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Daniel R. Schwartz

Reading the First Century

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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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,

[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

[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.

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