

JUDEA UNDER ROMAN DOMINATION

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JUDEA UNDER ROMAN DOMINATION

The First Generation of Statelessness and Its Legacy

Nadav Sharon



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For Naama

“There will be an answer, Let it be”
— The Beatles

שמעו אלי ידעי צדק, עם תורתי בלבם:
אל-תיראו חרפת אנוש, ומגדפתם אל-תחתו
— Isa 51:7

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Preface

Two thousand and seventy-eight years and a few months ago, possibly on Yom Kippur—the holiest day of the Jewish year—the renowned Roman general Pompey the Great seized the Jewish temple in Jerusalem in a violent conquest and infiltrated its inner sanctum. Yet in this act, Pompey not only took the temple itself, violated it, and killed many Judean fighters and priests. He also brought about the end of the Hasmonean state, the last sovereign Jewish state in the land of Israel until the mid-twentieth century. It is that state and its establishment, approximately eighty years earlier, as a result of the successful struggle of the Maccabees-Hasmoneans against Seleucid rule, that I had been celebrating every year of my life on Hanukkah, and about which every Jew hears so much from early childhood. Thus, the end of that state and the subsequent period of the beginning of Roman domination over Judea—which was also a momentous period in Mediterranean history in general, with the expansion of the Roman Empire and the Roman civil wars—seems, *a priori*, to have been quite significant in, and for, Jewish history.

Yet as I was contemplating, nearly a decade ago, what area of the history of Second Temple Judaism should be the focus of my doctoral dissertation—which I found to be quite a difficult task given that that period has been so extensively studied in modern scholarship—it suddenly struck me that I could not recall seeing studies devoted to this specific period. While I had encountered much scholarship about Judaism and Hellenism, the Antiochean persecution and the Maccabean Revolt, the early Hasmoneans, Herod, the first century CE and the Great Revolt, and the background of Jesus and his movement in Judea, I was unaware of scholarship devoted to the period between the Hasmoneans King Jannaeus and Queen Alexandra and King Herod and the impact of this period. Could it be that the end of that sovereign Jewish state had been ignored? So, I turned to search various printed and online bibliographies expecting to find that I had been very wrong and that it had been extensively dealt with in scholarship. To

my surprise, I discovered that indeed this period had not been nearly as studied as other, earlier and later, eras of the Second Temple period. While I did find several article-length studies devoted to this or that persona, event, or other specific aspects of this period and its literary accounts—and, as the bibliography to this book can attest, as my work took shape I found many more, including some important monographs—I did not find any monograph devoted to the study of this period as such, let alone to its impact. I saw this as an exciting opportunity.

I originally assumed that the reason for that absence was that the historical events and developments of this period are quite clear because it is extensively reported in both of Flavius Josephus's historical works, the *Jewish War* and *Jewish Antiquities*, which are indeed recounted in various general surveys of the Second Temple period. Not wanting to simply offer another paraphrase of Josephus, my initial research question focused on the period's impact. Namely, I was interested to examine how the end of the independent Hasmonean state and the beginning of Roman rule over Judea—while the temple was still standing—impacted Judean society and religion. Although scholarship has often pointed to the destruction of the temple, over a century later, as well as to the rise of Christianity as significant causes or factors in the evolution of Judaism, it seemed to me—perhaps as a citizen of the modern counterpart of the Hasmonean state—that the end of sovereignty and beginning of subjugation had to have had a significant impact as well. So, I wanted to test whether my hypothesis was correct.

Nevertheless, as I started studying the period more intensively, I realized that it is much more complex than I initially thought and that a comprehensive analysis of the sources and the events they describe is necessary before any attempt to answer the initial question related to the period's impact. Consequently, my dissertation consisted of two equally significant parts. The first part is an attempt to responsibly reconstruct what actually happened, obviously not with mathematical certainty, but—as much of the work of historians of antiquity—as reasonable conclusions based on critical analysis of the available evidence. The second part is an attempt to point to crucial issues in which this period and its developments shaped contemporaneous and subsequent Judean society and religion.

The current publication is a revision of that study. In addition to the task of transforming a dissertation into a book, I have made significant changes to the content. I have integrated corrections and suggestions and responded to critical comments by readers of that earlier work. I have also

taken into account some important scholarship that has been published in the interim. I have also added material to this project from my subsequent research, which has analyzed the Romans and the Roman conquest in the Dead Sea Scrolls (ch. 3 and app. G). Finally, I have elaborated in appendices some points that were made more briefly in the original dissertation (app. A, D, and H).

An endeavor such as this often feels endless, like an insurmountable mountain. Nevertheless, as I reach this current mountain peak, I would like to acknowledge those individuals and institutions that have helped me up the slope.

First and foremost, I am grateful to my PhD supervisor, Professor Daniel R. Schwartz. Schwartz's classes during my bachelor's degree introduced me to the excitement of the Second Temple period and the exhilaration one can experience in the research of the Hellenistic-Jewish texts and in making new discoveries therein. I have since been truly lucky to have had Schwartz as my supervisor for my masters studies and thesis as well. He has continued to serve as an advisor and an author of numerous recommendation letters, even well after I completed the dissertation. He has been a true mentor, one who has helped me pursue my own scholarly interests, on the one hand, while being a guide in the stormy waters of scholarship, on the other hand. Yet, beyond being a very committed teacher and true scholar, Schwartz has been a great model of modesty, morality, humanity, and general ארץ ארץ. It is a great honor to be his student.

Dr. Esther G. Chazon has constantly shown an interest in my work and greatly supported and encouraged me. She was also a member of my dissertation committee, along with Professor Alexander Yacobson and Dr. Gideon Aran. They all devoted valuable time to meetings and were always willing to provide advice and their suggestions certainly improved my work, and I am grateful to them. In this revision, I greatly benefitted from the comments and suggestions of the referees of the dissertation, Professors Israel Shatzman and Joseph Sievers, who offered additional advice even after the dissertation was approved; I am greatly indebted to both. I am likewise grateful to the anonymous readers on behalf of SBL Press for their helpful comments and suggestions.

I have learned a great deal about ancient Judaism and the ancient world in general, as well as the study of religion, from Professor Michael E. Stone. He has constantly shown interest in my work and has encouraged and advised me whenever I needed. I am truly grateful for all of his support. Professor Jonathan J. Price has met with me to discuss my work and

read portions of it. I am indebted and grateful for all of the time and effort he devoted and for his consistent support. I also owe a special thanks to Professor Albert I. Baumgarten who has always been a great adviser and has read various versions of this work, as well as numerous other works; his comments and suggestions are always enlightening and insightful. Professor Michael Satlow also read the entire dissertation and offered helpful suggestions. Professor Menahem Kister, Professor Michael Segal, and Dr. Shani Tzoref read versions of chapter 3 and appendix G, and they offered invaluable suggestions and insights. Professors Vered Noam and Tal Ilan read and commented on appendices A and D, respectively. Several other scholars and friends have offered suggestions regarding various parts and aspects, large or small, and they are acknowledged throughout; here I would like to specifically mention my friends Dr. Gaia Lembi, Dr. Michael Tuval, and Drs. Michal and Elitzur Bar-Asher Siegal, who have always been helpful and willing to offer advice and suggestions.

Earlier versions of some sections of this book were previously presented and published in various scholarly forums and publications, and they are all noted throughout. I thank all of those venues, the various audiences that afforded helpful comments and suggestions, and the multiple anonymous readers, as well as the different presses for the permissions to republish these sections.

This endeavor would never have been possible without much generous financial support. From the fall of 2006 until the fall of 2009, I was fortunate to be a member of the research group, "From Religion of Place to Religion of Community," at the Scholion Interdisciplinary Research Center in Jewish Studies at the Hebrew University. Scholion was, and is, a haven of true scholarship and the love of learning. As I was just beginning my doctoral studies, the Center, especially the research group with its great collegial and scholarly environment of a joint venture of senior scholars together with doctoral students, provided the best venue and conditions to begin formulating my ideas. Our group's international conference in January 2009 provided a first opportunity to present some of my research. I am grateful to Scholion and to its head at that time, Professor Israel Yuval, who readily accepted me into the Center at that early stage and who has consistently shown an interest in my work.

From the fall of 2009 until the fall of 2012, I was fortunate to receive the Rotenstreich Fellowship of the Israeli Council for Higher Education. During the last few months of writing the dissertation, I benefitted from the Jacob Katz doctoral grant of the Zalman Shazar Center in Jerusalem,

which was graciously donated by Fred and Edith Horowitz. It was a great joy and a pleasure to meet them and discuss my work with them a few days after the ceremony. Subsequent to my dissertation, the research for chapter 3 was made possible by the Jean Matlow research grant of the Orion Center for the Study of the Dead Sea Scrolls (2013)—where I also had a chance to present it—and later by a postdoctoral fellowship at the University of Haifa (2013/2014). Lastly, much of the work of this revision was carried out when I was fortunate to be an Anne Tanenbaum Postdoctoral fellow at the Anne Tanenbaum Centre for Jewish Studies at the University of Toronto (2014/2015) and a Harry Starr fellow at Harvard University's Center for Jewish Studies in the spring of 2016. The Center and the young scholars it chose for its group that year provided a very stimulating work and scholarly atmosphere, a great venue to complete much of the final work of the revision.

An additional thanks is due to Dr. Esther Chazon for recommending that I submit my work to the Early Judaism and Its Literature series. As a first-time book author, working with SBL Press and especially with the series editor, Dr. Rodney A. Werline, has been an enriching experience every step of the way. Werline provided invaluable advice and suggestions, and he has been very patient with me. I am truly grateful to him. Other people at SBL Press are also a significant part of this production, and I am grateful to them all. I would like to specifically mention Nicole Tilford who has been in constant contact with me and has helped immensely with various technical issues.

I was fortunate to grow up in a home that truly exemplified the parental advice of the book of Proverbs, ראשית חכמה קנה ובכל-קנייך קנה, בינה (4:7). Learning was common and curiosity was constantly encouraged. I am grateful to my parents, Nili and Eli Sharon, for encouraging in my siblings and me curiosity and critical free-thinking in all elements of life, for instilling in us a love of learning for the sake of learning, and for supporting us in all of our independent endeavors. I am also thankful to my in-laws, Rita and Al Baumgarten, for their constant support and willingness to help, whether in proofreading or advice or otherwise.

I started climbing this mountain, nearly a decade ago, shortly after the birth of our first son, Aviv; our sons Yuval and Yair were born close to other significant junctures of my work on the dissertation. It is the joy and wonder of watching them grow and only further develop their natural pure curiosities and learn so much as only young children do that provides the best inspiration. Lastly, this project would never have been possible

were it not for my partner in life, Naama. She has read the entire manuscript, parts of it more than once, proofreading and editing and providing her insightful words of wisdom. More important, though, has been her constant care and encouragement, and words alone cannot express my thanks to her. You have truly been the engine that pulled me up the slope.

Jerusalem
Hanukkah 2016

ABBREVIATIONS

Primary Sources

<i>1 Apol.</i>	Justin Martyr, <i>First Apology</i>
1 En.	1 Enoch
1QM	War Scroll
1QpHab	Pesher Habakkuk
4Q161	Pesher Isaiah ^a
4Q162	Pesher Isaiah ^b
4Q166	Pesher Hosea
4Q171	Pesher Psalms
4Q285	Sefer Hamilhamah
4QpNah	Pesher Nahum
<i>Ab urbe cond.</i>	Livy, <i>Ab urbe condita</i>
<i>Ag. Ap.</i>	Flavius Josephus, <i>Against Apion</i>
<i>Agr.</i>	Cicero, <i>De lege agraria</i>
<i>Ann.</i>	Granius Licinianus, <i>Annales</i> ; Tacitus, <i>Annales</i>
<i>Ant.</i>	Flavius Josephus, <i>Jewish Antiquities</i> ; Plutarch, <i>Antonius</i>
<i>Ant. rom.</i>	Dionysius of Halicarnassus, <i>Antiquitates romanae</i>
<i>Arch.</i>	Cicero, <i>Pro Archia</i>
<i>As. Mos.</i>	Assumption of Moses
<i>Att.</i>	Cicero, <i>Epistulae ad Atticum</i>
<i>Aug.</i>	Suetonius, <i>Divus Augustus</i>
<i>Avot</i>	<i>Avot</i>
<i>Avot R. Nat.</i>	<i>Avot de Rabbi Nathan</i>
<i>b.</i>	Babylonian Talmud
<i>B. Bat.</i>	<i>Baba Batra</i>
<i>B. Qam.</i>	<i>Baba Qamma</i>
<i>Bell. alex.</i>	<i>Bellum alexandrinum</i>
<i>Bell. civ</i>	Appian, <i>Bella civilian</i> ; Caesar, <i>Bellum civile</i>

<i>Bell. gall.</i>	Caesar, <i>Bellum gallicum</i>
Ber.	Berakot
<i>Bib. hist.</i>	Diodorus Siculus, <i>Bibliotheca historica</i>
Bik.	Bikkurim
<i>Brev. hist. rom.</i>	Eutropius, <i>Breviarium historiae romanae</i>
<i>Brut.</i>	Plutarch, <i>Brutus</i>
BT	Babylonian Talmud
<i>Caes.</i>	Plutarch, <i>Caesar</i>
<i>Cat.</i>	Cicero, <i>In Catalinam</i>
CD	Cairo Genizah copy of the Damascus Document
<i>Cic.</i>	Plutarch, <i>Cicero</i>
<i>Civ.</i>	Augustine, <i>De civitate Dei</i>
<i>Coll.</i>	Solinus, <i>Collectanea rerum memorabilium</i>
<i>Crass.</i>	Plutarch, <i>Crassus</i>
<i>Dial.</i>	Justin Martyr, <i>Dialogue with Trypho</i>
<i>Demetr.</i>	Plutarch, <i>Demetrius</i>
<i>Ep. Afr.</i>	Origen, <i>Epistula ad Africanum</i>
<i>Ep. Brut.</i>	Cicero, <i>Epistulae ad Brutum</i>
<i>Epigr.</i>	Martial, <i>Epigrammata</i>
<i>Fact.</i>	Valerius Maximus, <i>Factorum et dictorum memorabilium</i>
<i>Fam.</i>	Cicero, <i>Epistulae ad familiares</i>
<i>Flac.</i>	Cicero, <i>Pro Flacco</i>
<i>Flacc.</i>	Philo, <i>In Flaccum</i>
<i>Frag.</i>	Petronius, <i>Fragmenta</i>
<i>Geogr.</i>	Strabo, <i>Geographica</i>
Git.	Gittin
<i>Her.</i>	Philo, <i>Quis rerum divinarum heres sit</i>
<i>Hist.</i>	Polybius, <i>Historiae</i> ; Tacitus, <i>Historiae</i>
<i>Hist. adv. pag.</i>	Orosius, <i>Historiarum adversum paganos</i>
<i>Hist. eccl.</i>	Eusebius, <i>Historia ecclesiastica</i>
<i>Hist. phil.</i>	Justinus, <i>Historiarum philippicarum</i>
<i>Hist. plant.</i>	Theophrastus, <i>Historia plantarum</i>
<i>Hist. rom.</i>	Cassius Dio, <i>Historiae romanae</i> ; Velleius Paterculus, <i>Historia romana</i>
Hor.	Horayot
Jub.	Jubliees
<i>Jul.</i>	Suetonius, <i>Divus Julius</i>
<i>J. W.</i>	Flavius Josephus, <i>Jewish War</i>
<i>Legat.</i>	Philo, <i>Legatio ad Gaium</i>

<i>Leg. man.</i>	Cicero, <i>Pro Lege manilia</i> (<i>De imperio Cn. Pompeii</i>)
Let. Aris.	Letter of Aristeas
<i>Life</i>	Josephus, <i>The Life</i>
m.	Mishnah
Mak.	Makkot
Ma'as. Sh.	Ma'aser Sheni
Meg.	Megillah
Menah.	Menahot
<i>Mithr.</i>	Appian, <i>Mithridateios</i>
<i>Mos.</i>	Philo, <i>De vita Mosis</i>
<i>Mur.</i>	Cicero, <i>Pro Murena</i>
<i>Nat.</i>	Pliny the Elder, <i>Naturalis historia</i>
<i>Noct. att.</i>	Aulus Gellius, <i>Noctes atticae</i>
Pesah.	Pesahim
<i>Phil.</i>	Cicero, <i>Orationes philippicae</i>
<i>Pomp.</i>	Plutarch, <i>Pompeius</i>
<i>Princ.</i>	Origen, <i>De principiis</i> (<i>Peri archōn</i>)
Pss. Sol.	Psalms of Solomon
<i>Pis.</i>	Cicero, <i>In Pisonem</i>
<i>Prov. cons.</i>	Cicero, <i>De provinciis consularibus</i>
PT	Palestinian Talmud
<i>QE</i>	Philo, <i>Quaestiones et solutiones in Exodum</i>
Qidd.	Qiddušin
<i>Quint. fratr.</i>	Cicero, <i>Epistulae ad Quintum fratrem</i>
<i>Quaest. Conv.</i>	Plutarch, <i>Quaestionum convivialum libri IX</i>
Sanh.	Sanhedrin
<i>Sel. Ps.</i>	Origen, <i>Selecta in Psalmos</i>
Sheqal.	Sheqalim
<i>Sest.</i>	Cicero, <i>Pro Sestio</i>
<i>Spec.</i>	Philo, <i>De specialibus legibus</i>
<i>Superst.</i>	Plutarch, <i>De superstitione</i>
Sus	Susanna
<i>Syr.</i>	Appian, <i>Syrian Wars</i>
t.	Tosefta
T. Iss.	Testament of Issachar
T. Jud.	Testament of Judah
T. Rue.	Testament of Rueben
T. Sim.	Testament of Simeon
Ta'an.	Ta'anit

Tg. Onq.	Targum Onkelos
Ti. C. Gracch.	Plutarch, <i>Tiberius et Caius Gracchus</i>
Vat.	Cicero, <i>In Vatinius</i>
Vesp.	Suetonius, <i>Vespasianus</i>
Vit. Apoll.	Philostratus, <i>Vita Apollonii</i>
Vit. Caes.	Nicolaus of Damascus, <i>Vita Caesaris</i>
y.	Jerusalem Talmud

Secondary Sources

AB	Anchor Bible
AGJU	Arbeiten zur Geschichte des antiken Judentums und Urchristentums
AJEC	Ancient Judaism and Early Christianity
AJP	<i>American Journal of Philology</i>
ALGHJ	Arbeiten zur Literatur und Geschichte des hellenistischen Judentums
ANRW	<i>Aufstieg und Niedergang der römischen Welt: Geschichte und Kultur Roms im Spiegel der neueren Forschung</i> . Part 2, <i>Principat</i> . Edited by Hildegard Temporini and Wolfgang Haase. Berlin: de Gruyter, 1972–.
APOT	<i>The Apocrypha and Pseudepigrapha of the Old Testament</i> . Edited by R. H. Charles. 2 vols. Oxford: Clarendon, 1913.
BDB	Brown, F., S. R. Driver, and C. A. Briggs. <i>A Hebrew and English Lexicon of the Old Testament</i> . Oxford: Oxford University Press, 1907.
Bib	<i>Biblica</i>
BIES	<i>Bulletin of the Israel Exploration Society</i>
BJS	Brown Judaic Studies
BSJS	Brill's Series in Jewish Studies
CAH	Cambridge Ancient History
CBET	Contributions to Biblical Exegesis and Theology
CBQ	<i>Catholic Biblical Quarterly</i>
CBQMS	Catholic Biblical Quarterly Monograph Series
CHJ	Cambridge History of Judaism
CIL	<i>Corpus Inscriptionum Latinarum</i> . Berlin, 1862–

CPJ	Tcherikover, V. A., A Fuks, and M. Stern, eds. <i>Corpus Papyrorum Judaicarum</i> . 3 vols. Cambridge, MA: Harvard University Press, 1957–1964.
CQ	<i>Classical Quarterly</i>
CRINT	Compendia Rerum Iudaicarum ad Novum Testamentum
DJD	Discoveries in the Judaean Desert
DSD	<i>Dead Sea Discoveries</i>
DSSR	Parry, Donald W., and Emanuel Tov, eds. <i>The Dead Sea Scrolls Reader</i> . 6 vols. Leiden: Brill, 2004–2005.
EDSS	Schiffman, Lawrence H., and James C. VanderKam, eds. <i>Encyclopedia of the Dead Sea Scrolls</i> . 2 vols. Oxford: Oxford University Press, 2000.
EJL	Early Judaism and Its Literature
FAT	Forschungen zum Alten Testament
FGH	Jacoby, Felix, ed. <i>Die Fragmente der griechischen Historiker</i> . Leiden: Brill, 1954–1964.
FJTC	Flavius Josephus: Translation and Commentary
GLA	Stern, Menahem, ed. <i>Greek and Latin Authors on Jews and Judaism</i> . 3 vols. Jerusalem: Israel Academy of Sciences and Humanities, 1976–1984.
HCS	Hellenistic Culture and Society
HSCP	<i>Harvard Studies in Classical Philology</i>
HTR	<i>Harvard Theological Review</i>
HUCA	<i>Hebrew Union College Annual</i>
IDB	Buttrick, George A., ed. <i>The Interpreter's Dictionary of the Bible</i> . 4 vols. New York: Abingdon, 1962.
IEJ	<i>Israel Exploration Journal</i>
IJS	Institute of Jewish Studies
JAJ	<i>Journal of Ancient Judaism</i>
JAJSup	Journal of Ancient Judaism Supplements
JBL	<i>Journal of Biblical Literature</i>
JEA	<i>Journal of Egyptian Archaeology</i>
JJS	<i>Journal of Jewish Studies</i>
JQR	<i>Jewish Quarterly Review</i>
JPS	Jewish Publication Society
JR	<i>Journal of Religion</i>
JRS	<i>Journal of Roman Studies</i>

<i>JSJ</i>	<i>Journal for the Study of Judaism in the Persian, Hellenistic and Roman Periods</i>
<i>JSJSup</i>	Journal for the Study of Judaism: Supplement Series
<i>JSNT</i>	<i>Journal for the Study of the New Testament</i>
<i>JSNTSup</i>	Journal for the Study of the New Testament: Supplement Series
<i>JSPSup</i>	Journal for the Study of the Pseudepigrapha: Supplement Series
<i>JSQ</i>	<i>Jewish Studies Quarterly</i>
<i>JSS</i>	<i>Journal of Semitic Studies</i>
<i>JTS</i>	<i>Journal of Theological Studies</i>
<i>KJV</i>	King James Version
<i>Klio</i>	<i>Klio: Beiträge zur Alten Geschichte</i>
<i>LCL</i>	Loeb Classical Library
<i>LSJ</i>	Liddell, Henry George, Robert Scott, and Henry Stuart Jones. <i>A Greek-English Lexicon</i> . 9th ed. with revised supplement. Oxford: Clarendon, 1996.
<i>LSTS</i>	Library of Second Temple Studies
<i>NETS</i>	Pietersma, Albert, and Benjamin G. Wright, eds. <i>A New English Translation of the Septuagint</i> . New York: Oxford University Press, 2007.
<i>NovT</i>	<i>Novum Testamentum</i>
<i>NovTSup</i>	Supplements to Novum Testamentum
<i>NTOA</i>	Novum Testamentum et Orbis Antiquus
<i>NTS</i>	<i>New Testament Studies</i>
<i>OCD</i>	Hornblower, Simon, and Antony Spawforth, eds. <i>Oxford Classical Dictionary</i> . 3rd ed. Oxford: Oxford University Press, 2003.
<i>OGIS</i>	Dittenberger, Wilhelm, ed. <i>Orientis Graeci Inscriptiones Selectae</i> . 2 vols. Leipzig: Hirzel, 1903–1905.
<i>OLA</i>	Orientalia Lovaniensia Analecta
<i>OTP</i>	Charlesworth, James H., ed. <i>Old Testament Pseudepigrapha</i> . 2 vols. Garden City, NY: Doubleday, 1983–1985.
<i>PEQ</i>	<i>Palestine Exploration Quarterly</i>
<i>PG</i>	Migne, Jacques-Paul, ed. <i>Patrologia Graeca</i> [= <i>Patrologiae Cursus Completus: Series Graeca</i>]. 162 vols. Paris, 1857–1886.
<i>RB</i>	<i>Revue biblique</i>
<i>RevQ</i>	<i>Revue de Qumrân</i>

SBLSP	Society of Biblical Literature Seminar Papers
SCI	<i>Scripta Classica Israelica</i>
ScrHier	<i>Scripta Hierosolymitana</i>
SFSHJ	South Florida Studies in the History of Judaism
SJ	Studia Judaica
SJLA	Studies in Judaism in Late Antiquity
STDJ	Studies on the Texts of the Desert of Judah
StPB	Studia postbiblical
SubBi	Subsidia Biblica
SUNT	Studien zur Umwelt des Neuen Testaments
SVTP	Studia in Veteris Testamenti pseudepigraphica
TAPA	<i>Transactions of the American Philological Association</i>
TBN	Themes in Biblical Narrative
TDNT	Kittel, Gerhard, and Gerhard Friedrich, eds. <i>Theological Dictionary of the New Testament</i> . Translated by Geoffrey W. Bromiley. 10 vols. Grand Rapids: Eerdmans, 1964–1976.
TSAJ	Texte und Studien zum antiken Judentum
TZ	<i>Theologische Zeitschrift</i>
VT	<i>Vetus Testamentum</i>
VTSup	Vetus Testamentum Supplements
WBC	Word Biblical Commentary
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
ZDPV	<i>Zeitschrift des deutschen Palästina-Vereins</i>
ZPE	<i>Zeitschrift für Papyrologie und Epigraphik</i>

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Introduction

The Subject

In the history of Judea, the period beginning with the death of Queen Alexandra (Shelamzion) and ending with Herod's conquest, that is to say, 67–37 BCE, though rather short, was not only very eventful but, more importantly, it was of momentous historical significance. Beginning at the height of Hasmonean success, following their territorial expansions and the seemingly peaceful and prosperous reign of Alexandra, this period saw all that quickly disintegrate. The Hasmonean state came to its end and that once-famed priestly house was all but wiped out. Judea was now subjugated to a foreign empire, Rome, by way of puppet rulers. Eventually, a few decades later, it was annexed and ruled by Rome directly. This dramatic change did not take place quietly. The period, which begins with the war between the two sons of Alexandra and ends with the “half-Jew” Idumean Herod as king, was ridden with unrest and rebellions, wars and conquests.

Yet this was a momentous period not only in Judean history, but also in the history of the Near East and the Mediterranean world. The mid-first century BCE saw the culmination of the process of Roman expansion in the East. The remains of the great Hellenistic kingdoms were dissolved (superficially, the Ptolemaic kingdom continued to exist until 30 BCE, but by then it had been under Roman domination for years), and Rome achieved control of the entire Mediterranean basin up to the Euphrates. However, during most of this period, Rome was also immersed in its own internal troubles. Roman unrest frequently erupted into full-blown civil wars, involving some of the best-known Roman figures in history (most of whom had some involvement in Judea, at one point or another): the struggle between Pompey and Caesar; Caesar's assassination led by Brutus and Cassius, followed by the war of Caesar's heir Octavian (Augustus) and Mark Anthony against the conspirators; and then the repeated fighting between Octavian and Anthony. Eventually it brought about the end of the

Roman Republic and the establishment of the Principate. At the same time, with the elimination or decline of some of the kingdoms of the East (such as Seleucid Syria, Armenia, and Pontus), Parthia was able to establish itself as the super-power of the East, opposite Rome, and the struggle between these two empires would continue for the next few centuries. While that struggle for prominence was not always a military struggle, some of the fiercest wars between these two empires occurred during the period that is at the focus of this study, when often the Parthians had the upper hand.

However, while modern study of Roman history has extensively dealt with this very significant era, surprisingly it has dealt little with its Jewish equivalent, as I will show below. Therefore, my first goal is to analyze the historical record for this crucial period and attempt to present a reconstruction of its events. I shall then examine the impact that the developments of this period had on later Judean society and religion.

A Relatively Neglected Era

The period under discussion, 67–37 BCE, is narrated in considerable detail in the writings of Flavius Josephus, which are the main, and the only continuous, sources for Jewish history in the Second Temple period. In spite of the fact that in Josephus's early work, the *Jewish War*, the account of events from the Maccabean revolt until the Great Revolt appears to be only intended as background, the narrative becomes fairly detailed precisely when it reaches this period. In that seven-book composition Josephus devoted 238 paragraphs to this thirty-year period (*J.W.* 1.120–357), compared to only 89 to the entire previous century (1.31–119). Similarly, in his twenty-book *magnum opus* of Jewish history from Creation until the eve of the Great Revolt, the *Jewish Antiquities*, a full half of which describes the Second Temple period, Josephus devoted an entire book (14) of 491 paragraphs to this exact thirty-year period. In addition, the first ten paragraphs of book 15 still refer to its events. In comparison, *Ant.* 13 covers more than ninety years in only 432 paragraphs, and preceding books cover even longer periods.

In spite of this and in spite of the fact that the modern study of Jewish history has so intensively dealt with the Second Temple period, it has relatively neglected this very turbulent period in Judea. True, most general surveys of Jewish history of the Second Temple period (such as that of Emil Schürer) discuss this period proportionately, but some barely mention it. Indeed, as will be shown below in chapter 4, some studies of the

Great Revolt and of the first century CE all but ignore this period in which Roman domination of Judea commenced. However, in speaking of the relative neglect of this era in historical research, I mainly refer not to general surveys and the like, but rather to comprehensive studies of defined periods and specific issues. There is a dearth of scholarly articles, not to mention monographs, devoted to this era and to its main figures (excluding Herod), in comparison with almost any other time-period, certainly from the Maccabean revolt on,¹ and generally, scholarship has *not* turned to this era when reflecting upon the evolution of ancient Judaism.²

This relative neglect comes hand in hand, whether as cause or result, with a situation wherein numerous scholarly studies express themselves as if the end of the Judean state came only with the destruction in 70 CE, as exemplified in the following quotations (my emphasis added in each):

It is remarkable that the *fall of the state*, the conflagration that destroyed the Temple, did not at all make the same terrible impression on those who lived through it as did the death of the first *state*.³

1. Search, for example, the Library of Congress database, and especially RAMBI—the index of articles on Jewish studies (since 1966). While there are numerous studies dealing with such figures as John Hyrcanus, Alexander Jannaeus, Herod, and Pontius Pilate, and—in recent years—also Queen Alexandra, one can find only a few that deal with Hyrcanus II, Aristobulus II, and Antipater or that deal with the involvement of Pompey and Caesar in Judea. Louis H. Feldman's *Josephus and Modern Scholarship (1937–1980)* (Berlin: de Gruyter, 1984) paints a similar picture. It lists many studies for the period from Pompey until Herod (pp. 259–77), but for the great majority of those studies, this period only serves as introductory material (e.g., studies on New Testament times or on Judea under Roman rule), and a few deal with very specific topics related to this period, such as the date of Pompey's conquest of the temple or the Roman documents in *Ant.* 14.

2. For a notable example, see E. P. Sanders's monograph, *Judaism: Practice and Belief, 63 BCE–66 CE* (London: SCM; Philadelphia: Trinity Press International, 1992). It is in fact a study of Jewish religion, and its bounds are explicitly set between Pompey's conquest and the outbreak of the Great Revolt, i.e., 63 BCE–66CE. Nevertheless, even that study is explicitly intended to “pay more attention to the situation in Judaea and Galilee after the death of Herod the Great (4 BCE) than to events of the previous years” (p. 3). It even employs the term *first-century Judaism* for the entire period it investigates.

3. Heinrich Graetz, *Die Konstruktion der jüdischen Geschichte* (Berlin: Schocken, 1936), 48. On Graetz's view, see further below, p. 255 n. 1.

After the destruction of the Second Temple in the year 70 C.E. the Jews were deprived of their *political independence*.⁴

The Destruction put a final end to Jewish *political independence*.⁵

It was only with the cessation of the Jewish State in 70 C.E. that⁶

The failure of the [Great] revolt led to the destruction of the last *independent Jewish state* in Palestine until the establishment of Israel.⁷

Yet, already the events of 67–37 BCE, and specifically Pompey's conquest in 63, essentially brought about, more than a century before 70 CE, the end of the roughly eighty-year old independent and sovereign Judean state, established by the Hasmoneans in the aftermath of Antiochus Epiphanes's religious decrees and the ensuing revolt. Judea was now once again subjugated to a foreign empire.

Admittedly, at some points during its subsequent history, when it had its own kings, Judea enjoyed some degree of autonomy—under Herod the Great and, after a few decades, Agrippa I. However, these kings were nonetheless vassals, appointees of the Romans. However one looks at them, their kingdoms were very far from independent.⁸ (This is, of course, excluding the short-lived kingship of Mattathias Antigonus [40–37 BCE], the last

4. Solomon Zeitlin, "The Political Synedrion and the Religious Sanhedrin," *JQR* 36 (1945): 126.

5. Gedaliah Alon, *The Jews in Their Land in the Talmudic Age (70–640 C.E.)*, trans. and ed. G. Levi, 2 vols. (Jerusalem: Magnes, 1980–84), 1:5. For a similar formulation, see Alon, *Jews in Their Land*, 1:206. Note, however, that the reference at p. 5 to the "final end," which implies this is the conclusion of a process, softens the formulation of the original Hebrew version, which plainly speaks here of the loss of political independence upon the destruction of the temple; see Alon, *Toledot HaYehudim be-Erets Yisra'el bi-teḳufat ha-Mishnah voha-Talmud*, 2 vols. (Tel-Aviv: Hakibbutz Hameuchad, 1953–1955), 1:4.

6. Hugo Mantel, *Studies in the History of the Sanhedrin* (Cambridge: Harvard University Press, 1961), 235.

7. Martin Goodman, *The Ruling Class of Judaea: The Origins of the Jewish Revolt Against Rome A.D. 66–70* (Cambridge: Cambridge University Press, 1987), 4. See also Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.–A.D. 135)*, rev. and ed. Geza Vermes, Fergus Millar, and Matthew Black, 3 vols. (Edinburgh: T&T Clark, 1979), 2:414.

8. See Doron Mendels, *The Rise and Fall of Jewish Nationalism*, 2nd ed. (Grand

Hasmonean king, but even he was brought to power by the Parthians.) When seen subjectively through the eyes of Judeans who had just enjoyed eighty years of independence, the events of 63 BCE were likely perceived as no less than a complete loss of independence and that was certainly the Roman perception too. This will be illustrated in the historical reconstruction below,⁹ and for now it suffices to quote Josephus's lament following his description of Pompey's settlement—"We lost our freedom and became subject to the Romans" (*Ant.* 14.77)—as well as Cicero's statement regarding Jerusalem, just four years after Pompey's conquest—"How dear it [Jerusalem] was to the immortal gods is shown by the fact that it has been conquered, let out for taxes, made a slave" (*Flac.* 28.69).

There is no doubt that the scholars quoted above know very well that the Roman occupation of Judea began in 63 BCE and that that is when the independent and sovereign Judean state actually came to its end; but still, they and others express themselves as if the state survived until 70 CE.¹⁰

It is worthwhile to reflect upon the possible reasons for this state of affairs in modern scholarship. We may point to several factors: First, later catastrophes, above all that of 70 CE, have naturally drawn away much attention, causing earlier catastrophes "to be forgotten."¹¹ Second, although, as mentioned, Josephus discusses 67–37 BCE quite extensively, his narratives of later periods and especially of the Great Revolt are much more extensive. Additionally, as will be discussed below, Josephus's narrative of 67–37 BCE, in particular in the *Jewish Antiquities*, is very problematic in terms of its combination of various sources. Moreover, although there is some source material for this period other than Josephus, other periods of the Second Temple, such as the early Maccabean period, have had the benefit of a larger selection of source material. So too, while there have been almost no significant archaeological discoveries that could be securely dated to this era, there is an abundance for other eras (such as discoveries related to the Hasmonean and Herodian eras and the Great Revolt). Natu-

Rapids: Eerdmans, 1997), 196, 247–49; David Braund, *Rome and the Friendly King: The Character of the Client Kingship* (New York: St. Martins, 1984), 85.

9. See below, pp. 97–99 and n. 132.

10. See also, David Goodblatt, "The Jews of Eretz-Israel in the Years 70–132" [Hebrew], in *Judea and Rome: The Jewish Revolts*, ed. Uriel Rappaport (Jerusalem: Am Oved, 1983), 155–61. See also Jacob Neusner, "Judaism in a Time of Crisis: Four Responses to the Destruction of the Second Temple," *Judaism* 21 (1972): 313–14.

11. See the rabbinic formulation of this human inclination in t. Ber. 1:11.

rally, therefore, scholarship has tended to focus upon those eras along with the period of Jesus and the rise of Christianity.

However, there may be yet deeper causes for this state of affairs: (1) *Flavian propaganda*: Whereas the Romans used to aggrandize their foreign conquests by extensively advertising them by means of triumphs, triumphal arches, coins, and so forth, they usually silenced their military victories over provincial revolts.¹² Yet, there is one notable exception—the suppression of the Great Revolt in Judea in 66–70 CE by the Flavians, Vespasian and Titus. In fact, the manner in which the Flavians commemorated that event on their “*Iudaea Capta*” coins, in a triumph, and on arches (see Cassius Dio, *Hist. Rom.* 66.7.2) was as if Judea had only then come under Roman control for the first time. It was presented as a conquest of a foreign barbaric country.¹³ Especially telling is the recorded text of the triumphal arch of Titus that once stood in the center of the Circus Maximus: “On the instructions and advice of his father, and under his auspices, he [Titus] subdued the race of the Jews and destroyed the city of Jerusalem, which by all generals, kings, or races previous to himself had either been attacked in vain or not even attempted at all.”¹⁴ The claim that Titus was the first to ever conquer Jerusalem is not just false in terms of biblical and Hellenistic history, but amazingly it even ignores earlier Roman conquests, particularly those of Pompey and Sossius in 63 and 37 BCE, respectively. As has been recognized, clearly the main reason for this was the Flavians’ need to establish and legitimize their place in Rome as a new dynasty.¹⁵

12. Gil Gambash, “Official Roman Responses to Indigenous Resistance Movements: Aspects of Commemoration,” in *Israel’s Land: Papers Presented to Israel Shatzman on His Jubilee*, ed. Joseph Geiger, Hannah M. Cotton, and Guy D. Stiebel (Raanana: Open University of Israel, 2009), 53*–67*.

13. A recently discovered coin of Vespasian bears the previously unattested legend *Iudaea recepta*, and it seems to present Judea as it truly was—a previously held territory, now regained. As its publishers convincingly assert, this coin-type (assuming the coin is authentic) was probably minted in Judea during a brief period immediately following the revolt and expressed a short-lived policy, very soon thereafter replaced by the above-mentioned propagandist policy. See Gil Gambash, Haim Gitler, and Hannah M. Cotton, “*Iudaea Recepta*,” *Israel Numismatic Research* 8 (2013): 89–104.

14. *CIL* 6:944; trans. by Fergus Millar, “Last Year in Jerusalem: Monuments of the Jewish War in Rome,” in *Flavius Josephus and Flavian Rome*, ed. Jonathan Edmondson, Steve Mason, and James Rives (Oxford: Oxford University Press, 2005), 120.

15. See Millar, “Last Year”; Gambash, “Official,” 67*–73*.

Thus, Flavian propaganda stressed the Great Revolt and the Destruction at the expense of the earlier period of Roman rule in Judea.

(2) *Christian outlook*: Christian tradition has certainly emphasized the destruction of the temple, given that it has viewed that event as the fulfillment of Jesus's prophecy and as the just punishment of the Jews for their lack of faith in Jesus and for their alleged part in his crucifixion. As Ruth Clements asserts, that view may have started primarily with Justin Martyr, who creates "a seamless historiography of loss of Jewish sovereignty, desolation in and expulsion from land and city, and dissolution of the covenant, in immediate retribution for Jesus' death" (for example, *1 Apol.* 32; *Dial.* 16, 40).¹⁶

16. Ruth A. Clements, "Epilogue: 70 CE After 135 CE: The Making of a Watershed?," in *Was 70 CE a Watershed in Jewish History? On Jews and Judaism before and after the Destruction of the Second Temple*, ed. Daniel R. Schwartz and Zeev Weiss, *AJEC* 78 (Leiden: Brill, 2012), 535–36. See also Eusebius's statement at the beginning of his church history: "It is my intention, moreover, to recount the misfortunes which immediately came upon the whole Jewish nation in consequence of their plots against our Saviour" (*Hist. eccl.* 1.1.3). See also the statement about Jesus by the Syrian Mara bar Serapion (sometime between the late first century and the third century CE) in a letter to his son, in which he ties the Jews' loss of kingdom and exile to the crucifixion. Mara was probably dependent in some way on Christian sources (see Raymond E. Brown, *The Death of the Messiah: From Gethsemane to the Grave; A Commentary on the Passion Narratives in the Four Gospels*, 2 vols [New York: Doubleday, 1994], 1:382). The seeds of the Christian view, which connects the destruction to the crucifixion may be found already in the Synoptic Gospels, which say that the curtain of the sanctuary was torn in two at the moment of Jesus's "death" (Matt 27:51–54, Mark 15:38, Luke 23:45); Matthew also adds that an earthquake simultaneously occurred. Interpreters are divided on the significance of this obviously symbolic description, and one very possible interpretation is that it signifies the destruction of the temple; see Ulrich Luz, *Matthew 21–28: A Commentary*, trans. James E. Crouch, Hermeneia (Minneapolis: Fortress, 2005), 562–66; see also Adela Yarbro Collins, *Mark: A Commentary*, Hermeneia (Minneapolis: Fortress, 2007), 759–64. Compare the accounts in the gospels with Sifre Deut 328, b. Git. 56b, and other parallels. In this context, the rabbinic version of the story of the siege of Hyrcanus on Aristobulus in the temple in 65 BCE (b. Sotah 49b // b. B. Qam. 82b // Menah. 64b) is particularly intriguing. It appears to present, probably not in intentional polemic, a similar idea: the willing admittance of Pompey and the Romans (symbolized by "the swine") into Jerusalem and the temple by Hyrcanus caused an earthquake, which seems to symbolize the future destruction. For this legend, see appendix A below. Thus, whereas the gospels may be implying that the temple's fate was doomed with the crucifixion, the rabbinic legend seems to imply that it had been doomed already much earlier, with Pompey's conquest.

(3) *Jewish outlook*: As a religion Judaism naturally focused on the loss of its religious center, the temple, rather than on the loss of the state. That focus may have led to the development of the “myth” of the forced exile of the Judeans from their land at the time of the destruction in 70 CE (for example in b. Git. 56a, 57a). Historically, as is well known, there was no general forced exile of Judeans by the Romans in 70 CE or at any other time. True, many Judeans were killed in the war and many others were sold into slavery, but the Jewish population in Judea remained large during the first few centuries CE; emigration was not forced; and a large diaspora had existed throughout the Second Temple era. Yet, the Jewish focus upon the destruction, and probably also the influence of Christian formulations, led to a perception of a forced exile in 70 CE.¹⁷ Consequently, it would have become only natural to understand 70, in parallel with the Babylonian destruction of 586 BCE—anyway a natural view due to their similar date—as a triple catastrophe: destruction, exile, and the loss of sovereignty.¹⁸

(4) *Zionism*: It was obviously natural for Zionism to focus on the Hasmonean state—the last Jewish state to have existed in the land of Israel—and its establishment, not its downfall. Furthermore, from the Zionist standpoint, it may have often been convenient to relate to the destruction of the temple as also consisting of the destruction of the state, not only because of the secular orientation of most Zionist leaders, but also because it would have been undesirable to recognize the possibility of Jewish existence in the land of Israel as an autonomous religious community devoid of a sovereign state. Thus, for instance, in a letter dated to July 6, 1938, attached to a list of the Jewish holy places in Palestine sent by the future President of Israel, Izhak Ben-Zvi, to John Woodhead, the

It should be noted, however, that for at least some Christian fathers the subjugation of the Jews by Rome and especially the subsequent kingship of Herod were, in fact, very significant. For, since Herod was “of foreign birth,” his kingship, during which Jesus was born, was understood as the fulfillment of the prophecy of Gen 49:10, which is taken to proclaim the time of the arrival of the Messiah (Augustine, *Civ.* 18:45–46; Eusebius, *Hist. eccl.* 1:6).

17. See further Israel J. Yuval, “The Myth of the Exile from the Land: Jewish Time and Christian Time” [Hebrew], *Alpayim* 29 (2005): 9–25.

18. See Chaim Milikowsky, “Notions of Exile, Subjugation, and Return in Rabbinic Literature,” in *Exile: Old Testament, Jewish, and Christian Conceptions*, ed. James M. Scott, JSJSup 56 (Leiden: Brill, 1997), 265–96, esp. 265–68.

Chairman of the British “Palestine Partition Commission” (the “Woodhead Commission”), Ben-Zvi wrote:

I take leave to point out that both the map and the list containing the Jewish Holy Places are additional evidence, if such were needed, as to the actual and concrete link between Palestine and the Jewish people, a link which has never been loosened, let alone abandoned, by our ancestors *since the destruction of the Temple and the loss of the Jewish national sovereignty* to this day.

In another letter to Woodhead dated just four days later, Ben-Zvi wrote:

Here we wish to add that the very concept of Jerusalem as a capital and a metropolis of a state derives from the status acquired by the city in the days of Israel's domination over this country, for a period of over a thousand years. But *at no time during the 1870 years which have elapsed since the destruction of the Jewish Temple ... did the city enjoy the status of a capital*.¹⁹

Similar perceptions are often reflected in contemporary Israeli media and popular culture.

Brief Review of the Current State of Scholarship

The aforementioned relative neglect of the period between 67–37 BCE notwithstanding, I shall briefly review the current state of scholarship. Aside from general surveys and studies devoted to Herod and his reign, which primarily deal with this time period only to establish a general background for their main topic,²⁰ other studies focus on very specific

19. These letters are kept in the Central Zionist Archives in Jerusalem, file: J1/1362/3. Underline in original; italic emphasis is mine. See also pp. 9–10 and 39 of the memorandum, “The Historical Connection of the Jewish People with Palestine,” submitted in November 1936 by the Jewish Agency to the Palestine Royal Commission; and David Ben Gurion and Izhak Ben Zvi, *Eretz Israel in the Past and in the Present* [Hebrew], ed. M. Eliav and Y. Ben Arie, trans. D. Niv (Jerusalem: Yad Ben Zvi, 1979), 227. Obviously, some Zionist intellectuals were quite aware of the fact that the last sovereign Jewish state ceased to exist in 63 BCE, or, at least, long before 70 CE. See, e.g., Joseph Klausner, *Judea and Rome and Their Diplomatic and Cultural Relations* [Hebrew] (Tel-Aviv: Umah U'Moledet, 1946), 21.

20. E.g., Abraham Schalit, *King Herod: Portrait of a Ruler* [Hebrew] (Jerusalem:

aspects and events, or on its sources. Numerous studies have dealt with the question of the sources employed by Josephus, and others focus on the Roman documents quoted in *Ant.* 14, their authenticity, and significance. Still others focus on other sources ascribed to this period, particularly the Psalms of Solomon and the Qumran pesharim. These topics will be discussed below in this introduction or in the course of this study. Additional important studies are devoted to Jewish-Roman relations or Roman rule in Judea. These, however, cover a much longer time period, and often focus only on political history and not on the later implications of the events and developments of this period.²¹

Two additional studies should be specifically noted because of their more limited time-frame: (1) Uwe Baumann, *Rom und die Juden*, deals with Roman-Jewish relations from Pompey's conquest until the death of Herod but is mainly intended to be a synopsis of political history.²² It does not deal with its social and religious implications and therefore also rarely refers to the nonhistoriographical sources, such as the Qumran scrolls and the Psalms of Solomon.²³ (2) William W. Buehler, "The Pre-Herodian Civil War and Social Debate," examines Jewish society from the reign of Alexandra until the Parthian conquest, that is 76–40 BCE. By examining the terminology of Josephus, Buehler concludes that the turmoil in Judea during this period was an internal social conflict, similar to the contemporary turmoil in Rome and that it was a major factor in the development of

Bialik, 1960); Peter Richardson, *Herod: King of the Jews and Friend of the Romans* (Columbia: University of South Carolina, 1996).

21. E.g., E. Mary Smallwood, *The Jews under Roman Rule from Pompey to Diocletian: A Study in Political Relations* (Leiden: Brill, 1981); Menahem Stern, *Hasmonaean Judaea in the Hellenistic World: Chapters in Political History* [Hebrew], ed. Daniel R. Schwartz (Jerusalem: Shazar, 1995). Stern's study was not completed by him prior to his murder in 1989 and is lacking treatment of certain periods, particularly Alexandra's reign and the war between her sons. Fabian E. Udoh, *To Caesar What Is Caesar's: Tribute, Taxes, and Imperial Administration in Early Roman Palestine* (63 B.C.E.–70 C.E.), BJS 343 (Providence, RI: Brown Judaic Studies, 2006), focuses specifically on taxation. Mireille Hadas-Lebel, *Jerusalem against Rome*, trans. Robyn Fréchet (Leuven: Peeters, 2006), focuses on Jewish views of Rome and not with the historical events themselves, which she mainly takes up from Josephus uncontested.

22. Uwe Baumann, *Rom und die Juden: Die römisch-jüdischen Beziehungen von Pompeius bis zum Tode des Herodes* (63 v.Chr.–4 v.Chr.) (Frankfurt: Lang, 1983), iii.

23. See further the reviews of Baumann by Martin Goodman in *CR* 35 (1985): 138–39; and by Tessa Rajak in *JRS* 75 (1985): 305–6.

the Pharisees and Sadducees.²⁴ Buehler does not focus on political history or Roman-Jewish relations, but only on inner Jewish social history. Moreover, he does so by examining the terminology of Josephus alone, ignoring many other sources. Thus, while his terminological study is useful, his conclusions are questionable.²⁵

Consequently, not only has the period been somewhat neglected in modern scholarship, but even the few studies that have devoted relatively more attention to this period are often not comprehensive. Moreover, a long time has passed since the latest reasonably detailed accounts.²⁶ Many advances have been made since then in the study of ancient Judaism. The official publication of the Qumran scrolls has since been completed (in the DJD series), and much has changed in the determination of the time in which some scrolls were authored as well as in the understanding of their historical allusions and their significance.²⁷ In the field of numismatics, coins bearing the name Yehohanan are no longer attributed to Hyrcanus II, contrary to earlier assumptions.²⁸ Perhaps more importantly, there has since been a greater recognition of the depth of the impact of Rome on Jews and Judea. Recent scholarship has recognized the Roman impact on Josephus, Philo, and—already much earlier—on Herod, whereas earlier scholarship focused on their Hellenistic context.²⁹ Therefore, it certainly seems that a study of the beginning of Roman rule in Judea is called for.

