–283 and A 18–20," in: Siegert and Kalms (Ch. 2, n. 12) 90–100.

[93] See *Life* 26, 100, 103, 128, 171, 174, 244, 265, 321, 369, 377.

informers;[94] and, to return to Josephus, to the sources assembled in Section 3.2.3.1. Accordingly, if he had to describe a period in which he commanded a Jewish army but had Jewish enemies, he was especially concerned that no one think that he had used it against his own countrymen.

### *5.7.2 War vs. Antiquities: Who fought whom?*

What we just now noted about the *War* and the *Life* is, it seems, only a single – personal – aspect of a much larger theme. The war that began in 66, culminated in 70 with the destruction of the Temple and ended in 73 or 74 with the fall of Masada,[95] was between Jews and Rome. True, it also pitted Jews against non-Jews ("Syrians," "Greeks") all around Palestine, and Jews against Jews as well. This is all reflected in Josephus' *Judean War*, written shortly after the events.[96] But the emphasis in that book is clearly on the clash between the Jews and Rome: the rebellion began after a series of corrupt and cruel Roman governors provoked the Jews, on the one hand, and, because Jews who wrongly thought allegiance to God excluded submission to Rome (*War* 2.118; *Ant*. 18.4, 23) incited rebellion and destabilized Jewish society, on the other; traditional leadership lost control and so rebellion and eventual catastrophe became inevitable. Thus, the *War* has a clear and positive message: if Rome would only send responsible governors, and if we Jews could only control our own hotheads, things would be fine. Indeed, Rome did upgrade the governors of Judea after the war;[97] maybe Josephus' Flavian patrons listened to him. Examination of the *Antiquities*, in contrast, seems to indicate that by the 90s Josephus was considering less the Roman-Jewish nexus and more the inner Jewish one. Some examples, of which the first continues our comparison of Josephus' early *War* to his later *Life*:

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[94] See inter alia 2 Macc 3:4–6; 4:5; 6:11; 14:37 and *Letter of Aristeas* 165–168.

[95] See H.M. Cotton, "The Date of the Fall of Masada – The Evidence of the Masada Papyri," *Zeitschrift für Papyrologie und Epigraphik* 78 (1989) 157–162.

[96] For Jewish-Gentile relations and their role in the rebellion see U. Rappaport, "Jewish-Pagan Relations and the Revolt against Rome in 66–70 C.E.," in: *Jerusalem Cathedra* 1 (1981) 81–95. As for inner Jewish conflict, see esp. M. Goodman, *Rome and Jerusalem: The Clash of Ancient Civilizations* (London: Allen Lane/Penguin, 2007) 406–409. For a survey of Josephus' views, see P. Bilde, "The Causes of the Jewish War According to Josephus," *JSJ* 10 (1979) 179–202. At p. 197 Bilde summarizes that "Josephus' basic political conception seems to have remained unchanged in the long period from the 70'ties to the 90'ties." Given the massive changes those decades represent, for the Jews in general and for Josephus in particular, I think we should find it difficult to imagine – even in the absence of evidence – that Josephus' views remained basically the same, and I believe the present Section shows reason to believe they in fact changed significantly.

[97] Appointing governors of the senatorial class, rather than equestrians as before 70; see Schürer, *HJP* 1.514–519; Smallwood, *JURR*, 331, 546–557.

### 5.7.2.1 War with Rome or civil war?

Just above, in Section 5.7.1, we noted the *Life's* concern – absent from the *War* – to underline that Josephus had not fought his fellow Jews. So too, may we now add, any reader who compares Josephus' two versions of the critical year 6 CE, when Rome first established direct rule in Judea and Jews promptly rebelled against it, will notice that while the account in *War* focuses on the war with Rome, that in *Antiquities* focuses on war among Jews. Namely, at *War* 2.117–118 Josephus reports the establishment of direct Roman rule and Judas of Galilee's rebellion, briefly summarizing his message as a call not to pay Roman taxes and not to recognize any mortal as ruler, but in the much longer parallel at *Antiquities* 18.1–10 he actually fails to note Judas called upon the Judeans not to pay taxes (although it may be taken for granted) but expatiates about the terrible civil strife, which engendered "*staseis* and the murder of fellow-citizens" and culminated with "the *stasis* consigning even the Temple of God to the fire of the combatants" (§ 8). It is as if the war with Rome was a given, but of the past, while Josephus' concern with fighting among Jews was, for him, a burning issue.

### 5.7.2.2 Who is to blame?

A common feature of diasporan historiography is to blame oneself for one's own suffering. This is quite understandable, for if the government is to blame there is nothing to do about it; it's not as if you have a state and an army and can rebel. But suffering which one is powerless to alleviate is intolerable. Therefore Jewish prayers for the restoration of the Temple and the Jewish state always begin with the admission that "due to our sins we were exiled from our land;"[98] therefore, similarly, the diasporan author of 2 Maccabees heavy-handedly explains that it was the Jews' sins that engendered their suffering (4:16–17) and Antiochus Epiphanes, even if he did not know it, was only God's agent to punish the Jews (5:16–20).[99] So too, it is very striking that while Josephus' account of the years preceding the rebellion, in the *War*, is populated by corrupt and cruel governors, on the one hand, and by lawless Jewish terrorists, on the other – that is, by our bad apples and their bad

[98] See for example *The Authorised Daily Prayer Book of the United Hebrew Congregations of the British Empire* (revised ed. by J.H. Hertz; London: Shapiro Vallentine, 1947) 821.

[99] See Schwartz, *2 Maccabees*, 21–22, 64–65. For striking Qumran parallels to 2 Macc 5:17, which has God "hiding His face" from Jerusalem (= ignoring it, and thus leaving it to its fate) because of its inhabitants' sins, see the very beginning of the *Damascus Document* and *Pesher Habakkuk* 4:8–9 (Gaster [Ch. 2, n. 49] 66, 319); for the Qumran sect as a diasporan community, see N. Hacham, "Exile and Self-Identity in the Qumran Sect and in Hellenistic Judaism," in: *New Perspectives on Old Texts* (ed. E. G. Chazon & B. Halpern-Amaru; Studies on the Texts of the Desert of Judah 88; Leiden: Brill, 2010) 3–21.

apples, who don't really represent either side properly – the corresponding pages in *Antiquities* 20 also include several accounts of corrupt high priests: *Antiquities* 20.179–181, 196–203, 206–7, 213–214. There is nothing like this in the *War*, and the plain implication is that the Jews' own religious leadership was – no less than the others – to blame for the catastrophe.

*Resultant tensions in the narrative: The case of Antiquities 20.215*

But if Josephus changes emphases in the *Antiquities*, as compared to the *War*, he nevertheless used some of the same materials (whether reverting to his original sources or to his own *War* account; see n. 92), and this results in some tensions. *Antiquities* 20.215 seems to be an especially blatant case of this. This paragraph reports that when Albinus (a Roman governor of Judea in the early 60s) heard that a new governor was coming to replace him he tried to make a name for himself as one who had done a service to Jerusalem. Therefore – so Josephus reports – Albinus emptied the jails by ordering the execution of those prisoners who were clearly deserving of death and releasing (after receiving appropriate bribes) those who had been placed in jail for minor and commonplace infractions. Thus, Josephus summarizes, the prisons were purged of prisoners but the land became full of brigands.

This is quite a self-contradictory passage.[100] For if Josephus' purpose is, as it seems, to praise Albinus for handling the prisoners properly, executing those deserving that and freeing those who had committed only misdemeanors (and offering not the slightest suggestion that anyone had been imprisoned for no good reason at all!), why say he did it to make a name for himself, and worse: Why say, or at least intimate, that he took bribes from those he released? And if those he released were guilty only of trifling crimes, how did it happen that the land was thereby filled with brigands – who are serious criminals? A glance at the parallel in *War* (2.272–276) shows that Josephus was totally negative about Albinus there, but a glance back in *Antiquities* shows that preceding sections have focused on *Jewish* villains – and the way polemics work this necessarily entails some rehabilitation of Albinus: if Jews were so villainous, however bad the governor was in dealing with them at least we can understand his difficult circumstances and need to do something about them. Thus, at § 204 Josephus says Albinus made every effort to establish peace and security by exterminating the Sicarii (Jewish "daggermen"[101]); he thus serves as a foil for the corrupt high priest Ananias

[100] See already Cohen, *JGR*, 60–62, who observes that "the tone of AJ 20.215 is peculiarly ambiguous and/or self-contradictory."

[101] In Latin, *sica* is a term for a dagger, and so *sicarius* was used of violent criminals; see A. Berger, *Encyclopedic Dictionary of Roman Law* (Transactions of the American Philosophical Society, n.s. 43/2; Philadelphia: American Philosophical Society, 1953) 706. On Josephus' usage, see Hengel (above, n. 49), esp. 396–404.

(§ 205) and his wicked servants (§§ 206–7). So too, §§ 208–210 report how the Sicarii kidnapped people and thereby *forced* Albinus to free prisoners. So when Josephus turned to finishing up up his account of Albinus he was caught between the tendency that had guided him in *War*, to blame bad governors, and the new inner-Jewish "because of our sins" orientation, and the result is clearly seen in equivocation and self-contradiction of § 215.[102]

### *5.7.3 War vs. Antiquities: Religion and State*

The major premise of Jewish life in the Diaspora is that religion and state are separate entities. In places where it is obvious that there is nothing Jewish about the state, it is simple for a Jew to define him- or herself as serving two masters. For Jews in such places, however, writing about the history of events in a land that many of them, as the Bible, considered to be a Holy Land, i.e., God's land, can be a real challenge. Thus, for example, it is noteworthy that most modern diasporan accounts of the festival of Hanukkah claim that it was Antiochus Epiphanes' persecution of Judaism that led the Jews to rebel against him – a position which implies they would not have rebelled had he not forbidden them to practice their religion.[103] Israeli accounts, in contrast, tend to focus on the fact that Rome humiliated Antiochus resoundingly in 168 BCE[104] so it was reasonable for the Jews, as any other subject people, to rebel against their stricken overlord in the hope of achieving independence – and they did.[105] Similar differences may

[102] See D.R. Schwartz, "Josephus on Albinus: The Eve of Catastrophe in Changing Retrospect," in: *The Jewish Revolt against Rome: Interdisciplinary Perspectives* (ed. M. Popović; JSJ Supplement 154; Leiden: Brill, 2011) 291–309.

[103] See, for some standard works in English: H. Graetz, *History of the Jews*, I (Philadelphia: Jewish Publication Society, 1891) 451–461; C. Roth, *A Short History of the Jewish People* (London: East and West, 1959) 66–70; S. Zeitlin, *The Rise and Fall of the Judaean State*, I (Philadelphia: Jewish Publication Society, 1968) 88–96; S. Grayzel, *A History of the Jews* (Philadelphia: Jewish Publication Society, 1968[2]) 52–60; S.J.D. Cohen, *From the Maccabees to the Mishnah* (Library of Early Christianity; Philadelphia: Westminster, 1989) 30–31.

[104] See Ch. 2, n. 9.

[105] See especially Tcherikover (Ch. 2, n. 99) 186–200, and M. Stern, in *A History of the Jewish People* (ed. H.H. Ben-Sasson; Cambridge, Mass.: Harvard, 1976) 204. Cf. D. Gera, *Judaea and Mediterranean Politics 219 to 161 B. C. E.* (Brill's Series in Jewish Studies 8; Leiden: Brill, 1998) 223, who argues, disagreeing with Tcherikover, that the Seleucid kingdom remained strong 168–164 BCE so the Hasmonean rebellion against it must have arisen (as is traditionally held) as a response to religious oppression rather than out of "a rational assessment that the Seleucid kingdom was weakening and that the Jews should take advantage of an opportune time to win their independence." But note that at pp. 153–161 Gera argued, in agreement with Tcherikover, that Antiochus, a year or more before he promulgated his decrees against Judaism, was right to understand that the Jews of Jerusalem had rebelled against him during his Egyptian campaign, despite the attempt of 2 Maccabees 5 to make that look like a misunderstanding. See below, Ch. 6, n. 27.

be observed concerning the historiography of the Bar-Kochba rebellion of the 130s as well.[106]

It seems that comparison of some narratives in the *War* to their parallels in the *Antiquities* will indicate that from this point of view too, Josephus had become, by the 90s, a diasporan Jew. In particular, what we will see is the way a religion centered around a particular place begins to become one based instead upon law, which is applicable everywhere.

### *5.7.3.1 From land to law*

In the two preceding discussions of the differences between Josephus and Philo concerning what Pilate introduced into Jerusalem (Sections 1.3.5 and 5.3) I simply ignored the fact that apart from his account in *Antiquities*, studied there, Josephus also provides us with one in the *War*. It seems, however, that comparison of the two accounts may lead to some interesting insights. Here are my translations of the two accounts:

| *War* 2.169–174 | *Antiquities* 18.55–59 |
|---|---|
| (169) Having been sent to Judea as procurator, by Tiberius, Pilate brought into Jerusalem – at night and under cover – the images of Caesar, which are called *semaiai*. | (55) Pilate, the governor of Judea, in bringing his army from Caesarea and transferring it to winter quarters in Jerusalem, thought to abrogate Jewish *customs* by bringing into the city busts of Caesar, to which *semaiai* were attached, although *the law* forbids us to make images. (56) And it was for this reason that former governors had made their entry into the city with *semaiai* without such ornaments; Pilate was the first who, without the people knowing it for his entry was at night, having brought the images to Jerusalem set them up. |

[106] Although it is usually claimed, on the basis of several Roman and Jewish texts (see Stern, *GLA* 2.619–621), that that rebellion broke out in response to a Roman ban on circumcision, which is one of the basic practices of the Jewish religion, there have been various attempts – including several by Israelis – to refute this, instead presenting the rebellion as a nationalist Jewish response to Roman rule. For an example of this in English, see A. Oppenheimer, "The Ban on Circumcision as a Cause of the Revolt," in: idem, *Between Rome and Babylon: Studies in Jewish Leadership and Society* (ed. N. Oppenheimer; TSAJ 108; Tübingen: Mohr Siebeck, 2005) 243–255. For a review of scholarship, see B. Isaac and A. Oppenheimer, "The Revolt of Bar Kokhba: Ideology and Modern Scholarship," *JJS* 36 (1985) 33–60.

| *War* 2.169–174 | *Antiquities* 18.55–59 |
|---|---|
| (170) With daylight this awakened very great commotion among the Jews: those who were nearby were stricken by the sight, as if *their laws* had been trampled, for they do not allow the erection of any image in the city, while at the indignation of those in the city the population from the country too streamed together en masse. (171) After they stormed out to Pilate, to Caesarea, they beseeched him to take the *semaiai* out of Jerusalem and preserve *their ancestral laws*. When Pilate refused they threw themselves prostrate around his residence,[107] and for five days and as many nights they persisted without a budge.<br>(172) On the next day Pilate, having seated himself upon a tribunal in the great stadium and invited the mob (into the stadium) as if he wanted to give it an answer, gave the soldiers a prearranged sign to encircle the Jews, armed.<br>(173) The Jews, surrounded by a line of battle three ranks thick, were stricken speechless by the unexpected sight, and Pilate – saying that he would cut them down if they did not accept the images of Caesar – signaled to the soldiers to bare their swords. | (57) When they knew of it, they went en masse to Caesarea and pleaded, for several days, for the removal of the images. When he did not agree, for that would entail an offense vis à vis Caesar, but they did not give up entreating him, on the sixth day he stationed an armed troop unseen and himself got up on his tribunal. This had been set up in the stadium, where the ambushing force hid. (58) When again the Jews beseeched him, at a given signal he surrounded them with the soldiers and threatened to pronounce a death penalty immediately, if they did not cease their tumult and depart to their homes. |
| (174) The Jews, as if by prearrangement, threw themselves down en masse and – stretching out their necks – cried out that they were willing to be killed rather than transgress *their laws*. Pilate, overcome with amazement at the strength of their religious reverence, ordered (his men) to remove the *semaiai* from Jerusalem immediately. | (59) But they threw themselves prostrate and, baring their throats, said they would gladly accept death rather than dare transgress the wisdom of *the laws*. And Pilate, amazed by their fortitude in the observance of *the laws*, immediately removed the images from Jerusalem and brought them back to Caesarea. |

Any careful reader will note that which I emphasized by the use of italic letters: while both narratives refer to Jewish law three times, that of the *War* relativizes it by calling it "their laws" while *Antiquities* speaks more

[107] See above, Ch. 3, n. 38.

absolutely of "the laws." Similarly, in the first case *Antiquities* even speaks of "the law," in the singular, which too tends to upgrade it, à la "the Law" or "the Torah" – although we probably should not put too much weight on either stylistic point. More importantly, such a reader might notice that while the Jews' complaint in *War* makes perfect sense (since the Jews' laws forbid the introduction of images into Jerusalem, they complained when Pilate did that), that in *Antiquities* does not. For how does the fact that the Jews' laws forbid *them* to make images (*Ant*. 18.55) relate to the fact that *Pilate*, who was not a Jew, brought images into the city? Since there is no suggestion that the Jews were asked to make such images (and certainly no hint that they were asked to worship them!), there is some disconnection in the narrative. Put together, these observations mean that in the *Antiquities* Josephus not only upgrades the law but also tends to focus upon Jewish laws as applying to Jews rather than to a particular place – although that latter shift of emphasis causes some difficulty with the logic of the narrative here.

That this problem with *Antiquities* 18.55 is not just a fluke is shown by the fact that it recurs just a few pages later, in Josephus' parallel narratives of the Jews' protests to Petronius, the Roman governor of Syria in 40 CE, who had been ordered, by the emperor Gaius Caligula, to set up a statue of him in the Temple of Jerusalem:

| *War* 2.195 | *Antiquities* 18.264 |
|---|---|
| When they (the Jews) pointed to the law and to the(ir) ancestral *custom*, and (claimed) that it was not allowed[108] to set up any image, neither of God nor – all the more so – of man, not only in the sanctuary but even in any place at all in the country, Petronius replied … | (264) "If," they said, "it is in any case incumbent upon you to bring the statue and erect it, do what has been decided upon only after first killing us. For as long as we survive we cannot view *actions that are forbidden to us by the majesty of the lawgiver and of our forefathers*, who designated these things as conducive to virtue." |

Here too, we see the same phenomena: the upgrading of law (this time: from mere "ancestral custom"[109] to things ordained by "lawgiver" as well as forefathers) and, especially, the move from a notion of holy place to a notion of laws that are binding for certain people, wherever they might be; as

[108] Thackeray, in *JLCL* 2.399, rendered "pleaded that *they* were forbidden" (my emphasis), but it is important, in the present context, to note that Josephus' Greek offers no basis for "they," which would limit the restriction to particular people. Rather, the Jewish protesters speak of what is forbidden in a particular *place*.

[109] For the less absolute nature of "customs" as opposed to law, see the discussion of Josephus' usage in S. G. Wilson, *Luke and the Law* (SNTSMS 50; Cambridge: Cambridge Univ., 1983) 6–10.

with the Pilate story, here too the latter change makes *Antiquities'* version of the story less than coherent. That is: Just as with regard to Pilate's images, where *Antiquities* has the Jews complaining that *they* may not make images although no one was asking them to do so, here the Jews complain to Petronius that they cannot live if that would entail seeing others do actions that they themselves are not allowed to do. That is, of course, a ridiculous statement, for if taken seriously it would require Jews to oppose, to the death, idol worship by all people everywhere. But Josephus made that statement, in *Antiquities*, because he had to offer something to replace the real original argument, which, as the *War* version shows, was built upon the sanctity of Jerusalem and the Holy Land.

A third and final example of such a move also presents quite an explicit formulation of this diasporan position that Jewish law applies to individuals, not to a place. Toward the end of Herod's reign, we read in Josephus' parallel narratives, some Jewish teachers incited youths to demolish an eagle Herod had hung up – apparently as a sign of fealty to Rome and/or to himself[110] – over one of the gates of the Temple. It is not difficult to understand that there was some Jewish opposition to this, for it violated the Second Commandment and the political statement it made was also unwelcome to many. But how was their opposition phrased in Josephus' two works?

| *War* 1 (trans. Thackeray, *JLCL*) | *Antiquities* 17 (trans. Marcus, *JLCL*) |
|---|---|
| (648) There were in the city two wise men who were thought to be especially accurate concerning the ancestral (customs), and for that reason they enjoyed the highest respect in the entire nation […] | (149) There were […] the most learned of the Jews and unparalleled expounders of the ancestral laws, men who were loved by the people due to the education (which they supplied) the youth […] |
| (650) For it is (they said) not allowed that there be in the Temple any image or bust or any work representing a living being. | (151) For the law forbids those who choose to live according to it to imagine setting up images and to prepare dedications of any living beings. |

[110] The use of the eagle as a symbol for Rome, as on its military standards, was quite widespread. However, an eagle could symbolize power and rule in general, and perhaps Herod meant this one to point to himself, alongside of Rome or instead of it. See J.W. van Henten, "Ruler or God? The Demolition of Herod's Eagle," in: *New Testament and Early Christian Literature in Greco-Roman Context: Studies in Honor of David E. Aune* (ed. J. Fotopoulos; Supplements to *Novum Testamentum* 122; Leiden: Brill, 2006) 257–86, and A.I. Baumgarten, "Herod's Eagle," in: *'Go Out and Study the Land' (Judges 18:2): Archaeological, Historical and Textual Studies in Honor of Hanan Eshel* (ed. A.M. Maeir, J. Magness and L.H. Schiffman; Supplements to the JSJ 148; Leiden: Brill, 2012) 7–21. Neither study addresses the issue upon which we shall focus: how Josephus, in his two works, formulates the complaint raised about the eagle.

Here too, as in the other cases, we see the emphasis upon law in *Antiquities* as compared to *War*: where *War* says the images are "not allowed," which means such things are simply not done,[111] *Antiquities* phrases it as a matter of what the law forbids. Moreover, where *War* says that what is not allowed is not allowed in a given place, the Temple, *Antiquities* says it is forbidden to those individuals who choose to live according to the law. This is as full and as frank a recognition as possible of the unnatural quality of Jewish life in the Diaspora, where there is nothing natural that imposes Jewish law upon Jews. On the contrary, if "when in Rome live like the Romans" is a good natural rule of human behavior, Josephus, after twenty years of living like a Jew in Rome, was quite aware of the fact that such a life is anything but natural; it is a matter of personal decision, not due to the natural parameters and context but, rather – despite them.

### *5.7.3.2 From rebellious prophets to rebels and prophets: War 2.258–264 vs. Antiquities 20.167–172*

Before analyzing further what these differences might mean, let us compare another pair of Josephan parallels, dealing with a slightly later period, right after Josephus referred to the appearance of Sicarii (see n. 101) who committed political murders in Jerusalem in the fifties of the first century:

| *War* 2.258–264, trans. Thackeray (*JLCL*) | *Ant*. 20.167–172, trans. Feldman (*JLCL*) |
|---|---|
| *(a)* (258) Besides these there arose another body of villains, with purer hands but more impious intentions, who no less than the assassins ruined the peace of the city. (259) Deceivers and impostors, under the pretence of divine inspiration fostering revolutionary changes, they persuaded the multitude to act like madmen, and led them out into the desert under the belief that God would there give them tokens of deliverance. (260) Against them Felix, regarding this as but the preliminary to insurrection, sent a body of cavalry and heavy-armed infantry, and put a large number to the sword. | *(a)* (167) With such pollution did the deeds of the brigands infect the city. Moreover, impostors and deceivers called upon the mob to follow them into the desert. (168) For they said that they would show them unmistakable marvels and signs that would be wrought in harmony with God's design. Many were, in fact, persuaded and paid the penalty of their folly; for they were brought before Felix and he punished them. |

[111] Josephus' adjective in *War* 1.650 is *athemitos*: "The term refers prim[arily] not to what is forbidden by ordinance but to violation of tradition or common recognition of what is seemly or proper" (F.W. Danker [ed.], *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* [based on W. Bauer's *Griechisch-deutsches Wörterbuch* […]; Chicago: Chicago Univ., 2000$^3$] 24).

| *War* 2.258–264, trans. Thackeray (*JLCL*) | *Ant*. 20.167–172, trans. Feldman (*JLCL*) |
|---|---|
| *(b)* (261) A still worse blow was dealt at the Jews by the Egyptian false prophet. A charlatan, who had gained for himself the reputation of a prophet, this man appeared in the country, collected a following of about thirty thousand dupes, (262) and led them by a circuitous route from the desert to the mount called the mount of Olives. From there he proposed to force an entrance into Jerusalem and, after overpowering the Roman garrison, to set himself up as tyrant of the people, employing those who poured in with him as his bodyguard. (263) His attack was anticipated by Felix, who went to meet him with the Roman heavy cavalry, the whole population joining him in the defence. The outcome of the ensuing engagement was that the Egyptian escaped with a few of his followers; most of his force were killed or taken prisoners; the remainder dispersed and stealthily escaped to their several homes. | *(b)* (169) At this time there came to Jerusalem from Egypt a man who declared that he was a prophet and advised the masses of the common people to go out with him to the mountain called the Mount of Olives, which lies opposite the city at a distance of five furlongs. (170) For he asserted that he wished to demonstrate from there that at his command Jerusalem's walls would fall down, through which he promised to provide them an entrance into the city. (171) When Felix heard of this he ordered his soldiers to take up their arms. Setting out from Jerusalem with a large force of cavalry and infantry, he fell upon the Egyptian and his followers, slaying four hundred of them and taking two hundred prisoners. (172) The Egyptian himself escaped from the battle and disappeared. |
| *(c)* (264) No sooner were these disorders reduced than the inflammation, as in a sick man's body, broke out again in another quarter. The impostors and brigands, banding together, incited numbers to revolt, exhorting them to assert their independence, and threatening to kill any who submitted to Roman denomination and forcibly to suppress those who voluntarily accepted servitude. (265) Distributing themselves in companies throughout the country, they looted the houses of the wealthy, murdered their owners, and set the villages on fire. | *(c)* And now the brigands once more incited the populace to war with Rome, telling them not to obey them. They also fired and pillaged the villages of those who refused to comply. |

Here too the stories are very similar. But at three points – one in each of the three units (a, b, c) into which we divided the parallel narratives – there are striking differences between them:

(a) Whereas *War* explains that the desert prophets promised signs *of deliverance* ("liberty"[112]) and that Felix feared their preaching might engender *rebellion*, *Antiquities* doesn't say either – thus leaving us wondering why Felix in fact moved against them. For that, *Antiquities* offers no explanation.

(b) Whereas *War* says the Egyptian prophet planned to attack Jerusalem with his followers and overcome the garrison, *Antiquities* says he planned to stay on the Mt. of Olives and, from there, order the walls of Jerusalem to fall – thus again leaving us wondering why Felix was worried. True, in this case – as opposed to the preceding one – *Antiquities* at least tells us that what the prophet promised was directed against law and order. But was Felix really worried that if this Egyptian prophet said "poof" or "abracadabra," or perhaps recite some Psalms, the walls of Jerusalem would come tumbling down?

(c) At the end of the story, *War* has the "impostors" and the "brigands" banding together and inciting the people to assert their independence, but *Antiquities* has the "brigands" alone doing that.

Beginning with the third point, to understand it we must realize that Josephus distinguishes here between two types of troublemakers: "impostors" (or "deceivers") were (false) prophets who acted "under the pretence of divine inspiration" (*War* 2.259), while "brigands" were just that, common criminals, with no religious pretence, such as the Sicarii mentioned just before this story. So when Josephus, in *Antiquities*, has only the latter preaching rebellion, what he is doing is making sure that the only Jews his readers see involved in rebellion are such that do not claim to represent the Jewish religion. In the *War*, in contrast, Josephus told his readers plainly that both types of figures "banded together," thus displaying religious figures preaching rebellion.