24. William W. Buehler, "The Pre-Herodian Civil War and Social Debate: Jewish Society in the Period 76–40 B.C. and the Social Factors Contributing to the Rise of the Pharisees and the Sadducees" (PhD diss., Basel, 1974).

25. See further below, pp. 215–216 n. 19.

26. See Schalit, *King Herod* (1960); Buehler, Buehler, "Pre-Herodian Civil War" (1974); E. Mary Smallwood: *The Jews under Roman Rule from Pompey to Diocletian: A Study in Political Relations* (Leiden: Brill, 1976); Schürer, *History of the Jewish People* (revised 1979); Baumann, *Rom und die Juden* (1983); Stern, *Hasmonaean Judaea* (1989, pub. 1995). From Buehler's footnotes and select bibliography, it appears that the scholarly literature he employed was much earlier. The latest item in his bibliography is a 1968 translation of a 1965 book; the great majority of items in the bibliography is much older.

27. The most important work is Hanan Eshel, *The Dead Sea Scrolls and the Hasmonaean State* (Grand Rapids: Eerdmans; Jerusalem: Ben-Zvi, 2008).

28. See further below, appendix B.

29. For Josephus, see Martin Goodman, "Josephus as Roman Citizen," in *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith*, ed. Fausto Parente and Joseph Sievers (Leiden: Brill, 1994), 329–38; Jonathan Edmondson, Steve Mason and James Rives, eds., *Flavius Josephus and Flavian Rome* (Oxford:

The Purposes of This Study

It is, therefore, the first purpose of this work to try to fill that scholarly void. As mentioned above, 67–37 BCE was a momentous time in the history of the entire Mediterranean world. Since Judea was a significant part of that world, it is thus important to account for its history during that time. Moreover, this period in Judea is important in its own right; it was extremely eventful. Therefore, I intend to present a historical reconstruction of this period in Judea.

However, my interests in this period in Judea lie not only in its events, but also in its potential importance for understanding later developments in Judea and in Judaism. After having experienced life under their own government, Judeans suddenly found themselves in 63 BCE once again dominated by a foreign, hitherto mostly unknown, pagan power. The last truly independent sovereign Judean state was lost, and Judeans, who—for better or for worse—had gotten used to the idea of having their own sovereign government, were now subjugated to the most powerful empire the world had seen. Eventually, just over a century after the end of this period, that relationship would explode in a deadly war culminating in the destruction of the Second Temple, and a few decades later it would explode once again in a disastrous war that almost completely destroyed the Jewish communities in Judea proper. It is, therefore, important to examine the very beginning of that uneven relationship.

In his book *The Rise and Fall of Jewish Nationalism*, Doron Mendels examines ancient Jewish nationalism through what he views as four “symbols of political nationalism”: kingship, temple, territory, and army. As Mendels writes, “When the Hasmonean state finally fell with the Roman conquest of Palestine in 63 B.C.E., the national symbols underwent a kind of metamorphosis.”³⁰ Indeed, in 63 BCE native kingship was lost;

Oxford University Press, 2005), especially its introduction. For Philo, see Maren R. Niehoff, *Philo on Jewish Identity and Culture*, TSAJ 86 (Tübingen: Mohr Siebeck, 2001), esp. 6–9 and n. 17. For Herod, see Joseph Geiger, “Herodes *Philorhomaioi*,” *Ancient Society* 28 (1997): 75–88. In a similar vein, Adiel Schremer has recently argued that much of early rabbinic discourse should be read, not as a theological polemic with early Christianity as is often done, but rather as a means of coping with the great power of the Roman Empire “and the religious challenge that it posed to God’s sovereignty”; Adiel Schremer, *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity* (Oxford: Oxford University Press, 2010), x.

30. Mendels, *Rise and Fall*, 6.

the temple was still standing but it could no longer be seen as the seat of a sovereign;³¹ the territory still existed and could always remain a symbol, but it was now *de facto* drastically reduced and would soon be divided up, and its political borders would be occasionally set according to the whims of the pagan empire, with the Judeans having virtually no say in the matter; and, even though some form of Judean army continued to exist, it was certainly cut down and could not be employed without the empire's consent, and it is doubtful to what extent an army employed by Herod, or even Agrippa, would have even been viewed as a Jewish army.

It seems, therefore, that this period had a significant impact in Judea, beyond the events themselves, and it is reasonable to assume that it may have had a longer-lasting impact upon Judean society and religion. Testing this assumption is a major goal of this study.

A Note on Terminology

Some of the terms I have just used and will use on occasion in this study along with others, such as *sovereignty*, *nationalism*, and *religion* versus *state*, may arouse discomfort and opposition among some readers. The discomfort from the employment of such concepts arises from the common view that these are modern concepts and phenomena, and their application to the premodern world is thus anachronistic. This has been an issue of much theoretical debate, and various scholars have defended such usage. It would be superfluous to repeat that entire debate here. It is crucial, however, to clarify that the ancient phenomena to which such concepts are employed differ essentially from their modern counterparts. These concepts are not clear cut, and their practical expression naturally differs from time to time and from place to place, even in the modern world. Thus, for example, when one speaks of "nationalism" in antiquity, it must be clear that "it is a somewhat different form of the one that emerged in the nineteenth century."³²

31. Daniel R. Schwartz, *Studies in the Jewish Background of Christianity*, WUNT 60 (Tübingen: Mohr, 1992), 9–10.

32. Doron Mendels, review of *Elements of Ancient Jewish Nationalism*, by David Goodblatt, *JSS* 54 (2009): 285. For the justification of the use of the concept of "nationalism," see also David Goodblatt, *Elements of Ancient Jewish Nationalism* (Cambridge: Cambridge University Press, 2006), 1–27. William Harris's persuasive words about the concept of "imperialism" are especially noteworthy: "Writers who artificially redefine

As Seth Schwartz writes, “All writing about the past is necessarily translation, and there is no non-loaded language into which to perform the act.” It is best to conclude with what Schwartz writes at the end of that article:

Our modern western language is necessarily inadequate to describe the realities of a radically different culture. But our job is precisely to translate and explain, which necessarily requires that we make use of inherently misleading modern language to describe our subjects. There is simply no choice, short of pure self-reflexivity.³³

Jew or *Judean*: There has been a very lively debate in recent scholarship as to the correct way to translate the term *Ioudaios*, “Judean” or “Jew.” The argument against the usage of *Jew* has been presented recently and most eloquently by Steve Mason. It rests upon the view that the category of religion did not exist in antiquity. Consequently, *Ioudaioi* in antiquity constituted, not a religious community, but rather an ethnic group, and therefore one should not use the terms *Jews* and *Judaism*, which have a religious connotation, but rather *Judean*.³⁴ However, as the above note on terminology makes clear, I concur with the opposite view: namely, that one may, and perhaps must, with all necessary qualifications, use the term *religion* for antiquity, and hence *Jew* and *Judaism* are not inappropriate terms.³⁵

imperialism as such-and-such, prove to their own satisfaction that Rome’s expansion was not a case of such-and-such, and therefore was not imperialism, have proven only what all Roman historians have long known, that Roman imperialism was not identical with any imperialism of the nineteenth or twentieth centuries. In fact, the term is, despite its vagueness, indispensable” (William V. Harris, *War and Imperialism in Republican Rome, 327–70 B.C.* [Oxford: Clarendon, 1979], 4).

33. Seth Schwartz, “How Many Judaisms Were There? A Critique of Neusner and Smith on Definition and Mason and Boyarin on Categorization,” *JAJ* 2 (2011): 229–30, 38.

34. Steve Mason, “Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History,” *JSJ* 38 (2007): 457–512.

35. See esp. Schwartz, “How Many Judaisms.” It seems to me, moreover, that, in spite of Mason’s arguments, *Judean* nevertheless has a geographical connotation. Thus, by using this term in scholarship to denote ethnicity, one loses what one gains by not using *Jew*. The latter, religious, term can denote ethnicity, no less than the former, geographical, term can. See further Adelle Reinhartz, “The Vanishing Jews of Antiquity,” *Marginalia*, June 24, 2014, <http://tinyurl.com/SBL3547a>.

Here is a brief selection of additional studies taking part in this debate: Ross S.

Nevertheless, in this study I often use the term Judean. However, I do so strictly in the geographic sense. This study focuses on the land of Israel in a specific time period, and in that period that geographic entity was often called *Judah* or *Judea* (see Strabo, *Geogr.* 16.2.21).³⁶ Therefore I use the term *Judean/s* specifically to refer to Jews of Judea, in order to distinguish them from the diaspora or the entire Jewish people. When reference is made to Jews of the diaspora or the Jewish people in general, the term *Jew/Jewish* is used.

Sources Other than Josephus

The main source for the history of Judea in the period examined in this study is of course Flavius Josephus. There are, however, numerous additional literary sources that contribute to our knowledge of certain events or aspects of this period.³⁷ I shall list the major sources here and provide basic information for each, beginning with the non-Jewish sources, before turning to the complicated matter of Josephus and the handling of his writings.

Kraemer, "On the Meaning of the Term 'Jew' in Greco-Roman Inscriptions," *HTR* 82 (1989): 35–53; Shaye J. D. Cohen, "Ioudaios: 'Judaean' and 'Jew' in Susanna, First Maccabees, and Second Macabees," in *Geschichte-Tradition-Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag*, ed. Hubert Cancik, Hermann Lichtenberger, and Peter Schäfer (Tübingen: Mohr Siebeck, 1996), 1:211–220; Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties*, HCS 31 (Berkeley: University of California, 1999), 69–106; Mason, "Jews, Judaeans"; Daniel R. Schwartz, "'Judaean' or 'Jew'? How Should We Translate *Ioudaios* in Josephus?," in *Jewish Identity in the Greco-Roman World*, ed. Jörg Frey, Daniel R. Schwartz, and Stephanie Gripentrog (Leiden: Brill, 2007), 3–27; and recently Daniel R. Schwartz, *Judeans and Jews: Four Faces of Dichotomy in Ancient Jewish History* (Toronto: University of Toronto, 2014). See also the recent debate "Jew and Judean: A Forum on Politics and Historiography in the Translation of Ancient Texts," hosted by the *Marginalia Review of Books* in 2014: <http://tinyurl.com/SBL3547b>.

36. Goodblatt, *Elements*, 161–66.

37. Archaeology is of course an invaluable source of information for any ancient period, but in this study its use is rather marginal. The reason for this is that the period examined is rather limited, and for the most part archaeology has not been able to attribute excavated layers to this specific period. Nor have Judean coins been found from this period (see below, appendix B).

Non-Jewish Sources³⁸

Diodorus Siculus: Diodorus lived in the first century BCE. Of the forty books of his universal history until 60 BCE, only fifteen survive in full, although fragments of others also exist. His work draws heavily on earlier writers. Several extant segments relate to the Jews, but only one significantly deals with our era—discussing the various Jewish delegations to Pompey in Damascus in 63 BCE.

Marcus Tullius Cicero: Cicero, the famous Roman orator and politician, lived in the years 106–43 BCE. He was not a historian and the Jews rarely appear in his numerous writings. Nevertheless, he was a major figure at the heart of affairs in Rome precisely during this period, and his writings are priceless for the history of Rome at that time.

Nicolaus of Damascus:³⁹ Nicolaus lived ca. 64 BCE until the beginning of the first century CE. A Peripatetic, he was a teacher of the children of Anthony and Cleopatra in Alexandria. More importantly, he later became a friend and close advisor of King Herod. During his time at Herod's side he met Marcus Agrippa and Augustus. Following the death of Herod, he moved to Rome. Apart from philosophical and other nonhistoriographical writings, Nicolaus wrote a biography of Augustus, an autobiography, and his *magnum opus*—a universal history of 144 books. Most of these works have not survived except for excerpts in the writings of later authors. Naturally, his writings dealt quite often with the Jews, especially with Herod's life and reign. But as Josephus already recognized (see, for example, *Ant.* 14.9; 16.183–185), Nicolaus's writing was often biased in Herod's favor. Of the extant fragments, none deals with our period, except for those preserved in Josephus. However, Josephus explicitly mentions Nicolaus as his source several times—including in his narrative of the era under consideration—for accounts of Herod's background, Pompey's

38. For the various non-Jewish authors listed here see their respective entries in *OCD*, and their introductions in Stern's *GLA*. See also Israel Shatzman, "The Hasmoneans in Greco-Roman Historiography" [Hebrew], *Zion* 57 (1992): 5–64.

39. For Nicolaus, see Mark Toher, "Herod, Augustus, and Nicolaus of Damascus," in *Herod and Augustus: Papers Presented at the IJS Conference, 21st–23rd June 2005*, ed. David M. Jacobson and Nikos Kokkinos, *IJS Studies in Judaica* (Leiden: Brill, 2009), 65–81; Toher, "Nicolaus and Herod in the *Antiquitates Judaicae*," *HSCP* 101 (2003): 427–47; and esp. Ben Zion Wacholder, *Nicolaus of Damascus*, University of California Publications in History 75 (Berkeley: University of California Press, 1962).

conquest, and Gabinius's exploits in Judea. It is usually assumed, moreover, that Josephus used Nicolaus much more extensively than he reveals and that, in fact, Nicolaus was his main source for much of the Hasmonean era and especially for the Herodian era in both the *Jewish War* and the *Jewish Antiquities*. The issue of Josephus's use of Nicolaus will be dealt with below in the discussion of Josephus.

Strabo: Born in Amaseia in Pontus ca. 64 BCE, Strabo moved to Rome and died after 21 CE, perhaps after returning to Amaseia. He wrote a history, which did not survive apart from some fragments, and a seventeen-book *Geographia*, which survived. The latter work consists of several references to, and accounts of, Judea, one of which includes a rather detailed description of Jewish religion as well as some references to Jewish history which becomes detailed with an account of the quarrel between the Hasmonean brothers and Pompey's conquest, and mentions Herod's appointment to the throne (16.2.34–46). Most of the preserved fragments of the lost historical work are in Josephus, most in *Ant.* 13–15 and one in *Against Apion*. They range from Antiochus Epiphanes's sack of the temple until the execution of Antigonus in 37 BCE, and many pertain to the period investigated here: the envoys that came before Pompey in Damascus in 63 BCE, Pompey's conquest, Gabinius's exploits in Judea, the Judean assistance to Caesar in Egypt, and Antigonus's execution. From these fragments, as from other considerations, it is apparent that in this work Strabo used many written sources; he explicitly refers to three of them (Timagenes, Asinius, and Hysicrates).

Titus Livius (Livy): Livy probably lived 59 BCE–17 CE. Of the 142 books of his Roman history, those that survive cover much earlier periods. However, the *Periochae*, which are summaries of all books, probably composed in the fourth century, survived (apart from books 136–137). In these summaries the Jews are mentioned twice: the summary of book 102 mentions Pompey's conquest, and the summary of book 128 mentions the conquest of Jerusalem in 37 BCE "by the lieutenants of Antonius" (that is, Sossius). Josephus explicitly mentions Livy as one of his sources in his description of Pompey's conquest of the temple (*Ant.* 14.68).

Appian of Alexandria: Born at the end of the first century CE, Appian experienced the Jewish diaspora revolt during the reign of Trajan, and he later moved to Rome. Information about the Jews appears in many of his writings, but of the period examined here, he only mentions Pompey's conquest and triumph. Nevertheless, Appian's books on the Roman

foreign conquests and the Roman civil wars are an invaluable source for Roman history during this period.

Cassius Dio: Dio was a Greek senator who lived circa 160–230 CE and who wrote an eighty-book history of Rome, of which the part dealing with our era survives in full and is very important.⁴⁰ Dio wrote relatively much on Jews and Judaism, and he refers to several events in Judea in our period. Most detailed are his descriptions of the conquest of Jerusalem by Pompey, which is accompanied by a digression on Judaism, and of the conquest by Sossius (and Herod); he also briefly refers to other events. Nevertheless, one should be especially wary of uncritically accepting Dio's history of this early period because he was naturally entirely dependent on earlier sources for the earlier times, and it appears that he

read widely in the first ten years [of his work on the history], and in the ensuing twelve years of writing up he probably worked mainly from his notes without going back to the originals. Such a method of composition may account for some of the history's distinctive character. It is often slim and slapdash; errors and distortions are quite common, and there are some surprising omissions (notably the conference of Luca).⁴¹

There are two examples of mistakes in Dio's accounts of Judea in our period, one from its beginning and one from its end: (1) According to Dio, Pompey's conquest of Judea followed a successful war he launched against the Nabateans (*Hist. Rom.* 37.15.2). In actuality, Pompey aborted that intended expedition in order to pursue Aristobulus and never fought the Nabateans himself.⁴² (2) Dio knows that in 49 BCE Caesar sent Aristobulus II to Judea as part of his war effort against Pompey, but he is unaware that Aristobulus was soon killed (41.18.1). Indeed, later in his description of the Parthian invasion of 40 BCE, he even writes that Pacorus, the Parthian prince, made Aristobulus, Hyrcanus's brother, king of Judea (48.26.2). In truth, Aristobulus had been dead for almost a decade, and it was his son, Antigonus, who was made king by the Parthians.⁴³ Some

40. For Dio, see esp. Fergus Millar, *A Study of Cassius Dio* (Oxford: Clarendon, 1964).

41. John William Rich, "Cassius Dio," *OCD*, 299–300. See also Millar, *Study of Cassius Dio*, 28–72.

42. See Stern's note in *GLA* 2:351, and below, pp. 409–10.

43. See Stern's notes in *GLA* 2:355, 358.

sections later, however, Dio gets it right when he refers to Antigonus as the king (48.41.4).

Jewish Sources

The Psalms of Solomon: This collection of eighteen psalms was probably composed in Hebrew, but only the Greek and Syriac versions are now extant.⁴⁴ It is almost unanimously accepted that it was composed in Jerusalem in the middle of the first century BCE. Scholars have proposed associating these psalms with just about every known sect or group in Second Temple Judea, most often with the Pharisees.⁴⁵ No suggestion is devoid of difficulties, and it seems best not to attribute them to any known group.⁴⁶ Psalms of Solomon 2 and 8 lament Pompey's conquest of Jerusalem in 63, and Pss. Sol. 2 apparently also describes Pompey's death on the shores of Egypt.⁴⁷ Psalms of Solomon 17 has attracted much scholarly attention, due to its exceptional hope for and description of the future Davidic Messiah and his deeds. It is also debated whether that psalm too alludes to Pompey's conquest or to Herod's conquest in 37 BCE.⁴⁸

44. For the Greek version, see Robert B. Wright, *The Psalms of Solomon: A Critical Edition of the Greek Text* (London: T&T Clark International, 2007); for the Syriac, see Joseph L. Trafton, *The Syriac Version of the Psalms of Solomon: A Critical Evaluation* (Atlanta: Scholars Press, 1985). Jan Joosten has recently argued that it was actually composed in Greek, and that the Hebraic elements are a result of its imitation of the Septuagint; Jan Joosten, "Reflections on the Original Language of the Psalms of Solomon," in *The Psalms of Solomon: Language, History, Theology*, ed. Eberhard Bons and Patrick Pouchelle, EJL 40 (Atlanta: SBL Press, 2015), 31–47. Joosten nevertheless agrees that it was composed in Jerusalem in the mid-first century BCE.

45. E.g., Schürer, *History of the Jewish People*, 3:193–95; Adolf Büchler, *Types of Jewish-Palestinian Piety from 70 B.C.E. to 70 C.E.: The Ancient Pious Men* (London: Jews' College, 1922), 128. For a list of suggested identifications, see Kenneth Atkinson, *I Cried to the Lord: A Study of the Psalms of Solomon's Historical Background and Social Setting*, JSJSup 84 (Leiden: Brill, 2004), 8 and notes.

46. George W. E. Nickelsburg, *Jewish Literature Between the Bible and the Mishnah: A Historical and Literary Introduction*, 2nd ed. (Minneapolis: Fortress, 2005), 246–47; Atkinson, *I Cried to the Lord*, 49, 81–86, 220–22.

47. See below, pp. 116–17 and nn. 194–98.

48. For scholars who assert that it alludes to Pompey's conquest, see e.g., Schürer, *History of the Jewish People*, 3:194; David Flusser, "Psalms, Hymns and Prayers," in *Jewish Writings of the Second Temple Period*, ed. Michael E. Stone (Assen: Van Gorcum; Philadelphia: Fortress, 1984), 573; Atkinson, *I Cried to the Lord*, 135–39. For Herod's

Given that they are not a historiographical source, these psalms do not contribute much to our knowledge of the events of this period. Nevertheless, they are a valuable source for at least a portion of Judean society and for understanding how the events in general, and the Roman conquest in particular, were viewed by those Judeans.⁴⁹

The Dead Sea Scrolls: As is well known, the discovery of fragments of hundreds of scrolls in caves near the ancient site of Qumran in the Judean Desert in the mid-twentieth century drastically broadened our knowledge, and changed our understanding, of Second Temple Jewish religion and society. Many of the scrolls are dated to the early period of Roman domination over Judea, and, although only very few historical figures are mentioned by name in the scrolls, many of those that are mentioned are from our period.⁵⁰ It appears indeed that much of the sect's literary activity took place in this very era and that the events of this period were very significant for the sect. Chapter 3 is devoted to a study of the Romans and the significance of the Roman conquest in the scrolls.

Flavius Josephus

As is the case for most of the Second Temple period, Flavius Josephus is the main and the only continuous source for the history of Judea in 67–37 BCE. Josephus was born in 37 CE into a Jerusalem priestly family. He took part in a delegation to Rome in 63/64, and when the Great Revolt broke out in 66, he was appointed as commander of the rebels in Galilee. When the Galilean town of Yodfat was taken by the Romans in the summer of 67, Josephus surrendered, at which time, according to his own account, he was brought before Vespasian and predicted the latter's future rise to the Principate. At first a prisoner of the Romans, Josephus was eventually released when his "prophecy" was realized in 69. He remained alongside

conquest, see Kenneth Atkinson, "On the Herodian Origin of Militant Davidic Messianism at Qumran: New Light from *Psalms of Solomon* 17," *JBL* 118 (1999): 440–44; Wright, *Psalms of Solomon*, 1–7; Richard A. Horsley, *Revolt of the Scribes: Resistance and Apocalyptic Origins* (Minneapolis: Fortress, 2010), 152–55. Benedikt Eckhardt, "PsSal 17, die Hasmonäer und der Herodomepeus," *JSJ* 40 (2009): 465–92, has recently suggested that it is composite, with vv. 1–10 composed after Herod's conquest, while the rest of the psalm is earlier.

49. See Benedikt Eckhardt, "The Psalms of Solomon as a Historical Source for the Late Hasmonean Period," in Bons and Pouchelle, *Psalms of Solomon*, 7–29.

50. These references are discussed in the course of this study.

Titus throughout the Judean campaign. Afterwards, he accompanied him to Rome, where he settled and began his career as a historian. It is unknown when exactly Josephus died in Rome, but it was certainly after 93, and it is often assumed that he died around 100 CE.⁵¹

Josephus authored four works. The first, the *Jewish War*, is a seven-book account of the Great Jewish Revolt against Rome. It begins with the historical background of the revolt, from the Maccabean Revolt, through the Hasmonean state, Herod's reign, and the first century CE (books 1–2). The bulk of it is an account of the revolt of 66–70. It is thought that it was completed by Vespasian's death in 79, or during Titus's reign (79–81), although it has often been suggested that book 7, or large parts thereof, was composed later than books 1–6.⁵² Josephus's second work, the *Jewish Antiquities*, is a twenty-book account of Jewish history from creation up to the eve of the Great Revolt. It was completed in 93/94 (*Ant.* 20.267). His third work, the *Life*, was appended to the *Jewish Antiquities* (*Ant.* 20.266, *Life* 430). It is not, however, a true biography, but is, for the most part, an account of several months of Josephus's command in Galilee. Josephus's fourth work, the *Against Apion*, which was composed after *Jewish Antiquities-Life*, is not historiographical. It is an apologetic-polemical work aimed at justifying Judaism and the Jews against hostile views.⁵³ Naturally, the last two works do not concern us here. It is in the first two works—the *Jewish War* and the *Jewish Antiquities*—that Josephus provides accounts of 67–37 BCE, and, as mentioned above, both accounts are considerably long and detailed. However, the two accounts are not duplicates.

Given that Josephus is the main source for the history of our era, I will now briefly survey the basic scholarly approaches to Josephus, following which I will turn to a more specific discussion of Josephus as a source for 67–37 BCE.

51. Our knowledge of Josephus's biography is almost entirely based on his own writings, the *Jewish War* and the *Life*, and is therefore tendentious. For modern scholarly accounts of his life see, e.g., Henry St. John Thackeray, *Josephus: The Man and the Historian* (New York: Jewish Institute of Religion, 1929), 1–22; Per Bilde, *Flavius Josephus between Jerusalem and Rome: His Life, His Works, and Their Importance* (Sheffield: Sheffield Academic, 1988), 27–60.

52. E.g., Shaye J. D. Cohen, *Josephus in Galilee and Rome: His Vita and Development as a Historian* (Leiden: Brill, 1979), 84–90.

53. For Josephus's writings, see further Bilde, *Flavius Josephus*, 61–122.

Brief Review of Josephan Scholarship⁵⁴

In the early stages of modern, critical, Josephan scholarship, in the nineteenth and early twentieth centuries, the method predominantly used in research was *Quellenkritik*. This approach to ancient texts aimed at revealing the source or sources behind the examined text. Applied to Josephus, this approach soon led to the view that Josephus was a mere compiler or copier of sources; he was not an author but a plagiarizer. Everything in Josephus's writings was attributed to a known or an anonymous source. However, as scholarship often evolves, soon this approach to ancient texts, including Josephus, was marginalized. In the twentieth century scholars began to appreciate Josephus as an author in his own right. One of the early proponents of this approach was Richard Laqueur, whose 1920 study, half of which was devoted to *Ant.* 14, argued that while Josephus indeed used sources for his writings he also added, deleted, changed, and arranged his sources according to his own personal tendencies.⁵⁵ Although many of Laqueur's conclusions were rejected by subsequent scholarship, this basic approach to Josephus soon became the norm. More recent scholarship has, however, taken this approach to its limit, diametrically opposed to the earlier source-critical approach. This recent approach, often called "composition-criticism," concentrates on the author himself, and, in the work of some scholars, all but disregards the issue of his sources. It is an "effort to interpret an author's writings in and of themselves, as self-contained compositions. The narrative is assumed to contain within itself the keys to its own meaning."⁵⁶

However, it seems to me that even for a proper analysis of an author's writings in and of themselves, including Josephus's, one should not disregard his sources. For example, an attempt to understand Josephus through his paraphrase of the Bible in *Jewish Antiquities*, will be flawed if it will not involve a comparison to the Bible. Indeed many studies have furthered our understanding of Josephus through an analysis of his biblical paraphrase in comparison with the Bible. In studying Josephus's life and thought such

54. For more detailed reviews of modern scholarship, see Bilde, *Flavius Josephus*, 123–71; Steve Mason, *Flavius Josephus on the Pharisees: A Composition-Critical Study*, StPB 39 (Leiden: Brill, 1991), 18–39.

55. Richard A. Laqueur, *Der jüdische Historiker Flavius Josephus: Ein biographischer Versuch auf neuer quellenkritischer Grundlage* (Giessen: Kindt, 1920).

56. Mason, *Flavius Josephus on the Pharisees*, 42–43.

an analysis should be conducted wherever Josephus used earlier sources; the remaining questions are only—in cases where his sources are not obvious and extant—whether he actually used sources, and whether we are able to discern them.

Certainly, where the goal is not a better understanding of Josephus the author, but rather knowledge of the history that he reports, it is even more crucial to discern his sources. That is, for historical periods for which Josephus could not have had first-hand information, it is pertinent to attempt to recognize his sources and the extent and manner in which Josephus may have altered them. Only once we have identified the sources, and their tendencies, can we actually begin to reconstruct that history. Otherwise, we are left empty-handed. Indeed, some more extreme critics argue that any quest for such history is naïve; that it is impossible to separate “fact” from “fiction”; and that “every single sentence of Josephus is determined and coloured by his aims and tendencies.”⁵⁷ Taking this road to its end obviously leaves us without any history; everything is literature. However, as apparent already from the basic aim of this study, I believe that it is possible to learn such history from the ancient sources, including Josephus’s writings. But then again, it seems that even the most skeptical critics agree about some historical facts. For example, everyone agrees that Pompey conquered Judea in 63 BCE and that he was later murdered in Egypt in 48, despite the fact that these events are attested in “literary” sources. Thus, the question is not whether we can learn history from the ancient sources but rather the extent of the history we can learn.

Consequently, since Josephus must have used sources for 67–37 BCE, a period that ended seventy-three years before he was born, I turn now to the question of his sources for this period.

Josephus’s Sources for 67–37 BCE

In the *Jewish War* Josephus never mentions his source or sources, but in the *Jewish Antiquities* he frequently does. In *Ant.* 14, Josephus explicitly refers to some sources, and at times he quotes them verbatim: in §9—Nicolaus; §68—Strabo, Nicolaus, and Livy; §104—Nicolaus and Strabo; §§35–36, 111–118, 138–139—Strabo. In addition, he quotes a large

57. Horst R. Moehring, review of *Josephus in Galilee and Rome: His Vita and Development as a Historian*, by Shaye J. D. Cohen, *JJS* 31 (1980): 241–42.

collection of documents from Roman officials, the Roman Senate, and Greek cities (§§145–155, 190–264, 306–323). Moreover, in some sections, although Josephus does not mention sources, it is quite obvious that he had recourse to sources. Thus, for example, Diodorus Siculus, *Bib. hist.* 40.2 contains an account that closely resembles a part of Josephus's story of the delegations to Pompey in *Ant.* 14.40–46, and they probably drew on a common source.⁵⁸ Likewise, *Ant.* 14 contains various stories, which are paralleled in rabbinic literature, most often in the Babylonian Talmud (for example, *Ant.* 14.26–28 and b. Sotah 49b // b. B. Qam. 82b // Menah. 64b).⁵⁹ Yet it is highly unlikely that the rabbis used Josephus not only because Josephus wrote in Greek, but also because those stories all appear in *Jewish Antiquities* and are absent from *Jewish War*; they are all obvious insertions of extraneous materials. It is peculiar that the rabbis would have chosen to adopt this specific material and never adopted materials that are not insertions in Josephus's narrative. It seems rather that Josephus and the rabbis drew on a common Jewish source, whether written or oral.⁶⁰ It is quite clear, moreover, that Josephus did not use sources only in those places where he explicitly says he did or where parallels are found in other texts. Rather, he must have used sources for the bulk of his narratives of this era in both writings, for he could hardly have had first-hand information about it.

As mentioned above, Josephus's narratives of this period, which begin not only with the war between the Hasmonean brothers but also, concomitantly, with the rise of Antipater on the stage of Judean history, are quite extensive. But of the 238 paragraphs in the *Jewish War* and the 491 (or

58. See *GLA* 1:185–87. This story will be extensively examined below, pp. 65–88.

59. For this parallel, see below, appendix A. For another example, see appendix D.

60. Vered Noam, “Did the Rabbis Know Josephus’ Works?” [Hebrew], *Tarbiz* 81 (2013): 367–95; Richard Kalmin, “Between Rome and Mesopotamia: Josephus in Sasanian Persia,” in *Ancient Judaism in its Hellenistic Context*, ed. Carol Bakchos, JSJSup 95 (Leiden: Brill, 2005), 205–42, esp. 235–36. Kalmin in fact entertains the notion that the rabbis used Josephus, but at the end he concludes that in such cases “we are dealing with an Ur-text incorporated into two later compilations.” For the parallel traditions between Josephus and the rabbis, see also Shaye J. D. Cohen, “Parallel Historical Tradition in Josephus and Rabbinic Literature,” in *The History of the Jewish People*, vol. 2 of *Proceedings of the Ninth World Congress of Jewish Studies*, ed. World Congress of Jewish Studies (Jerusalem: World Union of Jewish Studies, 1986): 7–14, and now also Tal Ilan and Vered Noam, *Josephus and the Rabbis* [Hebrew] (Jerusalem: Yad Ben Zvi, forthcoming).

501) in the *Jewish Antiquities* more than 150 and 330, respectively, are concerned with the period, which begins with the rise of Herod, Antipater's son, and ends with his ascension to the Judean throne (47–37 BCE), that is, with only ten of the thirty years comprising this period. This implies that Josephus's source or sources were particularly interested in the history of Herod's family and especially of Herod himself.

The best candidate to be that source is clearly Nicolaus of Damascus, who, as mentioned above, was Herod's close friend and adviser, who wrote a monumental world history, and who is explicitly mentioned several times by Josephus in *Ant.* 14 (and elsewhere) as one of his sources. Indeed, most scholars assume that Nicolaus was ultimately Josephus's main source for this period until after the death of Herod and Augustus's division of Herod's kingdom among his sons (perhaps up to *J.W.* 2.110 and *Ant.* 17.338), when once again Josephus's narratives become much less detailed.⁶¹ The only other plausible source is the “memoirs of Herod.” However, given that the memoirs are mentioned by Josephus only once,

61. E.g., Laqueur, *Der jüdische Historiker*, 128–221; Menahem Stern, *Studies in Jewish History: The Second Temple Period* [Hebrew], ed. Moshe Amit, Isaiah Gafni and Moshe David Herr (Jerusalem: Ben-Zvi, 1991), 445–64; Gideon Fuks, “Josephus on Herod's Attitude towards Jewish Religion: The Darker Side,” *JJS* 53 (2002): 238–45; Toher, “Nicolaus and Herod”; Toher, “Herod, Augustus, and Nicolaus”; Joseph Sievers, “Herod, Josephus and Laqueur: A Reconsideration,” in Jacobson and Kokkinos, *Herod and Augustus*, 83–112. One dissenting view of which I am aware is Jane Bellemore, “Josephus, Pompey and the Jews,” *Historia* 48 (1999): 94–118, who argues that Josephus did not use Nicolaus for the *Jewish War* at all; rather, for that work he had Jewish sources; in the *Jewish Antiquities*, in contrast, Josephus used his *Jewish War*, but also often employed Roman sources—mainly Nicolaus, but also Strabo and Livy—which is the cause for the differences between the two works. Accordingly, she views the *Jewish Antiquities* as greatly influenced by the pro-Roman tendencies of those sources, and therefore as less reliable. However, I find her position unlikely, and some brief comments should suffice. Although Bellemore is certainly right that occasionally the *Jewish Antiquities* has an added Roman perspective created by Josephus's employment of Roman sources, such as Strabo and perhaps Livy, she overlooks pro-Roman and especially pro-Herodian perspectives of the *Jewish War*. It is unlikely that they originated in a Jewish source, but may certainly have originated with Nicolaus. Moreover, while no part of the *Jewish War* has a parallel in Jewish sources, it is actually the *Jewish Antiquities* that contains several stories, which not only have a Jewish perspective but also have parallels in rabbinic literature, that Bellemore neglects to mention.

only in the middle of *Ant.* 15 (§174), it is unreasonable to assume that was his main source for our period.⁶²

There are, moreover, other indications that Nicolaus was indeed Josephus's main source. At times there is an obvious Syrian, or Damascene, perspective; for example, in *J.W.* 1.155–157 and *Ant.* 14.74–76, 79, which is diametrically opposed to the perspective of the intermediate paragraphs (77–78), which appear to be Josephus's own production;⁶³ and in *J.W.* 1.205 and *Ant.* 14.159–160.⁶⁴ Another indication is found in the account of the Judean aid rendered to Julius Caesar in Egypt in 47. Although the perspective of the main narrative, which is emphatically pro-Antipater (*J.W.* 1.187–194; more restrained in *Ant.* 14.127–137), is contradicted by other sources, which are quoted by Josephus only in *Jewish Antiquities* (Strabo in 14.138–139; Roman document in 14.192–193), it corresponds perfectly to that of Nicolaus's speech in *Ant.* 16.52–53.⁶⁵

Thus, the premise of this study is that indeed, as most scholars agree, Nicolaus served as Josephus's main source for this period. However, Josephus did not merely copy Nicolaus. As can be seen in places where we do have Josephus's sources, his practice was in accordance with the tradition of Greek historians;⁶⁶ namely, he used his sources for his own purposes, for his own creation. Josephus usually paraphrases the language of his sources; at times he omits or adds details or rearranges the order of events (see *J.W.* 1.15). Yet, like his Greek counterparts, in terms of content, Josephus is generally faithful to his sources.⁶⁷

The generally close correspondence of Josephus's two narratives of this period indicates that, for the most part, they ultimately drew on the same source, Nicolaus. But, while *J.W.* 1 seems to have drawn (almost) exclusively on Nicolaus, the narrative of *Jewish Antiquities* is much longer,

62. See Marcus's n. c on *Ant.* 15.174 in the LCL edition; Toher, "Nicolaus and Herod," 428–29 and n. 6.

63. Daniel R. Schwartz, "Josephus on Hyrcanus II," in Parente and Sievers, *Josephus and the History*, 217–20; Schwartz, "Rome and the Jews: Josephus on 'Freedom' and 'Autonomy,'" in *Representations of Empire: Rome and the Mediterranean World*, ed. Alan K. Bowman et al. (Oxford: Oxford University Press, 2002), 69–71.

64. Stern, *Studies in Jewish History*, 452. For Nicolaus's Damascus-centered perspective, note his quotation in *Ant.* 1.159–160, saying that Abraham had been king in Damascus.

65. For this issue see further below, pp. 119–22.

66. Thackeray, *Josephus*, 107; Cohen, *Josephus in Galilee and Rome*, 29–33.

67. Cohen, *Josephus in Galilee and Rome*, 24–66; Bilde, *Flavius Josephus*, 98–99.

adds details that are not found in the earlier work, and at times diverges from it. Although some of this derives from the summarizing of Nicolaus in the *Jewish War*, it is clear that much of it is due to Josephus's own research, making use of sources that he had not used while writing the *Jewish War*. As mentioned above, these sources include Jewish traditions as well as Roman authors, most notably Strabo, whom he apparently used for much more of his narrative than he acknowledges. It seems that he used Strabo's now mostly-lost historical work, not the *Geography*.⁶⁸ An additional source is the collection of Greek and Roman documents. That source deserves its own discussion, to which I now turn.

The Greek and Roman Documents in *Jewish Antiquities* 14

Book 14 of *Jewish Antiquities* preserves a relatively large number of Greek and Roman documents, which, if they are authentic, are an invaluable source for historians. They are an unbiased source for the grants and privileges given by Roman officials, above all by Julius Caesar, to both Judeans and their leaders as well as to diaspora Jews, and for relations between diaspora Jews and the Greek cities and peoples among whom they lived.

These documents have drawn an abundance of scholarly studies from the very beginnings of modern historical research. An in-depth investigation of all of the problems and issues associated with these documents, and relating to previous scholarship, is beyond the scope of this study, and indeed requires a study of its own. Such a study was conducted by Miriam Pucci Ben Zeev in 1998. Her study, dealing with almost all of the Roman era documents found in the *Jewish Antiquities*, not just in book 14, is thorough and comprehensive and includes a tremendous array of relevant contemporaneous epigraphic material.⁶⁹

68. For Josephus's use of Strabo, see Karl Albert, "Strabo als Quelle des Flavius Josephus" (PhD Diss., Würzburg, Aschaffenburg, 1902); Allesandro Galimberti, "Josephus and Strabo: The Reasons for a Choice," in *Making History: Josephus and Historical Method*, ed. Zuleika Rodgers, JSJSup 110 (Leiden: Brill, 2007), 147–67; Stern, *Studies in Jewish History*, 422–44, esp. 423–31. See also Yuval Shahar, "Josephus' Hidden Dialogue with Strabo," in *Strabo's Cultural Geography: The Making of a Kolossourgia*, ed. Daniela Dueck, Hugh Lindsay, and Sarah Pothecary (Cambridge: Cambridge University Press, 2005), 235–49.

69. Miriam Pucci Ben Zeev, *Jewish Rights in the Roman World: The Greek and Roman Documents Quoted by Josephus Flavius* (Tübingen: Mohr Siebeck, 1998), and see also her many other essays about the documents. A fairly thorough study of Cae-

I generally accept Pucci Ben Zeev's findings and conclusions, and I will here, for the most part, merely summarize the main debates regarding these documents. Some issues will, however, come up in the course of this study.

The documents of book 14 are distributed in three groups. The first (§§145–155) includes two documents, a decree of the Roman Senate and a resolution of the city of Athens. However, both documents have been securely identified as having been written in the second century BCE; they probably relate to John Hyrcanus (134–104 BCE), not Hyrcanus II. The similarity of names most likely caused Josephus to err.⁷⁰

The second group (§§190–264) is by far the largest. It includes more than twenty documents: a decree written by Julius Caesar, *senatus consulta* confirming Caesar's decrees, decrees of other Roman officials, letters sent to a variety of Hellenistic cities by various Roman officials, and decisions of Hellenistic cities as well as letters sent by them to Roman officials. All of these documents concern Judea and its leaders or the rights of Jews and their communities in the diaspora. However, some scholars have argued that several of the documents in this group too are out of place and should be dated to the second century BCE. A consensus has apparently been reached only concerning the decree of Pergamum in §§247–255, which, once again, should probably be dated to the reign of John Hyrcanus.⁷¹ It seems that most recent scholars, and Pucci Ben Zeev among them, accept the dating of all other documents in this group to the time of Hyrcanus II.⁷² I accept that view as well.

sar's grants to the Jews is found in the second chapter of Udoh, *To Caesar* (pp. 31–99). For an additional selection of important scholarship of the documents of *Ant.* 14, see the studies mentioned in the following notes as well as: Laqueur, *Der jüdische Historiker*, 221–30; Smallwood, *Jews under Roman Rule*, 558–60; Claude Eilers, "A Decree of Delos Concerning the Jews? (Jos. *AJ* 14.231–232)," *SCI* 24 (2005): 65–74; Graeme Ward and Claude Eilers, "An Embedded Fragment in Josephus' *Caesarian Acta* (*AJ* 196–212)," *Phoenix* 66 (2012): 414–27.

70. Tal Ilan, "A Pattern of Historical Errors in the Writings of Josephus," [Hebrew] *Zion* 51 (1986): 357; see further below, pp. 262–63.

71. See Marcus's notes in the LCL edition; Tessa Rajak, "Was There a Roman Charter for the Jews?," *JRS* 74 (1984): 111; James C. VanderKam, *From Joshua to Caiaphas: High Priests after the Exile* (Minneapolis: Fortress; Assen: Van Gorcum, 2004), 294, 355 n. 305, 383; Pucci Ben Zeev, *Jewish Rights*, 22.

72. See the discussions in Pucci Ben Zeev, *Jewish Rights*, passim. She remains undecided in regards to the document in §233, but that document does not contain

The third group (§§306–322) consists of three letters of Mark Anthony sent to Hyrcanus and the Jews, and to the city of Tyre, following the Battle of Philippi in 42 BCE.⁷³

Josephus is quite explicit in his purpose in citing these documents:

And here it seems to me necessary to make public all the honours given our nation [ἔθνος] and the alliances made with them by the Romans and their emperors, in order that the other nations may not fail to recognize that both the kings of Asia and of Europe have held us in esteem and have admired our bravery and loyalty. Since many persons, however, out of enmity to us refuse to believe what has been written about us by Persians and Macedonians because these writings are not found everywhere ..., while against the decrees of the Romans nothing can be said—for they are kept in the public places of the cities and are still to be found engraved on bronze tablets in the Capitol. (*Ant.* 14.186–188)⁷⁴

Hence Josephus's apologetic purposes are clear.⁷⁵ It is therefore just as clear that he did not necessarily quote every document pertaining to the Jews, but rather only those which are favorable.⁷⁶

The most basic and crucial question regarding these and all such cited documents pertains to their authenticity; Josephus's overtly apologetic purposes provide grounds for doubt. However, after several shifts in scholarly trends, it seems that a general consensus accepting their basic

any significant historical information (22). Claude Eilers has recently argued that the last six documents in this group should be dated earlier; see Claude Eilers, "Josephus's Caesarian *Acta*: History of a Dossier," *Society of Biblical Literature 2003 Seminar Papers*, SBLSP 42 (Atlanta: Society of Biblical Literature, 2004), 189–213.

73. For these documents see Miriam Pucci Ben Zeev, "Five Jewish Delegations to Marcus Antonius (44–41 BCE) and Josephus' Apologetic Purposes," *Materia Giudaica* 7 (2002): 24–27.

74. See also *Ant.* 14.265–267, 323, and especially *Ant.* 16.174–178.

75. Pucci Ben Zeev, *Jewish Rights*, 2–6. Tessa Rajak, "Jewish Rights in the Greek Cities under Roman Rule: A New Approach," in *Studies in Judaism and Its Greco-Roman Context*, vol. 5 of *Approaches to Ancient Judaism*, ed. William Scott Green (Atlanta: Scholars Press, 1985), 19–35. See also Rajak, "Document and Rhetoric in Josephus: Revisiting the Charter for the Jews," in *Studies in Josephus and the Varieties of Ancient Judaism: Louis H. Feldman Jubilee Volume*, ed. Shaye J. D. Cohen, and Joshua J. Schwartz, *AJEC* 67 (Leiden: Brill, 2007), 177–89.

76. Pucci Ben Zeev, *Jewish Rights*, 3–4.

authenticity has been reached in recent research.⁷⁷ One notable divergent view is that of Horst R. Moehring,⁷⁸ who is not totally decisive on the issue but maintains the likelihood that Josephus forged the documents. Moehring's point of departure is indeed Josephus's apologetic purposes. He points to the numerous difficulties inherent in these documents—textual corruptions, chronological errors, errors in names of officials, lack of order among the documents themselves, and so forth—and the unsupported and extremely sophisticated emendations and conjectures purported by various scholars in order to resolve these difficulties and to uphold the documents' authenticity. Moehring notes that while Josephus bases the credibility of the documents on the fact that they can be viewed in the Capitol he fails to mention that the Capitol's archive was destroyed by fire in 69 CE. Although Vespasian replaced many of the destroyed documents (according to Suetonius, *Vesp.* 8.5), Moehring claims that it is unlikely that he would have restored those favoring the Jews, against whom he was busy fighting a bloody war. Moreover, the restored documents should have been in reasonably good condition so that the corruptions in Josephus's documents are puzzling. In addition, many of the documents are not of the kind that would have been kept in Rome's archives. Moehring further adduces evidence that the types of documents cited by Josephus were indeed susceptible to forgery.

Moehring certainly raises substantial problems, but Pucci Ben Zeev has convincingly, in my view, upheld the authenticity of the documents. She demonstrates the similarity between these documents and documents preserved in inscriptions and papyri.⁷⁹ Therefore, if Josephus forged them he did an excellent job. But if he did so, it is rather puzzling that he was unable to forge complete documents or to insert correct names, titles, and

77. For a historical survey of scholarship on this question, see Elias J. Bickerman, "A Question of Authenticity: The Jewish Privileges," in *Studies in Jewish and Christian History*, ed. Amram Tropper, new ed, 2 vols, AJEC 68 (Leiden: Brill, 2007), 1:295–98; Horst R. Moehring, "The *Acta Pro Judaeis* in the *Antiquities* of Flavius Josephus: A Study in Hellenistic and Modern Apologetic Historiography," in *Judaism Before 70*, part 3 of *Christianity, Judaism and Other Greco-Roman Cults: Studies for Morton Smith at Sixty*, ed. Jacob Neusner, SJLA 12 (Leiden: Brill, 1975), 126–28; Pucci Ben Zeev, *Jewish Rights*, 6–9. Except for Moehring, all of the studies mentioned here and in previous footnotes basically accept the documents' authenticity.

78. Moehring, "Acta Pro Judaeis."

79. See Miriam Pucci Ben Zeev, "Seleukos of Rhosos and Hyrcanus II," *JSJ* 26 (1995): 113–21.

dates.⁸⁰ Moreover, there are certain considerable discrepancies between the documents and Josephus's historical narrative and his comments accompanying the documents. Here are some examples: (1) In his introductory comments to the large group of documents, Josephus claims that Caesar made a bronze tablet in Alexandria declaring that the Alexandrian Jews were citizens of that city (*Ant.* 14.188; also in *Ag. Ap.* 2.37), but Josephus does not furnish the text of any such Alexandrian document. If he had been forging documents, why did he not forge such an Alexandrian document?⁸¹ (2) In his historical narrative, Josephus says that Antipater came with 3,000 soldiers to the aid of Caesar in Alexandria (*Ant.* 14.128; *J.W.* 1.187), but the quoted decree of Caesar says that Hyrcanus is the one who came, does not mention Antipater, and speaks of only 1,500 soldiers (*Ant.* 14.193).⁸² (3) Hyrcanus II is entitled *ethnarch* in several documents, but the title is absent from Josephus's historical narrative. If Josephus had forged these documents, it is astounding that, on the one hand, he inserted in them a title that is otherwise almost completely unattested such as this one, and that, on the other hand, he neglected to use the same title in his historical narrative.⁸³ Additionally, it is implausible that Josephus, the Jerusalem-born priest, would have forged a document referring to Jewish sacrifices outside the temple as *Ant.* 14.260 does.⁸⁴

If Josephus did not forge these documents, it is quite hard to think of anyone else who would have done so. True, Cicero accuses Mark Anthony of forging documents (e.g., *Phil.* 5.12). However, the possibility that he forged the documents quoted by Josephus, which is, in any case, a possibility only relevant for some of the Roman documents, is highly unlikely because it does not seem probable that Anthony (or, for that matter, any other Roman) would have bothered to forge documents, which, concerning a far-off territory, would have hardly had any significance for the internal political situation in Rome.⁸⁵ The only other alternative that

80. Pucci Ben Zeev, *Jewish Rights*, 357–62.

81. *Ibid.*, 27–31, 370.

82. Josephus also quotes Strabo who, “on the authority of Asinius,” likewise mentions only Hyrcanus, and “on the authority of Hypsicrates” says that Antipater was called by Mithridates to his aid and came with 3000 soldiers and that Hyrcanus took part in the campaign. If Josephus was a forger, it seems he should have been able to better coordinate his forged documents and sources with his narrative.