But the same distinction, between *Antiquities'* prophets involved only in religion and *War*'s prophets involved also in matters of the state (namely: in fighting against Roman rule), also underlies the other two differences between these stories as told in Josephus' two books. Namely, the first difference amounts to *Antiquities'* failure to explain why he who was charged with running the state, Felix, took an interest in figures promising signs and wonders in the desert – religious figures by definition. It is only the *War* that tells us that the signs and wonders they promised were meant to be "tokens of deliverance (liberation)," and that Felix correctly understood this to be the "preliminary to insurrection." And difference (b) amounts to

[112] The Greek word employed at *War* 2.259 is *eleutheria* – the same term Thackeray regularly renders "liberty," for example in Agrippa II's long speech against rebellion in *War* 2.348–349, 355–361. The political import of the term is well reflected in its correspondence to the use of the Hebrew *ḥerut Zion* ("freedom of Zion") on the coins of the rebellion of 66–70 and *ḥerut Israel* and *ḥerut Yerushalayyim* ("freedom of Israel" and "freedom of Jerusalem"]) on those of the Bar-Kochba rebellion; see Schürer, *HJP* 1.605–6 and Meshorer, *Treasury* (above, n. 53) 122, 127–128, 140, 158.

*Antiquities'* failure to explain why Felix would take seriously a threat to storm Jerusalem by miracle alone; it is only the account in *War* that tells us that the Egyptian prophet and his followers were willing to adopt more mundane and practical methods of attack as well. That that was true, historically, is corroborated both by the logic of the matter (for otherwise Felix indeed had no reason to intervene) and by the fortuitous fact that the Acts of the Apostles happens to quote a Roman officer who refers to the Egyptian as the leader of Sicarii (21:38).

That is, just as with regard to the Jews' complaints to Pilate and Petronius, so too with regard to these clashes with Felix: in *Antiquities* Josephus strove to distance religion from state even at the price of leaving his stories less than coherent. This must have been important for Josephus, who after twenty years in Rome was getting used to the rules of the game of Jewish life in the Diaspora and wanted to portray the Jews of Judea too in such a way that the Roman Empire should not find Judaism threatening. Since Josephus had to admit there had once been Jewish rebels, he needed to claim, as best he could, that they were mere "brigands," bad apples without any claim to represent true Jewish religion.

*Theudas.* That such a distinction should be made may be bolstered by the fact that elsewhere too, in *Antiquities* 20, Josephus takes the same tack. The following story concerns a figure of the 40s who, for whatever reason, is not mentioned in *War*:

> (97) While Fadus was governor of Judaea, a fraud named Theudas convinced a great mob of people to take their possessions and follow him to the Jordan River; he said he was a prophet, and said that with a command he would split the river, thus allowing them to pass across it easily. (98) Saying such things, he deceived many people. But Fadus did not allow them to derive any benefit from their senselessness. Rather, he sent out against them a squadron of cavalry, which fell [upon them] unexpectedly, killed many, and took many others prisoner. After capturing Theudas too, they cut off his head and brought it to Jerusalem. (*Ant*. 20.97–98)

Here too, a religious figure is killed by the Roman governor, but Josephus has not offered us a word about him having done or promised anything threatening to Rome or to law and order. Of course, we might find it easy to fill in the blank: We might guess that Theudas was seen by his followers as a latter-day Joshua crossing the Jordan (Joshua 3–4), so Felix feared Theudas might want to follow up his feat with an attempt to conquer the Holy Land. Indeed, that guess is seconded by the fact that Luke, in Acts 5:36–37, has Gamaliel comparing Theudas and Judas the Galilean – a famous anti-Roman rebel[113] – to Jesus, and saying that he too presented himself as if he were

[113] See *War* 2.118; 7.253; *Ant*. 18.4–9, 23–24; 20.102; Hengel (above, n. 49) 76–145.

"somebody;" the implication is that Theudas was a rebel and was thought, by his followers, to be a liberating figure of some sort.[114] If Josephus does not say anything of the kind, we will again conclude that he is interested in separating religion from state. We should expect no less from a Jew living in the Diaspora. In the *War*, in contrast, written shortly after he got off the boat from Judea, Josephus seems to have reflected authentically, in the stories we studied in this Section, the way things were in Roman Judea of the pre-war period: religion and state were mixed up with one another and hence clashes between Jews – who were devotees of Judea and not stateless devotees of a transcendental and universally accessible Judaism – and Rome were inevitable.

### *5.7.3.3 From land to law – Q. E. D.*

If after this discussion of rebel stories in *Antiquities* 20 as compared to their parallels in *War* 2 we now return to our comparison of Josephus' accounts of the affair of Pilate's introduction of iconic standards into Jerusalem, with which we began this discussion in Section 5.7.3.1, we shall not be surprised by the two important differences between the stories, nor shall we tend to belittle their significance: (1) *War* says the standards violated the sanctity of *Jerusalem*, while *Antiquities* says they are forbidden "to us" by Jewish *law*; and (2) *War* says that Pilate backed down because he was impressed by the Jews' dedication to their religion (*deisidaimonia*[115]) but *Antiquities* says he was impressed by their devotion to their *laws*. Thus, in *Antiquities* Josephus more consistently makes those respectable Jews who oppose this or that excess of Roman rule do so on the basis of Jewish *law*, which is universally applicable, even going out of his way, in the *Antiquities*, to avoid the notion that it applies especially to any particular place. If in his *War* Josephus condemned the desert prophets because – as he correctly portrayed them – they made claims about the Jewish state in the name of the Jewish religion, while in his *Antiquities* he went so far as to cripple his accounts of them by eliminating the connection they made between the Jewish religion and the Roman state, here, in the case of Pilate's violation of Jewish *law*, he clarifies

[114] On Theudas, see Schürer, *HJP* 1.457–458, n. 6 – a discussion that concludes with one of the more remarkable formulations in that great book: "Curious is the fact that the followers of Jesus in Acts 5:36–37 […] are aligned with the followers of Judas the Galilean and Theudas, both of whom had clashed with Rome's political interests in Palestine." On Christian scholars' willingness or unwillingness to draw the obvious conclusion about how Jesus and his followers were viewed, see Schwartz, *Studies*, 128–146.

[115] Literally: "reverence for *daimōns*, gods." On *daimōn*, see also above, Section 3.2.1. For Josephus' use of *deisdaimonia* here in the positive sense of "religion," "zeal," or "piety" (and not pejoratively as our "superstition," although that too occurs, elsewhere), see Thackeray, *Lexicon*, 126. See also P.J. Koets, *Δεισιδαιμονία: A Contribution to the Knowledge of the Religious Terminology in Greek* (Purmerend: Muusses, 1929) 21–24.

what might, in contrast, constitute legitimate cause for Jewish opposition to Roman rule.

If in this case too that clarification entailed maiming the story, leaving us wondering why the Jews complained on the basis of a law that forbade *them* to make images, which they were not being asked to do, so be it; the nuance was important enough to be worth that price. The alternative would have been to talk about a Jewish holy city, and talk like that would have been counter-productive on both fronts: It would tell the Jews of the Diaspora that they were distant from God and remind the Romans of the kind of Judaism that had once fostered rebellion and might do so again. Josephus' approach amounts to telling the Jews of the Diaspora that God is equally accessible everywhere, and to offering Rome a deal it could afford to accept. Indeed, for the Jews it amounted to accepting the only deal Rome offered. For if the villainous desert rebels and Theudas wanted the Jewish God to rule the land Rome claimed as Provincia Judaea and was not prepared to give up, those respectable Jews who opposed Pilate concerning the iconic standards, and Petronius concerning Gaius' statue, wanted – so Josephus in *Antiquities* – only to be able to observe Jewish law, to be what nineteenth-century observers would term "Roman citizens – or, at least, subjects – of the Mosaic faith."[116] That – but only that – Rome could accept.

#### *5.7.3.4 From cult to law*

At this point we should observe, however briefly, that the move from understanding "being Jewish" as denoting a relationship (origin, allegiance) to a particular place, Judea, to understanding "being Jewish" as adherence to a set of norms, Judaism, entailed a concomitant move from one type of worship to another.[117] The Bible mandates a sacrificial cult, but it also mandates its limitation to a particular place, the Temple of Jerusalem. Jews could pray anywhere (see, for example, Nehemiah 1:4–11; Daniel 6:10, 13), but they could sacrifice only in the Temple of Jerusalem. Jewish life in the Diaspora therefore entailed, naturally, a relocating of emphases that undercut the

[116] For this formulation, cf. Goodman (above, n. 96) 505–511.

[117] Here I should allude to recent debate as to when, and where, *Ioudaios* is best translated "Jew" or "Judean," a debate most obvious in Josephan studies in the fact that the works that appeared as *The Jewish War* and *The Jewish Antiquities* in *JLCL* are now appearing as *The Judean War* and *The Judean Antiquities* in *FJTC*. For the view of the editor of the latter series, see: S. Mason, "Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History," *JSJ* 38 (2007) 457–512. For the view, that – as the present chapter suggests – "Judean" is best for the early Josephus of *War*, and "Jew" for the later Josephus, see D.R. Schwartz, "'Judaean' or 'Jew'? How Shall we Translate *Ioudaios* in Josephus?" in: *Jewish Identity in the Greco-Roman World* (Ancient Judaism and Christianity 71, ed. J. Frey, S. Gripentrog and D.R. Schwartz; Leiden: Brill, 2007) 3–27.

importance of sacrifices in favor of prayer,[118] and that, of course, would become all the more the case after the destruction of the Temple, when only prayer was available. And it also entailed a move of emphasis from cult to law, for if the central Jewish cult was limited to Jerusalem, Jewish law could be observed anywhere. These are, of course, quite broad issues, and I will revert to them in the next chapter. Here I would only indicate their relevance to the analysis of Josephus' writings.

*5.7.3.4.1 Cult vs. law in other parallel narratives.* That this is, indeed, the way we should interpret the differences between *War* 2 and *Antiquities* 18 on Pilate's iconic standards, is demonstrated by comparison with a few other Josephan passages. Thus, for example, the switch from holy place to laws is paralleled in another comparison between *War* and *Antiquities*, one that comes at an eminently significant juncture of Jewish history. In Josephus' account of the very beginning of Roman rule in Judea he reports that the priests serving in the Temple persevered in performing the sacrificial offices even as the conquerors' soldiers poured into the Temple and were, accordingly, cut down. Josephus presents this story, in both of his accounts, as a highly impressive measure of the priests' devotion. If, however, one focuses on *what* it was to which they were devoted, it should jump out at us that *War* 1.150 speaks of the divine *therapeia* ("worship") but *Antiquities* 14.67 speaks of Jewish *nomima* ("ordinances"). Similarly, although *War* 2.7 had the Jews demanding that Archelaus replace a high priest with one who is "more *pious* (*eusebesteron*) and more pure," by the nineties Josephus portrayed them as demanding one who is "more *law-abiding* (*nomimōteron*) and (more) pure" (*Ant*. 17.207). We saw the same contrast above, in the first table in Section 5.7.3.1, which shows "religious reverence" (see n. 115) in *War* 2.174 but "observance of the laws" in *Antiquities* 18.59.

*5.7.3.4.2 Cult vs. law in rewritten biblical history: Antiquities 8.276–281 vs. 2 Chronicles 13:4–12.* But it is not only a matter of a word here instead of a word there. Josephus' new orientation can bring him to rewrite an entire speech, as is shown by a passage from the first decade of the *Antiquities*: Josephus' account of one of the kings of ancient Judah, Abiah (Abiam) – King David's great-grandson. In our oldest source about him, 1 Kings 15:1–9, we find a brief account of this king that focuses – as we should expect from the book that supplies it – on events easily understood as relevant to kings:

[118] For an eloquent example of this in the Apocrypha, note the way an Alexandrian Jewish work of the first century BCE (or perhaps somewhat later), the Wisdom of Solomon, retells at 18:20–25 a biblical story (Numbers 16:41–50) that mentions only a sacrifice and no prayer and the sacrifice is very efficacious, in such a way that while the sacrifice is still mentioned, a prayer is inserted and detailed and it is very efficacious.

his royal pedigree; his wars; his unspecified sins along with the fact that God nevertheless allowed him to reign because of His covenant with his ancestor, King David; and his death, burial and successor. The later account in 2 Chronicles 13 is, in contrast, much longer, for although it begins the same way it includes, in verses 4–12, a long speech by Abiah on the eve of war between Judah and the northern kingdom (Israel). In this speech, Abiah details – as might be expected from a book of the Persian period, when there were no kings but there were a Temple and high priests – the cultic superiority of Judah (it has the proper Temple, proper priests, and proper sacrifices) that will, so the Judean king claims, guarantee its victory. A half a millennium later, however, Josephus concentrates, in his version of this speech (*Ant.* 8.276–281), on the violation of the *law* by the northern kingdom. Although Josephus obviously took the idea of the speech from Chronicles, in his version of it Abiah contrasts the "lawlessness" (*paranomia* – § 277) of the king of the northern kingdom, and the way the northerners had distanced themselves from God and His laws (*nomoi* – § 277), to the southerners' perseverance in the observance of that which the laws require (*ta nomima* – § 280); the speech ends, appropriately enough, with a call upon the northerners to show proper respect for the ancestral practices (*ta patria* – § 281).[119] While in substance this agrees with the account in Chronicles, the phrasing of the matter as one of law and its violation, with only passing reference to the cultic violations of the northerners (§ 279) and none at all to the southerners' having legitimate priests and cultic institutions (not to mention any dependence upon them as reason for victory), in contrast to the cultic details supplied at length by Chronicles, is Josephus' own contribution. Just as in *Antiquities* 14.67 as compared to *War* 1.150, and in the three pairs of parallel texts presented in Section 5.7.3.1, so too here, cult and holy place have been replaced by law.