83. On this title see further below, pp. 260–80.

84. Pucci Ben Zeev, *Jewish Rights*, 223.

85. For a more thorough refutation of this possibility, see Pucci Ben Zeev, *Jewish*

comes to my mind is that either Nicolaus or Agrippa I forged these documents; that alternative necessitating that one of those two was Josephus's source for the documents, as sometimes suggested. However, I am not aware of studies that propose that one of them forged such documents, and the discrepancies noted above in relation to Josephus, between the historical narrative and the documents, would seemingly apply at least to Nicolaus as well. Moreover, as I will soon show, suggestions that either Nicolaus or Agrippa I was Josephus's source for the documents should probably be rejected; at most, they may have been his source for only some of the documents.

Further, as Pucci Ben Zeev observes, nowhere does Josephus explicitly say that he personally saw the documents on the Capitol. He merely asserts the authenticity of the documents by stating the known fact that important documents were kept on the Capitol. This may therefore be just a "literary device."⁸⁶ Nevertheless, we may further wonder whether it is really so unlikely that at least some of these documents could be found on the Capitol in Josephus's days. It is possible that some documents survived the flames.⁸⁷ More importantly, Suetonius does not say that Vespasian made some kind of selection in the documents he restored, and even if there was some selection process we cannot know what its criteria were. In fact, Suetonius says that Vespasian made a thorough search for copies of documents (Suetonius, *Vesp.* 8.5), implying that any authentic document which could be obtained was restored.⁸⁸

Consequently, it seems reasonable to agree with the consensus view that these documents are essentially authentic. This does not mean, of course, that we should accept every single document and every single detail in these documents without further inquiry.

How should we explain the numerous problems within these documents? Some textual corruptions may be due to errors on the part of later copiers of Josephus's work, while others may be Josephus's own copying mistakes or, on occasion, his deliberate changes. However, these explanations cannot resolve the entire range of difficulties and corruptions. It

Rights, 134–36. For changes made by Anthony in Caesar's decrees, see Plutarch, *Ant.* 15.2.

86. Pucci Ben Zeev, *Jewish Rights*, 27, 232; Pucci [Ben Zeev], "Josephus' Ambiguities: His Comments on Cited Documents," *JJS* 57 (2006): 7–8.

87. Rajak, "Jewish Rights," 33 n. 11.

88. See Thackeray, *Josephus*, 70–71.

seems rather that the solution is to be found in the stages these documents underwent before they reached Josephus, as Pucci Ben Zeev concludes. Similar corruptions are also found in papyri and inscriptions from antiquity. Any such Roman document was originally written in Latin, and was translated into Greek already in Rome. But it would later be copied by the local copier in the addressed city, and would be subject to his ignorance. The more times a text was copied, the more errors it was likely to accumulate. Indeed, Pucci Ben Zeev asserts, the corruptions in the documents that Josephus cites for Caesar's time are more numerous than the corruptions in later documents. Therefore, it appears that Josephus did not quote original documents but rather copies, which had probably been copied several times.⁸⁹

This brings us to the second important question pertaining to these documents: whence did Josephus obtain them? Scholars have offered several suggestions, which may be divided into two main approaches. The first approach is that he obtained them via some literary source: (1) The most attractive option is that Nicolaus was Josephus's source for these documents. This option is founded especially on the episode of the appeal of Ionian Jews against their Greek neighbors laid before Marcus Agrippa in 14 BCE (*Ant.* 16.27–65). During this deliberation Nicolaus spoke on behalf of the Jews, and in his speech he said, "We could read to you many decrees of the Senate and tablets deposited in the Capitol to the same effect [of earlier grants by the Romans]" (§48).⁹⁰ However, this possibility does not seem likely because some of the cited documents are not relevant to the Ionian dispute; it does not seem that Nicolaus actually quoted the documents during his speech; and the documents emphasize Hyrcanus II's role, whereas Nicolaus downplayed Hyrcanus's role and emphasized that of Antipater.⁹¹

(2) Another hypothesis is that Josephus obtained the documents via King Agrippa I, who supposedly collected such documents for his intervention with Caligula in favor of the Alexandrian Jews. However, the only supposed evidence for this thesis (Philo, *Legat.* 179) mentions only one

89. Pucci Ben Zeev, *Jewish Rights*, 362–68; Pucci [Ben Zeev], "Polybius, Josephus, and the Capitol in Rome," *JSJ* 27 (1996): 21–30.

90. Bacchisio R. Motzo, review of *Urkundenfälschung in der hellenistisch-jüdischen Literatur*, by Hugo Willrich, *Bollettino di filologia classica* 33 (1926–1927): 279–82.

91. Laqueur, *Der jüdische Historiker*, 221–26; Schürer, *History of the Jewish People*, 1:52 n. 19; Pucci Ben Zeev, *Jewish Rights*, 388–91.

document, not a collection; this was not an official Roman document granting rights to Jews, but rather “a document presenting in a summarized form the story of our sufferings and our claims”; and Agrippa’s role here is only as messenger. In addition, Josephus’s collection deals with the rights of the Jews of Asia Minor, not of Alexandria. Therefore, this theory has justifiably been rejected.⁹²

The second approach is that Josephus found these documents in archives. Once again there are two options: (1) Josephus seems to suggest that he found them on the Capitol (*Ant.* 14.188, 266).⁹³ This is often rejected on account of the large number of corruptions and other problems within his documents, which are difficult to explain if he found them on the Capitol or in other archives in Rome.⁹⁴ Moreover, as mentioned above, the fact that the Capitol was destroyed in the fire of 69 CE seems to preclude this possibility. (2) Josephus somehow obtained these documents from the archives of various Jewish communities, who kept them as important evidence in their constant battles for rights. Weighing heavily in favor of this suggestion is the observation, made above, that the corrupted state of the documents suggests that they were copied time and again before they reached Josephus.⁹⁵ A significant reinforcement for this suggestion has been adduced by C. Eilers. He points to traces of some archival processes in the cited documents. An example of this is found in a letter that Dolabella wrote to Ephesus in 43 BCE (*Ant.* 14.225–227). The beginning of the quotation is: “In the presidency [πρύτανις] of Artemon, on the first day of the month of Lanaeon. Dolabella, Imperator, to the magistrates” Eilers notes that πρύτανις was the eponym in Ephesus, and therefore this dating formula was that of Ephesus; it would not have been dated so by the Roman emperor. The actual letter begins—only after the dating formula—with the words “Dolabella, Imperator, to the magistrates ... greetings.” Hence, the dating formula was added to the letter in Ephesus, presumably as an aid for filing in the archive. Eilers calls it an “archival tag” and points to such “tags” in additional documents quoted by Josephus. Consequently, such documents quoted by Josephus

92. Schürer, *History of the Jewish People*, 1:52–53 n. 19; Pucci Ben Zeev, *Jewish Rights*, 391–93.

93. Laqueur, *Der jüdische Historiker*, 227–28; Thackeray, *Josephus*, 70–71.

94. Pucci Ben Zeev, *Jewish Rights*, 394–99.

95. *Ibid.*, 399–408; Pucci [Ben Zeev], “Polybius, Josephus, and the Capitol.”

are descendants of the copies deposited in the various cities' archives, and cannot be their Roman copies.⁹⁶

Nevertheless, I think we should not totally reject the possibility that Josephus found at least some of the documents on the Capitol. The corrupted state of the documents should not preclude this option. We may assume that in order to restore the documents that were destroyed in the fire of 69 CE Vespasian had various cities send to Rome copies of whatever important Roman documents they had.⁹⁷ If this was so, then documents in the Capitol in Josephus's day were copies of copies of Greek translations of documents, and they would have been corrupted at least as badly as the documents that Josephus would have presumably obtained from the various cities' archives. They may also have contained those "archival tags," which were originally added in the various Greek cities.

It is perfectly reasonable that Josephus obtained these documents from diverse sources. Perhaps he obtained a few from some literary source; the Roman documents, or at least some of them, he may have found on the Capitol in Rome; the documents of Greek cities were most likely not found in Rome, but rather in various Jewish archives.⁹⁸

The Relationship of *Ant.* 14 to *J.W.* 1

Although, as we have seen, in his later work Josephus introduces sources he had not used in *J.W.* 1, most of the narrative of *Ant.* 14 nevertheless parallels, but does not replicate, that earlier work.⁹⁹ Consequently, the exact relationship of the two books has been the focus of much scholarly discussion. The fundamental question is whether, when writing the *Jewish Antiquities*, Josephus used only his own earlier work or whether he returned to, and drew directly from, his main source, Nicolaus.

96. Eilers, "Josephus's Caesarian *Acta*," 190–92. See also Pucci [Ben Zeev], "Polybius, Josephus, and the Capitol," 25–26.

97. See Thackeray, *Josephus*, 70–71.

98. Indeed, ultimately most scholars conclude that he had diverse sources for the documents: Laqueur, *Der jüdische Historiker*, 228; Schürer, *History of the Jewish People*, 1:52 n. 19; Rajak, "Roman Charter," 110–11.

99. For a side-by-side presentation of *J.W.* 1 and *Ant.* 14, see Joseph Sievers, *Synopsis of the Greek Sources for the Hasmonean Period: 1–2 Maccabees and Josephus, War 1 and Antiquities 12–14*, SubBi 20 (Rome: Editrice Pontificio Istituto Biblico, 2001).

In his intensive study of *Ant.* 14, Laqueur argued that, whereas *J.W.* 1 was very faithful to Nicolaus, in *Ant.* 14 Josephus used his own *Jewish War*, which he thoroughly revised in accordance with his newly-found nationalistic and anti-Herodian tendencies. Thus, whenever there is a disparity between the two narratives, Laqueur assumes the *Jewish Antiquities* is biased and prefers the *Jewish War*, except when the *Jewish Antiquities* uses new sources, such as Strabo.¹⁰⁰

However, just as it seems unreasonable to suggest that Josephus had no access to his own earlier writing when composing *Ant.* 14, so it is unreasonable to suggest that he had no access to Nicolaus. For, Josephus expressly quotes Nicolaus elsewhere in the *Jewish Antiquities*, and he mentions him as his source several times, including three times in book 14, at least one (§9) of which has no parallel in the *Jewish War*. Therefore, the question is actually whether in *Ant.* 14 Josephus once again *mainly* paraphrased Nicolaus, and perhaps seldom used his *Jewish War*, or whether he *mainly* paraphrased his own *Jewish War*, and used Nicolaus directly only when he admits it.

Various scholars indeed conclude that, when writing *Ant.* 14, Josephus used both the *Jewish War* and Nicolaus, but often nevertheless assume that he primarily drew on the *Jewish War*.¹⁰¹ It seems that the most significant argument in favor of this view is the close verbatim parallelism between some segments of Josephus's two works, the most extreme case being *J.W.* 1.351–356 and *Ant.* 14.479–486. It is argued that

the verbal repetition is very hard to explain on the theory that AJ and BJ are independent reworkings of the same source(s). It would be an amazing coincidence that only here did both BJ and AJ copy the source exactly. Josephus, especially in the second half of AJ 14, was obviously

100. Laqueur, *Der jüdische Historiker*, 128–221. See also Israel Shatzman, “Success Followed by Envy: The Greek Tradition and Josephus,” in *Speeches for the Memory of Menahem Stern Ten Years after His Death, and Studies following His Research* [Hebrew] (Jerusalem: The Israel Academy of Sciences and Humanities, 2002), 51. Bellemore (“Josephus, Pompey,” esp. 117 and n. 83) too asserts that the *Jewish Antiquities* had the *Jewish War* as its basis.

101. Cohen, *Josephus in Galilee and Rome*, 50–51; Arnaldo D. Momigliano, “Josephus as a Source for the History of Judaea,” in *The Augustan Empire 44 B.C.–A.D. 70*, ed. S. A. Cook, F. E. Adcock, and M. P. Charlesworth, CAH 10 (Cambridge: Cambridge University Press, 1934), 884–87.

ready to stay very close to the language of BJ and a short section with verbatim transcription was a natural result.¹⁰²

Yet, is it really all that more reasonable that Josephus plagiarized his own work? An alternative explanation may be that in one of his works Josephus reproduced Nicolaus more faithfully and in the other he regularly paraphrased him; it is not unlikely that even when paraphrasing his source an author may, for some reason, copy a segment more or less verbatim. Thus, a close verbal parallelism of that segment in the two works could be created. In fact, this solution corresponds to the assertion of Daniel Schwartz, who argues on the basis of a comparison of *J.W.* 1.225–273 with *Ant.* 14.280–369, that the *Jewish War* is generally more of a dramatic paraphrase of Nicolaus and the *Jewish Antiquities* is more faithful to Nicolaus, as it is to its other sources.¹⁰³

However, even were we to accept that in those identical sections Josephus did use the *Jewish War*, I would still argue that more often than not in *Ant.* 14 he used Nicolaus directly rather than the *Jewish War*. This section of the *Jewish War* is part of Josephus's introduction to the main theme of that work, the war of 66–70 CE, and it is naturally therefore of a general summary character. *Jewish Antiquities*, in contrast, is an account of the entire history of the Jews and is therefore more detailed, and, in writing the *Jewish Antiquities*, Josephus made an effort to obtain many additional sources which related to the Jews. Thus, since it is obvious that Josephus had access to Nicolaus while writing the *Jewish Antiquities* and that was his best source for the period, it is unlikely that he passed by the opportunity to use it again and preferred to only reuse his own abridged paraphrase of it in the *Jewish War*.¹⁰⁴

Moreover, it seems to me that the assertion that in *Ant.* 14 Josephus primarily used Nicolaus may be proven by a close examination of some parallel accounts. I shall present a few examples:

102. Cohen, *Josephus in Galilee and Rome*, 50–51; quote from Cohen's n. 90.

103. Daniel R. Schwartz, "On Drama and Authenticity in Philo and Josephus," *SCI* 10 (1989–1990): 113–29.

104. Other studies, besides Schwartz's, that argue or assume that in *Antiquities* Josephus usually used Nicolaus directly are Wacholder, *Nicolaus*, 60–64; Stern, *Studies in Jewish History*, 451–54; David S. Williams, "On Josephus' Use of Nicolaus of Damascus: A Stylometric Analysis of *BJ* 1.225–273 and *AJ* 14.280–369," *SCI* 12 (1993): 176–87; Toher, "Nicolaus and Herod"; Toher, "Herod, Augustus, and Nicolaus"; Sievers, "Herod, Josephus and Laqueur."

(1) As mentioned above, *Ant.* 14.77–78 appears to be Josephus’s own lament over the loss of Judean freedom, while the paragraphs around it, 74–76 and 79 and their parallel in *J.W.* 1.155–157, betray an obvious Syrian perspective and therefore most likely ultimately derived from Nicolaus. But further examination reveals some difference in perspective between the parallel paragraphs. *Jewish Antiquities* 14.74–76 and 79 speaks of the cities of Syria as having been “set free” (ἐλευθέρας) by Pompey and say that he annexed them to “the province” (τῇ ἐπαρχίᾳ)—using the definite article—without identifying which province is meant, but specifies that the two legions he left with Scaurus were “Roman.” In contrast, *J.W.* 1.155–157 does not speak of the cities as having been freed but only that they were “restored to their legitimate inhabitants” and specifies that they were annexed to “the province of Syria” and speaks plainly of “two legions” without identifying them as Roman. Thus, these paragraphs in the *Jewish War* bespeak a Roman perspective, for Romans would need an identification of the province but would understand that unspecified legions were Roman; but the paragraphs in *Jewish Antiquities* accord to a Syrian perspective, for Syrians would view their towns as being freed and would understand that “the province” is Syria, but they would need an identification of the legions as Roman. Therefore, the *Jewish War* appears to be a paraphrase of Nicolaus made by Josephus (or his assistants) in Rome, whereas the *Jewish Antiquities* is closer to Nicolaus’s original formulation.¹⁰⁵

(2) According to both accounts, upon his first official appointment in 47 BCE, Herod was quite young (*J.W.* 1.203; *Ant.* 14.158), but only the *Jewish Antiquities* adds that Herod’s age was fifteen. Even if Josephus did not have something of an anti-Herodian tendency in the *Jewish Antiquities* (as Laqueur holds), it is unlikely that he would have added this detail himself, since it contradicts his data elsewhere that Herod was 70 when he died (in 4 BCE). And it is also unlikely that Josephus suddenly had a new source stating that was Herod’s age. The most reasonable explanation is that this specific age, which fits well in its immediate context, was found already in Nicolaus’s original account, with an intent to aggrandize Herod. In the *Jewish Antiquities*, then, Josephus followed Nicolaus, but earlier in

105. Daniel R. Schwartz, “Yannai and Pella, Josephus and Circumcision,” *DSD* 18 (2011): 350 n. 33. For the usage of ἐλευθερία, see Schwartz, “Rome and the Jews,” and for this episode, esp. 69–70.

the *Jewish War* he ignored the age specified in his source for some reason (perhaps, because he indeed realized it was wrong).¹⁰⁶

(3) *J.W.* 1.259 and *Ant.* 14.345–346, which concern the suggestion that Phasael escaped from the Parthians, are very similar in content and even in language. However, *Jewish Antiquities* includes three pieces of information not found in the *Jewish War*: (a) Others—not only Ophellius—urged Phasael to flee; (b) Ophellius’s promise to provide Phasael with boats for his escape; (c) Phasael declined the idea not only because he did not want to desert Hyrcanus, as the *Jewish War* passage says, but also because he was afraid it would endanger his brother, Herod. Such circumstantial and pro-Herodian details, it appears to me, are not likely to be Josephus’s inventions, nor does it appear likely that they were additions from sources other than his basic source. Rather, they are best explained as originating from the same source as the *Jewish War* passage, that is Nicolaus, whom Josephus shortened in the *Jewish War*, but followed more closely in the *Jewish Antiquities*.

(4) Although *J.W.* 1.280–281 and *Ant.* 14.377–380 are very similar in content, the formulation of the *Jewish Antiquities* is considerably longer. Moreover, the one divergence is instructive. *Jewish War* 1.280 says that Rhodes had suffered severely in the war with Cassius, but that data has no further relevance in that narrative. However, *Ant.* 14.378 says that, having found Rhodes in that state, Herod restored the city despite his need of funds. Again, it is unlikely that Josephus would invent this pro-Herodian detail himself, on the one hand, and that detail fits perfectly in both narratives—thus clarifying the *Jewish War*’s reference to Rhodes’s miserable situation—on the other hand. Therefore, it seems probable that the more complete account was found in Josephus’s original source, Nicolaus, whom he had shortened when writing the *Jewish War*.

Consequently, I assert that *Ant.* 14 is, for the most part, a revision, not of the *Jewish War*, but of Josephus’s original source, Nicolaus. This conclusion is in line with the common view concerning *Ant.* 15–16.¹⁰⁷

Josephus as Author

In spite of his inevitable use of sources for this period, Josephus was no mere compiler of sources, as early generations of scholars viewed him.

106. For more on this issue, see Nadav Sharon, “Herod’s Age when Appointed Strategos of Galilee: Scribal Error or Literary Motif?” *Biblica* 95 (2014): 49–63.

107. See Cohen, *Josephus in Galilee and Rome*, 52–58.

Even in the *Jewish War*, for which it appears Josephus basically used one source, Nicolaus, he did not merely summarize and paraphrase. Rather, he apparently introduced into his narrative details external and even contradictory to his source. Thus, for example, Josephus identifies Antipater as “an Idumaeon by race” (1.123), in spite of the fact that, according to Josephus in *Ant.* 14.9, Nicolaus wrote that Antipater was a Jew from Babylon. That is, Josephus had no qualms about correcting his main source when he thought he knew better.¹⁰⁸

Compared to *J.W.* 1, the fourteenth book of the *Jewish Antiquities*, as we have seen, is much more of a composite text. Although Josephus again used Nicolaus as his basic source, he also elaborated on that source by using various additional sources. At times he identifies his sources and even quotes them verbatim, but usually he does not. Nevertheless, as mentioned above, it seems that in the *Jewish Antiquities* he may have been more faithful to his sources. Yet, Laqueur was certainly right that in the *Jewish Antiquities* Josephus was not a mere compiler. Rather, that work was influenced by the author’s life-story and tendencies.¹⁰⁹

Although Laqueur’s assertion that the *Jewish Antiquities* is basically an anti-Herodian revision (of the *Jewish War*) is certainly overstated, several tendencies of Josephus are apparent in that work. Aside from often displaying an anti-Herodian tendency, perhaps more significantly, it often displays “nationalistic” and more pro-Hasmonean tendencies than the *Jewish War*.¹¹⁰ Thus, in comparison to *Jewish War*, the characters of Aristobulus and his son Antigonus are significantly more positive, just as Antipater and Herod are often portrayed more negatively. But it seems that often such “new” presentations are not Josephus’s inventions. Rather, they may be a result of his renewed evaluation of material already presented by Nicolaus.¹¹¹ Additionally, much appears to derive from the sources used in the *Jewish Antiquities*, perhaps even including Nicolaus

108. Sievers, “Herod, Josephus and Laqueur,” 89–90; Stern, *Studies in Jewish History*, 452–53.

109. Sievers, “Herod, Josephus and Laqueur,” 88–90.

110. Momigliano, “Josephus as a Source”; Gideon Fuks, “Josephus and the Hasmoneans,” *JJS* 41 (1990): 166–76; Fuks, “Josephus on Herod’s Attitude”; Sievers, “Herod, Josephus and Laqueur”; Jan Willem van Henten, “Constructing Herod as a Tyrant: Assessing Josephus’ Parallel Passages,” in *Flavius Josephus: Interpretation and History*, ed. Jack Pastor, Pnina Stern, and Menahem Mor, *JSJSup* 146 (Leiden: Brill, 2011), 193–216.

111. Stern, *Studies in Jewish History*, 453–57.

himself,¹¹² although Josephus certainly tried to choose those sources that fit his tendencies.

Nevertheless, some more subtle changes can only be reasonably attributed to Josephus's own pen. Joseph Sievers points to a repeated change in the designation of Jerusalem in relation to Antipater and Herod. Several times in the *Jewish War*, Jerusalem is designated as the *πάτρις* ("native city") of Antipater and Herod, which is in line with the claim attributed to Nicolaus that Antipater was a Jew. In the *Jewish Antiquities* those designations are systematically changed or omitted, which is in line with Josephus's claim in *Ant.* 14.9 that Nicolaus falsified Antipater's origins and that he was actually an Idumean (see for example, *J.W.* 1.201 // *Ant.* 14.156; *J.W.* 1.246 // *Ant.* 14.328; *J.W.* 1.356 // *Ant.* 14.486).¹¹³

However, Josephus did not always "correct" his sources in *Jewish Antiquities* in accordance with these tendencies. A telling example is the brief eulogy of Antipater in *Ant.* 14.283, which is surprisingly much more favorable towards him than its parallel in *J.W.* 1.226,¹¹⁴ and it even designates Jerusalem or Judea as Antipater's *πάτρις*. We cannot know if such cases are a result of Josephus's mindless copying of his sources, in this case probably Nicolaus, or if he had some other intentions, such as the creation of a more balanced picture of some persona as Sievers suggests in this case.¹¹⁵ It seems to me that perhaps, given Josephus's purposes in writing the *Jewish Antiquities*—to prove the Jews' antiquity and place in world history—he adduced many sources (although not as many and as systematically as in *Against Apion*), even at the occasional price of consistency;¹¹⁶ although, that is not to say that he never omitted sources that contradicted his goals and beliefs.

I shall summarize the conclusions of this discussion of Josephus and his sources—conclusions that will be the basis for much of this study. In writing *J.W.* 1, Josephus used one basic source, the *Universal History* of

112. Toher, "Nicolaus and Herod"; Toher, "Herod, Augustus, and Nicolaus."

113. Sievers, "Herod, Josephus and Laqueur," 98–100.

114. See Marcus's n. a on *Ant.* 14.283 in the LCL edition.

115. Sievers, "Herod, Josephus and Laqueur," 100–102.

116. An illustrative example of this occurs in the description of the reign of Aristobulus I. The narrative itself is full of descriptions of his cruel deeds and crimes and ends with his own admission of his "impious deeds" (*J.W.* 1.70–84; *Ant.* 13.301–318), but in *Ant.* it is supplemented, with no transition, by a very favorable quote from Strabo, saying that Aristobulus "was a kindly person and very serviceable to the Jews" (§319).

Nicolaus of Damascus. On the whole, Josephus was faithful to its contents, but he occasionally omitted or changed details because of the summary nature of this part of the work, and he seldom “corrected” it according to what he thought to be right or perhaps to other sources. In writing *Ant.* 14, Josephus went back again to Nicolaus’s history and used it as his main source, and perhaps occasionally used his own *Jewish War*. But he also did extensive research and enriched his main source with excerpts from various other sources—Greco-Roman sources, especially Strabo’s history, as well as Greek and Roman documents, and some Jewish traditions.¹¹⁷ Therefore, any details found in the *Jewish Antiquities* that are absent from the *Jewish War* are suspect as deriving from one of those additional sources, although that is not enough reason to determine that that is the case. Since Josephus appears to have followed Nicolaus more closely and fully in the *Jewish Antiquities* than in the *Jewish War*, many such details probably derived from Nicolaus. Other differences may be the result of Josephus’s own pen. However, these differences appear to be mostly in terms of charged terminology (like the use of *πατρις*), in the addition of Josephus’s own explicit polemics (§9) and personal sentiments (§§77–78), and in the evaluation of events and persons (such as making a description of Aristobulus less negative in §§44–45 and §47;¹¹⁸ a description of Antipater more negative in §8 etc.); they usually appear not to consist of changes in the details of the events themselves. As mentioned, Josephus seems to have been generally faithful to his sources, especially in their factual content.

117. An intriguing element in book 14 of *Jewish Antiquities* is the fact that it opens with a short introduction (§§1–3). There are introductions at the beginning of each whole composition—i.e. at the beginning of *J. W.* 1, *Ant.* 1, and *Ag. Ap.* 1 (*Life* is an appendix of *Jewish Antiquities*)—but in all of Josephus’s writings no other single book opens with such an introduction. Perhaps Josephus felt the need for this introduction precisely because of the very composite nature of this book. In the entire work up to book 14, Josephus’s account seems to have generally followed one source at a time (the books of the Bible, Letter of Aristeas, 1 Maccabees), only rarely introducing anecdotes from other sources (see Wacholder, *Nicolaus*, 5 and n. 46). But in book 14, although he had one main source (Nicolaus), he apparently worked simultaneously with various sources, which he integrated into his narrative. Given this procedure Josephus may have felt the need to emphasize that the historian’s aim is “not to omit anything” and “to be accurate,” even at the cost of losing some of the “charm of exposition.”

118. See below, pp. 73–74, 88–89.

Approaching the Sources

Given that Josephus is the main source for the period studied here, much of the study, especially the historical reconstruction, will naturally involve an examination of Josephus's narratives and attempts to identify his sources for various sections and details. Since the sources for much of his writings are extant, and much study has been devoted to their comparison, a reasonable picture of the way in which he used his sources is available, and, as we have seen, it seems that he was quite faithful to his sources in terms of content. Additionally, scholarship has been able to recognize Josephus's personal tendencies. Therefore, I think that a responsible examination can reasonably identify most of Josephus's sources.

However, the identification of the sources is only part of the historian's task. In order to reach reasonable historical conclusions, one still has to examine all of the sources in their own right and then in comparison to each other. There is a need to discern their possible tendencies, and how those tendencies may have affected their narratives. For example, a Roman source should be suspected of pro-Roman tendencies and of Roman propaganda, just as a Jewish source should be suspected of Jewish apologetics and of tendencies in favor or against the Hasmoneans and/or the Herodians. Nicolaus certainly had his tendencies in favor of Antipater and Herod as well as against at least some of the Hasmoneans. I shall present one instructive example of the impact of such tendentiousness:

In both his writings, Josephus often notes and emphasizes the phlegmatic character of Hyrcanus and his being therefore unfit to rule (see *J.W.* 1.109, 120, 203, *Ant.* 14.13, 44, 158). However, this characterization appears to be somewhat contradicted in certain episodes. To note just a few examples: when Scaurus marched against the Nabateans, it is said that Hyrcanus sent Antipater with provisions (*J.W.* 1.159, *Ant.* 14.80); the same is said to have occurred when Gabinius campaigned in Egypt (*J.W.* 1.175, *Ant.* 14.99); and, according to the *Jewish Antiquities*, it was Hyrcanus who ordered Antipater to help Caesar in his war in Egypt, and it was also Hyrcanus's letters that persuaded the Jews of the district of Onias in Egypt to allow Caesar's passage and even to join his side (*Ant.* 14.127, 131; contrast with *J.W.* 1.187–190). More significantly, in support of his description of the latter campaign, Josephus quotes two statements from Strabo, on the authority of two earlier historians, Asinius and Hypsicrates, both of whom explicitly attest to Hyrcanus's active participation

in that campaign (*Ant.* 14.138–139).¹¹⁹ Similarly, Caesar's edict quoted in *Ant.* 14.190–195 also speaks of Hyrcanus as having come to his aid (as also implied in Augustus's decree in *Ant.* 16.162–163), and other documents and their introductions too attest to Hyrcanus being very active and involved (e.g., §§217, 222, 223, 226, 314). All these imply that Hyrcanus was not so phlegmatic and that often he acted as a quite competent ruler.¹²⁰ Daniel Schwartz convincingly asserts that the portrayal of Hyrcanus as phlegmatic originated in Nicolaus, which is essentially what we have in the *Jewish War*, and that Nicolaus's purpose was to explain and justify the rising power of Antipater and, later, Herod—they had to step in in order to help an incompetent Hyrcanus rule the state. In the *Jewish Antiquities*, Josephus adopted this element from Nicolaus and applied it for his own purpose, namely, in order to condemn Hyrcanus as responsible for the loss of the Hasmonean state and the transfer of power to the Herodians; given that he was unfit to rule, he should have left the political scene, and the fact that he did not do so enabled the Herodians to take over.¹²¹ Thus, the depiction of Hyrcanus seems to be mainly a result of the tendencies of both Nicolaus and Josephus. In contrast, the Roman historians and Caesar's edict seem to have been free from these tendencies; they are more objective in this respect and are therefore, perhaps, closer to the real Hyrcanus.¹²²

This example illustrates how the tendencies of a source, in this case of both Nicolaus and Josephus, may affect the depiction of a person. While in this case, the Roman sources and documents offer a different perspective, usually that is not the case. Therefore, we should always cautiously differentiate between a source's characterization of someone or explanations of someone's motives (which Josephus or his sources could not have reasonably known) or of the significance of an event, and actual events, especially

119. Albert, "Strabo als Quelle," 39–41.

120. Bacchisio R. Motzo, "Ircano II nella tradizione storica," in vol. 1 of *Studi di Storia e Filologia* (Cagliari: Sangiovanni & Figlio, 1927), 1–18.

121. Schwartz, "Josephus on Hyrcanus."

122. Motzo, "Ircano II"; see also Schwartz, "Josephus on Hyrcanus," 210–12; Stern, *Studies in Jewish History*, 424–31. This literary character of Hyrcanus was perhaps not a complete invention, but rather, to a degree, a result of a comparison with the energetic personalities of Aristobulus, Antipater, and Herod, and possibly also of his truly helpless position in the final years of his reign, when he was relatively old and remained idle as Herod was taking over.

those that are likely to have been well known.¹²³ Thus, for example, *J.W.* 1.128 and *Ant.* 14.30–32 both say that Scaurus took Aristobulus's side, but they diverge on the question of the reasons for that choice, one explanation being hostile to Aristobulus and favorable to Hyrcanus and the other quite the opposite. While we may debate which explanation, if either, is closer to the truth, we can be quite certain that Scaurus indeed took Aristobulus's side.

Generally, while my approach is certainly positivistic, in that I think we can in fact infer history from Josephus, as well as from other ancient sources, it is not one of naïve or fanatical acceptance of every detail narrated by the sources. Of course, details that are confirmed by independent sources should generally be accepted. However, all too often there is no such external confirmation, and much of the debate concerns those uncorroborated cases or those that are contradicted. However, just as it is unreasonable to accept everything that is not decisively proven wrong, so I think it is unreasonable to reject everything that is not proven by external evidence—solipsism can be exaggerated.¹²⁴ Each and every detail must be thoroughly examined.

I shall list some basic principles for such an examination, which admittedly at times may inevitably be somewhat subjective. When details are not contradicted elsewhere and we cannot reasonably point to any tendencies of our source that may be behind their invention or corruption, they should, generally, be judged positively as long as they are not clearly legendary. Common sense is always a good measure. Incidental details of the setting, geography, and so forth are generally reliable (although, unfamiliar place names may be corrupted). So too, incidental information that contradicts the explicit tendencies and goals of a source can generally be trusted. For example, as noted above, when Josephus says that Hyrcanus did something that contradicts his repeated characterization as very phlegmatic, it should be judged positively.¹²⁵ Speeches are, by and large, the invention of the authors. Numbers should always be suspected. They

123. Jonathan J. Price, *Jerusalem under Siege: The Collapse of the Jewish State 66–70 C.E.*, BJSJ 3 (Leiden: Brill, 1992), 189–90.

124. *Ibid.*, 182–83.

125. For a more detailed explanation and demonstration of these principles and others, see *ibid.*, 183–93. Although Price deals with Josephus as a source for the Great Revolt, for which he was a witness, the same principles are generally applicable to any source.

are often exaggerated and easily corrupted.¹²⁶ Nevertheless, they should not be categorically rejected. At times, they may be true, and often they may at least provide an indication of the relative sizes of armies, of the perception of a catastrophe, of the magnitude of events and so forth.

Outline of the Study

The first half of this study is devoted to a thorough examination and historical reconstruction of the period beginning with the death of Alexandra in 67 BCE and ending with Herod's conquest of Jerusalem in 37 BCE. It is divided into two chapters, the dividing line being the death of Pompey in 48 BCE. This is an essentially significant dividing line within the period, for two reasons. First, from 63 until 48 Judea was generally under the sphere of influence of Pompey and, for the most part, at least until the battle of Pharsalus in 48, was not directly affected by the Roman civil strife. But with the death of Pompey in 48, Judea, along with the rest of the empire, came under the sway of Julius Caesar. During this time, it was greatly engulfed by the Roman unrest, beginning with Caesar's imbroglio in Egypt in 48–47 BCE, continuing through the Roman civil wars following his assassination and the eventual defeat and death of Brutus and Cassius at Philippi in 42, and ending with Herod's conquest of Jerusalem with massive Roman aid in 37 after it had been conquered by the Parthians three years earlier. Second, although Antipater was an important figure in Judea even before 63 BCE, the war in Egypt in 48–47 marked not only his rise to the height of his power but, more importantly, the rise of his son, Herod, to power. From then on, the Antipatrids in general, and Herod in particular, gradually became the main figures in Judea, taking over power from the Hasmoneans, until Herod—"the last man standing"—was eventually made king.¹²⁷

126. Jonathan J. Price, "Introduction," in Flavius Josephus, *History of the Jewish War against the Romans* [Hebrew], trans. Lisa Ullman, ed. Israel Shatzman (Jerusalem: Carmel, 2009), 59–65; Cohen, *Josephus in Galilee and Rome*, 33–34.

127. Smallwood, *Jews under Roman Rule*, likewise breaks up her account of this period into two chapters. For her, though, the defining criterion is only the second of the two mentioned above. Thus, her first chapter still accounts for the war in Egypt and for Caesar's settlement of Judea and the second starts off with Herod's first appointment to office and is entitled "Herod's Rise to Power."

This reconstruction is by necessity largely dependent on the parallel narratives of Josephus in the *Jewish War* and the *Jewish Antiquities*, the only extant continuous narratives of this era. Wherever there is independent external evidence for a certain account or event, whether direct or indirect, that evidence can serve as a check on Josephus, and we often stand on firmer ground. However, often we are left with Josephus's narratives alone and with the need to examine his parallel accounts against each other. Occasionally, his parallel narratives are either (practically) identical or only one narrative contains a certain account, and thus in those cases the reconstruction may seem like a paraphrase of Josephus. However, this is the only way to produce a continuous reconstruction of the events.

The second half of the study examines the impact that the events and developments of this period had on Judean society and religion. Chapter 3 deals with the view of the Romans in the Dead Sea Scrolls and the significance of the Roman conquest for the Qumran community. The impetus for this investigation is the fact that many scrolls are dated to the very early Roman period and that a considerably large number of the few historical figures named in the scrolls were active during this period. This chapter includes a thorough discussion of the epithet *Kittim* in the scrolls and concludes that it apparently always designates the Romans. I further conclude, contrary to some scholarly suggestions, that despite the sect's antagonism and opposition to the Hasmoneans, it had, from the beginning, a very unfavorable view of the Romans who overthrew the Hasmoneans. The sect rather anticipated the quick downfall of the Romans, an event that would be followed by the expected redemption. This conclusion is significant for a full understanding of Judean reactions to the Romans and to Roman rule, which is the focus of the following chapter.

Chapter 4 is devoted to understanding the constant turmoil and rebellions that took place in Judea in 63–37 BCE. My analysis shows that, for the most part, they were an anti-Roman phenomenon, and I further suggest that that early confrontation between Judeans and Romans set the tone for their future relations, and so the developments of the first century CE and the Great Revolt must be examined in that light.

The final chapter examines institutional innovations of this period and argues that they, along with other developments of these three decades, helped prepare the way for Judaism's survival after the destruction of the temple in 70 CE. The Roman conquest not only brought about the end of the Hasmonean state. It also established a de facto separation

of religious authority from political authority, and at the same time, it facilitated diaspora influence on Judea. The ethnarch and the *συνέδριον*, institutions which were, so I argue, first introduced in this period, were essentially nonterritorial institutions, which could function in a diaspora setting or a stateless setting. Additionally, I suggest that the centrality of the temple may have been compromised in the eyes of many Judeans due to the developments of this period. This qualification of the temple's centrality in Judea may have encouraged Judean receptiveness of the two-century old diaspora institution, the synagogue, which seems to have appeared in Judea shortly after our period. Finally, all of these developments and the new diaspora-like reality in Judea would have been a major step in the rise of the Pharisees. Thus, all of these developments set the stage in Judea for postdestruction Judaism.

The book ends with eight appendices, devoted to a variety of issues and questions that arise in the study of this time period. Two appendices (A and D) deal with the development of two stories or legends, which are paralleled in Josephus's *Jewish Antiquities* and rabbinic literature (the story of the sacrificial animals during the siege of Hyrcanus against Aristobulus in 65 BCE and of Herod's trial in 47 BCE). Appendix B argues that we should not expect to find coins of Hyrcanus II. Appendix C discusses the title *λησταί* ("bandits") employed by Josephus, rejecting notions that it refers to actual bandits or "social bandits" and upholding the view that it usually, including in our time period, relates to rebels. Appendices E and F discuss questions of chronology. Appendix E discusses the question of the year in which Herod and Sossius took Jerusalem, and it upholds the view that it was 37 BCE. Appendix F discusses the date of the conquests of the temple by Pompey and by Herod and Sossius. In the *Jewish Antiquities*, Josephus appears to date them both to the Day of Atonement; that date is commonly dismissed, and it is often suggested that the conquests took place in the summer. I examine the considerations for that dismissal and show that they do not hold and that there is no substantial evidence for a summer dating; the conquests may well have occurred on that holy day. Appendix G suggests that a Qumran text, 4Q161, alludes to Herod's first, failed, attempt to take Jerusalem in 39 BCE. This suggestion has an important bearing on the discussion of the title *Kittim* in chapter 3. Appendix H discusses the recently revived suggestion that an ossuary that was found in a burial cave in Jerusalem belongs to Antigonus, the last Hasmonean king, and upholds its rejection.

A Note on Translations

As a general rule in this study, unless specifically noted otherwise, I use the following translations: for all classical Greek and Latin texts, including Josephus, I use the Loeb Classical Library,¹²⁸ although I have often changed Loeb's "Jew(s)" to "Judean(s)" in accordance with the principle described above (p. 15). For the Psalms of Solomon, the translation of Robert Wright is used.¹²⁹ For the Dead Sea Scrolls, I generally use James Charlesworth's edition.¹³⁰ Deviations from these translations will be noted.

128. The sections of those non-Jewish texts which refer to Judea and the Jews may be found, along with commentary, in Stern's *GLA*, which also usually uses the Loeb translations. I will often take the translations from there and note their place in that collection.

129. Wright, *Psalms of Solomon*.

130. James H. Charlesworth et al., eds., *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, 7 vols. (Tübingen: Mohr Siebeck; Louisville: Westminster John Knox, 1994–2011).

Part 1
From the Last Hasmoneans to Herod:
Historical Reconstruction

1

From the Death of Alexandra (Shelamzion) to the Death of Pompey (67–48 BCE)

Background: Alexandra's Reign (*J.W.* 1.107–119, *Ant.* 13.405–432)

While Alexander Jannaeus's reign (103–76 BCE) brought the Hasmonean kingdom to its greatest territorial expansion, it also heightened internal, and particularly sectarian, conflicts. Upon his death, Jannaeus bequeathed the kingdom to his wife Alexandra, whose Hebrew/Aramaic name was Shelamzion (שלמציִון), as has been proven by two Qumran documents (4Q331 1 II, 7 and 4Q332 2 4).¹ In the *Jewish Antiquities*, Josephus recounts that, on his deathbed, Jannaeus advised Alexandra to yield authority to the sect with which he had come into conflict, the Pharisees, since they were very influential with the people and could, therefore, sway the nation in her favor (13.401–404). The queen is said to have done so and even to have handed over to them the de facto administration of the state's internal affairs (*J.W.* 1.110–112, *Ant.* 13.405, 408–409).

According to Josephus, Alexandra (reigned 76–67 BCE) was indeed loved by the people due to her piety, and, in fact, her reign is often portrayed as a period of calm and prosperity (*Ant.* 13.410, 433; Sifra Beḥuqotai 1). However, this positive portrayal is only half of the story. The Pharisees are said to have exploited the power given to them in order to do as they wished, including taking revenge on Jannaeus's friends/associates, who are usually assumed to have been the Sadducees.

Alexandra, who as a woman could not serve as a high priest, appointed her elder son, Hyrcanus II, to this position, due to his supposed lethargy and incompetence to rule, whereas her younger son, Aristobulus II, who

1. See further Tal Ilan, "Shelamzion Alexandra," *EDSS* 2:873.

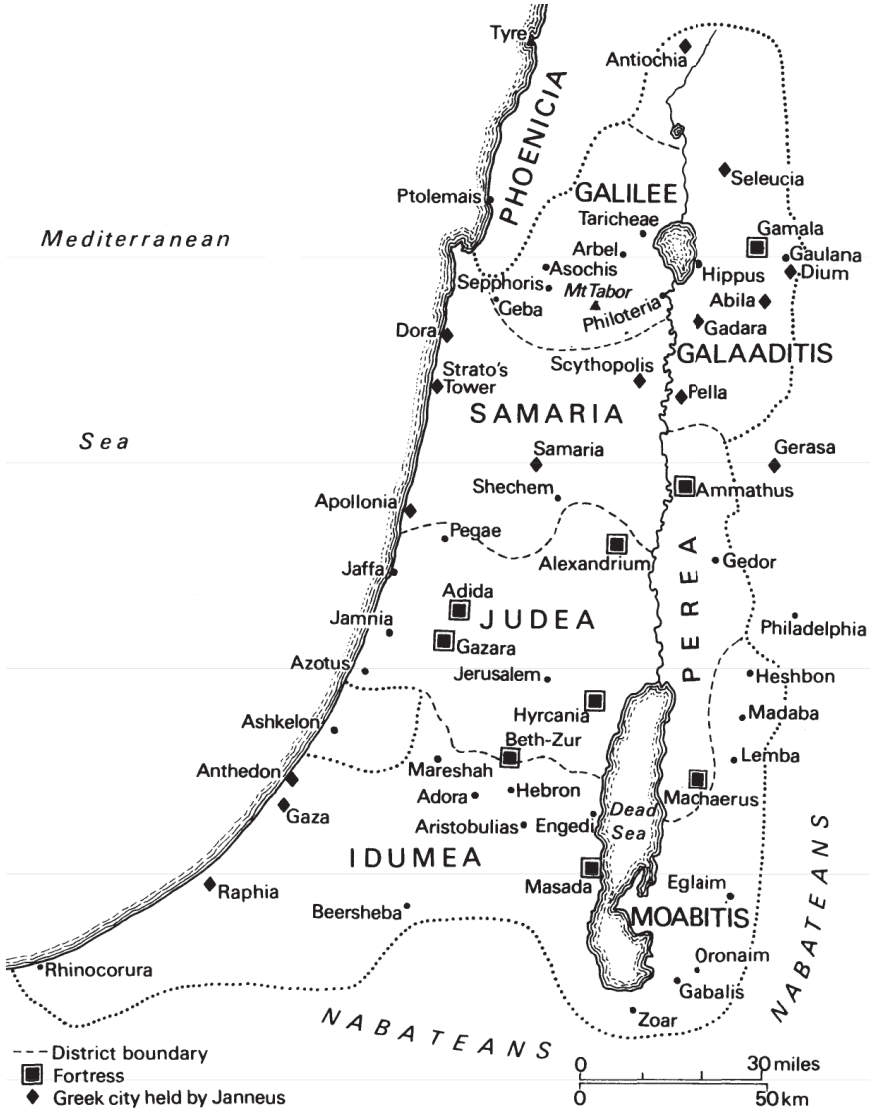


Fig. 1. Map of Judea under Alexander Jannaeus. Source: Jonathan A. Goldstein, "The Hasmonean Revolt and the Hasmonean Dynasty," in *The Hellenistic Age*, ed. W. D. Davies and Louis Finkelstein, CHJ 2 (Cambridge: Cambridge University Press, 1989), 341. Courtesy of Cambridge University Press.

was more a man of action than his brother, was left with no official role.² Obviously, Aristobulus was not content with this state of affairs, and he aligned with his father's friends. So, it appears, not only were internal tensions not reduced during Alexandra's reign, but the seeds were also sown for the future struggle for power between her two sons and for the civil war. In fact, already in Alexandra's lifetime, Aristobulus took advantage of a serious illness that befell her and led a revolt, in which he occupied many

2. Christiane Saulnier contends that Hyrcanus II and Aristobulus II were only maternal brothers. Her point of departure is Josephus's statement that Hyrcanus was over eighty years old upon his murder in 31/30 BCE (*Ant.* 15.178), meaning that he was born in 111/110 BCE. However, it is commonly assumed that Alexandra married Alexander Jannaeus only in 103 BCE, after the death of her first husband, Aristobulus I, who was Jannaeus's older brother. Adding various chronological considerations to bolster her hypothesis, Saulnier proposes that Hyrcanus II was born in 111–110 BCE and was actually the son of Alexandra and Aristobulus I, whereas Aristobulus II was born ca. 102 BCE, and was the son of Alexandra and Jannaeus; see Christiane Saulnier, "L'ainé et le porphyrogénète," *RB* 97 (1990): 54–62; cf. Joseph Geiger, "The Hasmonaeans and Hellenistic Succession," *JJS* 53 (2002): 1–17. This suggestion cannot be upheld. Although many of Saulnier's chronological considerations are based on unnecessary conjecture, I will currently only point to two fundamental problems with the core of her argument: (1) As she admits, Hyrcanus II is often explicitly referred to as Jannaeus's son in Josephus's narratives, in the Caesarian documents which he quotes (*J.W.* 1.109; *Ant.* 13.407; 14.18, 192, 197, 199, 200, 206, 211), and in Strabo's *Geography* (16.2.40). It seems more reasonable to assume that Josephus (or his source) erred in the statement of Hyrcanus's age (so, e.g., Marcus's n. c on *Ant.* 15.178 in the LCL edition), than to assume that all these explicit statements are wrong. After all, numerical mistakes are quite common in historical texts of antiquity, and, in fact, there is a numerical error in close proximity to this statement: Josephus says that following Pompey's conquest Hyrcanus enjoyed the high-priestly honors for forty years (*Ant.* 15.180), although in fact he was ousted after twenty-three years. (2) Most importantly, Saulnier's entire thesis is based on the long-standing assumption that Alexandra was first married to Aristobulus I, but Tal Ilan has persuasively shown that there is no real evidence proving, or even highly recommending, this assumption, and thus Alexandra could have certainly married Jannaeus well before 103 BCE; see Tal Ilan, "Queen Salamzion Alexandra and Judas Aristobulus I's Widow: Did Jannaeus Alexander Contract a Levirate Marriage?," *JSJ* 24 (1993): 182–90. I further note that if the commonly held assumption was that Jannaeus took his brother's widow in a Levirate marriage (which in itself constitutes a halakhic problem since as high priest he was not allowed to marry a widow or any previously married woman according to Lev 21:10–15), Saulnier's hypothesis pulls the carpet from under that assumption. For if Alexandra had a child from her first marriage, the law of Levirate marriage would not apply to her, and any relations with her deceased husband's brother would be incest (Lev 18:16).

forts and tried to obtain rule of the country. In response, Alexandra had Aristobulus's wife and children detained in the Baris fortress. However, the queen died soon thereafter.

On the international level, as well, various details narrated by Josephus cast doubt on the explicitly positive portrayal of this period. In addition to the tranquility that is attributed to Alexandra's period of rule, Josephus also says that "she struck terror into the local rulers round her" by enlarging the army through the recruitment of many mercenaries (*Ant.* 13.409). Nevertheless, our sources do not recount any successful military undertakings on her part. On the contrary, we are told that she sent an army under the command of Aristobulus to Damascus to fight the ruler of Chalcis, Ptolemy son of Mennaeus, but suspiciously, all that is said of the outcome is that the army did not "achieve anything remarkable" (*J.W.* 1.115, *Ant.* 13.418). This event may have some repercussions for later developments (see below, p. 115). Soon thereafter, we learn that Alexandra was quite mellow in her dealings with King Tigranes of Armenia, who was laying siege on Cleopatra at Ptolemais (69 BCE). The Hasmonean queen won him over by means of valuable gifts.³ While this may have been smart diplomacy, it does not align with the notion that she struck terror in local rulers.