Thus, these comparisons indicate that Josephus of the seventies (*War*) tended to think of being Jewish, certainly in connection with the Temple, in terms of cult, but by the nineties (*Antiquities*) he was tending to view it – even when the particular reference is to the Temple – more as a matter of law. Just as much as Josephus was getting used to a religion without a Holy Land, so too was he getting used to a religion without the Temple (which was, indeed, as the most holy place, the heart of the Holy Land concept[120]).

[119] In *JLCL* 5.722, Thackeray renders *ta patria* here as "the rights of your country," but although that is a possibility, the parallels concerning law, earlier in the speech, seem to exclude it. For Josephus' use of *ta patria* in the sense of "*ancestral* practices," even according to Thackeray's *JLCL* translation, see for example *Ant*. 4.139 ("laws of their fathers") and *War* 2.171 and 2.393 ("laws of their ancestors)."

[120] For the notion of the Temple being at the center of a series of concentric circles of holiness, of which the outermost is the borders of the Holy Land and the innermost is the inner sanctum of the Temple of Jerusalem, see especially Mishnah, *Kelim* 1.6–8 (*DM*,

Twenty years of life in Rome, that is, twenty years of Judaism continuing without the Temple and far from Judea, indeed – in a community where Jews were long used to life with virtually no access to the Temple, but with the obligation of observing Jewish law, made a difference. If below (Section 6.1.3) we will see the Mishnah reflecting on the metamorphosis of Judaism from a Temple-centered world into a mobile one, here we see that Josephus, a priest from Jerusalem, made the same metamorphosis in his own lifetime.

These, then, are some of the thoughts that comparison of Josephus' parallel narratives concerning Pilate's iconic standards, or other sets of parallel narratives, can engender. While the comparison of *War* and *Antiquities* did not change our understanding of the facts of what happened in the days of Pilate, Josephus' differential terminology suggested that in such a crucial context as an account of what he considered legitimate and respectable opposition to Rome, his views underwent some significant development during the decades that separated the two books. Comparison with Josephus' differential treatment of illegitimate and unrespectable first-century rebels lent support to our assumption that his sensitivities changed between the books, and comparison with his accounts of the capture of the Temple in 63 BCE, of protests to Archelaus, and of the history of a Judean king, confirmed that Josephus was moving toward a view of Judaism that focused on law rather than cult. The fact that, as S. J. D. Cohen showed, a similar move can be seen in Josephus' emphases in his *Life*, which too (as *Antiquities*) is of the 90s, as opposed to the parallel narrative in *War*, of the 70s, makes us all the more certain that this is a major and real part of his development.[121]

### *5.7.4 War vs. Antiquities: Which Jews are not worthy of respect? War 2.169–177 vs. Antiquities 18.55–62*

Finally, it may be useful to return one last time to Josephus' parallel accounts of Pilate's iconic *signa*. In Section 5.7.3.1 we saw how the account in *Antiquities* 18.55–59 underlines how respectable – in the readers' eyes, as

605–606). Josephus reflects this notion in his accounts of the concentric courts of the Temple, with holiness increasing as one approaches the inner sanctum (*Ant.* 15.417–419; *Against Apion* 2.102–104); note especially that *Against Apion* 1.198 emphasizes that the Temple was in the middle of Jerusalem (just as the *Letter of Aristeas* 83–84 emphasizes that Jerusalem is in the middle of Judea), and that *War* 5.227 opens its account of the successive levels of purity of the Temple courts with the claim that lepers and gonorrhoeics were excluded from Jerusalem itself – thus indicating the Temple's centrality in a spatial system that went beyond its walls.

[121] See Cohen, *JGR*, 145–147. On this type of development of Josephus' thought as a part of his becoming a Jew of the Diaspora, see M. Tuval's 2011 Hebrew University doctoral dissertation, "From Jerusalem Priest to Diaspora Intellectual." It was my privilege to be Dr. Tuval's advisor for this dissertation, and much of our thought developed in discussions about it. It should soon be published by Mohr Siebeck.

in Pilate's – the Jews are, because they are steadfast in their observance of their law. That analysis may now be supplemented, and strengthened, by the fact that Josephus makes the point even more strongly by using the sequel of that story, in *Antiquities* 18, about Pilate's next project, to show us Jews who are not worthy of respect:

(60) He also made an aqueduct to bring water from Jerusalem, at the expense of the sacred money, taking the stream from about two hundred furlongs. But they did not like the works concerning the water, and many myriads of people assembled and cried out to him to stop that which he planned; some of them also employed *insults* and *abuse* of the man, as a crowd will tend to do. (61) He stationed around himself a large multitude of soldiers in their (the Jews') garments, carrying clubs under their garments, and sent them off to surround the Jews, ordering them to withdraw. When they, however, intensified their *insulting* he gave the soldiers the prearranged sign. (62) But they beat (the Jews) much more than Pilate had ordered them to do, punishing both those who rioted and those who did not. They, however, displayed no cowardice, and – taken unarmed by men who were attacking them well-prepared – many of them were killed there while others, wounded, withdrew. Thus ended the uprising (*stasis*).

The italicized words tell the story. If the first story, concerning the *signa*, showed Jews protesting in the name of Jewish law and in the end eliciting respect from Pilate, this second story has the Jews engaged in an "uprising" (*stasis*), has them protesting against something which sounds reasonable, and does not have them even claiming that what Pilate did violated Jewish law.[122] Moreover, it does not show them willing to undergo heroic self-sacrifice in the service of their values. Rather, it has them – first some of them (§ 61), then apparently all of them – engaged in *insulting* and *abuse* such as are appropriate to a mob. That brought upon them that which such unruly riffraff deserve.[123]

[122] It should be emphasized that although Josephus notes Pilate used "sacred funds" to build the aqueduct, this is not said to be the problem. Rather, all that Josephus says is that the Jews were upset about some – undefined – works concerning the water. L. H. Feldman (*JLCL* 9.46–47, n. b), in order to make the Jews sound reasonable, writes that they were "outraged because Pilate was expropriating for his own secular purposes the shekalim [money – DRS] which had been contributed by Jews everywhere for the purchase of sacrificial animals (see Mishnah *Shekalim* iii. 2)." For the last-named text, see *DM*, 154–155, which refers to the practice, that goes back, ultimately, to Exodus 30:13 and Nehemiah 10:32–33, according to which Jews around the world contributed to the Temple; see, inter alia, Cicero, *Pro Flacco* 28:67 (*GLA,* no. 68), Josephus, *Ant*. 14.110–113, and Philo, *Embassy to Gaius* 312–315. However, according to Josephus Pilate took the money for public works, not for "his own secular purposes," and even according to the Mishnah (*Sheqalim* 4:2 – *DM*, 155), *sheqalim* money, to the extent it is not needed for public sacrifices, is indeed to be used for for public works – such as "the aqueduct, and the city wall and its towers, and all the city's needs."

[123] Note, however, that in § 62 Josephus insists, even when condemning these protestors, that they showed no cowardice. This is an important theme for him; compare *War*

Thus, examination of §§ 60–62 shows that in *Antiquities* 18.55–62 Josephus built a diptych with a powerful lesson: Jews who are devoted to Jewish law, even to the point of self-sacrifice, are worthy of respect and will get it from Rome and its representatives, but Jews who complain for no good reason and behave like a mob will be treated as such. In the parallel in *War* 2, which too tells the aqueduct story after the *signa* story, no such point is made, for in its version of the *signa* story (*War* 2.169–174) the Jews' references to Jewish law are, as we saw in Section 5.7.3.1, relativized by their reference to the Holy City; moreover, in *War*'s version of the acqueduct story (*War* 2.175–177) no Jews engage in insult or abuse or tumult as they do in *Antiquities*.[124] Anyone interested in studying Josephus' development between these two books will find this comparison very instructive; above, for example, we underlined the growing prominence of Jewish law as an aspect of the diasporization of Josephus. But – at the risk of beating a horse hopefully dead by now – I'll add that no one making such a study need give up the notion that these episodes actually occurred, however much Josephus elaborated them to suit his purposes. On the contrary, the very fact that Philo too tells the first story (in his own way) corroborates that it occurred, so anyone interested in knowing what happened in Judea in the days of Pilate may be confident about this item in the dossier.

## 5.8 Summary

Looking back over this chapter, we see that "rubbing sources together" can indeed throw sparks in many directions. While reading a Josephan narrative all by itself, and in the context of all of his works, on his own terms, certainly has its value, frequently comparison brings us, by direct or indirect routes, to see much more than otherwise would have caught our attention. Sometimes that helped us better understand others and their agendas, such as Luke in Section 5.2, Philo in Section 5.3, the rabbis in Section 5.5.3, and Tacitus in 5.6.3.1. In other cases, it drew our attention to Josephus' own agendas and his or their development. So not only if we wish to reconstruct what happened, but also if we want to learn what Josephus thought about things whether they did or did not happen, we would be missing much of interest and relevance if we looked only at Josephus, or only at one text of his at a time.

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7.410–419, where Josephus, right after condemning the Sicarii as murderous madmen, goes on to expatiate about their bravery, even unto death. See, for much comparable material, Feldman, *Josephus's Interpretation* (Ch. 1, n. 14) 106–107.

[124] For a more detailed analysis, see D.R. Schwartz, "Composition and Sources in *Antiquities* 18: The Case of Pontius Pilate," *Making History* (Ch. 3, n. 57), esp. 132–143.

Chapter 6

# Above the Texts: The Big Picture

In the preceding chapters of this study I have attempted to indicate the type of work that must be done with Josephus' writings in order to allow us to reconstruct, on the basis of those writings and other sources, Jewish history of the first century. Alongside various cases in which we are left with fundamental uncertainty (such as what the author of *Pesher Nahum* thought about crucifixion or whether a woman really roasted and ate her baby during the Roman siege of Jerusalem), we have seen numerous cases – concerning such topics as Josephus' divorce, Agrippa I's birthday party and his visit to Alexandria, Vitellius' visit to Jerusalem, Pilate's confrontation with the Jews of Jerusalem, Titus' council of war prior to the burning of the Temple, the dating of Quirinius' census of Judea, Tiberius' and Claudius' expulsions of the Jews of Rome, the anti-Roman message of some Jewish rebels and prophets, and many others – in which we can responsibly decide what to believe, or to disbelieve, about what really happened. But can we get from such trees to the larger forests of the first century? Can these details serve as the foundation for broader reconstructions and interpretations of that critical period?

## 6.1 Conflict is the key

This is not the place to write an account of Jewish history in the first century. But it does bear pointing out that much of what I have posited above, as methodology, also points to a basic understanding of the period. Namely, much of what is set out above consists of allowing tensions and contradictions to be tensions and contradictions rather than harmonizing them. Thus, for some key examples:

(a) in discussing the establishment of text (Chapter 2) I insisted that we cannot assume that the same context will explain all texts, and that we should rather let surprising texts be surprising and see if they suggest new contexts in which they will be at home;

(b) in discussing the translation of terms (Chapter 3) I insisted, similarly, that when normal translations of terms lead to problematic texts we should not rush to evade the problem by translating unnaturally but, rather, try to follow the text to

new understandings of overarching themes or other factors that influenced Josephus' diction;

(c) in discussing Josephus' differing accounts of a given event (Chapter 4) I insisted that we should not ignore tensions and contradictions nor rush to harmonize them, but, rather, see if following them leads to reasonable conclusions about the sources Josephus was using; and

(d) in discussing conflicting accounts of what seems to be the same event (Chapters 5) I insisted that we should not rush to evade the problem by positing there were in fact two events.

Now I may add that this across-the-board preference for conflict reflects a basic presumption about the nature of life for Jews in the first century: It was full of conflict and contradicting tendencies, so this is to be expected in its sources as well. There is no good reason to expect that all who strictly observed Jewish law did it the rabbinic way (Section 2.2.3.3.2), there is no reason to expect that Josephus and his Syrian source will agree about how to evaluate Pompey's removal of Syrian cities from Jewish rule (Section 1.3.4), there is no reason to assume Rome had such a fixed view about how to rule Judea that it simply *must* have appointed another governor after Pilate was suspended (Section 2.2.3.3.1), there is no reason to assume Josephus must agree with Philo (Section 1.3.5 and 5.3) or with Tacitus (Section 5.6) or with anyone else. Indeed, as we saw in Section 5.7 we may not even assume that Josephus himself maintained the same views during the decades that separated his *War* from his *Antiquities*. Why should he have done so? Indeed, how could he possibly have done so, given the massive changes those decades saw in his own life and in the Jewish world?[1] And so on.[2]

Just how inherent conflict was to the first century, what it was basically about, and just how important it is that we recognize this in reconstructing the period, may easily be seen, for a most central example, in the ways two modern scholars have dealt with the episode that touched off the Temple-statue affair in the days of Gaius (39–41 CE).

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[1] Compare, for the way the Holocaust influenced the views of a modern historian whose work was devoted to Josephus, my study cited in Ch. 5, n. 71.

[2] In his 1990 review of modern scholarship concerning ancient Judaism cited in Ch. 1, n. 19, Cohen distinguishes between "separators" and "unifiers." The approach bespoken here obviously tends toward the former. I would note that one need not go so far as Tal Ilan, who characterized as "apologetic" the attempt to interpret ambiguous texts in ways that bring them into line with what accepted knowledge leads us to expect; "conservative" might be a more appropriate adjective. See her "The Provocative Approach Once Again: A Response to Adiel Schremer," *HTR* 91 (1998) 203–204. What is true, however, is that it is worthwhile to assess both possibilities, and all too easy to fail to weigh the innovative one.

### 6.1.1 Conflict about religion and state: Smallwood vs. Kasher

In his *Embassy to Gaius*, 200–203, Philo reports that Gaius' order to erect, in the Temple of Jerusalem, a statue of Zeus modeled upon the emperor himself, was the emperor's response to the Jews' destruction of an altar non-Jews had built in his honor in the town of Jamneia. According to Philo, the Gentiles built the altar as a provocation, expecting the Jews would tear it down; the Jews indeed did so; and when Capito (the local Roman governor – see Section 2.2.3.3.1) reported the events to Gaius, the emperor ordered Petronius, the Roman governor of Syria, to see to the construction of the statue and erect it in the Temple of Jerusalem.