This is, therefore, the state of affairs in Judea at the onset of the period examined in this study. Outside of Judea, by 67 BCE, the year of Alexandra's death, the Romans had penetrated deep into the East. Although still situated north of Syria, they would soon make their way towards Judea. In this same year, the *Lex Gabinia* gave Pompey the Great, the soon-to-be conqueror of Judea, command of the war against the pirates in the Mediterranean. In the following year, he was given command of the war against Mithridates VI of Pontus and Tigranes II of Armenia (see, e.g., Plutarch, *Pomp.* 25–30). The prolonged Roman wars against these two major eastern powers would soon leave them as small dependent states, and thus Parthia would remain the only major power in the East, opposite Rome in the West.

3. According to two Armenian sources of the fifth century CE, P'awstos Buzand and Movsēs Xorenac'i, Tigranes deported many Judeans to Armenia; see Aram Topchyan, "Jews in Ancient Armenia (First Century BC–Fifth Century AD)," *Le Muséon* 120 (2007): 443 and n. 38, 445–46. I am grateful to Prof. Michael E. Stone for referring me to this article.

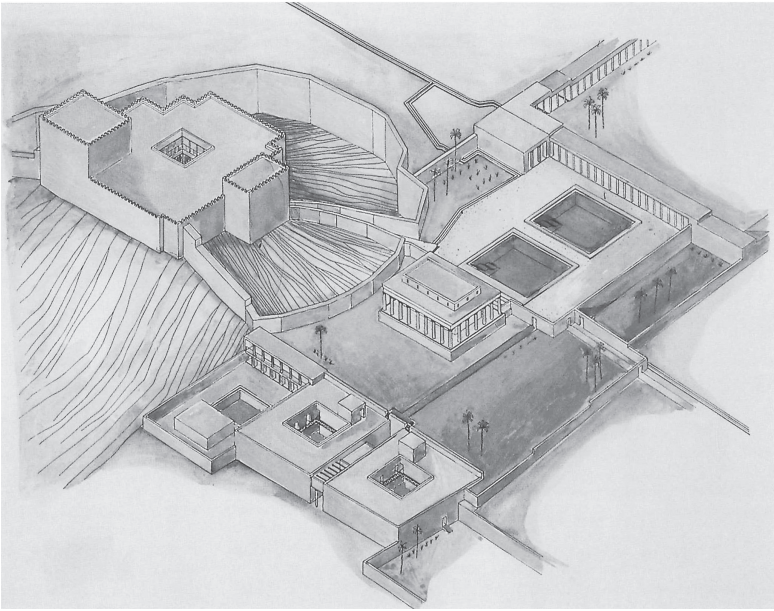


Fig. 2. Reconstructed view of the Hasmonean palace complex near Jericho. It is suggested that the “twin palaces” (foreground) were built by Salome Alexandra for her two sons. Source: Ehud Netzer, *The Palaces of the Hasmoneans and Herod the Great* (Jerusalem: Yad Ben-Zvi and Israel Exploration Society, 2001), 36, fig. 37. Courtesy of Roi Porat and the trustees of the inheritance of the late Prof. Ehud Netzer.

From Alexandra’s Death to Pompey’s Conquest and Settlement:
67–63 BCE (*J.W.* 1.120–158, *Ant.* 14.1–79)

Hyrchanus’s Short-Lived Kingship and His Ousting by Aristobulus: 67/66 BCE (*J.W.* 1.120–122, *Ant.* 14.4–7)

Following his mother’s death in 67 BCE, Hyrcanus became king, in addition to the position of high priest, which he had already held since 76. Thus, his status now was like that of previous Hasmonean rulers, who simultaneously held political and religious authority. There is some ambiguity, however, as to when exactly Hyrcanus became king. Seemingly, this was only after Alexandra died, but some statements by Josephus suggest otherwise. In the *Jewish Antiquities*, Josephus dates Hyrcanus’s accession—by both the Olympiad and consular years—to 69 BCE (14.4). This date is gen-

erally rejected as being an error on Josephus's part.⁴ Nonetheless, I think we should not hastily disregard it. In the *Jewish War*, Josephus says that "even in her lifetime" Alexandra "entrusted the kingdom" (τὴν βασιλείαν ἐνεχείρισεν) to Hyrcanus (1.120; compare with 1.119).⁵ It seems, therefore, that both of Josephus's works suggest that Alexandra made Hyrcanus king alongside of her. Perhaps, due to Aristobulus's undermining of Hyrcanus's right to rule, Alexandra felt a need to establish the latter's inheritance to the kingship before her death, in a manner similar to David's appointment of Solomon to the throne in 1 Kgs 1. However, the evidence is not decisive; Josephus's narrative also suggests that the time that passed between Alexandra's illness and her death was not too long, and elsewhere he reckons Hyrcanus's reign only from her death (*Ant.* 15.180).⁶

Be that as it may, as soon as Alexandra passed away, Aristobulus, who is said to have been superior to his older brother "in capacity and courage" (*J.W.* 1.120), led a revolt against him. In the ensuing battle near Jericho, many of Hyrcanus's soldiers defected to his brother's camp. Eventually, after Hyrcanus found refuge in the citadel above the temple and had taken

4. Schürer, *History of the Jewish People*, 1:200–201 n. 1; Marcus n. c ad loc. in LCL.

5. The Byzantine chronographer George Synkellos (early ninth century) says that Alexandra entrusted the kingship to Hyrcanus as she was approaching death. However, in distinction from Josephus, he also says that she gave the high priesthood to Aristobulus (William Adler and Paul Tuffin, trans., *The Chronography of George Synkellos: A Byzantine Chronicle of Universal History from the Creation* [Oxford: Oxford University Press, 2002], 427 and n. 4). One possible explanation is that Synkellos had a different Jewish source for this era, perhaps Justus of Tiberias (Adler and Tuffin, *Chronography*, lxi–lxii n. 150). It is more likely, however, as Seth Schwartz conjectures, that this is simply an erroneous inference on the part of Synkellos, "influenced perhaps by the division of powers between emperor and pontifex maximus typical of the later Roman Empire" (Schwartz, "Georgius Syncellus's Account of Ancient Jewish History," in *Proceedings of the Tenth World Congress of Jewish Studies, Jerusalem, August 16–24, 1989*, ed. World Union of Jewish Studies, Vol 2.2 [Jerusalem: World Union of Jewish Studies, 1990], 2). I thank Etka Leibowitz for the reference to Synkellos.

6. Cf. Richardson, *Herod*, 77–78; VanderKam, *From Joshua to Caiaphas*, 338–39. Additionally, we should note that unlike other cases of consular datings in the *Jewish Antiquities*, in this case the historical event is not associated in any way with Roman history, and therefore that dating here is perhaps less reliable; see Menahem Stern, "Chronology," in *The Jewish People in the First Century: Historical Geography, Political History, Social, Cultural, and Religious Life and Institutions*, ed. Shmuel Safrai and Menahem Stern, 2 vols., CRINT (Assen: Van Gorcum; Philadelphia: Fortress, 1974–1976), 1:63.

as prisoners Aristobulus's wife and children (who had been confined there by Alexandra), the two brothers reached an agreement.

This agreement, however, constituted in fact the complete capitulation of Hyrcanus. Consequently, after a very short reign—only three months according to Josephus (*Ant.* 15.180)—Hyrcanus became a private citizen, and Aristobulus became king and high priest.⁷ It is perhaps at this point in time, as part of this agreement, that Hyrcanus's daughter and Aristobulus's son, Alexander, became engaged, an event which is revealed only years later, when Herod becomes engaged to their daughter (see below, p. 146).

The Second Round of Civil War: 65 BCE (*J.W.* 1.123–127, *Ant.* 14.8–28)

The peace, however, was not long-lasting. Antipater, an Idumean and father of the future king Herod, was Hyrcanus's close friend and is said to have been a rival of Aristobulus. He continuously claimed that Aristobulus

7. Josephus does not say here explicitly that Aristobulus assumed the high priesthood, but it is clear in later passages (*Ant.* 14.73, 97; 15.41; 20.243–244); see Marcus's n. f on *Ant.* 14.6 in LCL; and VanderKam, *From Joshua to Caiaphas*, 340. The mistaken assumption that Hyrcanus remained high priest alongside Aristobulus's kingship is already found in the medieval Josippon (35:27–34; see David Flusser, ed., *The Josippon [Josephus Gorionides]* [Hebrew], 2 vols. [Jerusalem: Bialik, 1978–1980], 1:145). Laqueur (*Der jüdische Historiker*, 134–36) notes the statement in *J.W.* 1.121 by which according to the brothers' treaty Hyrcanus "should enjoy all his other honours as the king's brother." He asserts that "brother of the king" was an official title in Hellenistic courts, denoting a position equal to that of the king but without the diadem. In accordance with his general thesis, Laqueur prefers this statement to the *Jewish Antiquities*'s statement wherein Hyrcanus was just a private citizen. This he views as Josephus's own reinterpretation. Abraham Schalit similarly asserts that "the king's brother" was the king's deputy. However, Schalit deduces that this deputy of the king was the high priest; and since, in his view, in Judea the high priest was of greater prominence than the king, such an arrangement would have been contrary to Aristobulus's basic interest. Therefore, he concludes that we should reject this statement of the *Jewish War* and prefer the *Jewish Antiquities* (Abraham Schalit, "Has Hyrcanus Been Appointed 'Brother of the King'?" [Hebrew], *Bulletin of the Jewish Palestine Exploration Society* 6 [1939]: 145–48). I would add that had Hyrcanus held such a prestigious position it would not make much sense for him to revolt against Aristobulus as he later does, and he would certainly have been able to leave the city at will rather than having to flee at night as he later does (*J.W.* 1.125, *Ant.* 14.15–16). However, it seems to me that both Laqueur and Schalit may be reading too much into the statement in the *Jewish War*. Since Hyrcanus was actually the king's brother, the title need not have any special significance (Feldman, *Josephus and Modern Scholarship*, 269).

held the throne unlawfully, and, according to *Ant.* 14.12, tried to convince Hyrcanus that Aristobulus would eventually kill him. Initially reluctant, Hyrcanus was finally convinced. Antipater went to Aretas III, the Arab (Nabatean) king, who was also his good friend, and convinced him to give refuge to Hyrcanus. Hyrcanus and Antipater then fled from Jerusalem in the middle of the night and came to Petra. Once in the Nabatean capital, Antipater constantly did his best to convince Aretas to provide an army in order to take back the Judean throne for Hyrcanus. Some presents and, apparently, also a promise by Hyrcanus that he would restore to Aretas the territory and twelve cities that his father, Alexander Jannaeus, had taken from the Nabateans (*Ant.* 14.18) did the job, and Aretas sent an army of fifty thousand soldiers.⁸

Josephus's accounts, and especially the *Jewish Antiquities*, place the responsibility for this round of conflict on Antipater, who supposedly made false accusations against Aristobulus. Modern scholars have usually accepted this assessment, and they view Antipater as acting only out of self-interest and taking advantage of Hyrcanus's weak character.⁹ Now, if indeed Antipater was the driving force behind this set of events, we should certainly assume that he did not act out of pure altruism. Nevertheless, it seems that his accusations were sensible. Killing any possible rival claimants to the throne, usually brothers, was standard practice in the Hellenistic world, and previous Hasmonean monarchs did exactly this (see, e.g., the actions of Aristobulus I [*J.W.* 1.71, *Ant.* 13.302] and of Jannaeus [*J.W.* 1.85, *Ant.* 13.323]).¹⁰ Hyrcanus, being the elder brother, the one appointed heir by Alexandra, and an ousted king and high priest, would have naturally been perceived by Aristobulus as an immediate threat. Therefore, even if Antipater had no real evidence that Aristobulus had such intentions, fear

8. Such numbers should always be suspected. This round of conflict is perhaps alluded to in a very fragmentary text from Qumran entitled 4Q332, or 4QHistorical TextD. Shelamzion is mentioned in fragment 2, line 4, and line 6 reads: ב[הרקנוס
בארסטבולוס מרד] ("Hyrcanus rebelled[against Aristobulus"; text and translation from DSSR 6:4–5).

9. Schürer, *History of the Jewish People*, 1:234–35; F. M. Abel, "Le siège de Jérusalem par Pompée," *RB* 54 (1947): 245; Smallwood, *Jews under Roman Rule*, 20. For possible financial interests of both Antipater and the Nabateans, see Aryeh Kasher, *Jews, Idumaeans, and Ancient Arabs: Relations of the Jews in Eretz-Israel with the Nations of the Frontier and the Desert during the Hellenistic and Roman Era* (332 BCE–70 CE), TSAJ 18 (Tübingen: Mohr, 1988), 110–11.

10. See also Plutarch, *Demetr.* 3.3–4; Schwartz, "Josephus on Hyrcanus," 216.

for Hyrcanus's life would have been natural, and the flight to Aretas reasonable. That fear and the consequent action are so reasonable that we may even suspect that Hyrcanus was actually behind the whole set of events; the accounts placing the responsibility on Antipater should perhaps be viewed as part of the biased portrayal of Hyrcanus as phlegmatic and unfit to rule, a portrayal that served the needs of both Josephus and his main source, Nicolaus.¹¹

The Nabatean force sent by Aretas was too large for Aristobulus to hold off. He was defeated in the first battle, after which it appears that many of his men defected to Hyrcanus (*Ant.* 14.19),¹² and he was forced to retreat to Jerusalem. Thereafter, he was besieged. According to the *Jewish Antiquities*, he was besieged within the temple and only the priests stood by him (§20).¹³ However, given the fact that he held off the siege for some time, that later the Roman general Scaurus thought it difficult to capture the city (§31), and that he was able to muster a large force immediately after the siege was raised (*J.W.* 1.130; *Ant.* 14.33), we may assume that Aristobulus still had many men at his side.¹⁴

The *Jewish Antiquities* (14.21–28) narrates two lengthy stories or legends about this siege, neither of which is found in the *Jewish War*. The first story begins by saying that the siege took place during Passover and that “the Jews of best repute left the country and fled to Egypt.”¹⁵ It goes on to tell the story of the murder of a righteous man named Onias at the hands of the party of Hyrcanus because he refused to curse the party of Aristobu-

11. Schwartz, “Josephus on Hyrcanus,” and see above, pp. 43–44.

12. *J.W.* 1.126 does not mention deserters.

13. According to *J.W.* 1.126, the siege was of the entire city (cf. the end of *Ant.* 14.19). In the *Jewish Antiquities*, Josephus may have written that the siege was solely of the temple in anticipation of his coming insertion of the two stories, both of which presuppose a siege only of the temple. See the next footnote.

14. Laqueur (*Der jüdische Historiker*, 142–43) is probably correct that the statement that only the priests stood by Aristobulus is Josephus's addition to the main narrative in order to lay the groundwork for the two stories of the siege he inserts immediately below, since both assume only the priests were besieged with Aristobulus (§§24; 25; 26; 28). Having the priests on the more righteous side in both episodes would have been particularly attractive to the priest Josephus. Likewise, as Matan Orian asserts, the mention of the “camp of the Jews” in §21 anticipates the taking of Onias “to the camp of the Jews” in the first story (§22); see Matan Orian, “Hyrcanus II versus Aristobulus II and the Inviolability of Jerusalem,” *JSQ* 22 (2015): 208–9.

15. Cf. Pss. Sol. 17:17, and see also below, p. 341 n. 1.

lus. The second story, which is paralleled in rabbinic literature, is the story of Hyrcanus's party's violation of their commitment to supply sacrificial animals to their besieged brethren within the temple. This led to divine retribution—a violent wind that destroyed the crops and caused a huge inflation of prices.¹⁶ I will recount and examine these legends in appendix A, but for now suffice it to say that Josephus adopted both legends from some earlier Jewish source, and their legendary character should make us suspect their historicity. We may certainly doubt the likelihood that Hyrcanus, aspiring to regain the high priesthood, would have hindered the temple rites as described in the second story.

Scaurus Forces the Lifting of the Siege (*J. W.* 1.127–130, *Ant.* 14.29–33)

As the aforementioned events were taking place in Judea, Pompey was campaigning in Asia, whence he sent Marcus Aemilius Scaurus, a general in his army, to Syria.¹⁷ Finding that Damascus had already been taken by Metellus Nepos and Lucius Lollius, Pompey's legates who had been sent earlier, Scaurus continued on to Judea.¹⁸ As soon as he arrived in Judea, Scaurus was approached by envoys from both Hasmonean brothers asking for his assistance. He decided in favor of Aristobulus, but the narratives of the *Jewish War* and the *Jewish Antiquities* diverge as to the reasons for this decision: *J. W.* 1.128 reports that Aristobulus bribed Scaurus with 300 talents which “outweighed considerations of justice”; *Ant.* 14.30–31 reports

16. Eshel (*Dead Sea Scrolls*, 144–50) suggests that the “famine” mentioned in three Peshar texts from Qumran—Peshar Hosea (4Q166) II, 8–14; Peshar Isaiah^b (4Q162) II; Peshar Psalms (4Q171) I, 25–II, 1; III, 1–5—refers to this, but see below, pp. 193–97.

17. It seems that Josephus, or his source, had a somewhat confused chronology. In both the *Jewish War* and the *Jewish Antiquities*, Josephus writes that Scaurus was sent when Pompey was still at war against Tigranes, king of Armenia, whereas Tigranes had apparently surrendered already in 66 (M. Cary, *A History of Rome Down to the Reign of Constantine*, 2nd ed. [London: Macmillan; New York: St. Martin's, 1954], 356), and Scaurus was sent in the spring of 65 (see Marcus's n. f on *Ant.* 14.29; Schürer, *History of the Jewish People*, 1:236; Stern, *Hasmonaean Judaea*, 204 n. 2). Scaurus is apparently mentioned in a scroll from Qumran, 4Q333 1 4, 8; see Daniel R. Schwartz, “Aemilius Scaurus, Marcus,” *EDSS* 1:9–10.

18. Nepos was later consul in 57 BCE; see T. Robert S. Broughton, *The Magistrates of the Roman Republic, Volume 2: 99B.C.–31 B.C.* (New York: American Philological Association, 1952), 199–200; for both legates, see 148 and 164.

that both brothers offered 400 talents and that Scaurus accepted Aristobulus's offer "for he was both wealthy and generous and asked for more moderate terms, whereas Hyrcanus was poor and niggardly and held out untrustworthy promises for greater concessions."¹⁹ It also explains that Scaurus deemed it much more difficult to capture a city as strongly fortified as Jerusalem than "to drive out some fugitives together with the host of Nabataeans, who were not well fitted for warfare."

Obviously, the report in the *Jewish War* is favorable to Hyrcanus and that of the *Jewish Antiquities* to Aristobulus.²⁰ Naturally, Laqueur views this as another instance of Josephus's new anti-Herodian bias when composing the *Jewish Antiquities*.²¹ However, in a similar manner, the *Jewish War*'s narrative is in keeping with the pro-Herodian view of Nicolaus, Josephus's source. So how can we decide between two apparently biased views?

Laqueur asserts that the logic ascribed to Scaurus in the *Jewish Antiquities*—that it would be very difficult to capture the city—contradicts Aristobulus's helpless situation (*J.W.* 1.127), which should have made it easy to defeat him.²² This assertion is problematic for two reasons. First, although Aristobulus's dire situation may have assured victory over him, siege and conquest of Jerusalem would have been neither easy nor short as similar instances demonstrate.²³ Using the method of threats—which has a better chance of succeeding against an unfortified army rather than the actual use of Roman military might—is certainly easier than laying a siege, and that is what Scaurus did.²⁴ Second, Laqueur's assertion compels us to ascribe considerable sloppiness to Josephus. By saying that Jerusalem would be difficult to capture, Josephus not only contradicts his general statement about Aristobulus's situation, but especially the statement in the

19. Interestingly, according to *Ant.* 14.37, Aristobulus accused Gabinius and Scaurus of taking bribes from him to the sum of 300 and 400 talents, respectively, although there is no earlier report of a bribe to Gabinius.

20. Contra Bellemore, "Josephus, Pompey," 110–11, and esp. n. 59, who very unconvincingly argues that *Antiquities* here is unfavorable to Aristobulus.

21. Laqueur, *Der jüdische Historiker*, 143–44. Schwartz ("Josephus on Hyrcanus," 214) rightfully notes that Antipater is never mentioned in this episode.

22. Laqueur, *Der jüdische Historiker*, 144 n. 51.

23. Once again, we should note that as soon as the siege was raised Aristobulus was able to assemble a very large force (*J.W.* 1.130, *Ant.* 14.33).

24. For the regular use of this method by Rome, see Israel Shatzman, "The Integration of Judaea into the Roman Empire," *SCI* 18 (1999): 64–65.

Jewish Antiquities that only the priests stayed at Aristobulus's side. For that statement obviously makes Aristobulus's situation even more difficult, and, according to Laqueur's theory (accepted above, n. 14), it was an addition introduced by Josephus himself. It also contradicts his description of the power of the Nabatean army. Additionally, we should note that although the report in the *Jewish Antiquities* is indeed negative towards Hyrcanus, it is missing the usual criticism of his character as phlegmatic and unfit to rule, which was apparently applied by Nicolaus but stressed even more by Josephus in the *Jewish Antiquities*.²⁵ On the contrary, offering bribery would have been the reasonable thing to do by one aspiring to the throne.²⁶

Let's consider one further point: Scaurus doubtlessly needed to provide a report of his actions and decisions, and he certainly could not have justified his preference for Aristobulus merely on account of bribery. He needed reasons that would be more legitimate. Such a report would most likely have been recorded in an account of Pompey's actions in the east. As we shall see, it is usually assumed that the *Jewish Antiquities*'s account of the Judean delegations to Pompey in 63 BCE, only a little below of this report, is based on such a Pompeian account, obtained probably from Strabo (see below, pp. 70–71).²⁷ Since it is also reasonable to assume that Hyrcanus did not lag behind in offering a bribe—if not on his own initiative, then on Antipater's—it is likely that the *Jewish Antiquities* reflects Scaurus's own justification for his decision, and it is probably more accurate than Nicolaus's biased account. The words, at the end of the justification—"And so he took Aristobulus's side for the reasons mentioned above" (§32), after it was already clear that those were the reasons—are apparently Josephus's seam between this inserted source and the continuation of his main narrative, which is parallel to that of the *Jewish War*.²⁸

25. Schwartz, "Josephus on Hyrcanus," and see above, p. 44.

26. For the greed of Roman generals and officials, and the extortion of provincials, see Israel Shatzman, *The Armies of the Hasmonaeans and Herod: From Hellenistic to Roman Frameworks*, TSAJ 25 (Tübingen: Mohr, 1991), 152 and n. 92; A. N. Sherwin-White, *Roman Foreign Policy in the East 168 B.C. to A.D. 1* (Norman: University of Oklahoma Press, 1983) 255–57.

27. Cf. Russell E. Gmirkin, *Berosus and Genesis, Manetho and Exodus: Hellenistic Histories and the Date of the Pentateuch* (London: T&T Clark, 2006), 260–61.

28. Galimberti, "Josephus and Strabo," 164, indeed suggests that Strabo was the source for this account in the *Antiquities*, but he bases it on a supposed favoritism towards Aristobulus, and he confuses our Aristobulus (II), Jannaeus's son, with Judas Aristobulus (I). Perhaps the suggestion that Josephus obtained this report from some

Having decided in Aristobulus's favor, Scaurus threatened Aretas and Hyrcanus with the might of Pompey's army, if they would not lift the siege. Scaurus then returned to Damascus, as Hyrcanus and Aretas indeed withdrew. Their withdrawal was not enough for Aristobulus, however, and he pursued them with a large force and engaged them in battle near a place called Papyron, where he defeated them, killing some six thousand of their men, among them Phallion, Antipater's brother.²⁹

Pompey in Syria (*Ant.* 14.37–40)

According to *Ant.* 14.37–38, when Pompey came to northern Syria, probably around autumn of 64 BCE, he was approached by envoys of both brothers. Antipater came on behalf of Hyrcanus, and a certain Nicodemus came on behalf of Aristobulus. Aristobulus's representative accused two of Pompey's generals, Gabinius and Scaurus, of having taken money from Aristobulus, and thus he turned these two into his enemies.³⁰ Pompey made no decisions but ordered them to come to him again later, when he would arrive in Damascus. As spring came, Pompey's army marched towards Damascus, capturing and destroying various places on its way; among the destroyed territories was that of Ptolemy, the son of Mennaëus (*Ant.* 14.38–40).³¹

The Judean Delegations to Pompey in Damascus: Spring 63 (*J.W.* 1.131–132; *Ant.* 14.34–36, 41–46)

Upon reaching Damascus, Pompey was approached by various envoys from the entire region (*Ant.* 14.34), including delegations from Judea. He

other source can be strengthened by the fact that the word γλισχος ("niggardly") is a hapax legomenon in Josephus.

29. Papyron is otherwise unknown. Marcus (n. *b* on *Ant.* 14.33 in LCL) cites Schlatter's suggestion that it was somewhere near Jericho. Phallion could be Kephallion, depending on the manuscript. On Antipater's brothers—Herod's uncles—and the disappearance of Phallion from some modern tables of Herod's family, see Daniel R. Schwartz, "Josephus on Herod's Uncles," in Geiger, Cotton, and Stiebel, *Israel's Land*, 39*–52*.

30. See above, n. 19. It is truly hard to understand why Aristobulus's representative would have done this. One may suggest that this was part of an anti-Aristobulus tradition, presenting him as very unwise. That would seem to be the case if Nicolaus were the source for this account, but it is difficult to determine its source.

31. For Pompey's march to Damascus, see further below, pp. 405–6.

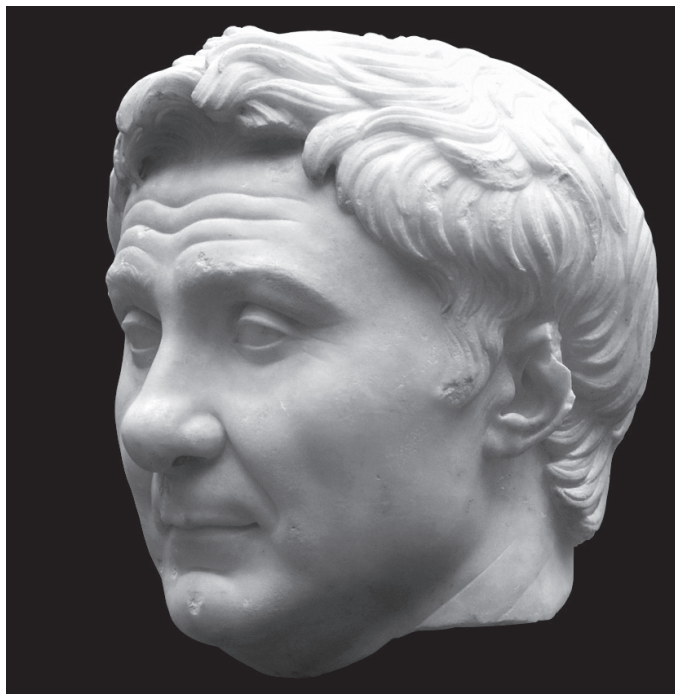


Fig. 3. Bust of Pompey the Great. Source: Wikimedia Commons; courtesy of Ny Carlsberg Glyptotek museum in Copenhagen, Denmark.

was approached by the two Hasmonean brothers, each pleading his case in the hope of securing his support. There are four extant accounts of this encounter. One is found in *Ant.* 14.34–36, where Josephus uses Strabo as his source. Although it explicitly refers to the meeting in Damascus, Josephus placed this source out of the correct chronological sequence. This is apparent from the following passages, which relate earlier events (the envoys appealing to Pompey in Northern Syria and Pompey’s campaign to Damascus [§§37–40]), which are followed by a different narrative of that same encounter in Damascus (§§41–46).³² Two other accounts are also found in Josephus: *J.W.* 1.131–132, and, as mentioned, *Ant.* 14.41–46. The fourth account is found in Diodorus Siculus (*Bib. hist.* 40.2). Although these four accounts differ significantly, two of them—the second account in the *Jewish*

32. See Marcus’s note in LCL on §34; *GLA* 1:275; Stern, *Studies in Jewish History*, 428.

Antiquities and the account of Diodorus—are quite similar to each another; it is, therefore, commonly assumed that they drew from a common source.

The latter two accounts, Diodorus and Josephus's *Jewish Antiquities*, both report a third Judean delegation that approached Pompey along with the quarreling Hasmonean brothers. This third delegation was one of "the nation" (*Jewish Antiquities*) or its representatives (Diodorus); the delegation appealed to Pompey against both brothers, saying that Judaism is opposed to kingship and that the proper form of government is one in which a high priest is at the head of the nation. This delegation and its argument have attracted much scholarly attention, but scholars have usually accepted this account without reservations. Nevertheless, my analysis of this account leads to the conclusion that the delegation and its argument are probably Roman propaganda. A comprehensive analysis of these accounts, beginning with a thorough examination of the sources, follows.

The account ascribed to Strabo is the least detailed, and it diverges most significantly from the other three accounts. Whereas the others say that both Hasmonean brothers appealed to Pompey, here only Aristobulus is mentioned. So too, unlike the others, this account does not mention that any argument was actually made. All that is said is that Aristobulus presented Pompey with an expensive golden vine as a gift, whereas the other accounts do not explicitly mention any gift or bribe given by Aristobulus. *Jewish War* says that Hyrcanus and Antipater came "without presents," possibly implying that Aristobulus did present some kind of bribe, which is also implied by the statement towards the end that Aristobulus relied on the fact that Scaurus was open to bribery. However, neither the *Jewish Antiquities* nor Diodorus mention any gifts or bribes at all. On the contrary, as we have seen, *Jewish Antiquities* reports that, in the previous pleadings with Pompey, Aristobulus accused Gabinius and Scaurus of taking his bribes (§37), thus implying that he did not offer any bribes to Pompey. Furthermore, Strabo is quoted as saying that he actually saw this vine, which was placed in the temple of Jupiter Capitolinus in Rome, and that it had an inscription reading: "From Alexander, the king of the Jews" (§36). "It is said to have been sent by Aristobulus," wrote Strabo. However, since the name that was inscribed was not that of Aristobulus but rather his father's, some doubt is cast upon this attribution. Perhaps it was actually sent by Alexander Jannaeus, and Strabo was mistaken.³³

33. Cf. Jean Juster, *Les Juifs dans l'empire Romain: Leur condition juridique*,

Here are the three remaining sources presented consecutively.

J.W. 1.131–132: Coming without presents and resorting to the same pleas which they [i.e., Hyrcanus and Antipater] had used with Aretas, they implored him [i.e., Pompey] to show his detestation of the violence of Aristobulus, and to restore to the throne the man whose character and seniority entitled him to it. Nor was Aristobulus behindhand; relying on the fact that Scaurus was open to bribery, he too appeared, arrayed in the most regal style imaginable.

Ant. 14.41–46: Here [i.e., at Damascus] he [i.e., Pompey] heard the case of the Jews and their leaders, Hyrcanus and Aristobulus, who were quarrelling with one another, while the nation was against them both and asked not to be ruled by a king, saying that it was the custom of their country to obey the priests of the God who was venerated by them, but that these two, who were descended from the priests, were seeking to

économique et sociale, 2 vols. (Paris: Librairie Paul Geuthner, 1914), 1:216 n. 2, and see *GLA* 1:275. The Epitome reads “Aristobulus” instead of “Alexander,” and the Latin version has “Aristobulus, son of Alexander,” but this seems to be a clear case of *lectio difficilior potior* (see *GLA* 1:275 and Marcus’s n. *c ad loc.*). Although the simple understanding is that Aristobulus gave a vine inscribed with his father’s name, it seems to me to be unlikely that on this occasion, when intending to promote himself, Aristobulus would present a gift bearing any name other than his own. Nor is it likely that Aristobulus took a golden vine which had been previously donated by his father to the temple (for such golden vines in the temple see *J.W.* 5.210, *Ant.* 15.395; Tacitus, *Hist.* 5.5.5), since the inscription, which Strabo was able to read himself, was obviously in Greek. The notion that the vine was sent by Alexander Jannaeus seemingly contradicts Uriel Rappaport’s conclusion that Alexander had broken off any ties with Rome; see Uriel Rappaport, “On the Relations between Judea and Rome in the Days of Alexander Jannaeus,” in *The Hasmonean State: The History of the Hasmoneans during the Hellenistic Period* [Hebrew], ed. Uriel Rappaport and Israel Ronen (Jerusalem: Ben-Zvi; Tel-Aviv: Open University, 1993), 393–406; he is followed by Shatzman, “Integration,” 72–77. Indeed, Rappaport rejects such notions (“On the Relations,” 394 n. 2). Nevertheless, assuming we accept Rappaport’s conclusion about the relations between Judea and Rome, it is yet not unlikely that at the beginning of his reign, or at some point during, Alexander felt the need to cultivate the Romans.

On the other hand, considering Pompey’s Dionysian pretensions or his efforts to imitate that god (see Pliny, *Nat.* 7.95, 8.4; Mary Beard, *The Roman Triumph* [Cambridge: Harvard University Press, 2007], 17, 317–18), it would have been fitting to present him with a gift of a golden vine. See now James M. Scott, *Bacchius Iudaeus: A Denarius Commemorating Pompey’s Victory over Judea*, NTOA/SUNT 104 (Göttingen: Vandenhoeck & Ruprecht, 2015), esp. 10–13.

change their form of government in order that they might become a nation of slaves. As for Hyrcanus, he charged that though he was the elder brother, he had been deprived of his rights as first-born by Aristobulus, and that he had but a small part of the country under his rule, while Aristobulus had the rest, which he had taken by force. He also denounced him as the one who had instigated the raids against neighboring peoples and the acts of piracy at sea, and added that the nation would not have rebelled against him if he had not been a man given to violence and disorder. In making these accusations he was supported by more than a thousand of the most reputable Jews, whom Antipater had provided for that purpose. Aristobulus, on the other hand, blamed Hyrcanus' fall from power on his own character, which was ineffectual and therefore invited contempt; as for himself, he said that he had of necessity taken over the royal power for fear that it might pass into the hands of others, and that his title was exactly the same as that of his father Alexander. He then called, as witnesses to these statements, some young swaggerers, who offensively displayed their purple robes, long hair, metal ornaments and other finery, which they wore as if they were marching in a festive procession instead of pleading their cause. When Pompey had heard these claims, he condemned Aristobulus for his violence, but for the moment dismissed the claimants with a courteous speech, saying that he would settle all these matters ... after he had first seen how things were with the Nabataeans.

Diodorus Siculus, *Bib. hist.* 40.2³⁴: Aristobulus, the king of the Jews, and Hyrcanus his brother came to him [i.e., Pompey] with their dispute over the kingship. Likewise the leading men, more than two hundred in number, gathered to address the general and explain that their forefathers, having revolted from Demetrius,³⁵ had sent an embassy to the senate, and received from them the leadership of the Jews, who were, moreover, to be free and autonomous, their ruler [or: leader] being called High Priest, not King. Now, however, these men were lording it over them, having overthrown the ancient laws and enslaved the citizens in defiance of all justice; for it was by means of a horde of mercenaries, and by outrages and countless impious murders that they had established themselves as kings. Pompey put off till a later occasion the settlement of their rival claims, but as to the lawless behavior of the Jews and the

34. For Diodorus's account, see Thomas Fischer, "Zum jüdischen Verfassungsst-reit vor Pompejus (Diodor 40,2)," *ZDPV* 91 (1975): 46–49.

35. According to a commonly accepted emendation (see *GLA* 1:185–86).

wrongs committed against the Romans he bitterly upbraided the party of Hyrcanus.

It appears that the only agreement between all three sources is that both brothers appealed to Pompey at Damascus. Of the three, the *Jewish War* is not only the shortest, but it diverges most significantly from the other two. Diodorus and the *Jewish Antiquities* have much more in common, but each also contains some elements that the other does not. Most significantly, they have in common the clause about the nation (or its leaders) who opposed both brothers, which is missing from the *Jewish War*; and they diverge in that Diodorus does not recount the arguments set forth by either brother at all.

The pro-Herodian (hence, anti-Aristobulus and pro-Hyrcanus) prejudice of the *Jewish War*'s narrative here is quite apparent, and it is thus consistent with the thesis that book one of the *Jewish War* is by and large based on Nicolaus of Damascus. Antipater, who is almost completely missing from the two other parallel narratives, is at the fore together with Hyrcanus; the two of them do not bribe, which is what Aristobulus regularly does (see §128), but rather they present a just and reasonable case. Aristobulus's appeal is not conveyed at all, but his violence and arrogance are emphasized.

Ascertaining the source or sources Josephus used for this episode in the *Jewish Antiquities* is not as straightforward. Some scholars assume that the Judeans who appealed to Pompey against both brothers were Pharisees, and therefore they suggest that Josephus made use of a Pharisaic source.³⁶ Yet, as we will see below, any attempt to identify this delegation has proven futile. For now, regarding Josephus's source, it is enough to note the external viewpoint of the *Jewish Antiquities*'s narrative (e.g., the reference to "the Jews" and "their leaders"). Moreover, the similarity of much of the narrative to that found in Diodorus's account points to its non-Jewish origin. It is, in fact, accepted by most scholars that Diodorus and the *Jewish Antiquities* share a common source. The few passages that precede and follow the account found in the *Jewish Antiquities* of the episode in Damascus, which relate Pompey's conquests in Syria on his way to Damascus (§§38–40) and his intention of marching on Nabataea, as well as his rationale (§§46–48), suggest that this was some Roman source, likely from Pompey's camp. It is

36. Shatzman, "Hasmoneans," 29–30, 57–58.

usually suggested that this common source was Theophanes of Mytilene, Pompey's freedman and friend who accompanied Pompey in his eastern campaigns and who wrote an account of Pompey's conquests in the East (Cicero, *Arch.* 24). Presumably, Diodorus used him directly and Josephus obtained his account through Strabo.³⁷

However, the assumption that Josephus obtained Theophanes's narrative via Strabo is questionable. Admittedly, for *Ant.* 14, Strabo seems to be Josephus's main source (see §§34–36, 68, 111–118, 138–139), second only to Nicolaus, but Josephus also mentions Livy among his sources (§68), and he appears to have used additional unspecified sources as well.³⁸ In fact, we have seen that a few passages before this account Josephus conveyed a different account of this same encounter and specifically named Strabo as his source. We would have to ascribe considerable sloppiness to Josephus, if we are to assume that he divided one account by Strabo into two accounts and placed them in a way that gives the impression that there were two separate encounters in Damascus.³⁹ A possible resolution would be that Strabo himself had somehow narrated the double narrative (his own testimony of the vine in Rome and the presumed Pompeian source), and that, due to the differences, he conveyed them as two distinct episodes.

Yet, we should also look to Strabo's surviving work, the *Geography*. Book 16 of that composition contains a fairly detailed description of Judea,

37. Laqueur, *Der jüdische Historiker*, 145–52. Cf. *GLA* 1:186; Daniel R. Schwartz, "Diodorus Siculus 40.3: Hecataeus or Pseudo-Hecataeus?," in *Jews and Gentiles in the Holy Land in the Days of the Second Temple, the Mishnah and the Talmud: A Collection of Articles*, ed. Menachem Mor et al. (Jerusalem: Ben-Zvi, 2003), 188; Shatzman, "Hasmoneans," 29 and n. 81. Strabo indeed used Theophanes elsewhere (see *Geogr.* 11.2.2, 5.1, 14.11). For Theophanes, see Barbara K. Gold, "Pompey and Theophanes of Mytilene," *AJP* 106 (1985): 312–27. Bezael Bar-Kochva, however, assumes, that Josephus obtained Theophanes's account via Nicolaus (Bezael Bar-Kochva, "Manpower, Economics, and Internal Strife in the Hasmonean State," in *Armées et fiscalité dans le monde antique*, Paris, 14–16 Octobre 1976 [Paris: Éditions du Centre national de la recherche scientifique, 1977], 179–80). This seems highly improbable, for not only does this account diverge significantly from that found in the *Jewish War*, but it is also very unlikely that Nicolaus, the great supporter of King Herod, would convey a story with such negative connotations about Judean kingship. Gmirkin (*Berosus and Genesis*, 60, 259–61) assumes that Josephus relied on Theophanes by way of both Strabo and Nicolaus.

38. For Josephus's sources for book 14 see above, pp. 23–27. For Strabo as Josephus's source, see recently Galimberti, "Josephus and Strabo."

39. See Shatzman, "Hasmoneans," 29.

and Judean religion.⁴⁰ It also reports the dispute between the Hasmonean brothers (2.40).⁴¹ However, while apparently agreeing with Diodorus and the *Jewish Antiquities* that the traditional Judean government was not kingship (2.36) and that the Hasmonean monarchs had strayed away from tradition by assuming the crown (2.40), Strabo neglects even to refer to the encounter in Damascus, not to mention the people's envoy. One may suggest that its absence is due to the necessary brevity of historical detail in the *Geography*, whereas Josephus used Strabo's more detailed, now lost, historical work. However, the *Geography's* narrative containing Pompey's conquest of Judea includes a rather detailed description of Judea and the Jews. As mentioned, it shares the view that the traditional Judean government was not kingship and says the Hasmoneans were tyrants and that they assumed the throne. It would therefore have suited the narrative well to include such a tale of the Judean people asking Pompey to be rid of Hasmonean kingship. In addition, according to the *Geography*, it was Alexander Jannaeus who first assumed the Judean throne, whereas both Diodorus and the *Jewish Antiquities* imply that it was only the disputing brothers who did so (cf. Orosius, *Hist. adv. pag.* 6.6). Thus, this observation casts some doubt upon the possibility that Strabo was Josephus's source, although it cannot be completely ruled out.

Be that as it may, we can see that in this story in the *Jewish Antiquities* Josephus did not just blindly follow his source. Assuming that Diodorus's narrative is a credible duplicate of the original Pompeian source, since he—as well as Josephus's intermediary source—likely had no reason to deviate from it, the necessary conclusion is that Josephus is responsible for all or most of the differences between his *Jewish Antiquities* and Diodorus. While adopting the basic elements of the story, Josephus apparently deleted some statements he deemed erroneous; for example, that the Judeans revolted from Demetrius (if that emendation is correct) and that the Roman Senate was responsible for the establishment of the Judean government and constitution.⁴² Likewise, for apologetic reasons, he may have deleted the reference

40. Of the sixteen fragments of the *Geography* that refer to Judea or the Jews (nos. 109–124 [GLA 1:285–315]), eleven are from book 16. The lengthiest of these fragments, which also contains the description with which we are concerned, is no. 115 (GLA 1:294–311).

41. Gmirkin (*Berosus and Genesis*, 68–71) argues that Strabo here used Posidonius, who, like Diodorus and Josephus's source, drew on Theophanes.

42. Bar-Kochva, "Manpower," 180. Compare Pompeius Trogus who writes of

to mercenaries, which may portray Jews as misanthropes.⁴³ In addition, considering that the statement that Pompey upbraided Hyrcanus's party seems *prima facie* wrong, seeing as not much later Pompey chose Hyrcanus, it is reasonable to suggest that Josephus may have changed it to say that it was Aristobulus whom Pompey had condemned.

In addition, it seems that Josephus did not completely desert Nicolaus. His *Jewish Antiquities* includes an account of the arguments of Hyrcanus, which is wholly absent from Diodorus, but is quite similar to the account in the *Jewish War*.⁴⁴ Furthermore, it seems that the arguments of Aristobulus, which are missing from both the *Jewish War* and Diodorus, are Josephus's own additions. Here we find an answer to the claims of the nation: his title is the same as his father's.⁴⁵ Furthermore, Hyrcanus's ineffectiveness—often emphasized in the *Jewish Antiquities*—is the justification for Aristobulus's actions, for he feared that the government would be taken over by others. This last point is reminiscent of Josephus's own personal lament, following Pompey's conquest, that rule has passed to the hands of commoners (*Ant.* 14.78; compare with §491).⁴⁶ Finally, the statement about the young swag-

the Maccabean revolt: "On revolting from Demetrius and soliciting the favour of the Romans, they were the first of all the eastern peoples that regained their liberty, the Romans then readily bestowing what was not their own" (apud Justinus, *Hist. phil.* 36.3.9; *GLA* 1:338).

43. See Bar-Kochva, "Manpower," 180. The deletion of the reference to the Jews revolting from Demetrius also certainly served Josephus's apologetics, because he often shied away from any indications of the Jews as rebellious.

44. Cf. Laqueur, *Der jüdische Historiker*, 152 n. 56. The *Antiquities* account of Hyrcanus's plea is somewhat longer than that of the *Jewish War*, but the basic arguments are the same. Perhaps in the *Jewish War* Josephus summarized Nicolaus, and in the *Jewish Antiquities* he rewrote the full account. Also note that in the *Jewish Antiquities* Antipater's role is diminished. The source of Hyrcanus's statement that he had a small area under his rule is unclear, and apparently contradicts *Ant.* 14.6–7 and *J.W.* 1.121. Some suggest that it refers to Idumea (Marcus's n. *a ad loc.* in LCL), while Smallwood suggests that he had some "subordinate post under his brother" (*Jews under Roman Rule*, 22 n. 4); neither suggestion is sufficiently substantiated.

45. If indeed Jannaeus had an anti-Roman stance and broke off the ties with Rome, as Rappaport asserts ("Relations"), it would have been extremely unwise for Aristobulus to support his case by referring to his father. Hence, that would lay further doubt upon the historicity of the argument attributed here to Aristobulus. But concerning Rappaport's assertion, see now Samuele Rocca, "The Late Roman Republic and Hasmonean Judaea," *Athenaeum* 102 (2014): 57–70.

46. Schwartz, "Josephus on Hyrcanus," 223–24.

gers seems to be another one of Josephus's modifications of Nicolaus's narrative, in which he transferred the arrogance from Aristobulus to his entourage, thus somewhat improving the portrayal of Aristobulus.⁴⁷

To sum up this part of the discussion, the four accounts are as follows: (1) Strabo varies the most from the others, is the least detailed, and his main details are dubious; (2) the *Jewish War* is probably a close rewriting of Nicolaus; (3) Diodorus seems to be a close rewriting of some Pompeian source; (4) the *Jewish Antiquities* is a rather composite narrative; Josephus used that same Pompeian source, whether via Strabo or some other historian other than Nicolaus, but he made some emendations in this basic narrative and also introduced some additional details, some probably taken from Nicolaus, while others are likely his own innovations.

Now that we have a clearer picture of the sources, I turn to an evaluation of the story's details. Apart from the fact that both brothers appealed to Pompey in Damascus, what further details can we ascertain about this episode? Hyrcanus's claim that rule should be in his hands due to the right of primogeniture is, of course, self-evident. The accusation of violence by either brother, or perhaps both, seems reasonable enough. Hyrcanus's allegation, according to the *Jewish Antiquities*, that Aristobulus instigated raids against neighboring nations and especially that he was involved in piracy would have resonated well with Pompey, who had received a special *imperium* to put an end to piracy in the Mediterranean in 67 BCE.⁴⁸ It is, therefore, likely that such an allegation was made, whether or not there was any truth to it;⁴⁹ but any knowledgeable author could have invented it just the same. As we have seen, the arguments of Aristobulus are presented only in the *Jewish Antiquities* and are likely Josephus's own additions. However, the core of that argument—that is, that he had taken over the government out of necessity—would have been a sensible course for his self-justification.

47. Laqueur, *Der jüdische Historiker*, 146–47; see also Fuks, “Josephus and the Hasmoneans.”

48. Cassius Dio says that the inhabitants of Judea “had ravaged Phoenicia” (*Hist. rom.* 37.15.2). For more, see Shatzman, “Hasmoneans,” 30. Cf. Benjamin Isaac, *The Limits of Empire: The Roman Army in the East* (Oxford: Clarendon, 1990), 66–67.

49. See Strabo, *Geogr.* 16.2.28, 40 (*GLA* 1:291, 302), with Rappaport, “On the Relations,” 402–4, who, indeed, concludes that Alexander Jannaeus was involved with the pirates, in accordance with Jannaeus's presumed anti-Roman stance; but see now Rocca, “Late Roman Republic,” 57–70.

As we have seen, the *Jewish Antiquities* and Diodorus diverge on the question of whom Pompey condemned. In the *Jewish Antiquities*, he condemns Aristobulus for the violence of which Hyrcanus had just accused him. In Diodorus, conversely, Pompey condemns Hyrcanus, not for just any kind of violence and not even for raids upon neighboring peoples or piracy, but rather for “wrongs committed against the Romans.” One may suggest that Pompey condemned both brothers alike, but since neither source attests to such a case, such a harmonizing interpretation should be avoided. As suggested above, it is more likely that someone (Josephus or his source) would have altered his source to say that Pompey condemned Aristobulus, rather than Hyrcanus, since it was Hyrcanus whom Pompey eventually preferred. It would have seemed unlikely that he preferred the brother whom he had just condemned. Presumably, no one would have altered the narrative so as to have Pompey condemning Hyrcanus instead of Aristobulus. Therefore, I suggest that we should prefer the *lectio difficilior*.

What were these wrongs against the Romans for which Hyrcanus could have been condemned? Perhaps this refers to piratical raids.⁵⁰ However, Hyrcanus was king of Judea for too short a time (according to *Ant.* 15.180, only three months) to really be held accountable for much piracy.⁵¹ Stern suggests that this rather refers to some hostilities by Hyrcanus’s people against the Romans under Scourus, who had previously forced Hyrcanus to raise his siege of Aristobulus.⁵² Such hostilities are perhaps attested in very fragmentary scrolls from Qumran, one which, in the context of the rivalry between Aristobulus and Hyrcanus, apparently mentions some killing by “the leader of the Kitt[im]” (4Q332 3 2: ראש הכת[ים] הרג, that is the Romans, and the other twice refers to some killing by one Aemilius (4Q333 1 4, 8), most likely Marcus Aemilius Scourus.⁵³

50. Laqueur, *Der jüdische Historiker*, 153–54.

51. See Stern, *GLA* 1:187.

52. *Ibid.*, 1:187.

53. For the texts and their translation, see *DSSR* 6:4–5. For the identification of this Aemilius with Scourus, see Schwartz, “Aemilius,” who, however, suggests that this killing has to do with a falling-out between Aristobulus and Scourus. It is also possible that these killings refer either to Pompey’s conquest of Jerusalem, in which Scourus doubtlessly took part, or to some unattested military action taken by Scourus in his later capacity as governor of Syria, or both. Michael O. Wise (*Thunder in Gemini and Other Essays on the History, Language and Literature of Second Temple Palestine* [Sheffield: Sheffield Academic, 1994], 211–15) raises both possibilities, but prefers the

Perhaps the most interesting element of this episode, and certainly the one that has attracted most scholarly attention, is that of the nation or its representatives, who appealed to Pompey against the two quarreling brothers. This element is shared by Diodorus and Josephus's *Jewish Antiquities*, but it is absent from the *Jewish War*. Nicolaus of Damascus, who was probably Josephus's source for the *Jewish War*, would have had good reason not to report about this delegation, since it would reflect negatively on the fact that Herod later assumed the throne. Perhaps for this reason scholars have usually accepted this account without reservations. Nevertheless, the account should be examined.

The basic account is the same in Diodorus and the *Jewish Antiquities*. In addition to the two brothers, a delegation, supposedly representing the Judean nation, appeared in Damascus and opposed both brothers. The "nation" claimed that the traditional Judean form of government was not kingship but rather rule by priests (*Jewish Antiquities*), or by the high priest (Diodorus), and that the two brothers had "overthrown the ancient laws" and established themselves as kings, thus enslaving the people. There are some divergences between the two parallel accounts. These seem to mostly be historically erroneous details deleted by Josephus, mainly, the notion that the Judeans revolted from Demetrius and the role given to the Roman Senate in the establishment of Judean freedom and constitution. But, if so, the original account indeed contained these errors.

Furthermore, the core of the people's appeal presents some serious difficulties of its own. First, it was not the brothers who had changed the constitution into kingship. Kingship had been established some forty years earlier by Aristobulus I (104–103 BCE), and Alexander Jannaeus was king just as Alexandra was queen.⁵⁴ Second, the notion that the traditional

possibility that the first "killing" refers to the conquest of the temple, and suggests that the second refers to the killing after the conquest, of the leaders of the revolt, which is mentioned by Josephus, without any mention of Scaurus, in *Ant.* 14.73. However, in my view, this interpretation is difficult. First, according to Josephus the killing of the leaders happened on the day after the conquest, whereas according to Wise's interpretation of the scroll eight to fourteen days elapsed between the two killings (p. 217). Second, one would expect Pompey, not Scaurus, to be mentioned in the context of the conquest of the temple. In any case, the text is too fragmentary to allow any conclusions.

54. Rappaport ("On the Relations," 396) explains that, given that in Jannaeus's reign they were neither free from the rule of kings nor were there Judean delegations sent to the Roman Senate, the people's delegation omitted Jannaeus's reign and

Judean form of rule was not kingship, but rather hierocracy, contradicts basic biblical facts. Throughout most of the biblical period rule was in the hands of kings, and the Davidic kingship was certainly held in high esteem. Moreover, nowhere in the Bible can we find the idea of priestly rule, even where there is some antikingship outlook, such as Samuel's (1 Sam 8:4–9). So too, generally, Second Temple period sources, as well as rabbinic literature, do not view kingship as illegitimate or not traditional.⁵⁵ This notion does accord, however, with certain non-Jewish perceptions of the Judean constitution. A fragment of Hecataeus of Abdera,⁵⁶ preserved by none other than Diodorus, in close proximity to his account of the Damascus summit (*Bib. hist.* 40.3; see *GLA* 1:26–35), describes the Judean constitution in this way: “The Jews never have a king, and authority over the people is regularly vested in whichever priest is regarded as superior. . .

referred to the precedent set by his predecessors. Yet it seems to me that if, as Rappaport asserts, Jannaeus had been anti-Roman, it would have actually made more sense for the delegation to make reference to his reign and thus to argue that Hasmonean kingship went hand in hand with an anti-Roman stance. It is rather the Hasmonean claimants who should have avoided any reference to Jannaeus (see also above, n. 45).

55. See Moshe Elat, *Samuel and the Foundation of Kingship in Ancient Israel* [Hebrew] (Jerusalem: Magnes, 1998), 152–73, and my MA thesis: Nadav Sharon, “Kingship, Aristocracy, and Domitian: The Evolution of Flavius Josephus’ Thought on Kingship and Rule” [Hebrew] (MA thesis, The Hebrew University, Jerusalem, 2006), 8–15.

56. For this “Jewish excursus” of Hecataeus, see the discussion in Bezalel Bar-Kochva, *Pseudo-Hecataeus, “On the Jews”: Legitimizing the Diaspora*, HCS 21 (Berkeley: University of California Press, 1996), 18–43. Schwartz (“Diodorus Siculus 40.3,” 189) suggests that the author of this description was actually not the gentile Hecataeus, but rather some Jewish Pseudo-Hecataeus. Schwartz argues that Diodorus obtained this description of the Jews from the same Pompeian source from which he obtained the story of the delegations to Pompey, probably Theophanes, and that it was Theophanes who appropriated the Jewish Pseudo-Hecataeus. Moreover, he argues that the language of that source influenced the language of Theophanes in his account of the delegations. Likewise, Russell Gmirkin (*Berosus and Genesis*, 38–66) rejects the Hecataean identity of Diodorus 40.3. He, however, argues that its primary author was Theophanes himself; the bulk of the description deriving “from Theophanes’ personal investigation into contemporaneous everyday Jewish customs during his stay in Judea as part of Pompey’s entourage in 63 BCE” (62). He also ascribes the statement that “the Jews never have a king” to Theophanes’s propaganda (esp. 54–55), for which see below. Gmirkin argues, however, that in his description Theophanes also utilized some earlier sources, including a foundation story of the Jewish nation which was derived from the real Hecataeus.

They call this man the high priest.”⁵⁷ A similar view is reflected in Strabo’s *Geography* (16.2.36–37, 40), whose description of the Jews contains additional similarities with Hecataeus.⁵⁸

Some doubt may be cast on the credibility of this account due to the aforementioned reasons, as well as the fact that the people’s delegation is not mentioned in the *Jewish War*, in Josephus’s quotation of Strabo (*Ant.* 14.34–36), nor in Strabo’s *Geography*. Furthermore, no such delegation is mentioned in the account, just a few lines above, of the first approach to Pompey in northern Syria (*Ant.* 14.37–38); the original source of this account is likely one of Pompey’s close associates; the central role conferred to Rome in the establishment of the Judean state; and the fact that the delegation’s request was exactly what Pompey subsequently established in Judea—he made Hyrcanus only high-priest, not king (*J.W.* 1.153 // *Ant.* 14.73).⁵⁹ Corroboration for this report should not be sought in the story of the Judean delegation to Augustus following Herod’s death, which asked the Emperor not to appoint Herod’s heirs as kings (*J.W.* 2.80, 84–92; *Ant.* 17.300, 304–314).⁶⁰ That delegation did not claim that kingship was untra-

57. The fact that this description of the Judeans is preserved in Diodorus makes his account of the people’s delegation internally reasonable, whereas in Josephus it is quite implausible, since he retells Judean history, which includes the kingship of biblical times as well as of earlier Hasmoneans.

58. See Stern’s commentary in *GLA* 1:305–6 and Stern, *Studies in Jewish History*, 436–37.

59. Baumann, *Rom und die Juden*, 55 (followed by VanderKam, *From Joshua to Caiaphas*, 348) views Gabinius’s reforms six years later, in which he established Judea as an *aristocracy*—dividing the country into five districts with a *συνέδριον* at the head of each district (*J.W.* 1.169–170, *Ant.* 14.91)—as the fulfillment of the people’s request from Pompey (see Buehler, “Pre-Herodian Civil War,” 61). This is due to a common perception by which *aristocracy* in Josephus’s writings means priestly rule. However, the people’s appeal does not mention the word *aristocracy*, just as the account of Gabinius’s reforms does not even hint at priestly rule. Moreover, *aristocracy* in Josephus apparently means rule by councils, not priestly rule (see Daniel R. Schwartz, “Josephus on the Jewish Constitutions and Community,” *SCI* 7 (1983/1984): 32–34, as well as my, “Kingship,” 46–54). Pompey’s arrangement, establishing Hyrcanus only as high-priest, conforms closely to the people’s request, especially as presented in Diodorus, who speaks of the “high priest,” whereas *Antiquities* mentions just “priests.”

60. See also lines 63–65 of Nicolaus’s fragment in *GLA* 1:252, 254. There are various reports of similar delegations of other peoples asking to be rid of their current kings and to be annexed to Rome. For the case of Commagene and Cilicia, see Tacitus, *Ann.* 2.42, and Josephus, *Ant.* 18.53.

ditional for the Jews nor did it ask to be ruled by priests, but rather it accused Herod and his son Archelaus of acting as tyrants and asked to be annexed to the province of Syria.⁶¹ Indeed, Bezael Bar-Kochva and Joshua Efron have dismissed the report about the people's delegation to Pompey as Roman or, more specifically, Pompeian propaganda, since a Judean delegation making claims of tradition is the perfect justification for Pompey's subsequent conquest and settlement of Judea.⁶²

This suggestion has been rejected by David Goodblatt, who accepts the core of the account as historical.⁶³ The most important point, from Goodblatt's perspective, is that the suggestion of Bar-Kochva and Efron supposedly entails that an ideology of "priestly monarchy," as he calls it, is not an authentic Judean ideology; and Goodblatt's main point is precisely that it was an authentic ideology.

We should distinguish, however, between two different ideologies of what Goodblatt terms "priestly monarchy." The great majority of sources, both Jewish and non-Jewish, which he adduces as evidence for this ideology, attests to what we may term "priestly kingship,"⁶⁴ that is, that priests should be the kings. Such sources include Josephus, *Ant.* 14.77–78, 404;

61. For this episode see Schwartz, "Rome and the Jews." Note that while the core of that delegation's address is the same in both parallel accounts, the *Jewish Antiquities* also contains the apparently antikingship statement that the envoys waited "to ask for the dissolution of the kingdom" (§304), and their own summary of their request "that they be delivered from kingship and such forms of rule" (§314). But, even there, the delegation does not request the establishment of priestly rule. Moreover, given the location of these statements just prior to the address and at its very end, we may justly suspect they are Josephus's own additions to the original account, in accordance with the new antikingship outlook he adopted in that composition; for that new view, see Sharon, "Kingship," and for this specific episode, see pp. 40–41. Having now mentioned Josephus's new antikingship view in the *Jewish Antiquities*, we can see that the narrative of the people's delegation to Pompey served that view, even if it did not entirely conform to Josephus's political view in that composition.

62. Bar-Kochva, "Manpower," 179–81; Joshua Efron, *Studies on the Hasmonean Period*, SJLA 39 (Leiden: Brill, 1987), 230–34. Cf. Gmirkin, *Berosus and Genesis*, esp. 54–55, 259–63.

63. David Goodblatt, *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity*, TSAJ 38 (Tübingen: Mohr, 1994), 36–40. For a brief but balanced discussion, see now also Eyal Regev, *The Hasmoneans: Ideology, Archaeology, Identity*, JAJSup 10 (Göttingen: Vandenhoeck & Ruprecht, 2013), 161–63, who nevertheless also concludes that the story is basically historical.

64. Goodblatt sometimes uses this terminology (see, e.g., Goodblatt, *Monarchic*

Pompeius Trogus (apud Justinus, *Hist. phil.* 36.2.16; *GLA* 1:338); T. Reu. 6:5–12; several passages in Philo (such as *QE* 2.105); Aramaic Levi Document 4:7–8, 11:5–6; and more.⁶⁵ A few other sources attest to a Judean ideology that rejects kingship and favors priestly rule, analogous to the request of the people's delegation. This latter category includes only Hecataeus and Josephus in *Ag. Ap.* (2.164–165, 184–187),⁶⁶ and we may perhaps add Strabo, *Geogr.* 16.2.36–37, 40. Of these, the first and last are from non-Jews (although it is likely that Hecataeus had some Jewish informants),⁶⁷ and Hecataeus may have taken the contemporary situation in pre-Hasmonean Judea as evidence for traditional Judean practice. Josephus is much later than both Hecataeus and the episode under discussion and wrote *Against Apion* in Rome, over two decades after the destruction. In other words, he composed this work under extremely different circumstances than those of Judea in 63 BCE. In addition, the constitution he presents in *Against Apion* is in fact unlike that which he promotes in his earlier writings, namely the *aristocracy* of *Ant.* 4.223–224, 6.36, and elsewhere, which does not mean hierocracy, but rather rule by councils.⁶⁸ Moreover, it seems to me that, in fact, Josephus does not reject kingship as such in *Against Apion*. He rather presents a completely different type of constitution, namely, *theocracy*, which does not contradict the existence of any one of the regular constitutions (kingship, aristocracy, democracy) but rather exists alongside it. Furthermore, this *theocracy* is not rule by priests; it is a

Principle, 25). Obviously I use here the terms *monarchy* and *kingship* in the classical Greek sense, whereby a *μόναρχος* is any sole ruler, not specifically a king (*βασιλεύς*).

65. Goodblatt, *Monarchic Principle*, 25–26, 35–36, 43–56. For the texts from Aramaic Levi Document, see Jonas C. Greenfield, Michael E. Stone, and Esther Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary*, SVTP 19 (Leiden: Brill, 2004), 66–67 and 94–95, and see the commentary on pp. 139–41 and 184–88, respectively, as well as pp. 35–39.

66. Goodblatt, *Monarchic Principle*, 32–35.

67. But see above, n. 56. For Hecataeus's Jewish informants, see Goodblatt, *Monarchic Principle*, 11–12, and Bar-Kochva, *Pseudo-Hecataeus*, 18–43. However, these informants were probably Egyptian Jews (Bar-Kochva, *Pseudo-Hecataeus*, 28), and as Bar-Kochva asserts, Hecataeus recounted the information he received according to a set literary model, which thus resulted in inaccuracies and distortions. Bar-Kochva explains that Hecataeus was interested in the founding of nations (the *ktisis*) and in their contemporary customs (*nomima*); thus, he telescoped Jewish history and was not informed, or did not care to take notes, about the period of Israelite kingship, and so he concluded that “the Jews never have a king.”

68. See above, n. 59.

theological statement of God's universal rule. Priestly governance, which is mentioned only some twenty passages after the *theocracy*, is not a definition of this term, and the priests do not function as rulers but as managers of everyday affairs.⁶⁹

Reading Goodblatt, as well as Diodorus, one gets the impression that the situation in 63 BCE was one in which nonpriests were kings, and the Judean delegation requested the abrogation of their kingship and a return to "priestly monarchy," when, in fact, the reigning kings were high priests themselves. Consequently, the delegation, which opposes any type of kingship, is actually requesting the abolishment of "priestly kingship" along with the establishment of the high priest as ruler, and so their request actually contradicts the ideology found in most of the sources that advocate "priestly monarchy."⁷⁰ It indeed only conforms to the view of the Judean constitution found in gentile sources (Hecataeus and perhaps Strabo). If the grounds for the delegation's appeal were a genuine Judean ideology of "priestly monarchy," it should have actually supported the kingship of the Hasmonean high priests.⁷¹

69. See Barclay's notes in Flavius Josephus, *Against Apion*, trans. John M. G. Barclay, FJTC 10 (Leiden: Brill, 2007), 261–63 nn. 634–639, and 273–74 nn. 731–732; Sharon, "Kingship," 68–73. See recently, Jacob S. Abolafia, "A Reappraisal of *Contra Apionem* 2.145 as an Original Contribution to Political Thought," *SCI* 32 (2013): 153–72.

70. Obviously it also contradicts ideologies of Davidic kingship and of diarchy, in which a king and high-priest function alongside one another. For that ideology see, e.g., Jub. 31; T. Jud. 21:1–4; T. Iss. 5:7–8; T. Sim. 7:2; along with Goodblatt's third chapter (*Monarchic Principle*, 57–76).

71. In this regard we should note that, as we will soon see, Judea was far from peaceful in the period following Pompey's conquest. Time and again, the country was disturbed by rebellions, many of which were headed by Aristobulus and/or one of his sons. At least one of their goals was undoubtedly to regain the throne, and they were apparently able to gather many Judeans to fight for them. Indeed, eventually Aristobulus's son, Antigonus, was able to gain the crown with Parthian help. This seems to contradict any notion of a general antikingship Judean view. Josephus in fact writes that, during Herod's siege against Antigonus in Jerusalem, the Judeans "were resisting strongly for the sake of Antigonus's kingship" (*Ant.* 14.478). Following Antigonus's enthronement the Romans themselves appointed a king for Judea (Herod), and they did so again a century after Pompey's conquest (Agrippa I). This seems to prove that the Romans too thought that Judeans preferred to be ruled by kings. For, although these appointments certainly served Roman interests, the Romans would likely not have made them if there was good reason to think that kings would be categorically rejected by the native population.

One may perhaps suspect that the delegation actually held some other genuine Judean ideology, which opposed Hasmonean kingship—a belief that the kingship belongs only to the House of David, as found in Pss. Sol. 17, or a belief that kingship and priesthood should be separated⁷²—but that, assuming there was no chance to convince the Romans to appoint some other king or high priest, they opted to request the abolishment of the kingship. However, if that were the case one would presume they would simply claim that the Hasmoneans were illegitimate kings, rather than concoct some false Jewish ideology, which essentially contradicts both of these proposed ideologies. This observation along with the similarity of their request to the description found in Hecataeus should negate such a suggestion.

Goodblatt also raises the question about how such a replacement of kingship with priestly rule would have served Roman imperial interests, rightfully adding that “at this stage of their expansion in the East the Romans were willing to work with and through ‘client kings,’ as the case of Herod of Judah illustrates.”⁷³ It appears that the underlying assumption here is that the only possible reason behind Pompey’s decision to abolish the kingship and appoint Hyrcanus merely as high priest, not as a client king, is the delegation’s request, because it did not serve any Roman interests. However, it seems doubtful that the will of the nation would have caused a powerful figure such as Pompey to implement an arrangement that he would otherwise not implement. In this respect, it is important to note Pompeius Trogus’s description of Pompey’s rejection of the request of the Syrian throne by Antiochus XIII, saying that he would not make him king, even if Syria (that is to say, the Syrian populace) wanted him as king (apud Justinus, *Hist. phil.* 40.2.2–3). Therefore, whether we accept the report about this delegation or not, we must nevertheless assume that Pompey’s arrangement should have somehow served Rome’s interests, or those of Pompey. It seems indeed that other factors may have been behind this arrangement.

First, it should be noted that, while it is true that the Romans, including Pompey, were indeed sometimes content with client kings,

72. For the ideology of separation, see Schwartz, *Studies in the Jewish Background*, 44–56, with the opposing view of David Goodblatt, “The Union of Priesthood and Kingship in Second Temple Judea” [Hebrew], *Cathedra* 102 (2001): 7–28, as well as the third chapter of his *Monarchic Principle*, 57–76.

73. Goodblatt, *Monarchic Principle*, 39.

this was not their sole policy everywhere. Pompey's various settlements included not only client kings and annexation, but also the appointment of tetrarchs, dynasts, and at least in one case (in addition to Judea) he appointed a high priest: Archelaus in Comana of Pontus (Strabo, *Geogr.* 12.3.34, 17.1.11; Appian, *Mith.* 114).⁷⁴ The case of Comana is particularly illuminating, since it was not an excessively Hellenized "temple city" whose priesthood was of the utmost importance, and it was thus similar in a way to Jerusalem.⁷⁵ Indeed, summarizing the different methods Rome uses to rule its territories Strabo mentions, aside from annexed provinces and client kings, free cities and "also some potentates and *phylarchs* and priests" (17.3.24).

It is also important to note one likely difference between a client-kingdom and any other area under Roman dominance: it is not clear whether client kingdoms paid tribute to Rome, and at least David Braund concludes that they probably did not. Most likely, they only paid indemnities, not tribute, and were exploited for resources on an ad hoc basis. However, there is no doubt that other areas under Roman dominance were required to pay tribute. Thus, Pompey indeed imposed tribute upon Judea, but it seems that, when Herod was later made king, Judea stopped paying tribute.⁷⁶ This too may have been a factor in Pompey's decision to settle Judea as he did instead of making it a client kingdom.

74. For Pompey's conquest and settlement of the East, see Robin Seager, *Pompey: A Political Biography* (Oxford: Basil Blackwell, 1979), 44–55, esp. 52–54.

75. For Comana, see David Magie, *Roman Rule in Asia Minor*, 2 vols. (Princeton: Princeton University Press, 1950), 1:181; for Pompey's appointment of Archelaus, see Magie, *Roman Rule*, 371. Note that, in reference to Pompey's conquest, Livy designates Jerusalem as a temple (*Periochae*, 102; and see Stern's note in *GLA* 1:329). In the present context, it is interesting to note that according to Strabo (*Geogr.* 12.8.9) the sacred precinct of Comana was free of swine's flesh, and that, moreover, swine should not be brought into the city at all. This is, of course, reminiscent of Jerusalem. According to the decree of Antiochus III, the flesh of all animals forbidden to the Jews was banned from the entire city, and not just from the temple (*Ant.* 12.146); see also the Temple Scroll col. XLVII with Elisha Qimron, "Chickens in the Temple Scroll (11QT^c)" [Hebrew], *Tarbiz* 64 (1995): 473–76.

76. Braund, *Rome and the Friendly King*, 63–66. See Schürer, *History of the Jewish People*, 1:416 and n. 85. For the contrary view, that Judea under Herod did pay tribute, see e.g., Smallwood, *Jews under Roman Rule*, 85. See the comprehensive discussion in Udoh, *To Caesar*, 118–59; he indeed concludes that generally client kingdoms did not pay an annual tribute to Rome, and that this was the case with Herod's Judea.

Additionally, it seems that at this time two somewhat conflicting views persisted in Rome. On the one hand, a perception of Rome as master of the entire world had developed by this time.⁷⁷ On the other hand, E. Badian has demonstrated that the traditional Roman policy was to avoid major administrative commitments in foreign areas. Thus, Cyrene was not annexed in 96 BCE, despite the fact that it had been left to Rome by its last king. The Senate's policy, according to Badian, was "to prevent any dangerous accumulation of power ... but to do so with a minimum of commitment."⁷⁸ Although this policy had become more moderate by Pompey's time, it still persisted.⁷⁹ Under these circumstances, it seems reasonable that Pompey chose not to annex Judea and at the same time not to appoint a king. By appointing Hyrcanus only as high priest, he in effect made Judea autonomous—internal affairs alone would be decided by Hyrcanus. In this way, Pompey avoided the administrative difficulties inherent in annexation, while having the Roman governor of Syria keep a close eye on Judea (*J.W.* 1.157).⁸⁰ In addition, appointing only a high priest, and not a king, seems to be in accordance with his having confined "the *ethnos* within its own borders" (*J.W.* 1.155), as well as with the new Roman perception of the Jews as an ethnically, not territorially, defined people (for this idea, see below, pp. 268–78).⁸¹

Finally, this arrangement of Judea is consistent with a contemporary geographical perception of Syria, according to which the whole area from northern Syria down to Egypt, which includes Judea, is defined as Syria or Coele-Syria (Strabo, *Geogr.* 16.2.2, 21).⁸² Therefore, once Pompey annexed

77. Claude Nicolet, *Space, Geography, and Politics in the Early Roman Empire* (Ann Arbor: University of Michigan Press, 1991), 29–56; Shatzman, "Integration."

78. Ernst Badian, *Roman Imperialism in the Late Republic*, 2nd ed. (Ithaca, NY: Cornell University Press, 1968), 33. Badian's argument for a nonannexation policy of the Senate is rejected by W. V. Harris (*War and Imperialism*, 131–62). However, Harris acknowledges "the Senate's willingness to use indirect methods of control" (Harris, *War and Imperialism*, 162) and suggests that in a region from which Rome was able to draw any tribute "the incentive to establish a province was evidently weaker" (154–55)—hence, my previous point.

79. Badian, *Roman Imperialism*, 36–40.

80. See *ibid.*, 79.

81. It is also possible that Judea's reduced territory following Pompey's settlement could simply not justify its head being adorned with the title of "king"; see Stern, *Hasmonaeen Judaea*, 213.

82. *GLA* 1:287, 289–90. See also Theophrastus, *Hist. plant.* 2.6.2, 5, 8 with Stern's

Syria, it may well have seemed administratively inappropriate to leave Judea as an independent state governed by its own king.⁸³

We should take note of one additional aspect of this story of the people's delegation: any attempt to identify this delegation has proven futile. Scholars have made various suggestions, including that they were Essenes or Sadducees, but the most common view is that they were Pharisees.⁸⁴ This suggestion is largely based on the old view that the Pharisees ran Jewish life during this entire period, but that view is generally rejected in scholarship today.⁸⁵ Be that as it may, while the secluded Essenes are certainly not likely candidates, the other two groups are not much more likely. It is usually accepted that the Pharisees were supporters of Hyrcanus II and that the Sadducees supported Aristobulus II.⁸⁶ It seems unlikely that either of these groups would make such an appeal against the Hasmonean it supported, and, in any case, it certainly seems improbable that the Pharisees would go out of their way to establish priestly rule, even if that rule would not be kingship. In contrast, the priests themselves were probably mostly on Aristobulus's side (see, e.g., *Ant.* 14.20, *J.W.* 1.150), and so, although

comments (*GLA* 1:13–14), Diodorus, *Bib. hist.* 19.93.7 (*GLA* 1:175–76), as well as Appian, *Bell. civ.* 5.7 (*GLA* 2:188). See also Abraham Schalit, “Κοίλη Συρία from the Mid-Fourth Century to the Beginning of the Third Century B. C.,” *SchrHier* 1 (1954): 64–77.

83. Cf. Schalit, *King Herod*, 20; Stern, *Studies in Jewish History*, 167; Shatzman, “Integration,” 77–78.

84. For Essenes and Sadducees, see Goodblatt, *Monarchic Principle*, 38 n. 22. For Pharisees, see, e.g., Elias Bickerman, *From Ezra to the Last of the Maccabees: Foundations of Post-biblical Judaism* (New York: Schocken, 1962), 174; Abel, “Le siège,” 247; Shatzman, “Hasmoneans,” 29–30 and n. 83; Schalit, *King Herod*, 15.

85. For the evolution of scholarship on this issue, see Daniel R. Schwartz, “Introduction: Was 70 CE a Watershed in Jewish History? Three Stages of Modern Scholarship, and a Renewed Effort,” in Schwartz and Weiss, *Was 70 CE a Watershed?*, 5–17.

86. See *J.W.* 1.110–119; *Ant.* 13.405–429; 4QpNah 3–4 II with Shani L. Berrin [Tzoref], “*Pesher Nahum, Psalms of Solomon and Pompey*,” in *Reworking the Bible: Apocryphal and Related Texts at Qumran; Proceedings of a Joint Symposium by the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature and the Hebrew University Institute for Advanced Studies Research Group on Qumran*, 15–17 January, 2002, ed. Esther G. Chazon, Devorah Dimant, and Ruth A. Clements, STDJ 58 (Leiden: Brill, 2005), 72. See also Abel, “Le siège,” 246; Eyal Regev, *The Sadducees and Their Halakhah: Religion and Society in the Second Temple Period* [Hebrew] (Jerusalem: Yad Ben-Zvi, 2005), 282–83, 287.

the appeal might seem to be priestly, it is highly unlikely that the priests as a unified group were the petitioners. Moreover, the Psalms of Solomon contains a condemnation of those Judean leaders who met Pompey (8:16–17). Many scholars attribute these psalms to the Pharisees, although that is far from certain.⁸⁷ Either way, the group or sect that was the source of these psalms would likely not have taken part in such a delegation. If one were to suggest that these delegates were simply anti-Hasmoneans, what would have been the point of such an appeal when its fulfillment by Pompey would obviously leave the high priesthood and internal authority in Hasmonean hands? While our inability to identify this delegation with any known group does not necessarily prove that there was no such delegation, the fact that it cannot be tied to any known or reasonably assumed Judean ideology nevertheless adds to the doubts accumulated above.

Thus, the report about the request of the people's delegation from Pompey remains highly suspect.⁸⁸ But, before accepting the proposal of Bar-Kochva and Efron that this account is a product of Roman or Pompeian propaganda, we should try to understand what may have been the purpose of such propaganda.

One may suggest that such propaganda was aimed at the Judeans. But since most Judeans would have likely recognized its flaws from a Jewish standpoint, this propaganda appears to have an additional purpose. We should, I suggest, look to the political situation in Rome. Upon his return to the capital, Pompey did not have an easy time getting the Senate to ratify his various settlements in the East. According to Cassius Dio, it was even demanded that Pompey give an account of every one of his actions and that they should be investigated individually by the Senate before being ratified (Cassius Dio, *Hist. rom.* 37.49; see also Suetonius, *Jul.* 19.2).⁸⁹ Given this set of affairs, it seems likely that Pompey rendered an account that would justify his actions. Pompey could probably not simply assert

87. See above, p. 19.

88. Interestingly, the medieval Josippon (36:16–69 in Flusser, ed., *Josippon*, 151–54), who in his account of Pompey's interference in Judea apparently by and large followed Josephus's *Antiquities*, including a retelling of all the negotiations with Pompey (Aristobulus's sending of the golden vine, the first delegations in Syria, and the summit in Damascus), does not mention this delegation of the people.

89. Ernst Bammel, "Die Neuordnung des Pompeius und das römisch-jüdische Bündnis," in *Kleine Schriften*, vol. 1 of *Judaica*, 2 vols. WUNT 37 (Tübingen: Mohr, 1986–1997), 13. See also Badian, *Roman Imperialism*, 29–30.

that he found no suitable candidate to serve as king of Judea, for he may have specifically needed to justify his very intervention in Judea, because Judea was seemingly beyond the sphere of his assigned wars against the pirates and against Pontus and Armenia and given the former treaty between Rome and the Judeans, if indeed that treaty was still in effect, as argued by S. Rocca.⁹⁰ The Jews inviting him to intervene and requesting the abolishment of the kingship could certainly provide that justification.⁹¹

In conclusion, it appears likely that the account of the people's delegation is in fact merely Pompeian propaganda.⁹² The main considerations leading to this conclusion are:

90. See Rocca, "Late," in opposition to the view of Rappaport that Alexander Janinaeus had already broken off any ties with Rome (Rappaport, "Relations," followed by Shatzman, "Integration," 72–74). Concerning the sphere of Pompey's assigned wars, see, in contrast, Shatzman, "Integration," 75. It is doubtful whether in real time—that is, during the conquest itself—Pompey looked for any such justification for his intervention. The aforementioned Roman, and specifically Pompeian, view of the world as Rome's *imperium* (above, p. 84), and Pompey's identification with Alexander the Great (Plutarch, *Pomp.* 2.1–2; Appian, *Mith.* 117; see Beard, *Roman Triumph*, 13–14) would have been enough justification even in the face of previous treaties between Judea and Rome (Bammel, "Die Neuordnung," 11–12). It does not seem likely that any laws or treaties would have prevented Pompey, or any other similarly powerful Roman, from invading Judea. Thus, for example, Plutarch reports that when the people of Messana in Sicily rejected his jurisdiction on the grounds of some Roman law, Pompey replied: "Cease quoting laws to us that have swords girt about us!" (*Pomp.* 10.2); see also *Pomp.* 12.4–5.

91. We should also consider how well an appeal such as that attributed here to the Judean people would resonate in contemporary Rome with its traditional hatred of kings, and the fear that a powerful individual would make himself king. Most famous is the fear that Julius Caesar wanted to be king (e.g., Plutarch, *Caes.* 60–61, *Ant.* 12, Suetonius, *Jul.* 79), but such accusations and fears were expressed in relation to other political figures as well, including Tiberius Gracchus (Plutarch, *Ti. C. Gracch.* 14.1–2) and Pompey (Plutarch, *Pomp.* 25.3–4, 43.1). I thank my friend, Ynon Wygoda, for this observation.

92. We may suggest, at most, that there was some group of Judeans that made some such appeal, but they would not have been representatives of the "nation," and the account in its current form certainly serves as propaganda (Efron, *Studies*, 232). Maurice Sartre, *The Middle East under Rome*, trans. Catherine Porter and Elizabeth Rawlings (Cambridge: Harvard University Press, 2005), 38, similarly suggests that Plutarch's explanation that Pompey annexed Syria because it "had no legitimate kings" (*Pomp.* 39.3) is merely Pompeian propaganda, since there were indeed Seleucid heirs.

- ♦ this account most likely originates from one of Pompey's close associates;
- ♦ it has pro-Roman historical errors;
- ♦ it contains a description of the Judean constitution that is unparalleled in genuine Jewish sources but that is in harmony with non-Jewish perceptions;
- ♦ it accords with Pompey's eventual settlement, thus serving as needed justification for his actions.⁹³

Pompey Dethrones Aristobulus and Reorganizes Judea: Spring–Autumn 63 (J.W. 1.132–158, *Ant.* 14.46–79)⁹⁴

The continuations of the narratives of the *Jewish War* and the *Jewish Antiquities* are also somewhat dissimilar.⁹⁵ The *Jewish War* explicitly says that Aristobulus also appeared, most pompously, before Pompey in Damascus, but then goes on to say that, “Feeling it beneath his dignity to play the courtier ... he, on reaching the city of Dium,⁹⁶ took himself off” (§132). This behavior and the appeals of Hyrcanus and his friends are the reasons for Pompey's subsequent campaign against Aristobulus (§133). In contrast, the *Jewish Antiquities* states that, although he condemned Aristobulus, Pompey put off his decision until after his planned expedition to Nabatea. He asked the two brothers to keep the peace in the meantime, and treated Aristobulus with honor “for fear that he might incite the country to rebellion and block his passage through it” (§46). Nevertheless, Aristobulus did exactly that; he came to Dium and from there set out for Judea. For this reason, Pompey abandoned his planned expedition against the Nabateans and marched against Aristobulus; no appeals by Hyrcanus are mentioned in this account (§47–48). Once again, it seems that the differences are due to the additional Roman sources used in the *Jewish Antiquities* (regarding the planned expedition against the Nabateans), and also to the differing

93. A recent article by Benedikt Eckhardt, in which he reaches similar conclusions about this supposed Judean delegation, came to my attention after I had completed this section: Benedikt Eckhardt, “Die jüdischen Gesandtschaften an Pompeius (63 v. Chr.) bei Diodor und Josephus,” *Klio* 92 (2010): 388–410.

94. See also Cassius Dio, *Hist. rom.* 37.15.2–16.4 (GLA 2:349–53).

95. See Laqueur, *Der jüdische Historiker*, 156.

96. For the reading “Dium” and for its location, probably very close to Pella, to its north-east, see Schürer, *History of the Jewish People*, 2:148 and n. 333.

biases of the two works: *Jewish War*, probably following Nicolaus, emphasizes Aristobulus's arrogance, which is absent from the *Jewish Antiquities*; and the *Jewish Antiquities* does not mention Hyrcanus's appeals, which may seem contradictory to his phlegmatic character especially emphasized in this work. Consequently, we should probably accept the data about Pompey's planned conquest, Aristobulus's departure at Dium, and perhaps also that Hyrcanus had a part in Pompey's decision to put off his planned expedition and go after Aristobulus instead.⁹⁷

But why did Aristobulus act in such an obviously disastrous way? The question is intensified if we recall that the Nabateans were allied with his rival brother, so that he would have greatly benefited from Pompey's planned campaign against them. Unfortunately, since the sources do not explain his rationale, we are left with mere speculation. It is possible that Aristobulus had inside information that Pompey had already made up his mind against him or that he at least had good reason to think that was the case.⁹⁸ Otherwise, this is a case of leadership acting against its own interests, due to shortsightedness; such an explanation is not far from the *Jewish War*'s explanation of arrogance.

If Pompey had already made up his mind in favor of Hyrcanus, then we may surmise that this preference was at least partially a result of Aristobulus's behavior following Scaurus's intervention in 65 BCE. For Aristobulus's attack on the withdrawing forces of Hyrcanus and Aretas, for which he apparently did not request Roman permission, was likely contrary to Roman interests of keeping the peace and demonstrated to Pompey that Aristobulus did not grasp the new balance of power, and his current behavior would have only reaffirmed that impression.⁹⁹

97. Schürer (*History of the Jewish People*, 1:238, 2:148) assumes that Aristobulus had accompanied Pompey on his campaign against the Nabateans and then decided to depart in Dium, but this is uncertain; see Marcus's n. a on *Ant.* 14.47 in LCL. According to Cassius Dio (*Hist. rom.* 37.15), Pompey actually marched against the Nabateans and was victorious and only then marched to Judea (so too Orosius, *Hist. adv. pag.* 6.6), whereas according to Plutarch (*Pomp.* 39, 41) the expedition against the Nabateans began only after the conquest of Judea, and was abandoned after the arrival of the news of the death of Mithridates, king of Pontus. However, we should probably prefer Josephus on this point; see Sartre, *Middle East*, 391 n. 75.

98. Stern, *Hasmonaean Judaea*, 207–8; Schalit, *King Herod*, 16.

99. For an evaluation of Aristobulus's actions along similar lines of arrogance and misunderstanding of the new balance of powers and Roman objectives, although not in reference to his attack on Hyrcanus and Aretas, see Schalit, *King Herod*, 20–23.

Moreover, Pompey may have preferred Hyrcanus, judging that Aristobulus was too ambitious and forceful, whereas Hyrcanus was likely to remain more docile.¹⁰⁰ Aristobulus was already king on his own account and would therefore not feel very obliged to Pompey, whereas a reinstated Hyrcanus would be more committed to Pompey. Additionally, if at this point in time Pompey had already decided that he did not want to appoint a king in Judea but only a high priest, obviously Hyrcanus would have been the better choice, since the reigning king would be less likely to cooperate with a demotion.

Another explanation may be found in a much later text. An interpolation found in one version of the medieval Josippon says, regarding Aristobulus's capture by Pompey, that the latter "took Aristobulus only as captive, since he rebelled against the Romans, relying on Mithridates after the death of his father."¹⁰¹ David Flusser suggests that the source of this information was some Byzantine chronicle based on Eusebius, which he regards as credible. Other scholars follow him in that assessment.¹⁰² If Aristobulus indeed had, or was suspected of having, ties with Mithridates VI, the King of Pontus, who was Rome's most bitter enemy at the time, that would have been more than enough reason for Pompey to favor Hyrcanus over him.¹⁰³ However, if it were so, it is hard to understand why Pompey only exiled Aristobulus; one may assume that he would have executed him. Moreover, while it is understandable that Josephus would have repressed such evidence for Judean ties with Rome's enemies,¹⁰⁴ it is difficult to comprehend how, of all of the extant non-Jewish sources that report a great deal about Pompey and his war with Mithridates (Plutarch, Appian, and Cassius Dio), none mentions such ties, which, moreover, would have justified Pompey's very involvement in Judea.

100. Smallwood, *Jews under Roman Rule*, 23.

101. Translation from Miriam Pucci (Ben Zeev), "Jewish-Parthian Relations in Josephus," *The Jerusalem Cathedra* 3 (1983): 18. Josippon's original Hebrew: ויקח את המלך אריסטובולוס לבדו שבוי על אשר מרד ברומאים כי היה בוטח במיתרידטוס לאחר מות אביו (Flusser, *The Josippon*, 488).

102. David Flusser, "An 'Alexander Geste' in a Parma MS" [Hebrew], *Tarbiz* 26 (1956): 165–84, esp. 180–83. Flusser is followed by Rappaport, "Relations," 401–402; Pucci (Ben Zeev), "Jewish-Parthian Relations," 17–18. But see now Rocca, "Late," esp. 70–75.

103. For the Roman fear and hatred of Mithridates, see below, p. 408 and n. 31.

104. Rappaport, "Relations," 401–2; Pucci (Ben Zeev), "Jewish-Parthian Relations."

Be that as it may, following Aristobulus's departure at Dium, Pompey pursued him through the Jordan valley with a large army. Aristobulus took refuge at the Alexandrion fortress,¹⁰⁵ but upon the orders of Pompey and for fear of the Roman army, he descended for negotiations, after which he was allowed to return to the fortress. Following several rounds of negotiations between him, Pompey, and Hyrcanus, and upon the orders of Pompey, Aristobulus gave up that fortress as well as others which were under his control.¹⁰⁶ Afterward, Pompey apparently destroyed them or at least their fortifications (Strabo, *Geogr.* 16.2.40).¹⁰⁷ However, a resentful Aristobulus now withdrew to Jerusalem and prepared for war.

Pompey quickly led his army toward Jerusalem, and Aristobulus, fearing the consequences of his action, exited the city and surrendered, promising as well to hand over Jerusalem and a sum of money. Pompey accepted the offer and sent Gabinius to take over the city and to receive the

105. Alexandrion-Sartaba is at the eastern edge of the Samaria desert, high above the Jordan valley, south-east of Shechem-Nablus. In 57 BCE, Aristobulus's son, Alexander, led a revolt in which he took refuge in the same fortress (*J.W.* 1.163, 167; *Ant.* 14.89). Soon after, Aristobulus led another revolt and once again tried to capture and rebuild Alexandrion (*J.W.* 1.171, *Ant.* 14.92). For an attempt to explain the insistence upon this fortress, see Eyal Regev, "Why Did Aristobulus and His Son Alexander Fortify Alexandrion-Sartaba?" [Hebrew], in *Jerusalem and Eretz Israel: Arie Kindler Volume*, ed. Joshua Schwartz, Zohar Amar, and Irit Ziffer (Ramat-Gan: Bar-Ilan University; Tel-Aviv: Eretz Israel Museum, 2000), 119–132.

106. This is yet another illustration of Roman preference for the use of intimidation to achieve their goals, rather than actually using their military strength. See above, p. 63 and n. 24, as well as the next footnote. For Roman and Pompeian willingness to negotiate, see Sherwin-White, *Roman Foreign Policy*, 190–91.

107. Cf. Baumann, *Rom und die Juden*, 38. Josephus does not say that Pompey destroyed any of these fortresses, a fact that led Udoh to conclude that "they were surely not destroyed" (*To Caesar*, 24). However, Strabo explicitly attests to the destruction of their walls, and that is both reasonable and is implied by the fact that, in his rebellion of 57 BCE Alexander, Aristobulus's son, (re)fortified these fortresses (*J.W.* 1.161, *Ant.* 14.83). For this Roman policy, compare 1QpHab IV, 3–9 on Hab 1:10b: והוא לכול מבצר ישחק ויצבור עפר וילכדהו. פשרו על מושלי הכתאים אשר יבזו על מבצרי העמים ובלעג יסח־ו־קו עליהם ובעם רב יקיפום לתופשם ובאמה ופחד ינתנו [i.e., "And they laugh at every fortress, and they heap up earthen mounds to capture it: Its interpretation concerns the rulers of the Kittim, who despise the fortifications of the peoples and laugh with derision at them; and with many (people) they surround them to capture them. And with terror and dread they [i.e., the fortresses] are given into their hand, and they tear them down, because of the iniquity of those who dwell in them."].

money. However, Aristobulus's people in Jerusalem refused even to admit Gabinius into the city. Fuming at this behavior, Pompey quickly came to the city. His contemplation upon the best method to attack the fortified city apparently took some time, during which conflict broke out within the city over the question whether to fight Pompey or admit him into the city. The result was that the party of Aristobulus entrenched in the temple, while the others, apparently Hyrcanus's followers, let Pompey's army into the city.¹⁰⁸

After failing to convince those within the temple even to negotiate, and due to the heavy fortification of the temple, Pompey built siege-works, with the assistance of Hyrcanus's supporters. Josephus explains that, in building the siege-works, Pompey took advantage of the Jewish Sabbath, for on the Sabbath the Jews would only fight in direct self-defense, but they would not do any manual work such as is needed to hinder the building of the siege-works. Therefore, on the Sabbath the Romans refrained from combat and put all their efforts into the earthworks (*J. W.* 1.146, *Ant.* 14.63–64, Cassius Dio, *Hist. rom.* 37.16.2–3). Although later rabbinic halakah, and possibly also earlier Maccabean ruling (1 Macc 2:39–40), allow this type of self-defense on the Sabbath, on the one hand, and although it seems that during the Second Temple period there was an opposing stringent halakic view which forbade fighting on the Sabbath altogether (*Jub.* 50:12), on the other hand, it is perfectly reasonable that some Jews had some kind of intermediate view such as testified here by Josephus.¹⁰⁹

Thus, Pompey was able to build the siege-works, and the temple was finally taken in the third month of the siege. In the *Jewish Antiquities*, Josephus dates the conquest of the temple to Yom Kippur (the Day of Atonement in September/October, *Ant.* 14.66, 487) of 63 BCE. Scholars often reject that date and argue that the conquest must have taken place in the summer. In appendix F below, I assert that this rejection is unjustified; the evidence does point to early autumn as the time of the conquest, and it may have indeed occurred on Yom Kippur.

In both parallel descriptions, Josephus emphasizes that the temple ritual continued as usual during the period of the siege, and even during the conquest itself when the priests were being massacred near the altar. This heroic piety was attested to by Strabo, Nicolaus, and Livy, according

108. Their action is, apparently, strongly condemned in Pss. Sol. 8:15–17.

109. Contra Eyal Regev, "How Did the Temple Mount Fall to Pompey?" *JJS* 48 (1997): 276–89. See further below, pp. 419–21.

to Josephus in *Ant.* 14.68.¹¹⁰ Many others committed suicide, while others set fire to some of the buildings, apparently on the Temple Mount itself, and they were burned alive within them.¹¹¹ All in all, Josephus testifies to a great massacre inside the temple, with some 12,000 dead among the Judeans at the hands of both the Romans and their own coreligionists, while Roman losses were few.¹¹² Although, as in many other cases, these numbers may very well be exaggerations, they nevertheless give us at least some kind of indication of the magnitude of the event.¹¹³

In both accounts Josephus stresses the terrible calamity or sin committed against the temple when Pompey and his staff went into the sanctuary, where only the high priest is allowed to enter, and the holy place and its holy utensils were seen by alien eyes.¹¹⁴ Pompey, however, did not touch

110. David Goodblatt, "Suicide in the Sanctuary: Traditions on Priestly Martyrdom," *JJS* 46 (1995): 10–29, asserts that to perish with the temple was a priestly, perhaps Josephan, ideal. Thus, this narrative may have originated in priestly circles, and, given that the descriptions of this episode by Nicolaus, Strabo, and Livy have not survived, perhaps we should question the extent to which it reflects actual events. Cf. Jan Willem van Henten, "Noble Death in Josephus: Just Rhetoric?," in Rodgers, *Making History*, 195–218. See also the next footnote.

111. See Goodblatt ("Suicide," 11–13), who emphasizes the role of the priests in this episode and raises the question whether those committing suicide included priests or were the priests only massacred while performing the temple rites. It seems to me that the priest Josephus, who had resisted suicide at Jotapata, may precisely be trying to make that distinction—while the priests were performing their holy tasks, others, not specifically priests, were simply "driven mad" (*J.W.* 1.150). That is, to be butchered while performing the holy rituals is admirable, whereas to not be defending the temple but rather just committing suicide and setting fire to buildings on the Temple Mount is madness. It is yet another thing to throw oneself into the already burning temple, i.e., to commit suicide when the temple, the last, or only, thing worth fighting for is already lost (*J.W.* 6.280; see also *J.W.* 6.321–322; Cassius Dio, *Hist. rom.* 66.6.2–3; b. Ta'an. 29a; Goodblatt, "Suicide," lists additional rabbinic sources).

112. The same figure of dead Judeans is given by Eutropius (*Brev. hist. rom.* 6.14.2; *GLA* 2:575–76).

113. See above, pp. 45–46.

114. See also Florus, *Epitoma*, 1.40.30 (*GLA* 2:133), and Tacitus, *Hist.* 5.9.1 (*GLA* 2:21, 28, 49–50); Pss. Sol. 2:2, however, speaks of the desecration of the altar. For the problem of the entry of foreigners into the temple, cf. 4Q174 1–2 I, 2–5. The problem of foreigners seeing the temple and the holy vessels within it arises again twenty-six years later, after the conquest of the temple by Herod and Sossius (Josephus, *J.W.* 1.354, *Ant.* 14.482–483). Herod, however, was successful in preventing this calamity. The analogy between these two episodes sheds a very positive light upon Herod, who

any of the holy vessels or the “sacred moneys” stored in the temple, for which he is praised by Josephus (*Ant.* 14.72). Likewise, Cicero too attests that Pompey “laid his victorious hands on nothing in that shrine” (*Flac.* 28.67). Cassius Dio, on the other hand, says that “all the wealth was plundered” (*Hist. rom.* 37.16.4); such a sentiment is usually taken as contradictory to that of Josephus and Cicero.¹¹⁵ Yet, it is not clear whether Dio is referring to the wealth of the temple or to just ordinary plundering of the city by the soldiers.¹¹⁶

On the day after the conquest, Pompey ordered the cleansing of the temple and the resumption of its rites. The conquest of Jerusalem apparently became important for the image of Pompey as attested by the term “Hierolymarius” with which Cicero nicknames him in *Att.* 2.9.1.¹¹⁷

Following his conquest of Jerusalem, whose walls he apparently razed (see *J.W.* 1.160, 199, *Ant.* 14.82, 144, Strabo, *Geogr.* 16.2.40; Tacitus, *Hist.* 5.9.1; Pss. Sol. 8:19),¹¹⁸ Pompey was left with the task of settling the affairs of Judea. He reduced the territory of Judea significantly “and thus con-

is more pious than Pompey and especially Hyrcanus, who apparently did not even try to prevent the foreigners from viewing the holy sanctuary and its vessels. This of course serves Nicolaus’s pro-Herodian bias well.

Josephus also emphasizes that Titus saw the interior of the temple and its furniture in 70 CE (*J.W.* 6.260). This emphasis on viewing the temple and the holy vessels as being the main sin—not entry into the Sanctuary, touching the vessels, or stealing them—is remarkable. Biblical precedents for this are Num 4:17–20 and 1 Sam 6:19–20. See Daniel R. Schwartz, “Viewing the Holy Utensils (P. Ox. V, 840),” *NTS* 32 (1986): 153–59; and, more recently, Gary A. Anderson, “Towards a Theology of the Tabernacle and Its Furniture,” in *Text, Thought, and Practice in Qumran and Early Christianity: Proceedings of the Ninth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, Jointly Sponsored by the Hebrew University Center for the Study of Christianity, 11–13 January, 2004*, ed. Ruth A. Clements and Daniel R. Schwartz, *STDJ* 84 (Leiden: Brill, 2009), 161–94; and Steven D. Fraade, “The Temple as a Marker of Jewish Identity before and after 70 CE: The Role of the Holy Vessels in Rabbinic Memory and Imagination,” in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern*, ed. Lee I. Levine and Daniel R. Schwartz, *TSAJ* 130 (Tübingen: Mohr Siebeck, 2009), 237–65, esp. 241–45.