In the commentary to § 202 in her 1961 translation of Philo's *Embassy to Gaius*, E. Mary Smallwood wrote as follows:[3]

> Philo makes the messenger [who told Philo and his colleagues about Gaius' order – DRS] express no horror or even concern at this action of the Jews. In *Deut*. vii, 5 and xii, 2–3 the Jews are instructed to break down pagan altars. On the other hand, the Septuagint version of *Exod*. xxii, 28, "Thou shalt not revile God", has θεούς [gods], and this version, quoted in AJ [Josephus' *Antiquities*] iv, 207, is interpreted by Philo and Josephus as forbidding them to show disrespect for pagan gods and temples (*In Ap*. [Josephus' *Against Apion*] ii, 237; *Mos*. ii, 205; *Spec*. i, 53; *QE* ii, 5 [three works by Philo]). And, indeed, it was essential for the safety of the Diaspora communities that they should be restrained from expressing their scorn for paganism by attacks on the cults of the gentiles among whom they lived. Cf. E.R. Goodenough, *The Jurisprudence of the Jewish Courts in Egypt* (1929), 47–8, 245; S. Belkin, *Philo and the Oral Law* (1940), 24; and the note on "Religious Tolerance" in J.H. Hertz, *The Pentateuch and the Haftorahs, V, Deuteronomy* (1936), 54–5. The Jews' destruction of the Jamnian altar was an act of provocation and intolerance deserving punishment.

That is, Smallwood held that although Deuteronomy would have endorsed the Jews' behavior, it was condemned by such Hellenistic Jewish sources as the Septuagint, Philo, and Josephus, as also by the very logic of Jewish survival in the Diaspora, where Jews who do not abstain from destroying their neighbors' sancta may expect reprisals in spades. In support of her view that the Jews should have known they were in the wrong she cites three modern works: two scholarly works on the Jews of ancient Egypt and a popular Bible commentary by a twentieth-century chief rabbi of the British Empire. Smallwood does not explain why or how she thought that books by, about, and/or for Jews of the Diaspora are relevant to the Jews of ancient Jamnia, which was in Palestine.

A quarter of a century later an Israeli scholar, Aryeh Kasher, translated the same Philonic work into Hebrew. In one of his notes to the text, on this same passage, he took issue with Smallwood:

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[3] Smallwood (Ch. 1, n. 39) 263–264. I added some explanations in square brackets.

The very fact of the building of the altar in a Jewish city and on the soil of the Holy Land constituted an explicit contradiction of the laws of the Torah (e. g., Deut. 7:5; 12:2–3); and we know that since the Hasmonean period the destruction of holy places and altars was a widespread phenomenon in the campaign to wipe out pagan cults (1 Macc 2:25, 44; 4:43; 5:58; 13:47–48; 14:7; 2 Macc 10:2[4]); therefore we must reject Smallwood's opinion (p. 264) that this act of destruction was a Jewish provocation (arising out of religious intolerance) deserving of punishment. On the contrary, the provocation was on the part of the Gentiles of Jamneia. It is impossible to ignore Philo's plain statements, which supply – according to Smallwood – abundant proof of the extent of his religious tolerance.[5]

Kasher's point of view is diametrically opposed to Smallwood's. According to Kasher, since it is not only the case that Deuteronomy directed the Jews to destroy such altars, but also that the Jews had done such things when they had the opportunity to do so in the Hasmonean period, the Gentiles of Jamneia must have known that what they were doing was a provocation – just as Philo says. If Smallwood did not explain why precedents from the Diaspora should have applied in Judea, Kasher does not explain why precedents from the Hasmonean period, a period of Jewish sovereignty, are relevant to the first century, when Rome ruled Judea.

What Smallwood and Kasher both have in common is the notion that one side was guilty and the other reacted appropriately. However, it is not only the case that most conflicts are not understood that way by the participants. It is also the case that both scholars here seem to have missed the point. Namely, Smallwood wrote about what was "essential for the safety of the Diaspora communities" as if that, as well as what was thought or proclaimed by diasporan Jews – be they Philo or the Chief Rabbi of the British Empire – were directly applicable to Jamneia. But Jamneia is a town in Palestine, not in the Diaspora. What Smallwood meant is that Rome expected the Jews of Palestine too to live as if they were in the Diaspora, for what is essential about the Diaspora is the lack of Jewish sovereignty. For Smallwood, who for many years taught at the Queen's University of Belfast, of all places, it

[4] This passage offers an opportunity to illustrate something about when textual emendations are most justified. As published, Kasher's note refers not to 2 Macc 10:2 but, rather, to 2 Macc 4:2. However, given the facts that (a) there is no such reference at 4:2; (b) there is one at 10:2 and there is no other reference to such things in 2 Maccabees; and (c) the Hebrew letter used for 10 (*yod* – י) is graphically very similar to the one used for 4 (*daleth* – ד), it is quite certain, indeed trivial, for us to correct his reference to 10:2, especially since I cannot think of any reason why Kasher would have preferred to cite 4:2. Cf. above, at Ch. 2, n. 90.

[5] Kasher (Ch. 5, n. 17) 110, n. 305 (my translation – DRS). The final sentence is somewhat obscure, but seems to mean that since Philo, as cited by Smallwood (above), condemned – elsewhere in his writings – Jewish expression of scorn for pagan cults, if in this case it was nevertheless the Gentiles of Jamneia that he condemned we must accept his judgment.

was obvious that religion and state need not go together, so the Jews could have their religion within a Roman-ruled state. But it should also have been obvious to her that there were Jews, just as much as Irish Catholics, who rejected such expectations on the part of the imperial authorities.[6] As for Kasher, of Tel-Aviv University, in his response to Smallwood he insists on calling Palestine the "Holy Land" and on citing Hasmonean precedents for what the Jews might justifiably do, as if the land was God's and the Romans had not put an end to Hasmonean rule. It should have been clear, however, that such points of departure were not necessarily shared by the non-Jews of Jamneia, not to mention the Romans. Rather, what this episode was all about was the willingness of the Jews of Jamneia to act on the assumption that their town was part of a country whose sovereign lived in His palace in Jerusalem; when Gaius realized that such Jews viewed the Temple as such a political center, he moved to turn it into a Roman institution.

Thus, many modern scholars have written as if it were clear that guilt and innocence may easily be assigned – as if it were clear that the Jewish religion should have, or should not have, any territorial implications. In fact, however, it seems that debate about that question supplied the major problematics of the period, and so we would be missing something very basic about the period if we iron out all of our texts and issues the same way.

Seen this way, we can realize that the losers of the first century were Jews who were not oddballs or criminals. But they bespoke the implications of a type of Judaism that insisted on maintaining, or reestablishing, the territorial implications of Judaism, and Rome could not allow that. If in 39–41 that clash nearly brought about a major rebellion, which was prevented only by the sudden death of Gaius in January 41, the Jews' move to exclude Rome

[6] It might be of interest to note that Smallwood's book, *JURR*, although first published in 1976, began as a Cambridge doctoral dissertation completed by 1951. That is, it was composed in the immediate wake of the end of Great Britain's rule in India and Palestine. It is interesting to wonder about the impact of such events, and then of life in Belfast, upon an historian's view of an ancient eastern province's problems with its imperial rulers. Another author whose work suggests similar thoughts was Stewart Perowne, who served in the British mandatory government in Palestine and went on to write books on Herod and the Herodians. Note, for example, the way he seems to be speaking from experience, perhaps also with some measure of colonialist disdain, when he dismisses Philo's condemnation of Pilate as corrupt (*Embassy* 302) as something "traditional in a region where words have never been regarded as necessarily a reflection of fact, but are held to possess a being of their own, independent and free […]. To call Philo's rhapsody lying would be a mistake: he was merely conforming to a conception of language which is not that of the modern west" (*The Later Herods* [(London): Hodder and Stoughton, 1958] 50). Cf. above, Ch. 5, n. 18. I should emphasize, however that pointing to links between an historian's life-experience and context, on the one hand, and writings on the other, does not at all determine the validity of the latter, for our contemporary world can open our eyes to the truth just as much as it can mislead us, and each case needs to be judged on its merits. But it does add some spice to our work.

from the Temple in 66 (Section 5.5.3) did just that, and solved the problem, within a few years (and notwithstanding the death of several emperors), by putting an end to the existence of what had looked like God's house in His land. Similarly, we can understand the two major survivors of the first century, Christianity and rabbinic Judaism, as those whose eventual approach to the religion-state issue was the only one viable in the Roman world: the approach that admits that non-Roman religion does not require a non-Roman state. Again, this is not the place to write all about that. But in concluding this essay I will address one central example from each camp in which a refusal to iron out the sources and harmonize them will underline this point quite clearly.

### *6.1.2 Christianity leaves the state behind: Acts 1:8 vs. 13:47*[7]

The first page of the most historical book in the New Testament, Luke's Acts of the Apostles, reports an exchange between the newly-resurrected Jesus and his disciples. When the disciples, who – as already at the end of Luke's first volume, Luke 24:21 – are portrayed as quite nationally oriented, inquire whether Jesus' resurrection means he "will now restore the kingdom to Israel" (Acts 1:6), Jesus responds, according to the usual translation, that they should not aspire to know God's schedule (v. 7). However, he promised that the Holy Spirit would come upon them and they would be his witnesses "in Jerusalem, and in all of Judea and Samaria, and unto the end of the earth" (1:8). That is, Jesus corrected their expectations, broadening their horizons beyond the nation's borders. And Jesus' response is, in fact, usually taken to be the very program of the Book of Acts: it begins in Jerusalem (Chs. 1–7), then moves to the rest of Judea and Samaria (Chs. 8–12), and then – on the basis of the recognition in Chs. 10–11 that Gentiles too may be attached to the Church – it continues on, personified by Paul, to the rest of the world, ending up in Rome, which, being the center of the world, could be viewed as allowing for the spread of the gospel to the very "end of the earth." Thus, what happened by the end of the story, via Paul, was already predicted at the opening of the story, by Jesus himself.[8]

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[7] For more general discussions of this theme, see O. Cullmann, *The State in the New Testament* (New York: Scribner, 1956) and Schwartz, *Studies*, 128–146 (a review of scholarship on "Jesus and the Zealots"). As for the specific verse upon which we shall focus in this Section, see D. R. Schwartz, "The End of the ΓΗ (Acts 1:8): Beginning or End of the Christian Vision?" *JBL* 105 (1986) 669–676.

[8] F. F. Bruce, *The Acts of the Apostles: The Greek Text with Introduction and Commentary* (London: Tyndale, 1952[2]) 71: "The whole verse [1:8], including the promise of the Spirit, the gift of power, and the geographical instructions, forms a summary of the narrative of Acts; chs. i–vii are placed in Jerusalem, viii–ix in Judea and Samaria, and x–xxviii take us step by step from Caesarea to Rome.". For another prominent spokesman of this

However, this interpretation of Acts 1:8, which registers no difference between Jesus' program and Paul's, positing no development between them, runs up against a few objections:

(a) If Jesus' words in Acts 1:8 were meant to mandate witnessing to the whole world, why are the apostles said to have stayed in Jerusalem until the persecution at the end of Ch. 7, and indeed later as well?

(b) Similarly, if Jesus' words were meant to mandate witnessing to the whole world, the obvious implication is that the disciples should witness not only to Jews, but also to Gentiles. But then why does Peter refuse to baptize a Gentile until he is made to see a special new revelation (Acts 10), and why do the other apostles oppose this at first (Ch. 11)?

(c) The last word of Acts 1:8 is *gē*. Above we offered the usual translation of this verse – "earth." Given the Semitic flavor of the Greek reporting the conversation between Jesus and his disciples, however, it is relevant to note that (1) *gē* (the root of "geography," "geology" and the like) is used in the Septuagint, overwhelmingly, to translate the Hebrew word *ereṣ*, "land,"[9] which can refer just as well to a country as to the whole world, and that (2) for "world" Luke in fact has another term, which is unambiguous: *oikoumenē* (Luke 2:1; 4:5; 21:26; Acts 11:28; 17:6; 19:27). Moreover, just as people resident in any country will typically and unambiguously use "the country" with reference to their own country,[10] so too, in ancient Hebrew and Aramaic texts, was "*the* land," plain and simple, frequently used of the Land of Israel. True, it can have other meanings as well, such as "the earth" as opposed to "heaven," as in the first verse of the Bible.[11] But in Acts 1:8 reasonable exegesis suggests that since all the preceding terms in the list – Jerusalem, all of Judea and Samaria – refer to parts of Palestine, probably *gē* too is to be interpreted in that local context.[12] If "earth," as *gē* is usually translated here, were meant, that is, if Jesus' words were meant to foreshadow all that happened in Acts, we would expect the verse to mention important stops along the way abroad, mentioned later in Acts, such as Antioch, Philippi, and Ephesus.

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view, see H. Conzelmann, *Acts of the Apostles* (Hermeneia; Philadelphia: Fortress, 1987) 7: "Verse 8b indicates the plan of the book: Jerusalem/Judea (chaps. 1–7), Samaria (chaps. 8–9) linked to the mission to the world (chaps. 10–28) by 9:1–10."

[9] See E. Hatch and H. A. Redpath, *A Concordance to the Septuagint*, I (Oxford: Clarendon, 1897) 240–255 – around two thousand cases.

[10] Cf. above, Section 1.3.4, on the way a Syrian refers to Provincia Syria as "the province."

[11] See now S. Uemura, *Land or Earth? A Terminological Study …* (Library of Second Temple Studies 84; London: Clark, 2012).