115. Marcus, n. a on *Ant.* 14.72 in LCL.

116. *GLA* 2:353.

117. *GLA* 1:201–2.

118. Josephus does not mention the razing of the walls in the description of Pompey’s conquest but only incidentally in the narratives of Alexander’s first revolt and of Caesar’s permission to rebuild them (in *J.W.* 1.199 it is only implied). See *GLA* 2:50.

fined the nation within its own boundaries" (J.W. 1.155). He tore away from it the coastal towns, such as Gaza, Jaffa, and so forth,¹¹⁹ as well as the interior non-Jewish towns on both sides of the Jordan, such as Pella, Scythopolis (Beth-Shean), and Samaria. He rebuilt and restored these cities. Thus, he seemingly liberated these cities,¹²⁰ although they did not become really independent; they were rather annexed to the province of Syria. Still, the inhabitants of those cities were apparently thrilled to be released from Judean domination, as most of those cities commemorated their liberation by adopting Pompeian eras in counting their years.¹²¹ This might also be the time of the establishment of the so-called Decapolis, the league of Hellenistic cities, mostly east of the Jordan, but also including Scythopolis.¹²²

As for Judea, its remaining components were apparently only those areas where the population was predominantly Jewish: Judea proper, Galilee, part of Idumea, Peraea, and perhaps a part of Samaria.¹²³ Furthermore, even this remaining Judean territory was not totally independent. It

119. This might have to do with charges of piracy that may have been raised against the Judeans; Laqueur, *Der jüdische Historiker*, 153–54. For Pompey's reorganization of Judea, see Baumann, *Rom und die Juden*, 37–42.

120. On the restoration or reconstitution of these cities, see A. H. M. Jones, *The Cities of the Eastern Roman Provinces* (Oxford: Clarendon, 1937), 258–59, and Zeev Safrai, "The Gentile Cities of Judea: Between the Hasmonean Occupation and the Roman Liberation," in *Studies in Historical Geography and Biblical Historiography Presented to Zecharia Kallai*, ed. Gershon Galil and Moshe Weinfeld, VTSup 81 (Leiden: Brill, 2000), 63–90. Pompey founded and restored many cities in various areas which he conquered (see, e.g., Appian, *Mithr.* 115; Plutarch, *Pomp.* 45.2; Jones, *Cities*, 159–60).

121. Smallwood, *Jews under Roman Rule*, 28–29 and n. 27; and see Mark A. Chancey, "City Coins and Roman Power in Palestine: From Pompey to the Great Revolt," in *Religion and Society in Roman Palestine: Old Questions, New Approaches*, ed. Douglas R. Edwards (New York: Routledge, 2004), 103–12. For inscriptions centuries after Pompey's conquest which still use the Pompeian Era, see Yiannis E. Meimaris, *Chronological Systems in Roman-Byzantine Palestine and Arabia: The Evidence of the Dated Greek Inscriptions* (Athens: The National Hellenic Research Foundation. Centre for Greek and Roman Antiquity, 1992), 74–135.

122. Smallwood, *Jews under Roman Rule*, 29 n. 28. For a general discussion of the Decapolis in this period, see Richardson, *Herod*, 88–91. See also Benjamin Isaac, "The Decapolis in Syria, a Neglected Inscription," *ZPE* 44 (1981): 67–74.

123. See Jones, *Cities*, 259; Michael Avi-Yonah, *The Holy Land: A Historical Geography from the Persian to the Arab Conquest (536 B.C.–A.D. 640)*, rev. Anson F. Rainey (Jerusalem: Carta, 2002), 80; Udoh, *To Caesar*, 22. Jones, who believes that Samaria

was made tributary to Rome and was de facto subservient to the Roman governor of Syria (see especially *J. W.* 1.157).¹²⁴ As I. Shatzman suggests, in accordance with Roman policy elsewhere, Pompey probably did not carry out a general disarmament of Judea, but he may have restricted the size of the army and the types of forces it had and demanded the surrender of certain types of arms.¹²⁵ Hyrcanus was denied the royal title, and he was appointed only as high priest (see also Strabo, *Geogr.* 16.2.46),¹²⁶ the rationale of which was discussed above (pp. 82–85).

Some of the leaders of the opposite faction were executed, while Aristobulus and his family—two daughters and two sons, Alexander and Mattathias Antigonus—were taken by Pompey as his prisoners (see also Plutarch, *Pomp.* 39.3; Florus, *Epitoma*, 1.40.30; Appian, *Syr.* 50; Cassius Dio, *Hist. rom.* 37.16.4; Pss. Sol. 2:4–6; 8:21; 17:11–12; Pesher Nahum [4Q169] 3–4 IV, 1–4).¹²⁷ Alexander, the elder of the two sons, was able to escape during the journey, but the others eventually reached Rome, where Aristobulus was one of the conquered kings to be later presented in Pompey's triumph in 61 BCE (Plutarch, *Pomp.* 45.1–2, 5; Appian, *Mithr.* 117;¹²⁸ Eutropius, *Brev. hist. rom.* 6.16; see also Diodorus Siculus, *Bib. hist.* 40.4; Pliny, *Nat.* 7.98). Along with Aristobulus's family, many other Judeans were certainly taken to Rome—and perhaps elsewhere—as prisoners of

remained attached to Judea, contrarily posits that the Idumean city of Adora was detached from Judea, and apparently thinks that so was all of Idumea (*Cities*, 259).

124. Stern, *Hasmonaeen Judaea*, 213; Seán Freyne, *Galilee: From Alexander the Great to Hadrian 323 BCE to 135 CE; A Study of Second Temple Judaism* (Edinburgh: T&T Clark, 1980), 58. For Pompey making Judea tributary to Rome, see also Cicero, *Flac.* 28.69, and the discussion in Udoh, *To Caesar*, 9–30.

125. Shatzman, *Armies*, 131. For this Roman policy see further P. A. Brunt, *Roman Imperial Themes* (Oxford: Clarendon, 1990), 255–66.

126. *GLA* 1:299, 304. Strabo here erroneously substitutes Herod for Hyrcanus (see Stern's note in *GLA* 1:310, and VanderKam, *Joshua to Caiaphas*, 346 n. 275).

127. For the similarity of Pss. Sol. 2.4–6 and 4Q169 3–4 IV, 1–4, see Berrin, "Pesher Nahum," 81–82. Josephus also separately mentions that Absalom, Aristobulus's uncle and father-in-law, was taken captive (*J. W.* 1.154, *Ant.* 14.71), but it is not clear whether he was among those executed or those taken to Rome (Stern, *Hasmonaeen Judaea*, 210). Aristobulus's wife is not mentioned here explicitly, but a few years later she is active in negotiations during her son Alexander's revolt, and it is implied there that she was never taken to Rome (*J. W.* 1.168, *Ant.* 14.90).

128. Appian here erroneously writes that, of all the captured kings, Aristobulus alone was executed immediately after the triumph. In fact, Aristobulus was killed only in 49 BCE (*GLA* 2:184).

war, thus dramatically increasing the Jewish population of Rome (cf. Philo, *Legat.* 155).¹²⁹

Thus came the end of the Hasmonean state, and, perhaps excluding some very short-lived periods of semi-independence, the end of the last

129. See Smallwood, *Jews under Roman Rule*, 131. In addition to the gentile sources noted in this paragraph, the following sources (all found in *GLA*) also make note of Pompey's conquest of Judea and Jerusalem: Strabo, *Geogr.* 16.2.40, 46; Livy, *Periochae* 102; Lucan, *Pharsalia* 2.590–594; Tacitus, *Hist.* 5.9.1; Festus, *Breviarium* 3, 14, 16; Rutilius Namatianus, *De Reditu Suo* 1.395–396. Likewise Ammianus Marcellinus, *Res Gestae*, 14.8.12, mentions Pompey's conquest but erroneously adds that Pompey made Judea a province (see Stern's note in *GLA* 2:605). For Judea in Pompey's triumph, see also Pliny, *Nat.* 12.111. For Pompey's three triumphs, see Beard, *Roman Triumph*, 7–41.

In connection with Pompey's conquest we should mention the coin struck by Aulus Plautius as aedile in 54 BCE, which commemorates the submission of one "*Bacchius Iudaeus*." See fig. 4 below. There have been several suggestions for the identification of this mysterious Jewish figure. One often-made suggestion is that he should be identified with Dionysius of Tripolis who was beheaded by Pompey on his march to Damascus (*Ant.* 14.39; see Schürer, *History of the Jewish People*, 1:237 n. 14; Marcus's n. c ad loc.; Schalit, *King Herod*, 348 n. 29). However, this Dionysius was from Tripoli, not Judea, and there is no apparent reason to think that he was a Jew. M. Narkis, "A Roman Republican Coin Commemorating the Subjugation of Alexander, Son of Aristobulus II" [Hebrew], *Tarbiz* 11 (1939): 220–23, suggested that it has to do with the suppression of the revolt led by Alexander, the son of Aristobulus, in 55 BCE (see also Kasher, *Jews, Idumaeans, Arabs*, 114 n. 207). It seems, however, unlikely that Rome would commemorate on coins the suppression of such a small-scale local revolt in a country that it had already conquered; cf. Gambash, "Official Roman Responses," 54*–67*. Smallwood suggests that he may have been the commander of Jerusalem in 63 BCE, who was "of greater military significance to Rome than Aristobulus" (*Jews under Roman Rule*, 26 n. 16; followed by Wise, *Thunder in Gemini*, 214–15). Another quite common suggestion, important for our current concerns, is that he is actually to be identified with Aristobulus himself; see Edward A. Sydenham, *The Coinage of the Roman Republic* (London: Spink & Son, 1952), 156 n. 932; Yaakov Meshorer, *A Treasury of Jewish Coins: From the Persian Period to Bar Kokhba*, trans. R. Amols (Jerusalem: Ben-Zvi; Nyack, NY: Amphora, 2001), 28–29. James M. Scott has recently devoted an entire monograph to the analysis of this coin (Scott, *Bacchius Iudaeus*). Emphasizing the Dionysaic pretensions of Pompey and pointing to a non-Jewish view of the Jewish cult as a sort of local cult of Dionysus (e.g., Plutarch, *Quaest. Conv.* 4.6.1–2), Scott suggests that "*Bacchius Iudaeus*" refers, "via an *interpretatio Romana* ... to 'the Judean Bacchus,' that is, the manifestation of the god Dionysus in Judea" (p. 68) and that the kneeling figure represents Aristobulus, who, as king and high priest, is that god's representative on earth.



Fig. 4. Coin struck by Aulus Plautius as aedile in 54 BCE, commemorating the submission of “Bacchius Judaeus.” Some scholars suggest that it refers to Pompey’s conquest of Judea. Courtesy of Dr. Robert Deutsch.

Judean state until the establishment of the modern state of Israel. Any traces of statehood that remained following Pompey’s conquest could not negate this fact. In the eyes of at least most Judeans, who had just enjoyed eighty years of independence, the events of 63 BCE were probably perceived as not very different from a complete loss of independence and as full subordination. This is exemplified both in Josephus’s lament following his description of Pompey’s settlement—“We lost our freedom and became subject to the Romans” (*Ant.* 14.77)¹³⁰—as well as in his speech to the besieged in Jerusalem during the Great Revolt—“Whence did we begin (our) servitude? [πόθεν δ’ ἡρξάμεθα δουλείας;] Was it not from party strife among our forefathers, when the madness of Aristobulus and Hyrcanus ... brought Pompey against the city, and God subjected to the Romans those who were unworthy of liberty?” (*J.W.* 5.395–396).¹³¹ This was true also from the Roman point of view, as is made clear by Cicero’s statement regarding Jerusalem, just four years after Pompey’s conquest: “How dear it (i.e., Jerusalem) was to the immortal gods is shown by the fact that it has

130. Compare this passage with *Ant.* 12.5. For *Ant.* 14.77–78 being Josephus’s own sentiments, whereas §§74–76 are probably taken up from Nicolaus, see Schwartz, “Josephus on Hyrcanus,” 217–20, and Schwartz, “Rome and the Jews,” 66–71.

131. I substitute “we begin (our) servitude” for Thackeray’s “our servitude arise.” See also *Ag. Ap.* 2.134.

been conquered, let out for taxes, made a slave” (*Flac.* 28.69).¹³² Therefore, we may assume that most Jews did not hold a high opinion of Pompey (see *Pss. Sol.* 2, esp. vv. 1, 25–29), and it is not surprising that, during the “Diaspora Revolt” (115–117 CE), the Jews of Egypt took the opportunity to destroy the temple of Nemesis, which Julius Caesar had established near Alexandria in Pompey’s memory (*Appian, Bell. civ.* 2.90).¹³³

From After Pompey’s Settlement to His Death:

Autumn 63–September 48 BCE (*J.W.* 1.159–187, *Ant.* 14.80–127)

The Governors of Syria in 63–58 BCE (*J.W.* 1.159, *Ant.* 14.80–81)

Following the conquest, Pompey appointed Scaurus as governor of the newly established province of Syria. Our historical data for his time as governor is meager. All Josephus reports is that Scaurus carried out the postponed campaign against Aretas III, the Nabatean king (cf. *Appian, Syr.* 51). During the campaign, his army encountered various difficulties in the vicinity of Petra and suffered from hunger. Subsequently, Hyrcanus sent Antipater to aid him with grain and other supplies, so Josephus writes. Scaurus then made use of Antipater’s close relationship with Aretas and sent him as his envoy to the Nabatean king. Aretas was persuaded to pay 300 talents, and Scaurus withdrew his forces.¹³⁴

Both of Josephus’s narratives skip over the period between Scaurus’s campaign against Aretas and the governorship of Aulus Gabinius, that is, between ca. 62 and 57 BCE. However, from *Appian*, we know that during that time there were two successive governors in Syria: Marcius Philippus and Lentulus Marcellinus, both of praetorian rank.¹³⁵ Each of them governed for two years, and, like Scaurus, they both fought against the

132. *GLA* 1:198. See also Pompey’s speech in *Lucan, Pharsalia* 2.590–594 (*GLA* 1:439), as well as Titus’s speech to the besieged in Jerusalem: “Ever since Pompey conquered you by force [εἰλεν ὑμᾶς κατὰ κράτος] you never ceased from revolution” (*J.W.* 6.329, translation mine). William Harris asserts that the Romans “saw the empire as consisting not [only] of the annexed provinces but of all the territory over which Rome exercised power” (Harris, *War and Imperialism*, 3; see also pp. 105–6).

133. *GLA* 2:187–88. Smallwood, *Jews under Roman Rule*, 27, 399.

134. Pliny the Elder (*Nat.* 9.11; *GLA* 1:484) reports that, going to Rome, Scaurus took from Jaffa the skeleton of the sea monster to which, according to the famous legend, Andromeda had been exposed. So too *Solinus, Coll.* 35.1 (*GLA* 2:419).

135. Both would later become the consuls in 56 BCE (*Broughton, Magistrates*, 207).

Arabs (Nabateans?) (Appian, *Syr.* 51).¹³⁶ Presumably, any such fighting against the Arabs or Nabateans would have had some effect on Judea,¹³⁷ although its nature and extent are unknown.

Gabinus's Governorship of Syria: 57–55 BCE (*J.W.* 1.160–178, *Ant.* 14.82–104)

After the establishment of the First Triumvirate in Rome in 60 BCE by Pompey, Caesar, and Crassus, the triumvirs had their close associates, among whom was Pompey's close friend Aulus Gabinus, elected to the consulate of 58 BCE. Following his term as consul, Gabinus, who was already familiar with the area because of his involvement in the events of 63 BCE, was appointed governor of the province of Syria. Appian says that it was because of the abovementioned Nabatean problem that "Rome began to appoint for Syria proconsuls, with power to levy troops and engage in war like consuls" (Appian, *Syr.* 51).¹³⁸

Gabinus's tenure was eventful. When he reached Syria, he found Judea already in turmoil. Alexander, Aristobulus's son who had escaped from Pompey in 63 and had since been unaccounted for, had gathered a considerable force and led a rebellion.¹³⁹ Hyrcanus (and Antipater) was unable to withstand his attacks. Though it is not reported explicitly, it seems that Alexander was able to obtain control of Jerusalem, since it is

136. Schürer, *History of the Jewish People*, 1:244–45. Sartre, *Middle East*, 47, suggests that these may not have been Nabateans but other Arabs.

137. Contra Schürer, *History of the Jewish People*, 1:267.

138. For Gabinus's career, see Eva Matthews Sanford, "The Career of Aulus Gabinus," *TAPA* 70 (1939): 64–92; for his appointment as proconsul of Syria see 78–80.

139. Schalit (*King Herod*, 26 and 353–54 n. 80a; followed by Smallwood, *Jews under Roman Rule*, 31) supposes that Alexander began an all-out revolt only after he had a good pretext to do so. That pretext was supposedly Gabinus's reestablishment and resettlement of Hellenistic cities in the land of Israel. However, our sources contain no hint of such a sequence of events, and it is unlikely that Alexander would have been waiting for any such pretext to rebel. Moreover, it is made quite plain that Alexander's revolt began even before Gabinus arrived in the area, and Gabinus's resettlement of cities took place only during the revolt. Richardson even assumes that the "five-year-gap in Josephus's narrative must have been filled with important events, not the least of which was guerrilla warfare organized by Aristobulus's son Alexander" (*Herod*, 101); so too does Udoh (*To Caesar*, 24–25).

reported that he attempted to rebuild the wall of Jerusalem, previously destroyed by Pompey, and that after the rebellion was crushed Gabinius reinstated Hyrcanus in Jerusalem.¹⁴⁰ Alexander abandoned his attempt to rebuild the wall of Jerusalem because of the arrival of Gabinius at Syria or, according to *Ant.* 14.83, because of the intervention of “the Romans there [in Judea].”¹⁴¹ Either way, he enlarged his army to the strength of 10,000 infantry and 1,500 cavalry. In addition, he fortified the fortresses of Alexandrion, Hyrcania, and Machaerus. Gabinius sent the future triumvir, Mark Anthony, ahead with a contingent, while he followed with the main body. The Roman force was joined by Judean forces, including some of Antipater’s troops, under the command of Malichus and Peitholaus.

Alexander retreated to the vicinity of Jerusalem, where a battle was forced upon him and his army suffered heavy losses, with some 3,000 dead and 3,000 captives. Alexander and his remaining soldiers fled to Alexandrion, where, like his father six years earlier, he was besieged by his enemies.¹⁴² Before the actual siege, many of Alexander’s soldiers who had encamped outside the fortress were killed in a battle in which Mark Anthony excelled. Gabinius then left a part of his army to maintain the siege, as he went around the country restoring order and rebuilding cities,¹⁴³ after which he returned to the siege of Alexandrion. Finally, Alexander capitulated and surrendered the three fortresses, which were then demolished by Gabinius.¹⁴⁴ Josephus reports that Gabinius did this at the request of Alexander’s mother, who was concerned for her husband and children, who were still prisoners in Rome. Interestingly, according to *Ant.* 14.90, she “was on the side of [or perhaps well disposed towards, φρονέω] the Romans.”

Gabinius reinstated Hyrcanus as high priest, but he apparently did not restore even the diminished political authority Hyrcanus had held

140. Richardson, *Herod*, 102, even suggests that Alexander actually became high priest for a period of time.

141. This could refer to some Roman garrison or perhaps to some Roman businessmen and traders; see Marcus’s n. c ad loc. in LCL; Abraham Schalit, *Roman Administration in Palestine* [Hebrew] (Jerusalem: Bialik, 1937), 35–36; Stern, *Hasmonean Judaea*, 219 n. 11.

142. For this fortress and the persistence upon it by Aristobulus and Alexander, see above, n. 105.

143. This likely entailed some administrative measures, rather than actual building of cities; see Isaac, *Limits*, 336–40. See Safrai, “Gentile Cities.”

144. Again, compare 1QpHab IV, 3–9, for which see above, n. 107.

following Pompey's conquest. Instead, Gabinius imposed a totally new settlement on Judea, for which he may have not received the Senate's ratification.¹⁴⁵ He partitioned the territory into five districts, each headed by a council (see fig. 5). The centers of these districts were Jerusalem and Jericho in Judea proper, Sepphoris in Galilee, Amathus in Perea,¹⁴⁶ and Gadara¹⁴⁷—the identification of which is disputed. It is impossible that the famous Gadara in the northern Trans-Jordan, south-east of the Sea of Galilee is meant, since that was a Hellenistic polis which had been “liberated” by Pompey and was part of the Decapolis, not of the Jewish territory. Scholars have suggested identifying it with Gezer (Gazar) in Judea proper; with Gadara in the Perea, south of the Hellenistic Gadara; or with Adora in Idumea.¹⁴⁸ However, none of these suggestions is devoid of difficulties, and the problem cannot be put to rest.¹⁴⁹ We should, however, note that, while the identifications of Jerusalem and Jericho are obvious and that, although that of Sepphoris seems obvious as well, Josephus nevertheless explicitly says that it is a city of Galilee, he does not give a clue as to the location of the other two, Gadara and Amathus. Both are relatively common toponyms, at least in the Bible: גדר, גדרה, גדר, גדרות (e.g., Josh 12:13, 15:41, 2 Chr 28:18); חמת, חמת דאר, חמת צובה (e.g., 2 Sam 8:9, Josh

145. Smallwood, *Jews under Roman Rule*, 33; Shatzman, *Armies*, 137 n. 24.

146. Adam Porter posits that there is a textual error and that actually the more southern city of Betharamatha is meant, since its history parallels the histories of the other district capitals established by Gabinius better than Amathus does. From this he concludes that it is likely that the region to the north of the Jabbok River was not predominately Jewish (Adam Porter, “Amathus: Gabinius’ Capital in Perea?,” *JJS* 50 [1999]: 223–29). Although Porter’s suggestion seems possible, I do not find it wholly convincing. There is no reason to assume such parallel histories between all five district capitals, and since Josephus’s text in both the *Jewish War* and the *Jewish Antiquities* is compatible with a known city, whose location is not known to be non-Jewish, there is no sufficient reason to reject that more simple identification.

147. Some manuscripts read Γαδάροις, while others read Γαδάρους.

148. For Gezer, see Thackeray’s n. *b* on *J.W.* 1.170; Marcus’s n. *d* on *Ant.* 14.91, both in LCL. For Gadara in Perea, see E. Mary Smallwood, “Gabinius’ Organisation of Palestine,” *JJS* 18 (1967): 89–92; Jones, *Cities*, 259. For Adora, see B. Kanael, “The Partition of Judea by Gabinius,” *IEJ* 7 (1957): 98–106, followed by Schürer, *History of the Jewish People*, 1:268 and n. 5; Avi-Yonah, *Holy Land*, 84; Sherwin-White, *Roman Foreign Policy*, 275; Stern, *Hasmonaean Judaea*, 220–21 and n. 14; Porter, “Amathus,” 223–24 and n. 2; and even by Smallwood, *Jews under Roman Rule*, 31–32.

149. For the pros and cons of each suggestion, see the various studies referenced in the previous notes and the additional bibliography mentioned in them.

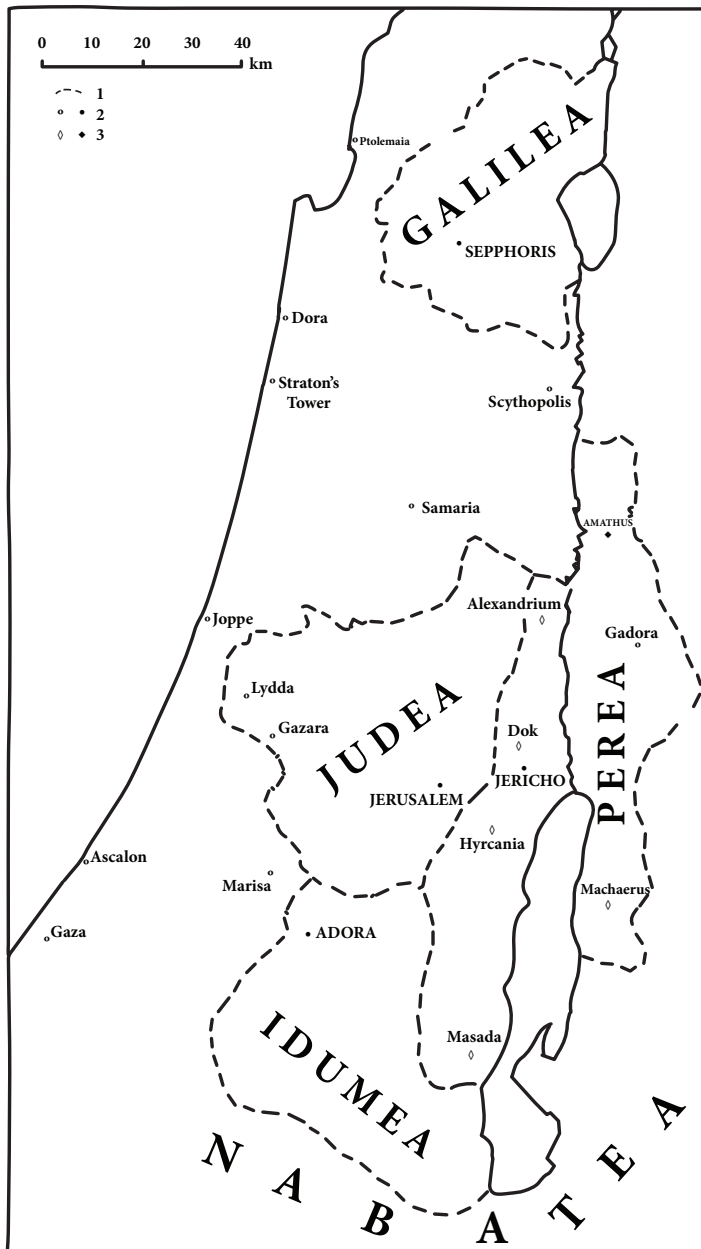


Fig. 5. Map of Gabinius's partition of Judea in 57 BCE. 1: boundaries of the five districts of Gabinius; 2: cities; 3: fortresses (2 and 3—seats of *συνέδριον* in black). Map drawn by Miriam Karmon. Source: Kanael, "Partition of Judea," 105; courtesy of the Israel Exploration Society.

19:35, 21:32, 2 Chr 8:3), the first alluding to fortifications, and the second denoting proximity to hot water springs. It is possible, then, that in the first century BCE and the first century CE there were several places with these toponyms, and that Josephus himself (or his source) did not exactly know which were meant in this list.

This settlement of Judea, in which it was partitioned into five districts with a council at the head of each, seems to have been constructed on the model of the Roman settlement of Macedonia over a century earlier. In 168 BCE, Rome divided Macedonia into four districts with a council at the head of each (Livy, *Ab urbe cond.* 45.29.5–9).¹⁵⁰ In his parallel narratives, Josephus uses different terms for these councils: in *J.W.* 1.170, he uses σύνοδοι; in *Ant.* 14.91, συνέδρια. However, as will be shown below (p. 283), it seems that the term συνέδρια fits the context much better.¹⁵¹ The fact that, according to Livy, the members of those Macedonian councils were called συνέδριοι (45.32.2) reinforces that conclusion.¹⁵² It will be further shown below (pp. 280–88) that Gabinus's reform is the earliest well-founded attestation for this institution in Judea. While it seems that in fact there were no συνέδρια in Judea prior to it, the institution continued to exist henceforth, even after certain aspects of this reform were abolished.

Our sources do not state the responsibilities of these councils. It is reasonable to assume that they had some judicial function. However, it is often argued that they were also responsible for the collection of taxes payable to Rome. This seemingly conforms to Gabinus's supposed expulsion of the Roman *publicani*, the tax collectors, from Judea, as reported by Cicero (*Prov. cons.* 5.10–12).¹⁵³ Braund, however, has quite convincingly shown

150. See Schalit, *Roman Administration*, 32–37; Rabello, “Civil Justice,” 131–33; Goodblatt, *Monarchic Principle*, 110; Efron, *Studies*, 310.

151. Contra Laqueur, *Der jüdische Historiker*, 165, 182–83.

152. Stern, *Hasmonaeen Judaea*, 222 n. 15.

153. *GLA* 1:202–4. This is supposedly hinted at by Cassius Dio, *Hist. rom.* 39.56.6 (*GLA* 2:354–55), who, however, does not refer to the *publicani* but says that Gabinus imposed tribute upon Judea, whereas we know that already Pompey imposed tribute. Moreover, this understanding entails attributing a chronological error to Dio since he refers here to the aftermath of Aristobulus II's revolt in 56 BCE, not Alexander's in 57 BCE. See Arnaldo D. Momigliano, “Ricerche sull'organizzazione della Giudea sotto il dominio romano (63 a. C.–70 d. C.),” in *Nono contributo alla storia degli studi classici e del mondo antico*, ed. R. di Donato (Rome: Edizioni di storia e letteratura, 1992), 246–48; Smallwood, *Jews under Roman Rule*, 32–33 and n. 38; see also Stern, *Hasmonaeen Judaea*, 221–23 and n. 16.

that Cicero, who radically denounced Gabinius, does not state explicitly that the latter expelled the *publicani*, and we would certainly expect him to have said so if that were the case. Cicero seems rather to attest to Gabinius being hostile towards the *publicani* and hindering their operation. Braund, therefore, suggests that the *publicani* were expelled only by Caesar in 47 BCE (see also below, p. 131).¹⁵⁴

Gabinius's reform is proclaimed by Josephus or, more likely, by his source, as a change, welcomed by the Judeans, into government by aristocracy (*J.W.* 1.170). However, with good reason, we may doubt whether Judeans were indeed generally content with this reform.¹⁵⁵ Consecutive revolts followed before long,¹⁵⁶ the first of which took place in the very next year, 56 BCE. This new revolt was led by Aristobulus II and his younger son, Antigonus, both having recently fled from Rome, and they were able to muster a considerable number of Judeans. Aristobulus's followers were so numerous that, even after he later dismissed a great many of them because they were unarmed, he was still left with eight thousand men. Perhaps more importantly, Peitholaus, who was legate (ὑποστράτηγος) in Jerusalem, defected to Aristobulus's side with a thousand men. This revolt, though ultimately less successful than Alexander's, was probably perceived as more perilous at first, since its leader was the former king and high priest himself, and he was certainly greatly esteemed by many Judeans.

It is important to consider how this new revolt came about. It is, of course, possible that the two simply managed to escape, perhaps using bribery, as was apparently the case with Tigranes the Younger in 58 (Cassius Dio, *Hist. rom.* 38.30.1).¹⁵⁷ But it is just as likely that their escape from Rome was made possible by the internal conflicts in the Republic's capital. In 57 BCE, there was a temporary breakdown in the first triumvirate,

154. David Braund, "Gabinius, Caesar and the *Publicani* of Judaea," *Klio* 65 (1983): 241–44. So too, Pucci Ben Zeev, *Jewish Rights*, 97–98; see also Udoh, *To Caesar*, 14–18. For more on the relationship of Gabinius with the *publicani* and Cicero's attacks on Gabinius in this matter, see Sanford, "Career," 82–84. See also Sartre, *Middle East*, 45–46.

155. Although *Ant.* 14.91 also reports this change to aristocracy, it omits the statement that the Judeans welcomed this "release."

156. Freyne, *Galilee*, 59.

157. That is contrary to Appian (*Mithr.* 117) who writes that Tigranes was put to death. We have already seen (above, n. 128) that Appian was mistaken in the same passage in his saying that Aristobulus was put to death following Pompey's triumph. See *GLA* 2:184.

which was settled only in April 56, at the meeting of the triumvirs in Luca.¹⁵⁸ It is therefore possible that one of Pompey's rivals released them so that they should lead a revolt in Judea, thus making the situation more difficult for Pompey, just as a few years later Caesar would release Aristobulus during his war with Pompey. Another possibility is that it was perpetrated not as part of the conflicts of the triumvirate but rather by the enemies of Gabinius in Rome, the most famous of whom was Cicero.¹⁵⁹

In any case, the revolt led by Aristobulus did not succeed as some people in Rome may have hoped. As we have seen before, Aristobulus and his sons found the fortress at Alexandrion particularly attractive,¹⁶⁰ and now, once again, Aristobulus was headed in its direction, aiming to rebuild it, after it had been destroyed by Gabinius in the aftermath of the previous year's revolt. Aristobulus was not able to achieve this goal, and, due to the approaching Roman army led by three commanders, the most important of whom was again Mark Anthony, he was forced to retreat to Machaerus, a fortress to the east of the Dead Sea which had also been destroyed by Gabinius. Plutarch emphasizes that Anthony was "the first man to mount the highest of the fortifications" (*Ant.* 3.2). However, since Plutarch places that conquest prior to the main battle, he probably refers to the Alexandrion fortress and not to Machaerus, and thus he implies that some small Judean garrison was left by Aristobulus in Alexandrion.¹⁶¹

As the rebel army made its way to Machaerus, the Roman army caught up. In the ensuing battle, some 5,000 rebels were killed, and another 2,000 took refuge on a hill (*J.W.* 1.172) or scattered (*Ant.* 14.95). Aristobulus and approximately another thousand men were able to reach Machaerus, where they erected some fortifications. Nevertheless, after just a two-day siege, the Romans took the fortress and captured Aristobulus and Antigonus, in a battle in which Mark Anthony is said to have excelled yet again (Plutarch, *Ant.* 3.3). Gabinius sent Aristobulus back to Rome (see also Cassius Dio, *Hist. rom.* 39.56.6), where he was imprisoned by the Senate. The Senate, however, released Aristobulus's children, because Gabinius informed it that he had promised their release to their mother in return for the surrender of the strongholds. The children are said to have returned to

158. Cary, *History of Rome*, 389–91.

159. Sanford, "Career of Gabinius," 81.

160. See above, n. 105.

161. *GLA* 1:567; Stern, *Hasmonaean Judaea*, 223–24 and nn. 17–18.

Judea, and later we find Antigonus and his two sisters in Ashkelon along with their mother (*J.W.* 1.185, *Ant.* 14.126).¹⁶²

Having suppressed the rebellion in Judea, Gabinius set off on an expedition against the Parthians. He had already apparently crossed the Euphrates when, despite the Senate's opposition, Pompey ordered him to reinstate Ptolemy XII Auletes to his throne in Egypt, from which he had been ousted in a popular rising in 58 BCE. So Gabinius abandoned the Parthian expedition. In the spring of 55 BCE, he defeated the Egyptian army and reinstated Auletes. In this expedition—according to Josephus—he was greatly assisted by Hyrcanus and Antipater, who not only supplied him with needed money, grain and arms, but also persuaded the Jews guarding in Pelusium to let Gabinius through.¹⁶³

The Egyptian expedition, however, provided a timely opportunity for yet another revolt in Judea. This third revolt in less than three years was led, once again, by Alexander, Aristobulus's older son, who was apparently released either after his earlier insurrection or along with his siblings following their father's revolt. With the large force he was able to collect yet again, he targeted the Romans in the country, and, according to the *Jewish Antiquities*, laid siege on Romans who had taken refuge on Mount Gerizim. The Romans he targeted may not have been only soldiers.¹⁶⁴ Once Gabinius returned from Egypt, he sent Antipater to try and persuade the insurgents to lay down their weapons. Antipater was partially successful, but Alexander could not be swayed from his chosen course, and, according to both of Josephus's accounts, he was still left with 30,000 men. While we should not accept any such numbers at face value, it is perhaps instructive that this number is larger than the numbers of insurgents given for the two earlier rebellions. A major battle between the armies of Gabinius and Alexander

162. Contra Smallwood (*Jews under Roman Rule*, 34), who writes that both father and son were sent back to Rome and that only the daughters were released.

163. For the Jews as guardians of the river, see *Ag. Ap.* 2.64. For this entire set of events, for which Gabinius was later put on trial in Rome, see Cicero, *Pis.* 48–50; Strabo, *Geogr.* 12.3.34, 17.1.11; Livy, *Periochae*, 105; Plutarch, *Ant.* 3; Appian, *Syr.* 51; Cassius Dio, *Hist. rom.* 39.55–58, none of which, however, mention any Judean assistance. See Schürer, *History of the Jewish People*, 1:245–46; Stern, *Hasmonaean Judaea*, 217–18; Sanford, “Career of Gabinius,” 84–87; Neilson C. Debevoise, *A Political History of Parthia* (Chicago: University of Chicago Press, 1938), 76–77; Sherwin-White, *Roman Foreign Policy*, 272–74.

164. See Sanford, “Career of Gabinius,” 87; Stern, *Hasmonaean Judaea*, 224 n. 19; and below, p. 218 and n. 25.

took place near Mount Tabor in which 10,000 of Alexander's men were killed and the remainder apparently dispersed, while Alexander survived.¹⁶⁵

Following the suppression of this latest insurrection, Gabinius once again modified the administration of Judea or, at least, Jerusalem. Both the *Jewish War* and the *Jewish Antiquities* are very obscure about the nature of this change, saying only that Gabinius came to Jerusalem, where he "reorganized the government in accordance with Antipater's wishes" (*J.W.* 1.178, *Ant.* 14.103). Josephus does not relate what Antipater's wishes were. Some scholars view this reform as the abolishment of Gabinius's earlier reform and as the country's reunification, while others assume that the earlier reform lasted until Julius Caesar's settlement in 47 BCE.¹⁶⁶ Indeed, it seems unlikely that Gabinius would have abolished his own reform so soon. Moreover, the new reform is specifically related to Jerusalem (especially in the *Jewish Antiquities*),¹⁶⁷ not to the entire country. According to some, this reform entailed an elevation in the status of Hyrcanus. Others suggest that it was Antipater's status that was elevated, seeing that just a few years later, in early 47 BCE, we encounter Antipater holding a prominent, seemingly official, position of ἐπιμελητής ("supervisor," *Ant.* 14.127, 139).¹⁶⁸ However, he is said to be ἐπιμελητής "of the Judeans" (§127) or "of Judea" (§139), which implies a unified Judea.¹⁶⁹ Therefore, we must either assume that Josephus's source was not precise in its terminology and Antipater's position was limited to the district of Jerusalem, or accept E. Bammel's suggestion that in 55 he was appointed as ἐπιμελητής of Jerusalem and sometime later, perhaps in 49, he was appointed upon all of Judea.¹⁷⁰ One way or another, since the reform is said to have been carried out according to Antipater's wishes, while Hyrcanus is not mentioned, we may assume

165. For the suggestion that the coin mentioning "*Bacchius Iudaeus*" refers to the suppression of this revolt of Alexander, see above, n. 129.

166. Smallwood, *Jews under Roman Rule*, 35; also Shatzman, *Armies*, 137–38 n. 24.

167. Ernst Bammel, "The Organization of Palestine by Gabinius," *JJS* 12 (1961): 159–60.

168. Schürer, *History of the Jewish People*, 1:270–71 n. 13; Schalit, *King Herod*, 355 n. 105–6. See Shatzman, *Armies*, 138.

169. Smallwood, *Jews under Roman Rule*, 35. *Ant.* 14.139 is a quotation from Strabo "on the authority of Hypsicrates."

170. Bammel, "Organization." Since it is assumed that the political power remained in the hands of the συνέδρια, Bammel suggests that the office of ἐπιμελητής was only financial; but see Shatzman, *Armies*, 138–39 and n. 34. See also Marcus's n. d on *Ant.* 14.127.

that the reform entailed some elevation in Antipater's position, even if that position was not official.¹⁷¹

Gabinius's expedition to Egypt and the ensuing revolt in Judea were apparently the background for a general uprising in Nabatea as well. Therefore, after settling affairs in Judea and before returning to Rome, Gabinius set out against the Nabateans and defeated them in battle.

Before turning to the next governor of Syria, Josephus evaluates the tenure of Gabinius, saying that he "performed great and brilliant deeds during his term as governor" (§104). This positive evaluation, taken up by some modern commentators, is seemingly proven by the testimony of Gabinius's most renowned enemy, Cicero, that he weakened the *publicani* (see above, pp. 104–5), which seemingly shows that he had the provincials' well-being in mind.¹⁷² However, Cicero also testifies that Gabinius was "daily draining from the treasure-houses of Syria, that rich land now completely pacified, an enormous mass of gold, waging war upon quiet peoples, that he may pour into the bottomless whirlpool of his lusts their ancient and untouched wealth" (*Sest.* 93), and such sentiments are found also in Cassius Dio (*Hist. rom.* 39.55.5, 56.1).

Just as we should take Cicero's testimony with a grain of salt, given that he was Gabinius's enemy, so too we should be wary of accepting Josephus's statement as reflecting the sentiments of contemporary Judeans. Josephus appears to be merely conveying his sources, which he explicitly identifies as Nicolaus and Strabo, who, in turn, were probably recording some Romans' sentiments or those of the Herodian house. In fact, the mention of details seemingly unrelated to Judea—such as the Nabatean campaign and the report about Parthian fugitives who came to Gabinius—as well as the highly-exalting assessment of his tenure quoted above, suggest that Josephus's source originated in some partisan report of Gabinius's governorship.¹⁷³ The recurring rebellions in Judea and the great numbers of supporters Aristobulus and his sons were able to amass for these rebellions seem to prove that, in the eyes of many Judeans, Gabinius's governorship

171. See Richardson, *Herod*, 102–103; Stern, *Hasmonaean Judaea*, 225–26.

172. Ronald Syme, *The Roman Revolution* (Oxford: Oxford University Press, 1939), 66–67; Stern, *Hasmonaean Judaea*, 226 and n. 23; Sherwin-White, *Roman Foreign Policy*, 276–77.

173. See also Thackeray's n. *b* on *J.W.* 1.178 in LCL. Note also the statement in *Ant.* 14.101 that "Gabinius sent Antipater, who was a man of good sense," which contradicts earlier assessments of Antipater in *Antiquities* (e.g., §8).

was far from “admirable.” The fact that he was unable to stabilize the situation should likewise warn us away from such positive estimates.

From Crassus’s Governorship to Pompey’s Death: 54–September 48 BCE
(*J.W.* 1.179–187, *Ant.* 14.105–109, 119–127)

Following Gabinius, the triumvir M. Licinius Crassus, who was consul in 55 BCE alongside Pompey, received the administration of Syria for five years (Livy, *Periochae* 105; Plutarch, *Pomp.* 52, *Crass.* 15; Cassius Dio, *Hist. rom.* 39.33–36). From the outset, Crassus apparently had his eyes set on a prize larger than the province of Syria, namely Parthia (Velleius Paterculus, *Hist. rom.* 2.46; Appian, *Bell. civ.* 2.18); he began preparations for a campaign against Parthia from the commencement of his term as governor. It is therefore not surprising that his only recorded action in Judea is his robbery of the temple of Jerusalem, intended to provide for his planned expedition. He took the two thousand talents, which were left untouched by Pompey in 63 along with all the gold kept in the temple (so also Orosius, *Hist. adv. pag.* 6.13).¹⁷⁴ Similarly, Plutarch (*Crass.* 17.5–6) describes the plundering of a temple at Hierapolis in Syria by Crassus, the same temple that is said to have been plundered by Antiochus IV Epiphanes (Granius Licinianus, *Ann.* 28). The subsequent war against the Parthians in the spring of 53 was a colossal failure in which most of Crassus’s huge army was lost, and both he and his son were killed. Only a small part of the Roman army was able to retreat to Syria under the quaestor C. Cassius Longinus—one of the future assassins of Julius Caesar—who was successful in driving back subsequent Parthian incursions into Syria.¹⁷⁵

174. Here we find a notable example for Josephus’s expansions in the *Jewish Antiquities* upon his narrative in the *Jewish War*. Although the narrative of the *Jewish Antiquities* does not contradict any factual details of the *Jewish War*, it is greatly expanded by two additions. The first (§§106–109) is a more detailed description of the plunder of the temple, with the tale of a priest named Eleazar who tried to prevent Crassus from taking the gold from the temple by giving him a highly valuable bar of gold. However, Crassus broke his oath and took both the bar and the temple’s gold. It seems likely, with Laqueur, that this story’s origin was some Jewish legend. The second addition (§§110–118) contains Josephus’s apologetics explaining why “no one need wonder that there was so much wealth in our temple,” for which cause he quotes Strabo, and then associatively adds another quotation from Strabo about the Jews of Cyrene and Egypt. See Laqueur, *Der jüdische Historiker*, 164–65.

175. For detailed descriptions of Crassus’s failed Parthian expedition, see Livy,

The Parthians' failure to take advantage of the situation and capture areas west of the Euphrates does not diminish the great significance of Crassus's defeat. Parthia's place as the only world power other than Rome was now determined, and the Euphrates was recognized as the de facto border between two balanced superpowers.¹⁷⁶

The significance for Judeans, and most likely also for neighboring peoples, was apparently great as well. The Roman defeat almost certainly aroused hopes (or fears) of further Parthian advances.¹⁷⁷ In the case of the Judeans, we may assume two additional factors. First, the obvious analogy between the Parthians and the biblical Persians was likely to arouse hopes of redemption as in the days of Cyrus the Great.¹⁷⁸ Second, the analogy between Crassus and Antiochus IV Epiphanes, both of whom robbed the Jerusalem temple (as well as the temple in Hierapolis) and were later defeated when waging wars out east, where they consequently found their deaths, was just as clear and would have aroused similar hopes.¹⁷⁹ We should, therefore, not be surprised at the excitement aroused by later Parthian conquests, nor should we be surprised when we soon learn of yet another revolt in Judea.¹⁸⁰

After he had secured Syria from Parthian incursions, Cassius came to Judea. He captured the town of Tarichaeae (Migdal), on the shore of the Sea of Galilee. Josephus reports that Cassius made slaves of some 30,000 men in Tarichaeae, clearly a number highly exaggerated by Josephus or his source. He also killed Peitholaus, who had defected to Aristobulus's side

Periochae 106; Plutarch, *Crass.* 16–31; Cassius Dio, *Hist. rom.* 40.12–27; Orosius, *Hist. adv. pag.* 6.13; Schürer, *History of the Jewish People*, 1:246; Stern, *Hasmonaean Judaea*, 228–30; Sherwin-White, *Roman Foreign Policy*, 279–90; Debevoise, *Parthia*, 78–93.

176. See Strabo, *Geogr.* 11.9.2; Justinus, *Hist. phil.* 41.1. See also Stern, *Hasmonaean Judaea*, 230; Sherwin-White, *Roman Foreign Policy*, 290; Debevoise, *Parthia*, 93.

177. Stern, *Hasmonaean Judaea*, 231; Debevoise, *Parthia*, 93–95.

178. See b. Yoma 10a. The flip side of this analogy is obviously the analogy between the Romans and the Chaldeans/Babylonians (e.g., Peshier Habakkuk II, 13–14); see Geza Vermes, "Historiographical Elements in the Qumran Writings: A Synopsis of the Textual Evidence," *JJS* 58 (2007): 121–39, esp. 126–29.

179. Antiochus VII Sidetes too was defeated and killed in a war he had waged against the Parthians (*Ant.* 13.253).

180. Josephus is rather silent regarding any possible connection between the Parthian invasion and this Judean rebellion, perhaps due to his own apologetic purposes of downplaying connections between Jews and Rome's eastern enemy; see Pucci (Ben Zeev), "Jewish-Parthian Relations," esp. 20.

during the revolt of 56 BCE, and was leading the current insurrection. It is not clear, however, if Peitholaus was killed in Tarichaeae or had anything to do with the events in that town.¹⁸¹ Josephus reports that Cassius had him executed in accordance with the recommendation of Antipater.¹⁸² Cassius then made his way back to the Euphrates to halt a new Parthian invasion, but, according to *J. W.* (1.182), he first “bound over Alexander by treaty to keep the peace,” thus implying that Aristobulus’s son Alexander too was once again active, or on the verge of being active.¹⁸³

After being in dire straits, Cassius was able to defeat the Parthians in the autumn of 51, while Bibulus,¹⁸⁴ the next governor of Syria, was making his way to the province. Despite Cassius’s victory, Bibulus still had to deal with the Parthians during the year 50, but he was eventually able to get rid of them.¹⁸⁵ In a letter dated to December 9, 50 BCE, Cicero writes that

181. Stern, *Hasmonaean Judaea*, 231–32. A tiny scroll fragment from Qumran first named 4Q468g (=4Qhistorical text B) [but 4Q468e (4Qhistorical text F) in *DSSR*] reads (trans. M. Broshi; *DSSR* 6:4–5):

2. Ki]lling the multitude of me[n

ה[רוג את רוב הגברים]

3.]Potlais and the people that [

]פּוּתְלַאִים וְהַנֶּפֶשׁ אֲשֶׁר [

It seems that פּוּתְלַאִים should be identified with Peitholaus; see Daniel R. Schwartz, “4Q468g: Ptollas?,” *JJS* 50 (1999): 308–9, and William Horbury, “The Proper Name in 4Q468g: Peitholaus?,” *JJS* 50 (1999): 310–11. The fragment may be alluding to any one of three events narrated by Josephus: Peitholaus’s participation in the suppression of the first rebellion of Alexander in 57 BCE; his participation alongside Aristobulus in the revolt of 56, which was violently put down; or the rebellion which he himself led in 53, in which he was killed.

182. Shatzman, *The Armies*, 132–33, suggests that perhaps Peitholaus had not really been leading a revolt at this time and that he was killed only due to the instigation of Antipater. However, I do not see any reason to reject Josephus’s plain statement. Peitholaus could easily have been hiding out since 56, waiting for an opportune moment to lead another revolt. On the contrary, we should perhaps suspect the statement that Cassius acted at the recommendation of Antipater. The introduction of Antipater into important affairs and the emphasis on his influence on Roman officials may well be a part of the pro-Herodian tendency of Josephus’s source, Nicolaus. In fact, this statement is followed up, in both the *Jewish War* and the *Jewish Antiquities*, by a note on Antipater’s great connections and influence, and his marriage to the Arabian Cypros, information that certainly originated in a pro-Herodian source.

183. Stern, *Hasmonaean Judaea*, 232 n. 3.

184. Bibulus had been the consul in 59 BCE (see Broughton, *Magistrates*, 187–88).

185. For the Parthian invasion of 51 BCE, see Cicero, *Ad Fam.* 15.1, 15.2.1, 15.3, 15.14.1–3; *Ad Att.* 5.18.1, 5.20.1–6; *Phil.* 11.35; Livy, *Perichoe* 108; Cassius Dio, *Hist. rom.* 40.28–29. For Bibulus still dealing with the Parthians see Cicero, *Fam.* 12.19; *Att.*

Bibulus left the province and put Veiento in charge (*Att.* 7.3.5). But soon enough in 49 BCE, Veiento was replaced by Q. Metellus Scipio, Pompey's father-in-law, who had been consul in 52.¹⁸⁶

As these events were taking place in Judea and Syria, the situation in Rome deteriorated into civil war. The triumvirate broke down due to the deaths of Crassus and of Pompey's wife Julia in 54 (cf. Plutarch, *Pomp.* 53.4–6). She was Julius Caesar's daughter, given to Pompey in 59 following the establishment of the triumvirate. Pompey rejected Caesar's suggestion to reaffirm the alliance between them by another marriage between the families, and instead he married Metellus Scipio's daughter, Cornelia, in 52. By the year 50, the alliance between Pompey and Caesar was essentially broken and deteriorated into open conflict. Pompey and his supporters rejected any compromise, and the Senate demanded that Caesar give up his army and return to Rome, a demand with which Caesar could not comply. Consequently, Caesar marched on Rome, crossing the Rubicon on January 11, 49. Pompey and the senate evacuated the capital and made their way to southern Italy, but shortly thereafter they decided to leave for Greece.

5.21.2, 7.2; Plutarch, *Ant.* 5.2; Cassius Dio, *Hist. rom.* 40.30. See Sartre, *Middle East*, 49–50; Debevoise, *Parthia*, 98–103; Sherwin-White, *Roman Foreign Policy*, 290–97. Although it is commonly held that 1 En. 56.5–7 alludes to the Parthian invasion of 40 BCE (for which see below, pp. 149–52; for the consensus view, see below, pp. 316–17 n. 210), G. Bampfylde (“The Similitudes of Enoch: Historical Allusions,” *JSJ* 15 [1984]: 9–31) suggests that the allusion is actually to this invasion of 51–50 BCE. The strongest argument Bampfylde presents in favor of this suggestion is, I think, that v. 7 refers to an unsuccessful invasion of Jerusalem, whereas the invasion of the year 40 was successful. A point of difficulty with his suggestion is, however, that v. 6 clearly implies that the Parthians invaded the land of Israel, whereas our sources for the invasion of 51–50 only speak of Syria, and it certainly does not seem that there was any threat to Jerusalem; see David W. Suter, “Enoch in Sheol: Updating the Dating of the Book of Parables,” in *Enoch and the Messiah Son of Man: Revisiting the Book of Parables*, ed. Gabriele Boccaccini (Grand Rapids: Eerdmans, 2007), 421. Nevertheless, an additional point, not mentioned by Bampfylde, may further strengthen his suggestion. Verse 7, which describes the Parthians' failed conquest of Jerusalem, says: “And they shall begin to fight among themselves; and (by) their own right hands they shall prevail against themselves. A man shall not recognize his brother . . .” (*OTP* 1:39 [Isaac]). This is reminiscent of the way in which Bibulus is said to have gotten rid of the Parthians; according to Cassius Dio, *Hist. rom.* 40.30, he “turned the Parthians against one another” and caused a civil war among them.

186. Not much is known about Veieneto; see Broughton, *Magistrates*, 253. For Scipio, see Broughton, *Magistrates*, 234–35, 260–61.

Caesar was now in control of Rome, but his enemies controlled most of the provinces. Therefore, while conducting wars against Pompey's supporters in Spain and Africa, Caesar freed Aristobulus and sent him to Syria with two legions, in order to fight Pompey's supporters there. The plan was foiled, however, as Aristobulus was poisoned by Pompey's supporters.¹⁸⁷ In addition, under Pompey's orders Scipio executed Aristobulus's rebellious older son Alexander in Antioch following a trial in which he was charged with his earlier crimes against the Romans (see also *J.W.* 1.195, *Ant.* 14.140). Josephus reports that Aristobulus's body was preserved in honey until it was sent by Anthony for burial in Judea years later and buried "in the royal sepulchers"; much later we learn that Alexander was buried in Alexandrion (*J.W.* 1.551, *Ant.* 16.394).

The remaining children of Aristobulus, Antigonus and his two daughters, found refuge with Ptolemy, son of Mennaues, the prince of Chalcis in the Lebanon valley. Ptolemy sent his son, Philippion, to bring them over from their mother in Ashkelon. Philippion soon fell in love with one of the daughters, Alexandra, and married her. However, his father became enamored with her as well, killed his son, and took her as his own wife.

Two matters related to this report deserve elaboration: (1) Concerning Philippion's taking of Aristobulus's children, *J.W.* 1.186 says that Philippion "succeeded in tearing (*ἀποσπάω*) Antigonus and his sisters from the arms of Aristobulus' widow;" and *Ant.* 14.126 says that he "ordered" (or "urged," *κελεύω*) her to send them with him. Thus, it appears that his taking them to Chalcis, the purpose of which does not appear to have been malicious, was against the will of their mother. This may fit some earlier details concerning her: the fact that she appears not to have been exiled along with Aristobulus and their children in 63; and Gabinius's promises to—or, negotiations with—her in 57 and again in 56.¹⁸⁸ Therefore, as surprising as it may be, we may suspect that she was opposed to the politics of her husband and children, and that she, perhaps reluctantly, accepted Roman rule.

(2) The treatment of Aristobulus's family by Ptolemy of Chalcis is exceptional and deserves attention. Going out of his way to take Aristobulus's children from their possibly pro-Roman mother and giving them refuge after both their father and older brother were killed, when, moreover, they too may have been in danger of further retaliations from

187. Cassius Dio (*Hist. rom.* 41.18.1) reports that Caesar released Aristobulus and sent him to Judea, but seems to be unaware of the sequel.

188. See above, n. 127 and pp. 101, 106–7.

Pompey's supporters, appears to be the act of an ally. Such an alliance between Ptolemy and Aristobulus (and his children) was likely rooted in a shared anti-Roman or perhaps, more specifically, anti-Pompeian, sentiment. We should recall that on his way from northern Syria to Damascus in the spring of 63 Pompey had destroyed (along with other territories) "the territory of Ptolemy, the son of Mennaeus, a worthless fellow" (*Ant.* 14.39). Indeed, Ptolemy and his heir later also aided Antigonos against Herod and the Romans.¹⁸⁹ Yet, this relationship may have even earlier roots; it may have been founded already during the days of Queen Alexandra. As recounted above (p. 56), Alexandra had sent Aristobulus at the head of an army to fight this same Ptolemy in Damascus, but suspiciously all that Josephus has to say of the outcome of that war is that the army had not "achieved anything remarkable" (*J.W.* 1.115, *Ant.* 13.418). That occasion presented a good opportunity for the two to forge an alliance. If at that time Aristobulus was already aware of ties between Hyrcanus and the Nabateans—ties which came to the fore in their joint siege against him in 65, it would have made sense for him to forge ties with Ptolemy, who was an enemy of the Nabateans (see *J.W.* 1.103, *Ant.* 13.392).¹⁹⁰

Meanwhile, the war between Pompey and Caesar was raging. The decisive battle took place at Pharsalus in Greece on June 6, 48 BCE. Pompey had a great advantage in manpower, including Scipio who came from Syria with a considerable force, as well as forces of many of the peoples of the Levant, among which was apparently also a Judean force (Lucan, *Pharsalia* 3.214–217; Appian, *Bell. civ.* 2.71.294).¹⁹¹ Given that Hyrcanus and Antipater essentially owed their positions to Pompey and his close associates¹⁹² and that Pompey's defeat could very well jeopardize those positions, they

189. See below, pp. 145–46, 149–50.

190. See also Kasher, *Jews, Idumaeans, Arabs*, 107–9, 119–20.

191. *GLA* 1:439–40, 2:187, respectively. For the strength of Pompey's army, see Plutarch, *Pomp.* 64.1. In this context, we should note that Josephus preserves several documents (*Ant.* 14.228–232, 234, 236–240) dated to 49–48 BCE that exempt the Jews of Ephesus and Delos (assuming that §§231–232 indeed originated from Delos, as Josephus claims; an identification recently rejected by Eilers, "Decree of Delos"), and possibly all the Jews of Asia Minor, from military service. The documents exempt only those Jews who are Roman citizens, except for *Ant.* 14.230, which does not mention that criterion. See Smallwood, *Jews under Roman Rule*, 127–28. For all these documents, see their respective commentaries in Pucci Ben Zeev, *Jewish Rights*.

192. During the current civil war, however, Gabinius was on Caesar's side (see Plutarch, *Ant.* 7.1).

had no real choice but to offer their assistance to Pompey; even if they were reluctant to do so, it would have been demanded of them by Scipio, who apparently had been sent to Syria mainly in order to raise troops there (Plutarch, *Pomp.* 62.2).

Despite his advantage, Pompey suffered a heavy defeat. He fled to Egypt, hoping to find refuge and assistance there, on account of his part in the restoration of Ptolemy Auletes, father of the current king of Egypt, to the Egyptian throne in 55. The advisors of the child-king, Ptolemy XIII, thought otherwise and had Pompey killed and beheaded while he was still offshore at Pelusium near Mount Cassius in September 48 BCE, on the Roman general's birthday (September 29), or a day before or after it.¹⁹³

The understandable hatred that many Judeans had toward Pompey and their excitement over his death are evident in the description of his death in Pss. Sol. 2:25–31:

Don't delay, O God, in retaliating against their leaders, by disgracing the dragon's arrogance. I did not have long to wait until God showed me his arrogance. Stabbed on the sand dunes [ἐπὶ τῶν ὀρέων]¹⁹⁴ of Egypt, he was more despised than anything in the whole world. His body was violently carried over the waves¹⁹⁵ and there was no one to bury him,¹⁹⁶ because God contemptuously despised him. He did not realize that he was merely mortal, and he didn't think about the future. He said: "I will

193. For the dates of Pompey's birth and death, see Seager, *Pompey*, 5 and 184, respectively. According to Cassius Dio (*Hist. rom.* 42.5.5–6), he was murdered on the anniversary of his triumph, which was celebrated on his birthday; according to Velleius Paterculus (*Hist. rom.* 2.53.3), it was on the eve of his birthday; and according to Plutarch (*Pomp.* 79.4), it was on the day after his birthday. See also Beard, *Roman Triumph*, 35–36 and 344 n. 76. The events of the great Roman civil war, including events later than those described above, have, of course, been dealt with often in ancient literature and modern scholarship. Among others see Caesar, *Bell. civ.*; Lucan, *Pharsalia*; Plutarch, *Pomp.* 53–80; *Caes.* 28–48; *Ant.* 5–8; Suetonius, *Jul.* 26–35; Appian, *Bell. civ.* 2.18–86; Cassius Dio, *Hist. rom.* 40–42. For Pompey's murder, see also Strabo, *Geogr.* 17.1.11. For a more detailed modern description of the events narrated above, see Cary, *History of Rome*, 393–404.

194. Lit., "on the mountains," implying Mount Cassius (see Atkinson, *I Cried*, 17–18 n. 4). Compare 2 Macc 9:28, referring to the death of Antiochus Epiphanes.

195. Compare Lucan's description: "Pompey is battered on the shore, and his headless body is tossed hither and thither in the shallows.... He is tossed on the sands and mangled in the rocks, while his wounds drink in the wave; he is the plaything of Ocean" (*Pharsalia* 8.698–699, 708–710).

196. Compare Lucan, *Pharsalia* 8.712–822.

be lord of the whole world;" he failed to recognize that it is God who is great [μέγας], who is mighty in his great strength. He himself is king over the heavens, he who judges kings and rulers.¹⁹⁷ He is the one who raises me up into glory, and who brings down the arrogant to sleep, to their dishonorable destruction forever, because they did not know him.¹⁹⁸

Such hatred is implied in the Qumran scroll 4Q386 (1 II) as well, assuming Hanan Eshel's ingenious interpretation of that fragment as alluding to Pompey's death.¹⁹⁹

197. In addition to the mention of Egypt, sand dunes, and the body carried over the waves, details which are clearly reminiscent of Pompey's death, note two additional factors: First, the psalmist makes a pun on Pompey's title *magnus* by clarifying that it is God who is great. Second, the arrogant one's saying: "I will be lord of the whole world," juxtaposed with the determination that it is God who is king over the heavens and judges all mortals, seems to be an allusion to contemporary Roman perceptions of Rome's universal rule, perceptions which were especially evident in Pompey's self-portrayal. Diodorus Siculus (*Bib. hist.* 40.4) records an inscription of Pompey in Rome in which he claims to have "extended the frontiers of the empire to the limits of the earth." See also Plutarch, *Pomp.* 38.2–3, 45.5. See Shatzman, "Integration," esp. pp. 78–80 with further references; Mendels, *Rise and Fall*, 243–44; Atkinson, *I Cried*, 32–36.

198. I accept here the common understanding of these verses. See also Stern, *Hasmonaean Judaea*, 212. Joshua Efron, however, rejects this view (*Hasmonean Period*, 219–86, esp. 241–60). He denies the existence of any historical allusions in these psalms, including the supposed allusion to Pompey's death, and he claims that this composition is actually Christian. A complete review of Efron's view is beyond the scope of the present work; I hope that the previous notes have shown that it is most reasonable that indeed Pompey is alluded to in this psalm. I just add here a methodological note: we should not assume that events that we deem as important were viewed as such by the ancient author of a composition such as the Psalms of Solomon—i.e., a religious, not a historiographical, composition. Historical accuracy is certainly not one of the goals of such a composition.

199. Eshel, *Dead Sea Scrolls*, 151–61. The tradition concerning the great Pharisaic sage Hillel contained in m. Avot 2:6: "He saw a skull which floated on the face of the water and he said: 'Because thou drownest they drowned thee and in the end they that drowned thee shall be drowned,'" may also refer to the death of Pompey, who had defeated the pirates; see Armand Kaminka, "Hillel's Life and Work," *JQR* 30 (1939): 120–21, who also interprets Hillel's saying in m. Avot 1:13, "A name made great is a name destroyed," as a reference to Pompey and his downfall. This is in line with Kaminka's assertion that Hillel came from Alexandria (110–11). (Both translations of m. Avot are by Kaminka; emphasis added.)

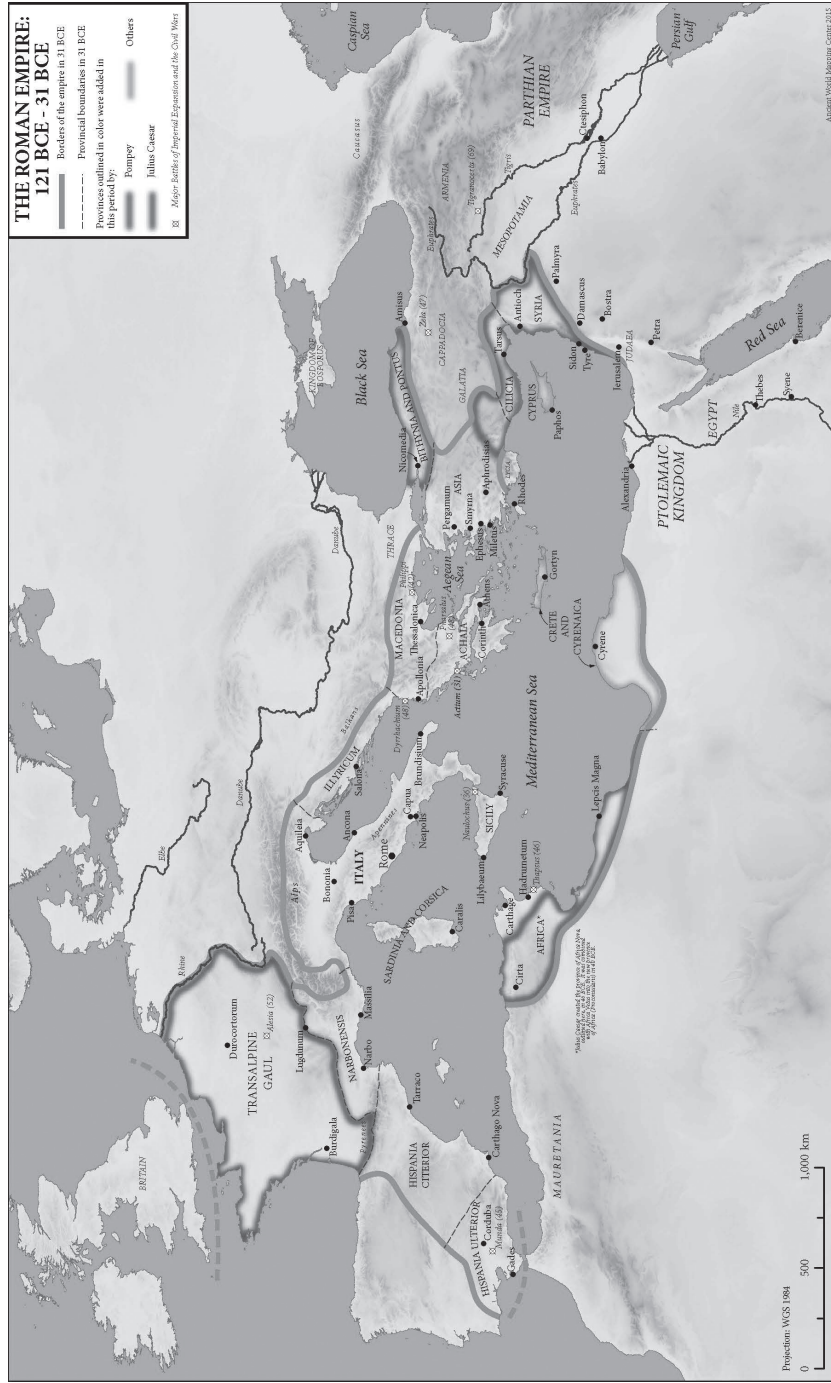


Fig. 6. Map of the Roman Empire: 121 BCE–31 BCE. Source: *The Oxford Classical Dictionary*, Digital Edition, <http://tinyurl.com/SBL3547c>. Courtesy Oxford University Press.

2

From Julius Caesar to King Herod (48–37 BCE)

Under Julius Caesar:

October 48–March 15, 44 BCE (*J.W.* 1.187–218, *Ant.* 14.127–270)

On October 2, just a few days after Pompey's murder, Julius Caesar arrived in Egypt with a rather small force. He soon found himself besieged by the Alexandrians who were assisted by some Roman forces that had remained in Egypt from the time of Gabinius's invasion. Among the forces coming to the aid of Caesar was a force organized by one Mithridates of Pergamum,¹ who was joined by a Judean force. Josephus's narratives of this episode differ on several details, above all on the role of Antipater. The main narrative gives Antipater the main role, even overshadowing Mithridates. This narrative is "purest" in the *Jewish War*. Hyrcanus is never mentioned in that narrative, and Antipater is the one who went over to Caesar's side. Antipater led 3,000 Judean infantry;² he roused his Arab friends as well as various dynasts of Syria and Lebanon in support of Mithridates; he persuaded the Egyptian Jews of the district of Onias, who had blocked Mithridates's advance into Egypt, to allow his passage, and even to provide supplies;³ and he displayed the greatest courage and military abilities in the battles—at Pelusium, and at a place called "Jews' Camp." Consequently, Mithridates highly praised Antipater before Caesar and, therefore, Caesar

1. See also *Bell. alex.* 26–28.

2. For the number of Judean soldiers, see below, n. 11.

3. This is reminiscent of the role of the Jews in Pelusium and their persuasion by Hyrcanus and Antipater to assist Gabinius, mentioned above (p. 107). See also Aryeh Kasher, "New Light on the Jewish Part in the Alexandrian War of Julius Caesar" [Hebrew], *Newsletter of the World Union of Jewish Studies* 14–15 (1979): 18; Kasher, *The Jews in Hellenistic and Roman Egypt: The Struggle for Equal Rights*, TSAJ 7 (Tübingen: Mohr Siebeck, 1985), 13.

used Antipater in subsequent battles. Antipater is said to have suffered numerous injuries. Finally, when the war was over (March 47) and Caesar came to Syria,⁴ he greatly honored Antipater, giving him Roman citizenship and exemption from taxation (ἀτέλεια),⁵ as well as “other honors and marks of friendship” (J.W. 1.194). It was only in order to please Antipater that Caesar confirmed Hyrcanus’s appointment as high priest.

The same account underlies Josephus’s parallel narrative in the *Jewish Antiquities* as well. However, in that description, there are notable differences and additions. Not only is Hyrcanus mentioned, he has a prominent role in the affair: Antipater is said to have come to Caesar’s aid *on the orders of Hyrcanus*; his persuasion of the Jews of the district of Onias is said to have been achieved specifically by showing them a letter from “the high priest Hyrcanus,” urging them to be friendly to Caesar and afford him assistance; and Caesar’s confirmation of Hyrcanus’s high priesthood is not said to have been in order to please Antipater. Moreover, Josephus ends this narrative in the *Jewish Antiquities* with the following statement: “It is said by many writers that Hyrcanus took part in this campaign and came to Egypt.” Josephus follows up this statement by providing two quotations from Strabo, the first, on the authority of Asinius Pollio, mentions Hyrcanus alone, and the second, on the authority of Hypsicrates, emphasizes the role of Antipater, the ἐπιμελετής⁶ of Judea (providing 3,000 soldiers and

4. Some scholars posit that Caesar’s voyage to Syria following his victory in Alexandria was in the spring (e.g., Marcus’s n. a on *Ant.* 14.137 in LCL; Smallwood, *Jews under Roman Rule*, 38), while others argue that Caesar arrived in Syria only in the summer (Schürer, *History of the Jewish People*, 1:271; Cary, *History of Rome*, 404), considering the account, found only in some relatively late authors such as Appian and Suetonius, that Caesar lingered in Egypt for some time, ascending the Nile along with Cleopatra. However, in his extensive study Louis E. Lord convincingly argues that Caesar must have left Egypt not very long after his victory on March 27, certainly by May 5, and perhaps as early as April 11. The way to Acco-Ptolemais, according to Lord, would have taken approximately thirty-five days by land but only four days by sea. Furthermore, the above dates all belong to the pre-Julian calendar. Thus, the actual date of Caesar’s victory in Egypt, according to Lord, was January 12, and all subsequent dates should be moved up accordingly; see Louis E. Lord, “The Date of Julius Caesar’s Departure from Alexandria,” *JRS* 28 (1938): 19–40.

5. On the contents of this privilege, see Akiva Gilboa, “The Grant of Roman Citizenship to Antipater, Herod’s Father” [Hebrew], *Studies in the History of the Jewish People and the Land of Israel* 1 (1970): 71–77, and Udoh, *To Caesar*, 148–52.

6. See also *Ant.* 14.127, and Marcus’s n. d on that passage in LCL.

winning over other dynasts), but explicitly mentions Hyrcanus as having taken part in the campaign (§§138–139).

The extremely pro-Antipater bias of Josephus's main narrative is obvious, and it is therefore quite clear that for this episode, as well as for the period in general, Herod's friend, Nicolaus, was Josephus's main source. Nicolaus's bias becomes clear by comparison not only with the quotations of Strabo, but also with documents quoted later in the *Jewish Antiquities*, documents that detail the grants given by Caesar to the Jews and to Hyrcanus and his children following the Alexandrian war (§§190–212; for the specific grants and privileges see below, pp. 125–36).⁷ In these Antipater is nowhere mentioned, though, admittedly, that may be a consequence of Josephus's own biased selection.⁸ More importantly, however, in one document Caesar explicitly refers to Hyrcanus's aid and bravery in the war (§§192–193).⁹

Any doubt that may remain about the determination that Josephus's main narrative of this episode is a product of Nicolaus's bias should be laid to rest by an examination of two segments of *Ant.* 16, neither of which is paralleled in the *Jewish War*. The first is in the appeal of the Jews of Ionia to Marcus Agrippa regarding their mistreatment (§§27–65), in which Nicolaus himself spoke in favor of the Jews (§§30–57). In his speech Nicolaus mentions the Judean assistance to Caesar in the Alexandrian war, but he does not mention Hyrcanus at all. Rather, as in Josephus's main narrative of the war, only Antipater is mentioned, and likewise his role in the war and his subsequent reception of citizenship and other honors are highlighted (§§52–53).¹⁰ The second is in a decree of Augustus in favor of the Jews of Asia (§§162–165), in which Augustus mentions the favorable disposition of the Jewish *ἔθνος* towards the Romans “not only at the present time but also in time past, and especially in the time of my father the emperor Caesar, as has their high priest Hyrcanus” (§162). Although the Alexandrian war is not explicitly mentioned in this decree, it is quite obviously meant. The similarity of the discrepancy between this decree, which mentions Hyrcanus, not Antipater, and Nicolaus's speech, which neglects Hyrcanus but highlights Antipater, with the discrepancy between

7. See Stern, *Studies in Jewish History*, 429–30.

8. Pucci Ben Zeev, *Jewish Rights*, 39.

9. See Motzo, “Ircano II”; Stern, *Hasmonaean Judaea*, 235 n. 3; Sievers, “Herod, Josephus and Laqueur,” 96–98.

10. See Laqueur, *Der jüdische Historiker*, 223–24.

Josephus's main narrative of the Alexandrian war and his other sources (Strabo and documents), proves the case.¹¹

Thus, Josephus's narrative of the Alexandrian war in *J.W.* 1 likely repeats Nicolaus's description closely, whereas in *Ant.* 14 he seems to have made some changes that reconcile his main source with his other, newly acquired, sources. These changes, however, are not necessarily his own invention, and they may derive from his other sources, mainly Strabo.¹² Be that as it may, it appears that in this affair Hyrcanus had a role more prominent than first seems.¹³

Two matters pertaining to the Judean involvement in Caesar's Alexandrian war require further discussion. The first involves *Hyrcanus's authority*. If indeed Hyrcanus had such a role in the war, one may ask what legal authority he had to lead an army or to order Antipater to do so, since, as we have maintained above, his political authority was essentially lost. The fact that the fragmentary document preserved in *Ant.* 14.199 recognizes only the high priesthood of Hyrcanus and his sons but not their ethnarchy—which they received in the arrangements made in the spring of 47, following the Alexandrian war (see below)—is considered as especially significant by A. Momigliano. Accordingly, he considers this document as the earliest in the series of Caesar's documents, and dates it to October–December 48, the days of Caesar's Alexandrian war itself. He explains that Caesar recognized Hyrcanus as high priest at that early stage in order to

11. Note another discrepancy within Josephus's narratives: in both of his main parallel narratives, the number of Judean soldiers is given as 3,000 (*J.W.* 1.187, *Ant.* 14.128), and so too is the number given in the quotation of Strabo, on the authority of Hypsicrates (*Ant.* 14.139). In Caesar's decree mentioned above, however, the number is 1,500 (*Ant.* 14.193), while Nicolaus mentions 2,000 in his above-mentioned speech before Marcus Agrippa (*Ant.* 16.52). While we cannot definitely decide in favor of any one of these totals, and it is rather immaterial, we should perhaps prefer the number preserved in Caesar's decree. See Motzo, "Ircano II," 6; Smallwood, *Jews under Roman Rule*, 38 n. 54; Shatzman, *Armies*, 133; Richardson, *Herod*, 107 n. 46. Kasher suggests that the figure 3,000 refers to the entire Arabian and Syrian force (*Jews, Idumaeans, Arabs*, 120 n. 220).

12. Contra Laqueur, *Der jüdische Historiker*, 166–71. For Strabo being Josephus's source for the role of Hyrcanus in the persuasion of the Jews of the district of Onias, see Daniel R. Schwartz, "The Jews of Egypt between the Temple of Onias, the Temple of Jerusalem, and Heaven" [Hebrew], in *Center and Diaspora: The Land of Israel and the Diaspora in the Second Temple, Mishna and Talmud Periods*, ed. Isaiah Gafni (Jerusalem: Zalman Shazar Center, 2004), 41–42.

13. Motzo, "Ircano II." See also Richardson, *Herod*, 106–8.

ensure the latter's support, which is precisely why Hyrcanus assisted him later in the war.¹⁴ This suggestion contradicts Josephus's explicit testimony that Caesar recognized Hyrcanus as high priest only after the Alexandrian war (*J.W.* 1.194, 199, *Ant.* 14.137, 143, 194), though perhaps that is not reason enough to deny its probability. However, the extant document is very fragmentary, and the title ethnarch could have theoretically appeared in an unpreserved part of the document. In any case, this is an *argumentum ex silentio*, and the document's date is far from certain.¹⁵

We should, however, recall the fact that even earlier, when Gabinius went on his Egyptian expedition, the lack of formal political authority recognized by the Romans did not prevent Hyrcanus from providing active assistance. Supposedly, providing such assistance was a requirement of any people subdued by the Romans, and Hyrcanus and Antipater, as the leaders of Judea, fulfilled that requirement, assisting both Gabinius, and now Caesar. Furthermore, even if there was no such formal requirement, now that Pompey was out of the picture, providing assistance to the leader of the ruling empire was a wise course of action, not least because it was the best way to get on Caesar's good side, after they had been allied, willy-nilly, with his enemy, Pompey (compare with *J.W.* 1.196).¹⁶ We should further consider the turmoil in the whole region at the time and the fact that there was no Roman governor in Syria, Scipio having left to fight alongside Pompey. Therefore, whatever the Romans officially recognized as Hyrcanus's authority would not have mattered much at this point in time, and Hyrcanus needed no more than to use common sense, employing his authority in the eyes of Judeans as high priest and Hasmonean.¹⁷

The second matter concerns *the significance of the Judean involvement*. Other than Josephus's narratives, Judean involvement is not mentioned in any extant sources, including the *Bellum alexandrinum*.¹⁸ This fact

14. Momigliano, "Ricerche," 238–39, followed by Schürer, *History of the Jewish People*, 1:274 end of n. 23; Smallwood, *Jews under Roman Rule*, 37 and n. 53. See also VanderKam, *Joshua to Caiaphas*, 351 n. 293.

15. See Pucci Ben Zeev, *Jewish Rights*, 71–73; Stern, *Hasmonaean Judaea*, 234 and n. 1.

16. See Stern, *Hasmonaean Judaea*, 234–35.

17. See Schürer, *History of the Jewish People*, 1:270–71 and end of n. 13.

18. This work is a continuation of Caesar's work on the Civil War, and it is usually assumed to be the work of Hirtius; see the entries "*Bellum Alexandrinum*" and "Hirtius" in the *OCD* (238 and 712, respectively).

should make us wary of accepting at face value the central role given to the Judeans and the Egyptian Jews in Josephus's narratives. However, there is no reason to doubt the basic fact of that involvement or its value for Caesar.¹⁹ The silence of the other sources may be due to a basic intent to glorify Caesar and, therefore, to minimize or conceal the involvement of others.²⁰ But, more likely, it is simply because from the Roman standpoint the Jewish part in the war was not any more noteworthy than that of other peoples and tribes—and the *Bellum alexandrinum* does report that when Caesar came to Syria after the war he bestowed rewards on various “individuals and communities” (§65; see also §26) without specifying anyone.²¹

Following the Alexandrian war, Antigonus, the remaining son of Aristobulus II, came before Caesar. He lamented—and attempted to build upon—the fate of his father and brother, who had paid with their lives for Caesar's cause (see above, p. 114). He further accused Hyrcanus and Antipater of acting violently and lawlessly. However, following the aid that Hyrcanus and Antipater had provided Caesar in Egypt, Antigonus's cause was essentially a lost cause. Antipater rebuffed the accusations, and instead he accused Aristobulus and his sons of being revolutionaries, charging—according to Josephus—that Antigonus's intent was only further sedition.²² Consequently, Caesar decided in favor of Hyrcanus and Antipater.

19. Smallwood, *Jews under Roman Rule*, 38.

20. See Kasher, “New Light,” 15–16; Kasher, *Jews in Hellenistic and Roman Egypt*, 16.

21. On the discrepancies in the details of Mithridates's campaign between Josephus, the *Bellum alexandrinum*, and Cassius Dio, *Hist. rom.* 42.41–43, see P. J. Sijpesteijn, “Mithradates' March from Pergamum to Alexandria in 48 B. C.,” *Latomus* 24 (1965): 122–27. See also A. Kasher, “New Light”; Kasher, *Jews in Hellenistic and Roman Egypt*, 13–18.

22. Again, in comparison to the *Jewish Antiquities*, the narrative of the *Jewish War*, likely closely following Nicolaus, is more critical of Antigonus and portrays Antipater very positively and his defense very dramatically; see Marcus's nn. *b* and *c* on *Ant.* 14.140–141 in LCL; see also Laqueur, *Der jüdische Historiker*, 167. For the more positive portrayal of Antigonus in the *Jewish Antiquities* in comparison to the *Jewish War*, see Fuks, “Josephus and the Hasmoneans,” 171–76, and for this episode see p. 174. For the more dramatic character of the *Jewish War*, in comparison to the *Jewish Antiquities*, see D. Schwartz, “On Drama.”



Fig. 7. Statue of Julius Caesar, from the Fori imperiali, Rome. Source: Wikimedia Commons. Courtesy: Dan Kamminga.

Caesar's Bestowal of Grants and Privileges

In the spring of 47 BCE, Caesar appointed Hyrcanus as high priest and Antipater as procurator (ἐπίτροπος) of Judea, while also giving him Roman citizenship and exemption from taxes, as mentioned above. The content of

Antipater's office of ἐπίτροπος of Judea is not stated explicitly. Presumably, however, he now had responsibilities and authority beyond those which he had in his capacity as ἐπιμελετής;²³ for if his position were not elevated the thrust of the narrative would make little sense. It is likely, then, that his role was not just financial; it was probably governmental.²⁴

Josephus further says that, at this point, Caesar gave permission to rebuild the walls of Jerusalem, which had been demolished by Pompey in 63 BCE. Here the bias of Josephus's main source, Nicolaus, becomes clear once again. According to the *Jewish War*, this permission was given to Antipater, and indeed Antipater's first act upon his return to Judea after escorting Caesar was the rebuilding of these walls (1.199, 201). Although *Ant.* 14.156 preserves the latter datum about Antipater's building of the walls immediately upon his return to Judea, earlier it explicitly says that the permission was granted to Hyrcanus, when, moreover, Hyrcanus himself is said to have asked this of Caesar (14.144).²⁵ The contradiction is resolved by the document quoted by Josephus in *Ant.* 14.200–201, which preserves Caesar's decree permitting the fortification of Jerusalem; it is explicitly connected to Hyrcanus.²⁶

The documents preserved in the *Jewish Antiquities* reveal another important grant by Caesar in favor of the Jews. That is the title *ethnarch*, which he bestowed upon Hyrcanus. Once again, Josephus's narratives do not mention this grant, perhaps due to Nicolaus's bias. Below (pp. 260–80), I will

23. Contra Schürer, *History of the Jewish People*, 1:271–72.

24. Shatzman, *Armies*, 139. See also Schalit, *King Herod*, 30; Richardson, *Herod*, 105–6; Baumann, *Rom und die Juden*, 95.

25. Unsurprisingly, Laqueur (*Der jüdische Historiker*, 167) sees the *Jewish Antiquities* as Josephus's "systematic political reworking of the War." See also Sievers, "Herod, Josephus and Laqueur," 98–99.

26. See Motzo, "Ircano II," 10 and n. 2. For this document, see Pucci Ben Zeev, *Jewish Rights*, 74–79. This document poses another historical problem, in that it was issued in 44 BCE, whereas according to both of Josephus's narratives the permission to fortify Jerusalem was granted in 47. Pucci Ben Zeev discusses various solutions, which have been suggested by scholars, and prefers to accept the date of the document as the time when the permission was first granted. According to this suggestion, Josephus's narratives reflect Nicolaus's biased version of the facts (Pucci Ben Zeev, *Jewish Rights*, 78–79; so too Sievers, "Herod," 98–99 n. 68). In this she follows Momigliano, "Ricerche," 243. Udoh, *To Caesar*, 37–38 argues that this decree is "a fragment of the *senatus consultum* of 44 B.C.E., incorporating and confirming grants made earlier to the Jews by Caesar." For my purposes, the date of the permission is not of much significance; the permission itself is what matters.

investigate the full significance of this term: I will argue for the uniqueness of the term; that it reveals an innovative Roman view of the Jewish people as a nonterritorial entity; and that Hyrcanus was now viewed by Rome as the leader of all Jews, those in Judea as well as those of the Diaspora. At this point, however, I would like to try to determine when and from whom Hyrcanus first received this title.

We shall recall that Hyrcanus began his public career as high priest in 76 BCE; in 67, following the death of his mother, Queen Alexandra, he inherited the kingship, but he was ousted from it and from the high priesthood shortly thereafter by his younger brother, Aristobulus II. Hyrcanus regained primacy in Judea by the grace of Pompey after the conquest of 63 BCE. Obviously he was not ethnarch until this time, and many scholars hold the view that at this point in time he was made ethnarch by Pompey.²⁷ Others, however, have pointed instead to Caesar's arrangements in favor of the Jews following the aid they provided him in Egypt in 47 BCE.²⁸ It seems to me that the evidence points in the latter direction. There are no occurrences of the term ethnarch pertaining to Hyrcanus II prior to Caesar's arrangements. Subsequent to Pompey's conquest of Jerusalem, all Josephus says is that he "reinstated Hyrcanus as high priest" (*J.W.* 1.153, *Ant.* 14.73), whereas the supreme secular power over Judea seems to have been in the hands of Scaurus, the Roman governor of Syria appointed by Pompey (*J.W.* 1.157; see also *Ant.* 14.79). Strabo too refers to the high priesthood alone (*Geogr.* 16.2.46).²⁹

It seems that those who point to Pompey base their conclusion on what Josephus says in his summary of the history of the high priesthood,

27. Daniela Piattelli, "An Enquiry into the Political Relations between Rome and Judaea from 161 to 4 B.C.E.," *Israel Law Review* 14 (1979): 219 and n. 17; Smallwood, *Jews under Roman Rule*, 27, 35; Rajak, "Roman Charter," 116; Braund, *Rome and the Friendly King*, 65, 142, and 161 n. 65; Baumann, *Rom und die Juden*, 37–38; Goodblatt, *Monarchic Principle*, 26; Pucci Ben Zeev, *Jewish Rights*, 49; Shatzman, "Integration," 77; Daniel R. Schwartz, "Herodians and Ioudaioi in Flavian Rome," in Edmondson, Mason, and Rives, *Flavius Josephus and Flavian Rome*, 68.

28. Schürer, *History of the Jewish People*, 1:334 n. 12; Ephrat Habas Rubin, "The Patriarch in the Roman-Byzantine Era: The Making of a Dynasty" [Hebrew] (PhD diss., Tel-Aviv University, 1991), 48 and 246 n. 74; Meshorer, *Treasury*, 32, 58; Erich S. Gruen, "Herod, Rome, and the Diaspora," in Jacobson and Kokkinos, *Herod and Augustus*, 19; see also Juster, *Les Juifs*, 1:216–17, and n. 3; Alfredo M. Rabello, "The Legal Condition of the Jews in the Roman Empire," *ANRW* 13:713.

29. See above, p. 96 n. 126.

towards the end of his *magnum opus*. There he says that “Pompey also restored the high priesthood to Hyrcanus and permitted him to have the *prostasia* of the *ethnos*, but forbade him to wear a diadem” (*Ant.* 20.244).³⁰ However, if the specific term *ethnarch* were meant here, why was it not used? Moreover, as Daniel Schwartz has shown, Josephus regularly associates the *prostasia* with high priests. For example, just a few lines earlier, at 20.138, it is associated with Jonathan the Hasmonean, who was certainly not an *ethnarch*. Schwartz further asserts that “it is notoriously difficult to designate any real or legal content of the high priestly *prostasia*,” and it seems likely that Josephus invented this concept or, at least, developed it considerably.³¹

Hence, there is no evidence for Hyrcanus being *ethnarch* before Caesar’s arrangements. In contrast, Caesar’s decree quoted in the document in *Ant.* 14.190–195 seems clearly to announce the grant of this title to Hyrcanus: “It is my wish that Hyrcanus, son of Alexander, and his children shall be *ethnarchs* of the Jews” (§194).³² It seems, therefore, that

30. See Smallwood, *Jews under Roman Rule*, 27 n. 22; Braund, *Rome and the Friendly King*, 161 n. 65; Baumann, *Rom und die Juden*, 38 n. 147.

31. Schwartz, “Josephus on Jewish Constitutions,” 44. In contrast, see Goodblatt, *Monarchic Principle*, 40–43. Note that, in *Ant.* 15.180, Josephus seems to say that the kingship was restored to Hyrcanus by Pompey. But this understanding, while grammatically preferable, is not required, as the verb may refer back to the high priesthood mentioned earlier. Moreover, note that in Josephus we often find kingship associated with Hyrcanus II, the *ethnarch* (e.g., *J.W.* 1.202, *Ant.* 14.157, and elsewhere). This seems to be a loose usage, such as we also find later in relation to Archelaus (see Josephus, *Ant.* 18.93, *Vit.* 5; and Matt 2:22); and just as we find in the New Testament in relation to Herod Antipas (Matt 14:9, Mark 6:14), who was merely a tetrarch (e.g., Matt 14:1); perhaps a similar looseness explains why Cassius Dio speaks of the “kingdom” having been given to Hyrcanus by Pompey (*Hist. rom.* 37.16.4; see *GLA* 2:353 and VanderKam, *Joshua to Caiaphas*, 346 and n. 277). On this issue, see further below, p. 268 n. 44.

32. For this document’s authenticity see Pucci Ben Zeev, “Seleukos,” and for a detailed analysis of it, see Pucci Ben Zeev, *Jewish Rights*, 31–53. Those who point to Pompey suggest that Caesar here merely restored to Hyrcanus the title already given him by Pompey (e.g., Smallwood, *Jews Under Roman Rule*, 38–39), after he had “lost his secular administrative functions as *ethnarch*” as a result of Gabinius’s reforms of 57 (Smallwood, *Jews Under Roman Rule*, 32). By granting the title not only to Hyrcanus but to his children as well, Caesar appears to be establishing them as a dynasty. However, it seems that Hyrcanus had no sons, and this was apparently a fixed expression; see further Pucci Ben Zeev, *Jewish Rights*, 40.

Caesar, not Pompey, granted the title ethnarch to Hyrcanus II as part of his policy of benefiting the Jews and reversing Pompey's deeds.³³ Erich Gruen emphasizes that this measure of Caesar's was not just pure generosity. Knowing he still had further fighting against Pompey's sons and other Republicans ahead, Caesar "would benefit from an ally who had responsibility for a people scattered through the eastern Mediterranean. The Judaeen leader's foothold in the diaspora would be a source of support and stability."³⁴ This profit had been proven by the role Hyrcanus played in the Alexandrian war.

The series of Roman documents preserved in *Ant.* 14.190–212 contains other grants and privileges bestowed upon the Jews and their leaders by Caesar.³⁵

(1) The city of Jaffa, previously taken away by Pompey, is given back to the Judeans (§205).

(2) "As for the villages of the Great Plain, which Hyrcanus and his forefathers before him possessed ... Hyrcanus and the Judeans shall retain them with the same rights as they formerly had" (§207). There is scholarly consensus that the "Great Plain" is the plain of Jezreel and that the territory referred to was a "private royal estate."³⁶ Recently, however, Fabian Udoh has challenged this consensus.³⁷ He asserts that the term "the Great Plain" is used here and there to refer to several plains in the land of Israel (the Jordan Valley, the plain of Asochis, and the plain of Sharon), not only to

33. See also Udoh, *To Caesar*, 127–31; Akiva Gilboa, "On the Trial of Herod" [Hebrew], in *Jerusalem in the Second Temple Period: Abraham Shalit Memorial Volume*, ed. Aharon Oppenheimer, Uriel Rappaport, and Menahem Stern (Jerusalem: Ben-Zvi, Ministry of Defense, 1980), 101–3. For this policy of Caesar, see further below.

34. Gruen, "Herod," 20.

35. The collection of documents preserved here by Josephus continues until §264, but those from §213 on are not of Caesar's. Some are from 49–48 BCE, some are later than Caesar's assassination, as late as 42 BCE, and many are documents of various Greek cities. For the various documents' dates and an in-depth analysis, see Pucci Ben Zeev, *Jewish Rights*, passim. For Caesar's grants, see also Udoh, *To Caesar*, 31–99. For a summary of the scholarly debates pertaining to the authenticity of these Greek and Roman documents and Josephus's source/s for them, see above, pp. 27–35.

36. E.g., Marcus's n. a in LCL; Schalit, *King Herod*, 30; Smallwood, *Jews under Roman Rule*, 40; Stern, *Hasmonaean Judaea*, 238; Freyne, *Galilee*, 61 and 93 n. 17.

37. Fabian E. Udoh, "Jewish Antiquities XIV. 205, 207–08 and 'The Great Plain,'" *PEQ* 134 (2002): 130–43; Udoh, *To Caesar*, 60–75.

the plain of Jezreel. He concludes that here it refers to the plain of Sharon, between the cities of Jaffa and Lydda, both of which are mentioned in the same document. He further rejects the notion that this territory was a “private royal estate.” However, Udoh’s first assertion, identifying “the Great Plain” as the plain of Sharon, is unconvincing for at least two reasons.

First, Udoh offers two prooftexts for his claim that “the Great Plain” in Josephus can refer to the plain of Sharon, *Ant.* 18.120–122 and *Ant.* 5.83. However, these too have usually been understood as referring to the plain of Jezreel, and neither is very clear-cut. Concerning the former (*Ant.* 18.120–122), Udoh himself maintains that the identification with the plain of Sharon is only a possibility and that the plain of Jezreel is also plausible.³⁸ The second proof-text (*Ant.* 5.83) concerns the northern boundary of the settlement of the tribe of Ephraim, which was “the Great Plain” according to Josephus, whereas according to Josh 16:8 it was Wadi Qanah—a river far south of the plain of Jezreel. Udoh maintains that Wadi Qanah flows into the plain of Sharon and therefore that Josephus referred to this plain.³⁹ Yet this suggestion is very problematic, since the plain of Sharon lies to the west and cannot be the northern border, so that Udoh would have us assume that Josephus defined the northern boundary by the western plain into which the actual boundary-defining river flowed. This hardly seems more reasonable than to assume that Josephus mistakenly identified Ephraim’s northern boundary as the plain of Jezreel.

Second, Udoh concludes that the document must refer to the plain of Sharon and excludes the other plains that are called “the Great Plain” in Josephus’s writings, arguing that, unlike the plain of Sharon, “there is no evidence that these territories were taken away by Pompey.”⁴⁰ Yet, the lack of other evidence for an earlier loss of territories should not exclude that possibility; on the contrary, their restoration may be taken as evidence for their having been lost.⁴¹ In addition, the document does not say that “the villages in the Great Plain” are being restored to the Judeans but rather

38. Udoh, “Jewish Antiquities XIV,” 133.

39. *Ibid.*, 135.

40. *Ibid.*

41. Similarly, we saw above that neither Pompey’s destruction of the walls of Jerusalem nor his destruction of Alexandrion are mentioned in Josephus’s report of Pompey’s actions, but they are incidentally mentioned in their later rebuilding. Those destructions are, however, mentioned in other sources. See above, p. 91 n. 107 and p. 94 n. 118.

that “Hyrcanus and the Jews shall *retain* [ἔχειν] them”; that is, the text may actually be distinguishing between Jaffa, which was now restored to the Judeans after it was previously taken by Pompey, and these villages which were retained by them—perhaps never having been taken away.

Consequently, while Udoh has convincingly shown that Josephus’s phrase “the Great Plain” may refer to plains other than the plain of Jezreel, the suggestion that in this case it refers to the plain of Sharon is not convincing.

(3) The Judeans were to enjoy similar rights at Lydda and in other places in the periphery of the Judean settlement (§§208–209).

(4) There seem to have been some changes in the method of collecting taxes in Judea, as well as a reduction of their amount (§201).⁴² As we have seen above, it was probably Caesar who expelled the *publicani* who had been collecting taxes in Judea since 63, as he had done in other regions.⁴³ While there was a special tax, which they had to pay for Jaffa (§206), the Judeans were exempted from paying a tax during sabbatical years (§202).⁴⁴

(5) Judea was exempted from providing winter quarters for the army, and it was forbidden to raise auxiliary troops in Judea and to demand money from the Judeans (§§195, 204).

(6) The right of the Jews to live according to their ancestral customs and laws was officially recognized (§§194–195). This right was apparently not limited to the Judeans only, but it seems to have been applied to all Jews under Roman rule, wherever they may be (§§213–216), as we find in the various decrees of Greek cities and in Roman letters sent to those cities, preserved by Josephus (letter from Dolabella to Ephesus [§§225–227]; Laodicea [§§241–243]; letter from Galba to Miletus [§§244–246]; Halicarnassus [§§256–258]; Sardis [§§259–261]; Ephesus [§§262–264]).⁴⁵

(7) Specific privileges were granted to Hyrcanus and his children.⁴⁶ Not only were they appointed *ethnarchs* and recognized as high priests “for all time in accordance with their national customs,” but they were also

42. Pucci Ben Zeev, *Jewish Rights*, 76–77, 79.

43. Braund, “Gabinius, Caesar”; Pucci Ben Zeev, *Jewish Rights*, 97–98; see also above, pp. 104–5. For Caesar’s expulsion of the *publicani* from Asia, see Appian, *Bell. civ.* 5.4; Cassius Dio, *Hist. rom.* 42.6

44. Stern, *Hasmonaean Judaea*, 239–40. For the taxation of Judea under Caesar, see Udoh, *To Caesar*, 41–60.

45. See also Pucci Ben Zeev, *Jewish Rights*, 65–66, 116. See also *J.W.* 6.333–334.

46. For this being a fixed expression, see above, n. 32.

to be recognized as allies (σύμμαχοι) and friends (φίλοι) of the Romans (§194). In addition, they were given the right to sit among the senatorial class “as spectators of the contests of gladiators and wild beasts,” and they were promised that upon their request they would promptly receive permission to appear before the Senate (§210).⁴⁷

As elaborated in the introduction, I accept the authenticity of these documents, along with most other scholars.⁴⁸ Thus, the question of the significance of these privileges and grants arises. Scholarly opinion has differed on this question, mainly pertaining to the right to live according to ancestral customs and laws, but it is beyond the scope of this study to fully review the debate. At one end of the spectrum is the opinion of J. Juster, according to whom Caesar’s action gave the Jews a unique legal status, a sort of “Magna Carta.”⁴⁹ At the other end is the opinion of T. Rajak. She contends that there was no such general charter in favor of the Jews; Caesar’s grants were specific and limited, and there was repeated need for Roman intervention in favor of diaspora Jews. She asserts that the permission to live according to their ancestral customs and laws “is certainly no more than a fine-sounding verbal gesture.”⁵⁰ Between these two opinions stands Pucci Ben Zeev. She convincingly argues that this permission had real legal value, and was not just a verbal gesture. But it was also not special, given that epigraphic sources show that such permissions were

47. I have not mentioned Josephus’s claim that Caesar declared the Jews of Alexandria citizens of that city and inscribed this declaration on a bronze tablet (*Ant.* 14.185, *Ag. Ap.* 2.37, see also *J.W.* 2.488), since that claim is highly suspect. Josephus does not furnish the text of this supposed tablet, despite the fact that he makes this claim in the introduction to the corpus of more than twenty documents. Furthermore, it has been doubted whether Caesar was legally able to make such a decision, since Alexandria was not annexed to Rome at the time. Some suggest that Josephus erred here and that, if such a tablet existed, it was set up by Augustus, who in fact had the right to do so. Indeed, Claudius’s letter to Alexandria confirms the right of Alexandrian Jews to live according to their own customs “as they did in the time of the god Augustus” (*CPJ* 153, ll. 86–88 [pp. 2:41, 43]), and see *CPJ* 2:49 as well as Barclay’s note in Flavius Josephus, *Against Apion*, 188 n. 122; Pucci Ben Zeev, *Jewish Rights*, 27–31, 381–87; see also Pucci Ben Zeev, “Josephus’ Ambiguities,” 4–5. Kasher (*Jews in Hellenistic and Roman Egypt*, 17–18), in contrast, accepts Josephus’s statement about this bronze tablet.