[12] This intuitive rule is formally known as the *eiusdem generis* ("of the same type") rule of interpretation, which teaches that when a list of items is followed by an inclusive term the latter is best to be understood – all things being equal – as generalizing only the type of items listed. Thus, for example, "'Shock, burn or other injury' in the context of electricity safety regulations means that the 'other injury' must arise from electricity, not, *e. g.* a fall" (A. Samuels, "The Eiusdem Generis Rule in Statutory Interpretation," *Statute Law Review* 1984, 182, citing a British court's decision in a lawsuit against the London Electricity Board).

These three points indicate that we should read Jesus' mandate to his disciples as instructing them to be his witnesses "unto the end of the land," i. e., the Land of Israel.

As noted, however, it is usually assumed that the proper translation is "unto the end of the earth," and often that is specifically bolstered by reference to Acts 13:47, where Paul uses the same phrase in stating that the gospel must go to the Gentiles so as to fulfill Isaiah's prophecy (49:6) that salvation must go "unto the end of the *gē*." Here, given the reference to Gentiles, it is clear that Paul takes *gē* to mean "earth" (world), so – it is argued – we should take the word the same way in Acts 1:8 as well.

Here, however, is my point about allowing conflict to remain conflict. If (as indicated above) the considerations that readers see when reading 1:8 bring them to take *gē* to mean "land," and that conclusion fits other details of the story until Paul's speech at 13:47 indicated otherwise, such readers should not rush to assume that that initial reading was mistaken and, therefore, iron out the development between Jesus and Paul. Rather, just as above I argued that we should, as far as is reasonable (which, admittedly, is at times an unclear limitation), prefer the usual translation of words and confront the problems they engender, so too here: if at Acts 1:8 there was good reason to take *gē* to mean "land" (= Palestine), and subsequent chapters reinforced that understanding, we should leave that in place – and then appreciate how artfully Luke suggests, at Acts 13:47, that Paul, in going beyond Jesus' original horizons, was not contradicting Jesus but, rather, realizing the previously unrecognized potential of his message. That is, while Jesus' message was centered on Palestine, and his disciples (just as Pilate) rightly understood that, there were nevertheless, in his message, seeds which could develop in a universalistic direction. Just as Joachim Jeremias showed in the two parts of his *Jesus' Promise to the Nations*[13] that Jesus' praxis was limited to Jews alone (Part I) but his message had great universalistic potential that was waiting to be realized (Part II), so too Luke, in the two volumes of his work, takes his readers from nationalist praxis to the realization of universalistic potential. It would be boring, and missing Luke's point, and missing the real history traversed in the decades between Jesus and Luke, to insist on taking Acts 1:8 as if Luke meant to portray Jesus as preaching the same universalistic message that Paul would later preach.

### *6.1.3 Rabbinic Judaism leaves the state behind: M. Avot 1:2 vs. 1:18*

The mishnaic tractate *Avot* is a central document of rabbinic Judaism, and its first chapter begins with something of a *curriculum vitae* of that move-

[13] London: SCM 1958.

ment.[14] Namely, it begins with the statement that Moses received the Torah at Mt. Sinai and then proceeds to enumerate those who transmitted the Torah from one generation to another: Moses to Joshua, Joshua to the elders, the elders to the prophets, and the prophets to the Men of the Great Congregation (whoever they may have been, or were thought to have been[15]). Then, after this introductory statement, which summarizes many centuries in a few words, the chapter settles down to its real program: generation by generation, it names the individuals, or pairs of individuals, that it identifies as the central tradents of the Torah beginning in the middle of the Second Temple period, receiving it from their predecessors and passing it on to their disciples.

What is important for us is that each individual in this list comes accompanied by some saying, apparently meant to be characteristic of him. Thus, the first statement by an individual sage of the Second Temple period reads as follows:

> Simeon the Just was one of the last of the Men of the Great Congregation. He used to say: The world stands (*'omed*) on three things: on Torah, on the Temple service,[16] and on works of loving-kindness. (Mishnah, *Avot* 1:2)

Given that opening, the end of the chapter, a statement attributed to Simeon ben Gamaliel, is especially striking:

> The world stands on three things: judgment, truth, and peace, as it is written (Zechariah 8:16): "You shall seek truth and judgment of peace in your gates" (ibid. 1:18)

The similarity of the two statements cannot be a matter of chance. It is very probable that Simeon ben Gamaliel knew of Simeon the Just's statement, and in any case it is absolutely certain that whoever compiled this chapter did. That editor, as we see, decided to make these two statements prominent by using them as brackets around the whole chapter, thus poising the world of the first-named individual over against that of the last one and rather heavy-handedly suggesting that we compare them and consider what the comparison indicates.

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[14] *DM*, 446–447. For a convenient annotated edition and translation, see R. T. Herford (ed.), *The Ethics of the Talmud: Sayings of the Fathers* (New York: Schocken, 1978).

[15] For some thoughts on that obscure topic, see Schürer, *HJP* 2.358–359.

[16] The term used here, *'avodah*, literally means "work," "labor," or – in a religious context – worship. In antiquity, this term was especially used of sacrificial worship in the Temple of Jerusalem; so in the Bible (e. g., Numbers 8:25, 1 Chronicles 9:13, 28) and rabbinic usage (e. g. BT *Pesaḥim* 72b–73a), and note the ancient text of the seventeenth benediction of the standard daily prayer ("The Eighteen Benedictions" – see Hertz [Ch. 5, n. 98] 149), which expresses the hope that the *'avodah* will soon be restored to the Temple. Accordingly, Danby's translation of this Mishnah, "[Temple]-service" (*DM*, 446), is very accurate. See the discussion in C. Taylor, *Sayings of the Jewish Fathers* (Cambridge: University Press, 1897) 12–13.

When we do so, we see the two worlds are very different. For although we might easily view "Torah" as parallel to "judgment," and perhaps also "peace" as parallel to "acts of loving-kindness," there is no way to make "truth" into another way of saying "Temple-service." True, this is a sacred text for rabbinic Judaism, so generations of commentators, operating on the non-historical premise that there had better not be a contradiction within the text, have devoted their efforts to harmonizing the two statements, generally by distinguishing the ideals for which the world was created (1:2) from the minimum requirements for its continued existence (1:18).[17] Correspondingly, even the *text* of the Mishnah has been adjusted, so as to make it distinguish explicitly between what the world "stands" upon (1:2) and what allows it to continue to "exist" (1:18).[18] For historians, in contrast, as elsewhere so too here: the first option should not be harmonization but, rather, explaining development, and from that point of view we will easily see here a statement, perhaps by Simeon ben Gamaliel but certainly by the editor of *Avot*, *who demonstratively built this chapter as a chain of generations, indicating that a few centuries separate Simeon the Just from Simeon ben Gamaliel,* that "we've come a long way." From the world of Simeon the Just, who was – as we know from Josephus and from rabbinic literature – a high priest in the Hellenistic period,[19] whose world really did focus on the Temple, which was a particular place and the true center of the Holy Land,[20] the Jewish world had become, by the time of Simeon ben Gamaliel, in the first or second century CE,[21] something which could be found equally anywhere – wherever judgment, truth and peace may be found. Whether the editor meant to say this development was final and positive, or, rather – as his preservation of Simeon the Just's triad at the outset of the chapter might

[17] Thus, for example, in the standard rabbinic editions of the Mishnah one commentator (R. Obadiah Bertinoro, ca. 1450–1515) explains that 1:2 refers to the reasons the world was created and 1:18 to the continued existence of man in it, while another ("*Tipheret Yisrael*" [by R. Israel Lipschutz, 1782–1860]), apparently building on that approach, explains that 1:18 lists the minimum requirements for "a bit" of existence even if man fails fully to maintain the fundamentals listed in 1:2.

[18] Namely, while many manuscripts and editions of *Avot* read "stands" (*'omed*) in 1:2 and "exists" (*qayyām*) in 1:18, others read *'omed* in both. Since it is obvious that scribes would try to eliminate a contradiction, the use of *qayyām* would seem to be a case of a harmonizing interpretation that worked its way into the text.

[19] See above, Ch. 5, n. 40.

[20] See above, Ch. 5, n. 120.

[21] It is not clear whether the reference is to Simeon ben Gamaliel I or II. The first, mentioned by Josephus (*Life* 190–191) as a major figure in the late 60s, was the son of the Gamaliel mentioned in Acts 5:34 and 22:3; the second, of the mid-second century and known from rabbinic literature, was, apparently, grandson of the former. See the table and discussion in Herford (above, n. 14) 36–38. On these figures and the origins of the patriarchal dynasty, see also S. Stern, "Rabbi and the Origins of the Patriarchate," *JJS* 54 (2003), esp. 201–206.

suggest – to say something more nuanced about the way the Jewish world functions between a possible present and an ideal past (which might also be an ideal future), to harmonize the two disparate triads would be to miss this development. Moreover, it would be not only to miss that development, but also to miss the additional fact that possibly Simeon ben Gamaliel, and certainly the editor of *Avot*, was aware of the development. That would be like making "the land" into "the earth" at Acts 1:8, thus both missing the history that source is trying, in its own way, to tell us, and missing the fact that Luke was aware of it. But that history, we may recall, is, both for Luke and for *Avot*, basically the same as what we uncovered when comparing Josephus' *War* to his *Antiquities* – and it is the big story of Jewish history in the first century CE: the move from being Judeans to being Jews, from being a group oriented around, and defined by, a particular place, to one oriented around, and defined by, a common religion, accessible anywhere.[22]

### *A tradition of non-historical interpretation: M. Nedarim 3:4 vs. BT Nedarim 27b–28a on tax-evasion*

Before concluding, I'll note that the tendency to understand books as unitary and not to see the history they reflect has a very long tradition. As we just saw with regard to Acts 1:8 and Mishnah, *Avot* 1:2, 18, religious tradition has always preferred to think that the important things discussed by sacred writings have no history: just as God is unchanging, so too the texts we trace to Him and the ideas enshrined in them and taught by His prophets and sages. To uncover the history these texts reflect, when centuries of religious tradition has ignored it, can be a fascinating challenge. Take, for a final example, the following text: a paragraph from the Mishnaic tractate on vows (*Nedarim* 3:4 [*DM*, 267]), here italicized, and the short discussion of it by sages of the third-fourth century in the Babylonian Talmud:

[Mishnah:] *One may vow to murderers and robbers and tax-collectors that it [some agricultural produce] is* terumah[23] *although it is not* terumah*, or that it belongs to the royal house although it does not belong to the royal house. The House of Shammai says one may use any type of vow but not an oath; but the House of Hillel says one*

[22] Of course this did not all happen overnight upon the destruction of the Second Temple in the summer of 70 CE. It had its antecedents, and it also took time for all the Jews to assimilate all of the implications of 70; to some extent we should view the failure of the Bar-Kokhba rebellion, sixty-five years later, as the end of the process. Nevertheless, the destruction of the Temple was the central and turning event, the pivotal point of the process. For a recent survey of the issue, see the essays in the 2012 volume cited in Ch. 2, n. 76.

[23] "Heave-offering" – one of the taxes on agricultural produce paid to the priesthood. See Numbers 18:8–18; Nehemiah 10:38; Schürer, *HJP* 2.262–263; and Safrai, *JPFC* 2.818–825. It may be assumed that the present law refers to *terumah* only as an example of such taxes, just as often ancient texts use "tithes" to include *terumah*. See J.M. Baumgarten, "On the Non-literal Use of *Ma'ăśēr/Dekatē*," *JBL* 103 (1984) 245–261.

*may use even an oath. The House of Shammai says one may vow falsely only with regard to what the other demands; but the House of Hillel says: even with regard to what he did not demand. That is: If he said "swear that your wife will have no profit from you [if what you say is untrue]" and he said "I swear that neither my wife nor my sons will have profit from me," the House of Shammai says his wife is allowed but his sons are forbidden, but the House of Hillel says they are all allowed.* [Talmudic discussion:] But did not Shmuel say *dina demalkhuta dina* – "the law of the kingdom is law [for Jews too]"?! R. Hanina reported that, according to R. Kahana, Shmuel said (or: would say) the Mishnah applies to a tax-collector who is not limited to any fixed rates. The School of R. Yannai said that Shmuel said (or: would say) the Mishnah applies to a self-appointed tax-collector. (BT *Nedarim* 27b–28a)

Briefly summarized, the Mishnah states that while all agree that *vows* made under duress, in order to impress criminals and evade their demands, are not binding,[24] two prominent schools of first- and second-century Palestinian sages argued whether even *oaths* (a more sacred type of self-obligating utterance) could be used for the same purpose, and also what the law would be concerning a man who, in order better to impress and deter those who were trying to steal his produce, broadened the scope of the vow they had demanded. The Shammaites were stringent concerning both issues: they forbade the use of oaths and held that, even concerning vows, clauses added beyond what was demanded are binding, as if the man had added them of his own free will. The Hillelites, in contrast, allowed even false oaths in such circumstances, and, recognizing the rhetorical demands of the situation, held that all clauses of such coerced vows are of no effect, even those that were added beyond the criminal's demand.

So far the Mishnah. The point of departure for the Talmud's discussion of it is the fact that, as examples of such criminals, the Mishnah included not only murderers and robbers but also tax-collectors. The Talmud refuses to accept the license to lie to the latter, citing instead the dictum of Shmuel – a third-century Babylonian sage – that "the law of the kingdom is law (for Jews too)."[25] However, since the Mishnah was accepted as authoritative, the Babylonian rabbis could not simply reject it, nor imagine that Shmuel had ignored it. Rather, they had to interpret their way around the Mishnah. The Talmud resolves the problem by offering two alternatives as to how Shmuel could explain the Mishnah away. According to these explanations, Shmuel would say that the Mishnah does not allow lying to tax-collectors in general,

[24] On the comparable stance of Roman law, which too viewed the breaking of oaths most severely but nevertheless deemed oaths made to pirates to be nil (Cicero, *De officiis* 3.29.107), see A. Watson, *International Law in Archaic Rome: War and Religion* (Baltimore: Johns Hopkins, 1993) 44–47.

[25] On this principle, which is in a very real way a fundamental condition of Jewish life in the Diaspora, see S. Shilo, "*dina de-malkhuta dina*," *Encyclopaedia Judaica* 6 (1972), cols. 51–55.

but only to those that are illegitimate: (a) those who have no limits upon what they may collect, or (b) those who do not, in fact, work on behalf of the government, but rather for themselves – i. e., extortionists, collectors of "protection" payments.

Now, whatever we say about the former explanation, which may bespeak rabbinic condemnation of ancient tax-farming practice,[26] the latter amounts to exegetical *legerdemain*: the Mishnah referred to "tax-collectors," a term that naturally denotes agents of the government, but the Talmud turns them into common criminals, thus allowing the Mishnah to avoid contradicting the rule that Jews must obey, and hence pay taxes to, the governments of the countries in which they live. That is what believers must do when confronted with authoritative texts that contradict one another, just as we saw readers of Acts striving to make "land" into "earth" and readers of *Avot* striving to make what the world "stands" on into what it only "exists" on.

Historians, however, who will leave "land" and "stands" just as they found them and interpret the resultant lack of harmony in their texts as evidence for historical development, indeed – as evidence for authorial reflection upon such development, will do the same for this text concerning tax-evasion. Namely, they will recognize that the Mishnah, which here reports views of sages in first- or second-century Palestine, denied the legitimacy of Roman rule in Palestine and therefore had no compunctions about mentioning the agents of Roman rule in the same breath as murderers and robbers and allowing Jews to evade paying taxes as best they could, while a later and diasporan text, the Babylonian Talmud, tried to remake the Mishnah into a text that proclaimed the rules of the game for the Diaspora. What Josephus (in *Antiquities*) did for Judean prophet-rebels against Rome (Section 5.7.3.2), what generations of interpreters did for Jesus' "end of the *gē*" in Acts 1:8 (Section 6.1.2), the Babylonian Talmud did for the Mishnah's tax evaders.[27]

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[26] For the most famous example of this in Josephus, see *Ant*. 12.169–185, along with D. Gera, "On the Credibility of the History of the Tobiads," in: *Greece and Rome in Eretz Israel: Collected Essays* (ed. A. Kasher, U. Rappaport and G. Fuks; Jerusalem: Yad Izhak Ben-Zvi and Israel Exploration Society, 1990) 34–35. For practice in Palestine under Roman rule, famously reflected by the Gospels' linkage of "publicans" (tax-collectors) with sinners and prostitutes (Matthew 9:10; 21:31; etc.) and by John the Baptist's admonition to them not to take more than they were allowed (Luke 3:13), see Schürer, *HJP* 1.374–376, also – concerning abuses in a somewhat later period – M. Avi-Yonah, *The Jews Under Roman and Byzantine Rule* (Jerusalem: Magnes, 1984) 98–102. In general, cf. P. A. Brunt, "Publicans in the Principate," in: idem, *Roman Imperial Themes* (Oxford: Clarendon, 1990) 354–432.

[27] For other cases of this diasporan approach, which emphasizes Jewish acceptance of foreign rule in their respective countries, note: (a) the biblical Book of Esther claims at 3:2–11 that all the Jews' problems with the Persian king derived from the fact that an underling, who had a personal problem with a particular Jew, twisted the matter into the

Moreover, historians who deal with this talmudic discussion will go on to note that "the School of R. Yannai," which the Talmud quotes as responsible for the second alternative way Shmuel could reinterpret this mishnaic text, was itself a Palestinian school – of third-century Galilee.[28] That is, this text shows us Jews of Palestine who were, two centuries after the destruction of the Second Temple, accepting diasporan conditions, and the rules of Jewish life in the Diaspora, although they resided in what memories of the Jews' past, and dreams of the Jews' future, considered the Holy Land. This too is an important historical story, although it goes beyond the first century, upon which we have chosen to focus here. For our present purposes it is enough to emphasize that we can only begin to see that story, in its fullness, if we read our texts with eyes that, when they see tensions and contradictions, tend first not to harmonize but, rather, to see conflict and change – an historian's eyes.

claim that the Jews were disloyal; (b) 3 Maccabees 1:11–15 asserts that all the Jews' problems with Ptolemy IV began as a result of a misunderstanding: the Jews' refusal to allow him to enter the Temple of Jerusalem did not derive from any hostility toward him (after all, they too were not allowed to enter), but he took it the wrong way; (c) Similarly, BT *Gittin* 56a claims (as we saw in Section 5.5.3) that the Jews' refusal to sacrifice for Rome in fact derived from a merely technical problem, and it was only due to a malicious informer that it was misunderstood as an act of rebellion; and (d) 2 Maccabees 5:11 portrays Antiochus' attack upon Jerusalem as a result of his *mistaken* inference that Judea had rebelled; in fact only a single Jewish miscreant, Jason, had been causing some trouble.

[28] See A. Oppenheimer, "'Those of the School of Rabbi Yannai,'" in his *Between Rome and Babylon* (Ch. 5, n. 106) 156–165.

# Appendix

The following is my English translation of a programmatic article by the late Arnaldo Momigliano (1908–1987), one of the grand old ancient historians of the twentieth century.[1] According to Peter Miller, the Italian original of this essay, entitled "Le regole del giuoco nello studio della storia antica," is among Momigliano's most beautiful writings.[2] I include it here because, when reading this article after composing a draft of the present volume, it seemed to me that much of what I have offered here, with reference to the first century and Josephus, can be read as footnotes exemplifying Momigliano's views.

Momigliano's article was written to introduce his 1975 bibliographical guide to the study of ancient Greek history.[3] I added all the footnotes, in brackets. My thanks to Dr. Manuela Consonni and Dr. Gaia Lembi for assistance with some nuances of Momigliano's Italian – but I alone am responsible for the translation. Although this essay does not mention Hayden V. White, in large measure it should be read, along with Momigliano's "Historicism Revisited" (1974), as a response to White's theses that (as Momigliano put it) "eliminated the research for truth as the main task of the historian."[4]

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[1] My thanks to Prof. Riccardo Di Donato, of Pisa, for the kind permission to publish this translation. Much has been written about Momigliano. See, inter alia, Miller's volume cited in the next footnote and a review essay occasioned by that and another collection: N. Luraghi, "Two (More) Books about Momigliano," *Storia della Storiografia* 52 (2007) 113–123.

[2] P. N. Miller, "Momigliano, Benjamin, and Antiquarianism after the Crisis of Historicism," in: *Momigliano and Antiquarianism: Foundations of the Modern Cultural Sciences* (ed. P. N. Miller; Toronto: Univ. of Toronto, 2007) 345.

[3] A. Momigliano, *Introduzione bibliografica alla storia greca fino a Socrate* (Firenze: La Nuova Italia, 1975) 1–12. The article first appeared in *Annali della Scuola Normale Superiore di Pisa*, Serie III, vol. 4, fasc. 4, 1974, pp. 1183–1192, and was republished in one of the volumes of Momigliano's collected works: *Sesto contributo alla storia degli studi classici e del mondo antico*, I (SL 149; Roma: Edizioni di storia e letteratura, 1980) 13–22. My translation was made on the basis of the latter version; cf. n. 8 to the translation.

[4] A. Momigliano, *Settimo contributo alla storia degli studi classici e del mondo antico* (SL 161; Roma: Roma: Edizioni di storia e letteratura, 1984) 49. On the sidelining of the quest for truth, cf. the passage from Rajak cited above, p. VIII. For Momigliano's "Historicism Revisited," see his *Sesto contributo*, 22–32. For Momigliano's later and more explicit responses to White – especially White's *Metahistory* (1973) and *Tropics of Discourse* (1978), both published by Johns Hopkins – see two 1981 essays reprinted in *Settimo contributo*: "The Rhetoric of History and the History of Rhetoric: On Hayden White's

# The Rules of the Game in the Study of Ancient History

Arnaldo Momigliano

*In fond memory of Aldo Ferrabino, in recognition of about fifty years of methodological disagreement*[5]

I. A bibliography can have the effects of a pernicious drug, fostering a vice: the vice of – when discussing the past, i. e., history – reading modern studies instead of original documents. These introductory pages are meant, accordingly, to offer a counterbalance: some brief reflections on the interpretation of documents – of sources – in the historical study of classical antiquity. It is to be hoped that these reflections are also applicable to the study of the Middle Ages and the modern world; but here we are addressing scholars of ancient history.[6] Modern studies of the classical world have to be judged and – if warranted – accepted as valid only if their interpretations of ancient documents prove to be correct.

To judge a modern study of Greco-Roman history without knowing the ancient sources is in the best of cases impressionistic; in the worst – and more usual – case it bespeaks the arrogance of ignorance. Much of what one hears said about Gibbon, Niebuhr, Grote, Meyer and Rostovtzeff – not to mention lesser figures – is of no value, for it is not based upon a familiarity with the documents upon which those historians labored. To say that historian X is convincing because he is Niebuhrian or Marxist or Braudellian means, in the best of cases, to presume that he is right because he comes from a good school; in the worse (and more frequent) case it means that X is right because he thinks like me – and naturally I am right.

II. Epistemological questions about the nature, validity, and limits of our objective knowledge of reality have only indirect importance for historical analysis. The historian works on the basis of the presumption that he is capable of reconstructing and understanding the facts of the past. If an epistemologist were to succeed in convincing him of the contrary, the historian would have to change his profession. If an epistemologist demonstrated

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Tropes" (pp. 49–59) and "Biblical Studies and Classical Studies: Simple Reflections upon Historical Method" (pp. 289–296).

[5] [For Momigliano on Ferrabino, see esp. Momigliano's *Contributo alla storia degli studi classici* (Roma: Roma: Edizioni di storia e letteratura, 1955) 301–306. The bibliography at the end of the present article includes a collection by Ferrabino. DRS]

[6] ["Here" alludes to the fact that this essay was written for the bibliographical introduction mentioned in n. 3 to the foreword of this appendix. DRS]

to him the insuperable limits of knowledge (for example, that we cannot know intentions or that there exists only probability but not certainty), the historian would certainly have to take note, but only so as to define more carefully the limits of his research.

The historian's specific field of endeavor is created by the existence of data and documents about the past that must be interpreted and combined if we are to know and understand what happened. The specific problems of the historian are created by the relationship between what the sources are and what he wants to know. Beyond that, the historian, like every mere mortal, is verifiable because he is refutable: that is, he can err and it can be proven to him that he erred.

III. Any historical methodology about antiquity is essentially a discussion of the proper way to interpret the sources that have survived from antiquity itself: literary, epigraphic and papyrological texts; coins; archaeological remains; the very words of the classical languages. In writing contemporary history, that is – history of the most recent past, the situation is different because there is another source of knowledge: direct personal experience, "being there." To have participated in an event (e.g., a battle) is an unrepeatable experience, but I can read a description of that battle innumerable times and visit innumerable times the site where it occurred. Now, although the historian of the ancient world cannot, by definition, have participated personally in the events which he narrates, he nevertheless avails himself of the testimonies of people who did participate in them. Moreover, for several first-class Greek historians, such as Thucydides and Polybius, direct knowledge acquired by being present, or by questioning people who were present at an event (so-called *autopsia*), was the best source of information. For that reason the histories they wrote were predominantly contemporary histories. True, we have ceased to consider contemporary events as especially worthy topics for history, just as we take an interest in a broader variety of aspects of the past. But the arguments regarding the value of direct observation of events continue for three reasons: (1) First of all, as we have already implied, our assessments of the method of direct observation are inevitably reflected in the credence that we are prepared to allow those ancient historians who based themselves upon direct observation. (2) Study of contemporary society by direct observation, as in sociological and anthropological research, provides models of research that are useful for the study of ancient history as well. Thus, for example, any direct observation of agriculture, or of tribal organization, or of artistic activity in a twentieth-century society suggests new interpretations of classical society. (3) It is impossible to separate the questions that arise out of direct observation, with its obvious limits upon what any given individual can see or feel in a

given moment, from the questions that are raised by oral transmission of that which is observed and learned. The questions of "autopsy" are closely linked to those of "oral tradition."

It should immediately be added, however, that the examination of a testimony that is contemporary (for us) is not radically different from the examination of a written testimony or of an archaeological complex. In each case we want to know: (1) what the testimony says at the level of basic communication; (2) by what means the authenticity and truth of the testimony can be guaranteed; and (3) in what historical context it should be inserted, that is, what it means when combined properly with other information.

IV. The difference between a novelist and an historian is that the novelist is free to invent (although he can mix real facts into an historical novel), while the historian does not invent facts. Since it is the historian's profession to collect and interpret documents in order to reconstruct and comprehend the events of the past, if there are no documents there is no history. If the documents turn out to be insufficient for that which he wants to know, the history will be insufficient. The difficulty of writing history is therefore double: (1) since more documents mean better history, it is in theory always possible to improve one's own historiographical work by finding more documents; (2) scanty documents mean worse history, but do not exclude the possibility of some hypothetical form of history. Every document, even the most suspect one, invites interpretation and sets in motion the mind of the historian. As such, he will make attempts to explain it, i. e., hypotheses, until one of the hypotheses appears to him so convincing that it may be presented as the best interpretation of the relevant documents.

The historian's competence is seen in the extent to which he neither presents as certain that which is doubtful nor generalizes on the basis of an isolated case. In some cases the historian must say: "I do not understand." In others he may, with hesitance, venture an hypothesis. But it is not enough that an hypothesis be plausible. The hypothesis that is advanced must be more plausible than every other hypothesis. Prior to proposing an hypothesis the historian must make the effort of seeking out and evaluating alternative hypotheses. Every serious historian, when in doubt, consults his colleagues, especially those of them who have the reputation of being skeptical and implacable. Tell me what kind of friends you have and I'll tell you what kind of historian you are.

It is, therefore, characteristic of the historian's work that there is an unending series of vacillations between total ignorance due to the total absence of documentation, at the one extreme, and – at the unreachable other extreme – perfect knowledge due to the perfect survival and perfect comprehension of all documentation. The historian normally works on the

premise of having only a limited number of documents to interpret. In particular the ancient historian, apart from exceptional cases (less exceptional in Assyriology, given the abundance of cuneiform tablets), works on the premise of having insufficient documentation. Therefore more hypotheses are offered in ancient history than in modern history, and therefore there is a greater risk of spinning hypotheses out of thin air. Ancient history is a promising field for charlatans.

V. The types of documents upon which an historian works are innumerable. Beneath the distinctions among written sources (literary and archival), coins, archaeological remains, and works of art, there are further distinctions, for example: between oral tradition and written tradition, between documents considered for their contents and documents considered as linguistic evidence, between coins as stylistic evidence and coins as means of exchange, etc. Each type of document has its own difficulties. If already a document written in the Italian of 1873 presents some small problems of interpretation for an Italian of 1973, one may imagine the situation of someone who wants to understand Greek of 450 BC or Latin of AD 100. In archaeology there is the analogous difficulty of understanding the function of objects and edifices that have no counterpart in the world in which we live. It is often the case that the difficulty is not only in interpreting that which exists, but also in interpreting (e. g., with regard to a lacuna in a manuscript or inscription, a damaged statue, or a half-destroyed building) that which more or less clearly is missing.

Although it is obvious that a document that comes from the time we are studying (a contemporary document) is usually more instructive than a late testimony, there are late documents that reflect more ancient phases. Institutions – be they political, juridical or religious – and language itself preserve remnants (survivals) of institutions and linguistic forms that are no longer in current use. So too, a later historian may be well-informed, if he used good sources. So while it is true that careful attention to chronology and geographical distribution saves historians from error, it is also the case that mechanical application of the rule that that which is closer in time and place is more trustworthy can lead to absurd results.

VI. Every document is the product of a specific situation and tells us something about it. After all, even a word has different meanings when used in different contexts, by different speakers (and even by one and the same speaker!), or at different moments. The goal of the historian is to discover the specific situation that allows the placement of a document in its precise context in space and time.

A few distinctions – not hard and fast, but commonsensical – are important. Documents may be written or without writing. A document without writing (such as a statue without inscription, the remains of a house, a tool) says more of a society in general than of a specific individual or event. A written text always reveals something about its writer (e. g., the language he spoke or his level of education). But it is nevertheless obvious that an artist leaves the sign of his personality even on the sculptures and pictures which he left unsigned (although the problem of attribution will arise), just as a document without writing, such as Trajan's Column, can report a war just as if it were a historical text. So although as a rule it is true that written texts are more important for political and institutional history while unwritten documents are more important for socio-economic history, it would be wrong to put much weight upon this rule.

VII. In every type of document there exists the possibility of falsification, that is, fabrication by someone whose goal it is to deceive. Falsification can be contemporary or later, even by centuries; in the former case the falsification often has propagandistic aspects, while in the latter often the only goal is profit (such as is the case for modern counterfeiters of Greek vases and coins). In both cases, however, we cannot exclude the possibility that the goal was simply the fun of having a good time at the expense of the credulous. Propagandistic and ideological falsification is itself an object of historical study. Legends and ideological forgeries are of extreme interest when it comes to understanding those who formed and propagated them, and are not easily distinguished from unconscious or semi-conscious deformations and fantasies, which are a universal phenomenon; "pious fraud" is a well-known phenomenon of religious life. Just as well known is falsification in order to denigrate a political adversary. Falsification for profit is less interesting, but can be more insidious, for it is calculatingly undertaken with the goal of taking advantage of the good faith of collectors, who are often competent.

It is part of historical method to invent techniques to uncover falsification. These techniques are based, essentially, upon an ever-improving knowledge of the authentic objects. The better we know the characteristics of the language and the artistic style of a given period, the less we will be taken in by frauds. But nowadays also chemistry and physics aid us to date objects and thus to discover the true nature of things that are presented as if they are ancient but are not.

VIII. The historian does not content himself, of course, with determining the exact origin and purpose of the documents that he uses. He wants to understand the process, the concatenation of events that the documents imply

or suggest and within which they are situated. This means that individual documents are never treated in isolation by the historian. No historian wants to know everything or comprehend everything. What the historian wants is to comprehend clearly that which happened in a given moment to certain individuals or certain groups with regard to certain aspects and issues of human life.

Every historian must decide, at every moment, what it is that he wishes to know. Each historian chooses his theme and his documents, each chooses his method of work. Some themes may appear simply to be narrative (such as writing a biography of Pericles), others – clearly problematic (such as the Homeric Question[7]). But even the simplest narrative entails the making of choices and the intention to clarify obscure points and to present the events from a certain point of view. He who has nothing new to say is more probably an idiot than an historian.[8] Every choice of an historical topic is, more or less explicitly, a choice of problems to be solved. The documents may precede the problem, that is, an historian may be inspired by certain documents to raise certain problems. On the other hand, an historian can also search out the documents necessary for the resolution of problems which interest him. The Homeric problem moved H. Schliemann to excavate Troy, but it was the chance discovery of the remains of Dura-Europus on the Euphrates that suggested to F. Cumont and M. Rostovtzeff new questions about the Roman Empire.[9] A historian may collect documents for a certain problem and realize that the documentation he collected suggests other problems – of which the study is or is not compatible with the study of the problem which was his point of departure.

IX. The historian is free to choose his problem, he is free to choose his working hypothesis, he is free to choose the form of exposition in which he will report his findings. He is free even to pretend that he tells stories not in order to understand but, rather, for the pleasure of recounting; but even in

[7] [I.e., the questions as to whether Homer's works are are indeed to be attributed to a single author, and whether they were first transmitted orally or in writing. On the issues and their history, see H. Lloyd-Jones, "Remarks on the Homeric Question," in: *History and Imagination: Essays in Honour of H. R. Trevor-Roper* (ed. H. Lloyd-Jones, V. Pearl and B. Worden; London: Duckworth, 1981) 15–29. DRS]

[8] [In what seems to be the only remarkable difference between the version of this essay published in *Sesto contributo* and that in Momigliano's 1975 *Introduzione bibliografica*, the latter is more emphatic here, leaving out the "more probably:" "Chi non ha niente di nuovo da dire è un cretino, non uno storico" ("… is an idiot, not an historian"). The more polite version translated here, from *Sesto contributo*, is identical to what appeared in the article's first version, in the Pisa *Annali* of 1974. DRS]

[9] [See *Mongolus syrio salutem optimam dat: La correspondence entre Mikhail Rostovtzeff et Franz Cumont* (Mémoires de l'Académie des inscriptions et belles-lettres 36; Paris: Boccard, 2007). DRS]

order to do that he must understand something. The historian is also totally free to decide which documents are necessary for his work. If he neglects some essential document, however, his colleagues will immediately remind him – and not very benevolently.

The historian is above all free to bring to historical research all the richness of his own convictions and experience. If he is a believing Jew, Christian or Moslem he will naturally bring his faith to his research. If he is a follower of Marx, Max Weber, Jung or Braudel, he will naturally adopt the method of his master. When it comes to the field of historical research, Judaism, Christianity, Islam, Marx, Weber, Jung and Braudel imply the posing of certain questions to the sources – but they do not determine the sources' responses. The historian's freedom to be arbitrary ceases when he is involved in interpreting a document. Every document is what it is, and it must be treated according to its own characteristics. A simple house does not become a temple because the historian is religious, and Herodotus does not become a class-struggle document because he is studied by a Marxist historian. There is a necessary respect for what the documents say and suggest, and for what may legitimately be inferred from the combination of different documents; it is based upon the usual rules of argument and experimentation, which allow for refutation.

This is why comparison is so useful: it represents the experience of other documents and other situations. But comparison too can easily suggest fantastic interpretations to someone who has no sense of the difference between situations. G. Dumézil's attempt (which he himself rejects today) to find castes of the Indian type in ancient Rome is a typical example of how the comparative method can go wrong.[10] Given the firm principle that a document is more comprehensible the less it is in isolation, it behooves the historian to use his discretion to decide which documents are really related and so to be used in comparison with the one at hand. Much can be learned from linguistics, where the rules of comparison are quite developed. No one today would compare Welsh and Hebrew so as to retrieve the language of the Garden of Eden.[11] In many cases comparison is useful not so as to indicate affinity but, rather, in order to underline differences.

Two of the most serious temptations that face historians are to interpret texts hastily and to draw conclusions that the texts do not allow. But it is equally dangerous to pretend that that which is not documented did not

[10] [See A. Momigliano, "Georges Dumézil and the Trifunctional Approach to Roman Civilization," *History and Theory* 23 (1984) 312–330, reprinted, along with an addendum on the debate, in idem, *Ottavo contributo alla storia degli studi classici e del mondo antico* (SL 169; Roma: Edizioni di storia e letteratura, 1987) 135–159. DRS]

[11] [For this comparison and its history, see K. Jongeling, *Comparing Welsh and Hebrew* (Leiden: Univ. Leiden, 2000). DRS]

exist, and that that which is normal in a certain time and place was also common in other places and times. He who uses terms such as "transcendence," "capitalism," "superstition," "imperialism," "heresy," slavery," and "liberty" without asking what they meant in a given time and place (and whether it is indeed legitimate to use them with regard to certain times and places) is already for that reason a dangerous historian. The competent historian is one who knows how to gauge what his sources can bear, but the great historian is he who interprets his sources carefully so as to resolve interesting problems that previously were never even raised.

X. All of the historian's work is based upon sources. His personal records too become sources, as historical research proceeds. But nevertheless, the historian is not an interpreter of sources, although interpret he does. Rather, he is an interpreter of the reality of which the sources are indicative signs, or fragments. The historian finds in the letter the man who wrote it, in the decree – the legislative body that issued it in some specific circumstance; in the house he finds the person who inhabited it, in the tomb – the faith of the group to which the dead belonged. The historian interprets documents as signs of people who have disappeared. He finds the significance of the text or object that he sees because he understands it as if it were still a part of the past situation to which it really belonged. The historian transfers that which has survived back into a world which did not survive. It is that ability to interpret a document not as if it is only a document, but, rather, as a real episode in a past life, that in the end makes the historian. A grammarian sees a text as a collection of words to be analyzed; the historian grasps the situation in which the text was written. A technical expert of excavations discerns strata; the historian recognizes the culture to which the strata belonged. The historian understands people and institutions, ideas, beliefs, emotions, and the needs of individuals who no longer exist. He understands all of this because the documents before him, properly interpreted, present themselves as a real situation. The historian understands the dead as he understands the living. The way the historian transforms the sources into the life of the past may better be learned from Herodotus, Guicciardini, Burckhardt and Marc Bloch than from handbooks of historical method.

## *An Arbitrary Selection of Some Books on Historical Method*[1]

D. Hume, *Essays and Treatises on Several Subjects*, London 1758
J. G. Droysen, *Historik* (first complete edition, including the *Grundriss der Historik* that was already published in 1868), München and Berlin 1937 (Italian translation: Milano and Napoli 1966)
[*Outline of the Principles of History* (Grundriss der Historik) (New York: Fertig, 1967)]
E. Bernheim, *Lehrbuch der historischen Methode*, Leipzig 1908[6]
H. Delehaye, *Les légendes hagiographiques*, Bruxelles 1927[3]
[*The Legends of the Saints* (Dublin: Four Courts, 1998)]
B. Croce, *Teoria e storia della storiografia*, Bari 1927[3]
[*History: Its Theory and Practice* (New York: Russell and Russell, 1960)]
B. Croce, *La storia come pensiero e come azione*, Bari 1938[1]
F. Cusin, *Introduzione allo studio della storia*, Padova 1946
H.-I. Marrou, *De la connaissance historique*, Paris 1955
A. von Brandt, *Werkzeug des Historikers*, Stuttgart 1958
Ch. Samaran (ed.), *L'histoire et ses méthodes*, Paris 1961
J. Vansina, *De la tradition orale*, Tervuren 1961
[*Oral Tradition: A Study in Historical Methodology* (New Brunswick, New Jersey: Aldine, 2006)]
A. Ferrabino, *Scritti di filosofia della storia*, Firenze 1962
L. Gottschalk (ed.), *Generalization in the Writing of History*, Chicago 1963
Ch. Perelman (ed.), *Raisonnement et démarches de l'historien*, Bruxelles 1963
H. S. Commager, *The Nature and the Study of History*, Columbus 1965
Ch. Morazé, *La logique de l'histoire*, Paris 1967
P. Salmon, *Histoire et critique*, Bruxelles 1969
F. Chabod, *Lezioni di metodo storico* (ed. L. Firpo), Bari 1969
F. Braudel, *Écrits sur l'histoire*, Paris 1969
*On History* (Chicago: Univ. of Chicago, 1980)
D. H. Fischer, *Historians' Fallacies*, New York 1970
K. J. Faber, *Theorie der Geschichtswissenschaft*, München 1971
D. Cantimori, *Storici e storia,* Torino 1971
P. Veyne, *Comment on écrit l'histoire*, Paris 1971 (Italian translation: Bari 1973)
[*Writing History: Essay on Epistemology* (Middletown, Conn.: Wesleyan, 1984)]
K. Christ, *Von Gibbon zu Rostovtzeff*, Darmstadt 1972
J. H. Hexter, *Doing History*, London 1972
R. Floud, *An Introduction to Quantitative Methods for Historians*, London 1973
[R. F. Berkhofer, Jr., *Beyond the Great Story: History as Text and Discourse* (Cambridge, Mass.: Belknap/Harvard, 1995)]
[R. J. Evans, *In Defence of History* (London: Granta, 1997)]
[D. S. Potter, *Literary Texts and the Roman Historian* (London and New York: Routledge, 1999)]
[E. A. Clark, *History, Theory, Text: Historians and the Linguistic Turn* (Cambridge, Mass.: Harvard, 2004)]

[1] [The list is arranged chronologically. I have reproduced Momigliano's list in its entirety, adding bracketed references to such English translations as I found. I also added a few more recent works, at the end of the list. DRS]

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