48. See above, pp. 29–33.

49. See Rabello’s, “Legal Condition,” 692, which is a sort of update of Juster’s work. See also Smallwood, *Jews under Roman Rule*, 124, 134–36.

50. Rajak, “Roman Charter,” 116; see further, Rajak, “Jewish Rights,” esp. p. 23.

often granted by the Romans to conquered cities and peoples.⁵¹ The other privileges granted by Caesar to the Judeans and their leaders, such as restoration of territories and reduction of taxes, were also not unique, as they were often granted by the Romans to other client-rulers and peoples.⁵²

However, even if Caesar's measures in favor of the Jews were not special from the Roman point of view, we should still take notice of their significance for the Jews. First, as mentioned above, I argue that the bestowal of the title ethnarch was indeed unique and that it exemplifies a unique view of the Jews, in Judea and the diaspora alike, as one entity and it comprises recognition of the Judean high priest as the leader of this entity. This measure was especially important for diaspora Jews, morally and practically—for Hyrcanus, the ethnarch, could and did intervene on their behalf.

Second, even if *de facto* Jews enjoyed the right to live according to their own laws already before 47 BCE, now this right was formally and officially recognized.⁵³ It seems that Caesar was the first Roman to establish the general principle that the Jews have the right to live according to their ancestral laws and later Roman authorities applied that general principle.⁵⁴ This is evident in Augustus's decree, dated to 12 BCE (*Ant.* 16.162–165), in which his confirmation of the Jews' right to follow their customs is explicitly linked to Caesar and the aid he received from the Jews and to the fact that the Jews followed these customs “in the time of Hyrcanus.” Additionally, it seems that when the Jews appealed to the authorities of Sardis and, among other claims, said that “their laws and freedom have

51. Miriam Pucci Ben Zeev, “Caesar and Jewish Law,” *RB* 102 (1995): 28–37; Pucci Ben Zeev, *Jewish Rights*, 412–19.

52. See Pucci Ben Zeev, *Jewish Rights*, 40, 43, 46–47, 92–93, 98–101, 161–62; Udoh, *To Caesar*, 75–79. Nevertheless, for the importance of these privileges, see Sanders, *Judaism*, 161–62.

53. Pucci Ben Zeev, *Jewish Rights*, 418. See also Smallwood, *Jews under Roman Rule*, 135–36. For the possibility that such Jewish rights were *de facto* accepted under Rome prior to Caesar, see Miriam (Pucci) Ben Zeev, “Roman Law and the Jews: 139–59 BCE,” *Athenaeum* 102 (2014): 411–28.

54. The grants bestowed upon the Jews by Antiochus III after his conquest of the Land of Israel (*Ant.* 12.138–146) seem to have been granted specifically to the Jews of that country, except for his grants to the Mesopotamian Jews whom he transported to Lydia and Phrygia (*Ant.* 12.147–153). In any case, even if those grants were given to all Jews, they would have affected a considerably smaller number of Diaspora communities (only those under Seleucid rule) than Caesar's.

been restored to them by the Roman Senate and people" (*Ant.* 14.260), they were referring to the Senate's confirmation of Caesar's grants.⁵⁵

Furthermore, although documents of Greek cities preserved by Josephus indicate that diaspora Jews enjoyed some such rights before 47, these rights seem to be very limited. First, they seem to apply only to Roman citizens. Second, these documents, all of which are dated by Pucci Ben Zeev to 49 or 48 BCE and stem from a single decision of the consul Lentulus, attest almost solely to exemption from military service (*Ant.* 14.228, 230, 232, 234, 237, 240).⁵⁶ The only exception is *Ant.* 14.235, which too seems to apply only to Roman citizens, but it grants rights other than the exemption from military service; namely, that they shall have "an association of their own in accordance with their native laws and a place of their own, in which they decide their affairs and controversies with one another."⁵⁷ From Caesar's decrees onwards, Jewish rights were greatly extended. First, they do not seem to be limited to Roman citizens.⁵⁸ Second, they seem to cover a wider range of rights, which is generally defined as the right "to live in accordance with their ancestral laws and customs" (§§213–216, 225–227, 241–243, 244–246, 256–258, 259–261, 262–264). In addition to assemblies and exemption from military service, these include feasting, sacrifices(!?),⁵⁹ Sabbath observance, dietary laws, and so forth. Thus, one document (§§213–216), says that Caesar "forbade religious societies to assemble in the city [i.e., Rome]" (compare Suetonius, *Jul.* 42.3), with the exception of the Jews, who were allowed to assemble, collect money, and "feast in accordance with their native customs and ordinances."⁶⁰ Jewish rights elsewhere in the diaspora

55. Pucci Ben Zeev, *Jewish Rights*, 224–25, 422–23. For this last document, see *ibid.*, 217–25, and for that of *Ant.* 16.162–165, see *ibid.*, 235–56.

56. The letter sent to Ephesus preserved in *Ant.* 14.230 is an exception to the first rule. It speaks generally about "the Jews in Asia," without specifying that they must be Roman citizens. See further Pucci Ben Zeev, *Jewish Rights*, 164–66.

57. See *ibid.*, 176–81.

58. See *ibid.*, 148; Smallwood, *Jews under Roman Rule*, 128.

59. This is mentioned in a letter of Dolabella to the city of Ephesus, thus seemingly implying Jewish sacrificial cult in this diaspora community, which is of course surprising and highly unlikely given that Jews were allowed to sacrifice only in the temple. Pucci Ben Zeev (*Jewish Rights*, 144) suggests that this was a general permission to collect "sacred monies" for the sacrificial cult in Jerusalem.

60. Pucci Ben Zeev, *Jewish Rights*, 107–18.

stem from that policy.⁶¹ Taking into account the very vast and scattered Jewish diaspora, as well as the essential incompatibility between the monotheistic Jews and their surroundings, the official imperial recognition of these rights must have been momentous for Jewish communities of the diaspora.

Caesar's decisions were a tremendous turnabout in favor of Judean Jews too, following sixteen years that included not only the loss of sovereignty, but also a continued decline in the degree of self-rule, as well as diminished territory.⁶² Caesar increased their autonomy and gave back some territories. The restitution of territories was obviously important economically, demographically, strategically, and politically. Especially important was the restoration of Jaffa, which was Judea's only seaport.⁶³

Caesar's actions may have also been significant theologically. Unlike many of his predecessors, he never battled any Judeans; and, unlike Pompey and Crassus, he left the temple untouched. Moreover, the permission he gave to rebuild the walls of Jerusalem was not only important for the city's defense, but most likely it had important historical and theological significance for Judeans. The building of Jerusalem is obviously of great significance, attested in several passages in the Bible (Isa 44:24–28, 61:4, Ps 147:2, Dan 9:25), but the importance of the building of its walls is particularly stressed, for example in Ps 51:20: *היטיבה ברצונך את ציון תבנה חומות ירושלים* (“May it please You to make Zion prosper; rebuild the walls of Jerusalem” [JPS translation]; see also Ps 147:12–14; Ezra 4:12–13, 16; Neh 1:3; 2:12–18; 3–4; 6; 12:27–34; Ben Sira 50:1–4; see also 1 Macc 16:23).

At the same time, these decrees, which emphasize that the grants are being bestowed by Caesar, the Roman Senate, or various magistrates, underscore the reality of Judean subjugation; any privileges and freedoms the Judeans have are not essentially theirs, but rather they are granted by the goodwill of the foreign power and may be revoked at will.⁶⁴

61. Smallwood, *Jews under Roman Rule*, 134–35.

62. See Adolf Büchler, “The Priestly Dues and the Roman Taxes in the Edicts of Caesar,” in *The Adolph Büchler Memorial Volume: Studies in Jewish History*, ed. Israel Brodie and Joseph Rabinowitz (New York: Oxford University Press, 1956), 1–23, esp. 20.

63. Pucci Ben Zeev, *Jewish Rights*, 88–89, 97; Udoh, *To Caesar*, 43.

64. See John Ma's evaluation of the pro-Judean decrees of Antiochus III: “The royal performative utterance, by repeating the local rules and substituting its own effi-

Still, Caesar was a sort of antithesis to Pompey, and he was most likely highly regarded by many Judeans and diaspora Jews. In fact, when Suetonius speaks of foreigners lamenting Caesar following his assassination, only the Jews are specifically named: "At the height of the public grief a throng of foreigners went about lamenting each after the fashion of his country, above all the Jews, who even flocked to the funeral pyre for several successive nights" (Suetonius, *Jul.* 84.5).⁶⁵

Antipater and His Sons Assume the Government (*J.W.* 1.201–215, *Ant.* 14.156–184)

As mentioned above, according to Josephus's narratives, immediately following Caesar's settlement Antipater rebuilt the walls of Jerusalem, but there is reason to doubt this sequence of events and the permission to do so may have been given much later. In any case, Josephus reports that Antipater then went about the country quieting local disturbances, mainly by persuasion and threats rather than the use of force. He now practically took the actual government of Judea into his own hands. According to Josephus, he did this because he saw that Hyrcanus was too phlegmatic to rule the country. However, we have seen that often Hyrcanus was not all that phlegmatic; he knew well enough when to act in order to ensure his government. Therefore, Josephus's explanation is perhaps due to his own and Nicolaus's subjective purposes in describing Hyrcanus as an incompetent ruler, so as to justify Herod's takeover or hold Hyrcanus responsible for it.⁶⁶ It seems likely that Antipater was actually acting more or less in the capacity of his new office as "ἐπίτροπος of Judea."

Antipater now appointed his eldest son, Phasaël, as στρατηγός of Jerusalem and its surroundings, and his second son, Herod, the later king of Judea, as στρατηγός of Galilee.⁶⁷ Herod was quick in action in his new post.

cacy for theirs, ensures the supremacy and ubiquity of royal form and authority over local sources of legitimacy. This manoeuvre is typical of the way 'empires of domination' function: tolerating local autonomy but redefining it in terms of central authority, through administrative speech-acts" (John Ma, "Seleukids and Speech-Acts: Performative Utterances, Legitimacy and Negotiation in the World of the Maccabees," *SCI* 19 [2000]: 89).

65. *GLA* 2:109–10.

66. See Schwartz, "Josephus on Hyrcanus"; and further above, pp. 43–44.

67. Josephus writes that, at this time, Herod was "a mere lad" (*J.W.* 1.203, *Ant.* 14.158), and the *Jewish Antiquities* adds that he was only fifteen years old. But that is

He went after a group of so-called “bandits” (λῃσται), who had been ravaging the border area between Galilee and Syria, and he had many of them executed, including their leader, Ezekias.⁶⁸ For this Herod, is said to have been greatly admired and praised by the Syrians and to have come to the attention of the new Roman governor of Syria, Sextus Caesar, who had been appointed by his relative Julius Caesar.⁶⁹

It should be made clear, however, that these Judean “bandits” were not mere robbers. As is indicated by the responses to their defeat both in Syria and in Judea and later by the intervention of the Roman authorities, it is evident that they were rebels. This observation is reinforced by the fact that Ezekias’s son, Judas, led a revolt immediately after Herod’s death in 4 BCE (*J.W.* 2.56, *Ant.* 17.271); the argument for this is elaborated in appendix C below.

Meanwhile, in Jerusalem Phasaël—according to Josephus, doubtlessly relying on Nicolaus—ruled justly and gained popularity with the population. This state of affairs increased the fame of Antipater who was honored as a king, yet remained loyal to Hyrcanus. However, we immediately learn that the reality was far from this idyllic picture. The success of Antipater and his sons, and especially Herod, made some people in Jerusalem envious and hostile.⁷⁰ Soon Herod stood trial on the charge that he had executed those rebels without authority. Josephus’s parallel narratives significantly diverge in their accounts of Herod’s trial, and the account of the *Jewish Antiquities* is partially paralleled in rabbinic literature. This affair has drawn much scholarly attention, and its narratives and their relation-

unlikely and contradicts other chronological data. Yet, while many scholars assume a scribal error and correct the text to “twenty-five,” I assert that the text, though historically erroneous, should be maintained; see further Sharon, “Herod’s Age.” Baumann (*Rom und die Juden*, 107–8) asserts that Antipater appointed his two sons to these two districts because they were the places where opposition to his power was most likely to arise.

68. As Brent Shaw asserts, killing Ezekias and the other “bandits” fulfills Herod’s need to prove that he is worthy of his present and, more importantly, future rule; Brent D. Shaw, “Tyrants, Bandits and Kings: Personal Power in Josephus,” *JJS* 44 (1993): 184–85.

69. For Sextus, see Broughton, *Magistrates*, 289 and 297.

70. For this motif, see Shatzman, “Success Followed by Envy.” Note, however, that this motif is here only found in *J.W.* 1.208, not in the parallel passage in the *Jewish Antiquities*, and that the *Jewish War* passage seems to derive from Nicolaus; see Schwartz, “Josephus on Hyrcanus,” 230–31.

ships will be analyzed in appendix D below. For now, suffice it to say that it is extremely difficult to arrive at any definite historical reconstruction of this affair. We could only have some confidence in some basic historical details: Herod executed some rebels in Galilee; he later stood trial for those executions; Sextus Caesar apparently intervened on his behalf; he was either acquitted or escaped; Sextus Caesar gave him some official post in Syria (*Ant.* 14.180) and possibly in Samaria as well (*J.W.* 1.213).⁷¹ Being angry at the trial, Herod later came with an army against Hyrcanus and Jerusalem, but he was then restrained by his father and brother, Phasael, and remained satisfied with his show of force.

Yet I would like to make two observations. (1) In order to understand the possible causes for the episode, it may be helpful to look at the political situation in Judea. Julius Caesar had personally appointed Antipater as ἐπίτροπος of Judea, and Antipater in turn appointed Herod to his post in Galilee. Therefore, Herod probably did not think he was acting *ultra vires* when he executed Ezekias and his followers,⁷² and he was probably correct. But, then again, Julius Caesar had also appointed Hyrcanus as ethnarch of the Jews, and this obscure title apparently included his role as “protector of those Jews who are unjustly treated” (*Ant.* 14.196).⁷³ As a result, the division of powers may have been vague. Hyrcanus and/or people in his court may have really believed that capital punishment was only Hyrcanus’s prerogative, and thus not in Herod’s authority, and may have still thought of Hyrcanus in terms of kingship as is implied in numerous instances in this episode (for example, *J.W.* 1.209, *Ant.* 14.165–166); alternatively, they may have truly believed that Herod had acted unlawfully, and that, therefore, Hyrcanus had to take action on behalf of those victimized. Of course, they may have simply appealed to one of these alternatives as a pretext for an attempt to curb the power of Antipater and his sons. Be that as it may, the fact that Herod complied with Hyr-

71. The fact that just a few years later Herod restores order in Samaria (*J.W.* 1.229, *Ant.* 14.284) seemingly implies that he had some authority in that area. However, some later episodes in which Herod deals with Samaria may imply that he simply had some closer ties there. For example, during his war with Antigonus, he brought his mother and other relatives to Samaria, where he apparently had good reason to believe they would be safe (*J.W.* 1.303, *Ant.* 14.413; and see also *J.W.* 1.299, *Ant.* 14.408). So, perhaps he restored order in Samaria because of those ties, not because he had some formal authority there.

72. See Schalit, *King Herod*, 32 and 358 nn. 139–40.

73. For more on this title and its significance, see below, pp. 260–280.

canus's summons does not necessitate that he was officially subordinate to Hyrcanus,⁷⁴ for he may have complied precisely in order to clarify the situation and establish his independent status.

(2) Josephus does not indicate how Sextus Caesar viewed Herod's armed advance against Jerusalem towards the end of the story. Some scholars suggest that Sextus fully supported this move, because he too thought Hyrcanus should be held accountable.⁷⁵ However, it seems unlikely that, as Roman governor of Syria, Sextus would support an action that would bring turmoil to Judea and upset the settlement established by his powerful relative, Julius Caesar. Therefore, other scholars suggest that indeed Sextus did not desire an actual war but was only interested in threatening Hyrcanus and that is why Herod only demonstrated his power.⁷⁶ However, neither of our parallel narratives so much as hints at this. Rather, they say that Herod really intended to march on Jerusalem, but his father and brother persuaded him not to. I would like to make another suggestion: Sextus Caesar's tenure in Syria was rather short; quite soon after it began the Roman civil war reached Syria in the figure of the Pompeian Caecilius Bassus who assassinated Sextus and took control of Syria (46 BCE; *J.W.* 1.216, *Ant.* 14.268). It is therefore possible that Herod took advantage of this state of affairs and marched on Jerusalem when Syria was in chaos, when no Roman official could object. True, Josephus's narratives place Herod's advance against Jerusalem before the troubles in Syria and the assassination of Sextus,⁷⁷ but we should be hesitant to accept Josephus's chronology here. Josephus (or his source) may well have telescoped all material pertaining to Herod's trial and its aftermath, just as he next telescopes material pertaining to the Roman civil war—the events in Syria are immediately followed by Caesar's murder despite the fact that two years went by in between.⁷⁸ It certainly seems that the sequence of events would have had to have been very quick for Herod's march on Jerusalem to take place prior to the troubles in Syria.

74. Contra James S. McLaren, *Power and Politics in Palestine: The Jews and the Governing of their Land 100 BC–AD 70*, JSNTSup 63 (Sheffield: Sheffield Academic, 1991), 68–69, 78; Shatzman, *Armies*, 140.

75. Schalit, *King Herod*, 33 and 359 n. 155.

76. Gilboa, "Trial of Herod," 106; see also Smallwood, *Jews under Roman Rule*, 46.

77. See VanderKam, *Joshua to Caiaphas*, 359 n. 317.

78. For this technique in Josephus's writings, see Pere Villalba i Varneda, *The Historical Method of Flavius Josephus*, ALGHJ 19 (Leiden: Brill, 1986), 180–88.

Following his settlement of Judea and Syria in the spring of 47, Caesar continued on to Asia Minor where he quickly defeated Pharnaces, the rebellious son of Mithridates VI of Pontus. After settling affairs there, he finally returned to Rome in mid-summer. Caesar was not to stay there for long, for he prepared to sail to Africa to fight Scipio, Cato, and other Pompeians. However, before leaving for Africa, Caesar received a request from Hyrcanus that he confirm his grants to the Jews (*Ant.* 14.185). In fact, some of the documents Josephus soon presents are such confirmations of Caesar's decrees by the senate, and according to Pucci Ben Zeev, they date to October 47 BCE (*Ant.* 14.196–198, 199, 202–210).⁷⁹

As mentioned above, in 46 BCE the Roman civil war reached Syria, and Sextus Caesar was killed by Caecilius Bassus, who took the governorship of the province. Several of Caesar's generals led by Antistius Vetus waged war on Bassus in Apamea. Antipater sent them reinforcements, led by his sons. As the situation remained unresolved, in 44 Caesar sent Staius Murcus with three legions against Bassus,⁸⁰ but then came the Ides of March—Caesar was assassinated in Rome by Brutus and Cassius, and civil war broke out again. Following the assassination, Cassius the conspirator, who in 53 BCE had taken charge of Syria after the death of Crassus in battle, returned to the familiar province. He soon calmed the situation in Syria and took control of all the legions there (Cicero, *Fam.* 12.11; Appian, *Bell. civ.* 3.77–78; Cassius Dio, *Hist. rom.* 47.26–28).⁸¹

From the documents preserved in the *Jewish Antiquities*, we learn that before the Ides of March a delegation sent by Hyrcanus to Caesar was in Rome, and Caesar in fact initiated a *senatus consultum* concerning the Jews shortly before he was assassinated (*Ant.* 14.221–222; cf. §§200–201, 211–212).⁸² However, that decree had not been registered in the Treasury on time. Therefore, following the assassination, the consuls Mark Anthony

79. For these documents and their dates, see Pucci Ben Zeev, *Jewish Rights*, passim. On the possibility that the Senate temporarily rejected Hyrcanus's request that the alliance (συμμαχία) with Rome be confirmed, see Pucci Ben Zeev, *Jewish Rights*, 64–65.

80. Antistius Vetus was later suffect Consul in 30 BCE; for Vetus see further Broughton, *Magistrates*, 308, 327. For Murcus see Broughton, *Magistrates*, 282, 302.

81. See Sherwin-White, *Roman Foreign Policy*, 301–2.

82. Pucci Ben Zeev, *Jewish Rights*, 74–79, 102–6, 121–36. The senate's decree was issued on February 9 (*Ant.* 14.222).

and Publius Dolabella initiated its reconfirmation by the Senate, on April 11 (§§219–222).⁸³

Under Cassius: End of 44–October 42 BCE
(*J.W.* 1.219–241, *Ant.* 14.272–300)

Cassius, who was now in charge of Syria and therefore of Judea too, was unlikely to honor Caesar's grants, especially the tax concessions.⁸⁴ Needing to maintain his large army and anticipating the impending war, Cassius imposed heavy tribute and collected arms and soldiers in Syria. From Judea, he demanded the large sum of 700 talents.⁸⁵ Antipater and his sons, as well as Hyrcanus, were now obviously in a rather precarious situation, since they had been Caesar's allies. Fearful of possible consequences, Antipater did his best to accommodate Cassius and meet his demands. He divided the responsibility of collecting the sum between his sons and certain others, including one Malichus, whom we encountered earlier in a military capacity assisting Gabinius in putting down the rebellion of Alexander, son of Aristobulus, in 57 (*J.W.* 1.162, *Ant.* 14.84; above, p. 101). If there it seemed that Malichus and Antipater were on friendly terms, here—in anticipation of coming developments—we learn that their relationship was one of hostility. Characteristically, Herod was the most efficient collector, collecting his sum of 100 talents in Galilee quicker than the others, while also forging friendly ties with Cassius. However, Cassius was angered by the tardiness of the other collectors, and he reduced some cities to servitude.⁸⁶ He was especially angry at Malichus whom he was about to attack had it not been for the intervention of either Hyrcanus or Antipater, who sent one hundred talents to appease him.

83. *Ibid.*, 119–36.

84. Udoh, *To Caesar*, 100.

85. For Cassius's exactions from other cities, see Appian, *Bell. civ.* 4.62 (Laodicea); Appian, *Bell. civ.* 4.64 and Cassius Dio, *Hist. rom.* 47.31.3 (Tarsus); Appian, *Bell. civ.* 4.73 and Plutarch, *Brut.* 32.4 (Rhodes). Appian says: "Cassius ... ordered all the other peoples of Asia to pay ten years' tribute, and this they did within a short space of time" (*Bell. civ.* 4.74). See Udoh, *To Caesar*, 101–9.

86. See the case of Tarsus according to Appian, *Bell. civ.* 4.64: "Being unable to find the money ... the magistrates sold free persons into bondage, first girls and boys, afterward women and miserable old men, who brought a very small price, and finally young men."

Here again the two parallel narratives of Josephus differ. *Jewish Antiquities* 14.276 reports that Hyrcanus sent that sum to Cassius, using Antipater as his agent, but *J.W.* 1.222 does not mention Hyrcanus; only Antipater saves Malichus, as well as additional cities, through a gift of a hundred talents. As usual, Laqueur prefers the narrative of the *Jewish War* and attributes the difference (in *Jewish Antiquities* Antipater is not the savior, but Hyrcanus through Antipater) to Josephus's anti-Herodian stance when writing the *Jewish Antiquities*.⁸⁷ But obviously *Jewish War*'s narrative is inclined in favor of Antipater,⁸⁸ and so I see no reason to prefer its bias rather than that of the *Jewish Antiquities*. Concerning the *Jewish War*'s narrative, we may well wonder why Antipater would go out of his way and spend a fortune to save his primary foe. Moreover, we have seen that in the *Jewish Antiquities* Josephus was often critical of Hyrcanus, especially for his being phlegmatic,⁸⁹ whereas the difference in the *Jewish Antiquities* here is not only favorable towards Hyrcanus, but it makes him a rather active initiator. Furthermore, the *Jewish Antiquities* is not really hostile here towards Antipater; Josephus could certainly have narrated the episode in a manner that is truly hostile towards him. We may recall the addition, which Laqueur likewise attributed to Josephus's anti-Herodian bias, in *Ant.* 14.164–165, where Josephus says that Antipater had appropriated monetary gifts from Hyrcanus, sending them to Roman generals as if coming from himself. If both sections were Josephan inventions we might expect Josephus to write something similar here. Instead, Antipater is presented here as the faithful agent of Hyrcanus. Consequently, while it is difficult to point to a separate source Josephus may have used here, the change here may not be Josephus's own invention, and it is reasonable (although not inevitable) to prefer the narrative of the *Jewish Antiquities*—Hyrcanus, unlike Antipater, certainly had good reasons to save Malichus.⁹⁰

After Cassius left Judea to fight Dolabella, who was of the opposing Roman faction and had taken over Asia Minor, Malichus—according to Josephus's narratives—plotted against Antipater.⁹¹ Antipater was aware of

87. Laqueur, *Der jüdische Historiker*, 186–88.

88. Shatzman, *Armies*, 145.

89. See Schwartz, "Josephus on Hyrcanus," and above, *passim*.

90. See Richardson, *Herod*, 115 and n. 82.

91. In accordance with the divergence noted above, *J.W.* 1.223 says that Malichus plotted "against the man who had often saved his life, impatient to remove one who was an obstacle to his malpractices," whereas *Ant.* 14.277 does not say any of this but

the plot and fled to Transjordan, where he collected an army. Using Phasaël and Herod as mediators (*J.W.* 1.224), Malichus denied the plot and reconciled with Antipater. At this point in his narrative, Josephus adds that when Murcus had been the governor of Syria (apparently in 44) he had wanted to execute Malichus as a “revolutionary,” but was convinced by Antipater not to.

With the war against Caesar’s heirs impending, Cassius wanted to secure the assistance of Herod,⁹² and therefore he collected an army and entrusted it to Herod, whom he appointed as ἐπιμελετής (*J.W.* 1.225) or στρατηγός (*Ant.* 14.280) of Syria.⁹³ Josephus also says that Cassius promised to make Herod king of Judea after the war, though this detail is highly suspect.⁹⁴

This state of affairs supposedly made Malichus extremely fearful of Antipater, so he decided to strike first. He is said to have bribed one of Hyrcanus’s butlers to poison Antipater, and thus Antipater died. Being suspected of the crime, Malichus denied having part in the plot. However, as Menahem Stern notes, in antiquity it would have been very easy to accuse someone of poisoning; such an accusation would have served as a good excuse to get rid of a (potential) rival.⁹⁵ Be that as it may, Herod wanted to take revenge on Malichus, but he was persuaded by his brother Phasaël to refrain, so as not to arouse popular dissent.

rather that Malichus’s intention was to secure Hyrcanus’s rule. That is, the *Jewish War*’s stance is again extremely favorable towards Antipater, though we may certainly doubt the notion of the *Jewish Antiquities* that Malichus acted solely for Hyrcanus’s sake.

92. From this point on the parallel narratives of the *Jewish War* and the *Jewish Antiquities* are especially close with no major discrepancies, and they are even verbally similar; Cohen, *Josephus*, 50. For the notable similarity between *J.W.* 1.225–273 and *Ant.* 14.280–369, though the *Jewish War* is somewhat more dramatic, see Schwartz, “Drama,” 120–29; see also Williams, “Josephus’ Use.”

93. Note that in addition to the obscurity of Herod’s official position, Appian reports that “Cassius left his nephew in Syria with one legion” (*Bell. civ.* 4.63); see Marcus’s n. *d* on *Ant.* 14.280 in LCL; Smallwood, *Jews under Roman Rule*, 47 n. 8. The nephew is unnamed, but for two suggested identifications, see Marcus’s n. *g* on *Ant.* 14.295. For Herod’s role, see further Richardson, *Herod*, 116 n. 84, who, moreover, denies the contradiction with Appian, maintaining that there is no reason to read into this anything more than what Appian says, namely, that Cassius left his nephew with one legion.

94. See Smallwood, *Jews under Roman Rule*, 47.

95. Stern, *Hasmonaean Judaea*, 244. See Motzo, “Ircano II,” 14.

Herod then restored order in Samaria, in which sedition had broken out, and sometime later he marched at the head of his troops back to Jerusalem during a festival.⁹⁶ Persuaded by a fearful Malichus, Hyrcanus ordered Herod not to enter the city with his non-Jewish soldiers during the holiday. Nevertheless, Herod entered the city by night, terrifying Malichus, but he did not yet take his revenge, concealing his intent by being friendly towards Malichus. At the same time, he notified Cassius of his father's murder, and Cassius authorized him to take revenge and ordered the military tribunes in Tyre to assist Herod.

Sometime later,⁹⁷ Malichus came to Tyre to try to smuggle out his son, who was a hostage there.⁹⁸ Malichus is also said to have intended to lead a revolt in Judea against the Romans, depose Hyrcanus, and take the throne for himself.⁹⁹ One may perhaps have some doubts about this intention; after all, it seems that Malichus's main quarrel was with Antipater and his sons, and the report may easily be a piece of Herodian propaganda. However, recalling the earlier ambiguous report that Murcus wanted to execute

96. For Herod and Samaria, see above, n. 71. This festival is usually understood as Sukkot (Tabernacles). See Marcus's n. *c* on *Ant.* 14.285 in LCL and *Ant.* 13.372 with Marcus's n. *d* ad loc.; Stern, *Hasmonaean Judaea*, 245. But see next note.

97. Supposedly, this occurred shortly after Cassius took Laodicea. However, that took place in the summer of 43, so, taking the previous note into account, there seems to be some kind of chronological confusion here, in both of Josephus's parallel narratives; see Stern, *Hasmonaean Judaea*, 245 n. 2. Schwartz asserts that the chronological data about Cassius's takeover of Laodicea "are to be understood as supplying background material from the recent past, explaining to the reader how it happened that Cassius was ruling Syria at the time" (Daniel R. Schwartz, "Cassius' Chronology and Josephus' Vagueness," *SCI* 16 [1997]: 112). In that article, Schwartz argues that Josephus's source, Nicolaus, had in fact specified the festival as Sukkot in the intent of supplying such background information but that Josephus noticed the supposed chronological difficulty and therefore intentionally left the narrative vague by omitting the festival's name.

98. Josephus does not inform us who held Malichus's son hostage or why. We may wonder whether it has to do with Cassius's aforementioned order to the tribunes in Tyre to assist Herod's revenge—luring Malichus there by holding his son. Alternatively, one might suggest that he was held there due to some rebellious activities on his part or his father's. As we will see immediately below (and again in pp. 222–23), there are certain indications that Malichus was an anti-Roman rebel leader.

99. This is explicit in the *Jewish War* (§232), whereas the *Jewish Antiquities* (§290) is more ambiguous, mentioning neither the Romans, nor Hyrcanus, nor the throne, but, nonetheless, saying that he intended "to cause the nation to revolt, and seize power for himself."

Malichus as a rebel (*J.W.* 1.224, *Ant.* 14.279) and taking into account the timing of this episode at the height of the Roman civil war—an opportune time for rebellion—gives this report more credence. Be that as it may, Herod invited both Hyrcanus and Malichus to dinner. While all were making their way to the city of Tyre, Malichus was ambushed and killed by the tribunes. Hyrcanus was struck with fear but commended the deed.

Although our sources do not attest to it, I think we should consider the possibility that, if indeed Antipater had been murdered, Hyrcanus may have had a hand in the act. After all, the rise in power of Antipater and his sons came, largely, at the expense of Hyrcanus, as we saw earlier in the affair of Herod's trial; and the executor of the poisoning is said to have been Hyrcanus's butler.¹⁰⁰ Antipater's sons may have refrained from taking revenge on Hyrcanus due to the political price that the killing of the Hasmonean high priest would entail,¹⁰¹ and they preferred to kill off their most influential rival within Judea, leaving Hyrcanus struck with fear and virtually alone at their mercy.

Nevertheless, disorder in Judea continued and even increased. The departure of Cassius from Syria at the beginning of 42 BCE for the war against Mark Anthony and Octavian provided the occasion. A group of soldiers led by someone named Helix¹⁰² attacked Phasaël, the στρατηγός of Jerusalem. Apparently, at the same time, an unnamed brother of Malichus also led a revolt and was able to take control of many fortresses, including Masada. Phasaël defeated Helix and, after having been delayed in Damascus due to illness, Herod defeated Malichus's brother, but apparently both rebels were released unharmed. Phasaël also reproached Hyrcanus for aiding the rebels, but he did not dare to break with the high priest at that point.

Hyrcanus would need to be reconciled with Herod and Phasaël very soon, for new mutual problems arose from external elements. Specifically, Antigonus, the younger son of Aristobulus II, of whom we last heard in 47 and who had taken refuge with Ptolemy of Chalcis, his brother-in-law, attempted to take advantage of Cassius's departure. Aided by Ptolemy, Marion the "tyrant" of Tyre, and Fabius, the Roman general in Damascus,¹⁰³

100. See Smallwood, *Jews under Roman Rule*, 47; Richardson, *Herod*, 116.

101. Schalit, *King Herod*, 38–39 and 361 n. 15.

102. On his identification, see Shatzman, *Armies*, 146.

103. Apparently, all that is known about him is the little information provided by Josephus; see Broughton, *Magistrates*, 367.

whom he had bribed, Antigonus tried to infiltrate Judea. At the same time, Marion invaded Galilee and captured three strongholds. However, Herod was able to thwart both incursions, and Antigonus was once again driven out of Judea. This victory, so Josephus writes, won Herod the gratitude of Hyrcanus and many others in Jerusalem. Scholars have noted, however, that despite what Josephus says, no doubt on the basis of Nicolaus, it seems that Herod was unable to take back all the places conquered by Marion, as we learn from the subsequent letter of Anthony to the Tyrians ordering them to return such territories (*Ant.* 14.314–322).¹⁰⁴

Here we also learn that Herod became engaged to Mariamme, whose parents were Hyrcanus's daughter and Alexander, the executed son of Aristobulus,¹⁰⁵ and thus Herod became connected to both branches of the Hasmonean family. The political gain Herod hoped to earn in Judea out of this betrothal is quite obvious,¹⁰⁶ just as it is clear that Hyrcanus was interested in such a marriage in order to cement his relationship with Herod—the most dominant figure remaining in Judea—and to assure his fidelity.

104. See Marcus's n. e on *Ant.* 14.298 in LCL; Schürer, *History of the Jewish People*, 1:277 and n. 40; Schalit, *King Herod*, 40 and 362 n. 25; Stern, *Hasmonaean Judaea*, 246; Shatzman, *Armies*, 147–48.

105. It may seem surprising that the children of the warring brothers would have married. Saulnier, "L'ainé," 56–57, discusses several historical opportunities for such a marriage and leans towards 63 BCE, as part of a reconciliation following Aristobulus's defeat. However, this suggestion seems to me highly unlikely. Hyrcanus had no reason to pursue such a political marriage after his rival's defeat. Furthermore, a marriage with Alexander, who had just escaped from the Romans, would be extremely unwise on the part of Hyrcanus, whose power depended on the Romans. Saulnier rejects the years 67–63, but that actually seems to me as the most likely time period; specifically, such a political engagement was likely to take place as part of the reconciliation between the brothers in 67/66, following Aristobulus's revolt (*J.W.* 1.121–122, *Ant.* 14.6–7).

106. See Richardson, *Herod*, 121–22. Schalit (*King Herod*, 40–43), however, thinks that such gains are overestimated and even nonexistent and that Herod betrothed Mariamme only because he truly loved her. Schalit's arguments would be more convincing if the engagement had taken place only after Herod's enthronement, but at this point in time, with his father out of the picture and the political situation in Rome very hazy, Herod could have certainly used the public support (however partial) gained by the connection to the Hasmoneans. It would have also given him some further legitimacy in Roman eyes; see Sartre, *Middle East*, 52.

Under Anthony: October 42–40 BCE
(*J.W.* 1.242–247, *Ant.* 14.301–329)

When Brutus and Cassius were defeated by Mark Anthony and Octavian in Philippi in October 42 BCE and committed suicide, and the Roman East came under the rule of Anthony, Phasael and Herod were once again in a perilous position. Nevertheless, this time too they were able to switch loyalties and emerge unharmed. Following the victory, when he was in Bithynia Anthony was approached by a delegation of some “leading” Judeans who wanted to appeal against Phasael and Herod. By way of bribes and due to the great honor in which Herod was held by Anthony, on account of his acquaintance with Antipater in the days of Gabinius (see *J.W.* 1.244, *Ant.* 14.326), the delegation did not even receive a hearing.

Shortly later, when Anthony was in Ephesus, he was met by another Judean embassy, this time sent by Hyrcanus “and our nation.” They brought him a gold crown and requested that he write to the provincial governors to free Judeans (Jews?) who had been taken prisoner by Cassius and that he restore the territories that had been taken during Cassius’s rule (*Ant.* 14.304). Anthony accepted the request (§305) and wrote the appropriate letters both to Hyrcanus and the Jews (§§306–313) and to the Tyrians (§§314–322).¹⁰⁷ Josephus says that such letters were also sent to Sidon, Antioch, and Aradus (§323). In his letter to Hyrcanus, Anthony also reaffirmed those privileges, which had been granted earlier by him and Dolabella (§313).¹⁰⁸ Pucci Ben Zeev reminds us, however, that these grants to the Judeans by Anthony do not constitute any special privileges. It was standard Roman policy to restore the situation everywhere to its prewar condition, and any decisions taken by Cassius after he was pronounced an enemy of the state were illegal and were to be annulled. Thus, in other places too Anthony freed those who were made slaves during the war (Appian, *Bell. civ.* 5.7).¹⁰⁹

107. For these documents, see further Pucci Ben Zeev, “Five Jewish Delegations,” 24–26.

108. This entire narrative of the request from Anthony and his letters is not paralleled in the *Jewish War*. We may presume that, even if Nicolaus was aware of it, he purposely disregarded it, because the episode and the letters highlight Hyrcanus and ignore Herod.

109. Pucci Ben Zeev, “Five Jewish Delegations,” 26. See also, Schalit, *King Herod*, 44 and 363 n. 42.

When Anthony later came to Syria, he was approached in Daphne, near Antioch, by another Judean delegation that again made accusations against Herod and Phasael. This time the delegation received a hearing, while the brothers were defended by the Roman statesman and man of literature, M. Valerius Messalla.¹¹⁰ Hyrcanus too was on hand and supported the brothers. Anthony, who was already inclined towards the brothers due to his former relations with their father, decided in their favor and made them both tetrarchs of the whole of Judea; presumably with the same geographical division as before: Phasael, over Jerusalem and its environs, and Herod, over Galilee.¹¹¹ Anthony then arrested fifteen of the one hundred Judean delegates.

When he later came to Tyre, Anthony was once again approached by a Judean delegation, this time numbering one thousand. Knowing that Anthony had ordered the magistrate of Tyre to punish the demonstrators, Hyrcanus and Herod are said to have tried to persuade them to leave but to no avail. Roman troops then attacked them, killing and wounding many. When there were additional complaints against Herod, Anthony executed the fifteen whom he had previously taken prisoner.

These developments demonstrate that, while Anthony held Antipater and his sons in high esteem and truly supported the brothers, his acceptance of the requests of Hyrcanus and the Judeans to return territories and release slaves, which, as we have seen, was no special privilege, should not be taken as evidence for Anthony's goodwill towards the Jews. On the contrary, his goodwill was only towards the brothers, and his treatment of the Judeans was rather harsh.¹¹² Taking into account the heavy tribute he certainly imposed on Judea (see Appian, *Bell. civ.* 5.7¹¹³), we can imagine how most Judeans must have felt towards Anthony.

110. Messalla was later suffect consul in 31 BCE; Broughton, *Magistrates*, 367, 420. See also Thackeray's n. c on *J. W.* 1.243 in LCL; Schalit, *King Herod*, 364 n. 51. He is later mentioned in *J. W.* 1.284 // *Ant.* 14.384 in the Senate meeting in which Herod was proclaimed king.

111. Schalit, *King Herod*, 45; Smallwood, *Jews under Roman Rule*, 50; Stern, *Hasmonaean Judaea*, 248. There is no need to assume that this entailed the annulment of Hyrcanus's position as ethnarch; see Marcus's n. i on *Ant.* 14.326 in LCL; Schalit, *King Herod*, 45.

112. Pucci Ben Zeev, "Five Jewish Delegations."

113. Appian does not explicitly mention Judea but rather speaks of "Coele-Syria, Palestine ... and the other provinces of Syria" (Appian, *Bell. civ.* 5.7), but Stern (*GLA*

From the Parthian Conquest and Antigonus's Kingship to
Herod's Conquest: 40–37 BCE (J. W. 1.248–357, *Ant.* 14.330–491)¹¹⁴

Peace and quiet were still a far-off dream for Judea, the Roman Empire, and the entire Middle East. With the Roman civil war stirring once again and Anthony occupied in Alexandria with his infatuation for Cleopatra, it was an opportune time for the Parthian empire to take advantage (Plutarch, *Ant.* 28.1, 30.1). The Parthians were also persuaded to attack the Romans by one Quintus Labienus.¹¹⁵ This Roman had been sent to the Parthians by Brutus and Cassius to request their assistance before the battle of Philippi. When negotiations took too long and news came of the defeat at Philippi, he remained with the Parthians and now persuaded them to attack. In the spring of 40 BCE,¹¹⁶ the Parthian invasion across the Euphrates began, and it was quickly successful. They defeated the Roman forces left by Anthony in Syria under the command of L. Decidius Saxa;¹¹⁷ Saxa himself fled and was eventually killed. Soon the Parthian army split, with one force, led by Labienus, invading Asia Minor, while the second turned south, taking Syria and Phoenicia and making headway towards Judea. This second force was led by Pacorus, the son of the Parthian king, Orodes II, and Barzaphranes “the Parthian satrap.”

At that time Antigonus, the son of Aristobulus II, “made a pact of friendship” with Lysanias, the son of his recently deceased brother-in-law,

2:188) is certainly correct that this includes Judea. See also above, p. 84. See also Udoh, *To Caesar*, 109–12.

114. In both his narratives, Josephus devoted comparatively long sections to this three-year period, most likely on account of Nicolaus, whose description must have been long and detailed because now Herod becomes the most dominant figure and assumes the throne. In addition, the parallel narratives are quite similar. Therefore, the following section will have a more summary character than previous sections. For the Parthian invasion of Asia Minor and Syria and the Parthians' defeat at the hands of Ventidius Bassus, see Cassius Dio, *Hist. rom.* 48.24–27, 39–41; Debevoise, *Parthia*, 108–20; Sherwin-White, *Roman Foreign Policy*, 302–6. For these events, with an emphasis on their Judean aspects, see Stern, *Hasmonaean Judaea*, 249–74, and Uriel Rappaport, “The Jews between Rome and Parthia,” in part 1 of *The Eastern Frontier of the Roman Empire: Proceedings of a Colloquium Held at Ankara in September 1988*, ed. D. H. French and C. S. Lightfoot (Oxford: BAR, 1989), 374–77; Shatzman, *Armies*, 148–69, as well as the relevant sections in monographs devoted to Herod.

115. See Broughton, *Magistrates*, 363–64.

116. Sartre, *Middle East*, 52, dates the invasion to 41 BCE.

117. See Broughton, *Magistrates*, 384.

Ptolemy son of Mennaues of Chalcis.¹¹⁸ Together, they persuaded the Parthians to continue their invasion on to Jerusalem, to depose Hyrcanus, Herod, and Phasaël, and to enthrone Antigonus.¹¹⁹ In return, Antigonus promised that once that was done he would give the Parthians a thousand talents, as well as five hundred women,¹²⁰ among whom were to be the women of Herod's family (*J.W.* 1.273, *Ant.* 14.365). The Parthians concurred, and Pacorus sent an army unit under the command of "the cupbearer of the king," who was also named Pacorus, to aid Antigonus.

Apparently, a considerable number of Judeans from the area of Mount Carmel joined Antigonus, who soon reached Jerusalem and besieged the palace. Some fighting in the city followed, in which Herod and Phasaël had the upper hand and soon besieged Antigonus's army in the temple. However, at least part of the population of Jerusalem came to the help of the besieged and burned the Herodian soldiers to death. Once again, fierce fighting followed in the midst of which the holiday of Pentecost took place (May/June 40).¹²¹ The festival drew thousands of pilgrims, who mainly seem to have supported Antigonus and of whom many were armed. Still,

118. For that familial relationship, as well as for the apparently long-term political ties between Aristobulus and his family and this Ptolemy, see above, pp. 114–15.

119. For the relationship between Judean rebels and Rome's enemies, particularly Parthia, see Pucci (Ben Zeev), "Jewish-Parthian Relations."

120. According to *J.W.* 1.248, the payment was promised by Lysanias, but the account of *Ant.* 14.331, attributing the promise to Antigonus, is to be preferred, as evident also in *J.W.* 1.257; see also Marcus's n. *e* on the passage in the *Jewish Antiquities* in LCL. In any case, having made a pact, it appears that these two were of one mind. Lysanias would eventually pay the price for his involvement with the Parthian invasion when, sometime later, at the instigation of Cleopatra, he was executed by Anthony (*Ant.* 15.92; Cassius Dio, *Hist. rom.* 49.32.4–5).

121. N. Kokkinos suggests that Josephus misidentified the intended festival, which was actually Hanukkah (Nikos Kokkinos, *The Herodian Dynasty: Origins, Role in Society and Eclipse*, JSPSup 30 [Sheffield: Sheffield Academic, 1998], 368). That suggestion is part of his more general chronological reckoning according to which Herod sailed from Alexandria to Rome around February 40 BCE and was appointed in Rome in the autumn of that year (see pp. 367–69). However, it seems to me unlikely that Josephus would have made such an error; if he had no knowledge which festival it was, he could have just plainly written "festival" (see above, nn. 96 and 97). Additionally, the fact that many pilgrims were crowding Jerusalem does not accord well with the festival of Hanukkah, but it does with Pentecost. Lastly, as suggested below (n. 130), we need not accept the statement that Herod sailed to Rome in mid-winter (*J.W.* 1.279) at face value.

Phasaël and Herod were apparently successful in subsequent fighting, but they could not regain control over most of the city.

Then Pacorus, the Parthian general, came and convinced Phasaël and Hyrcanus to go to the Galilee for negotiations with Barzaphranes; Herod, suspecting a plot, stayed in the city. Indeed, before long Herod was proven correct; Hyrcanus and Phasaël soon discovered the conspiracy, though Barzaphranes was pretending for a while that there was none. Eventually, they were put in chains by the Parthians in a place called Ekdippa (Achziv) on the northern coast of the country.

Herod, who apparently received word of these developments and of a plot to trap him, fled Jerusalem under the cover of night in the direction of Idumea. With him he took his family, his wife-to-be Mariamme and her mother (Hyrcanus's daughter), soldiers, and other supporters. On the way, Herod fought off the pursuing Parthians as well as Judeans who attacked his caravan, and according to *Ant.* 14.356–358, he overcame some additional dramatic hardships.¹²² Thereafter, he ordered most of his followers to disperse in Idumea and placed his relatives in the almost impregnable fortress Masada under the protection of his brother Joseph. Herod himself continued to Petra, hoping to obtain the assistance of the Arabian king, Malchus.

Meanwhile, the Parthians, who could now not receive the promised women, plundered Jerusalem,¹²³ but left Hyrcanus's funds untouched. Likewise, they went on ravaging the countryside, ruining the Idumean city of Marisa as well. They also handed over the prisoners, Hyrcanus and Phasaël, to Antigonus, who then mutilated Hyrcanus's ears in order to disqualify him from ever again being high priest (see also *Ant.* 15.17; Lev 21:16–23).¹²⁴ Phasaël, assuming that Antigonus would kill him, wanted

122. According to this dramatic story, Herod's mother was almost killed when her wagon overturned, and this caused him to nearly take his own life. He was restrained at the last minute. For this section as emanating from a separate source, see Laqueur, *Der jüdische Historiker*, 192–93; Schwartz, "On Drama," 123.

123. It is commonly held that 1 En. 56:5–7 alludes to this Parthian invasion. For the suggestion that it alludes to their invasion in 51–50 BCE, see above, pp. 112–13 n. 185.

124. The narrative of the *Jewish War* varies from that of the *Jewish Antiquities* here in saying that Hyrcanus first "threw himself at the feet of Antigonus," and that Antigonus lacerated his ears with his own teeth (§270). The first detail clearly serves to glorify Phasaël's conduct, in contrast to Hyrcanus. These variations, however, seem to be part of the *Jewish War*'s dramatic reworking of its main source, Nicolaus; Schwartz,

to deprive his enemy of such pleasure and killed himself.¹²⁵ The mutilated Hyrcanus was taken as prisoner to Parthia (see *Ant.* 15.12–13).¹²⁶ Thus, Antigonus acquired the high priesthood and the Judean throne.¹²⁷

Herod was making his way to Arabia in the hope of obtaining money owed him by Malchus, the Arabian king, in order to ransom his brother, of whose death he was not yet aware. However, he soon received a message from Malchus ordering him to leave his territory, in accordance with a Parthian demand.¹²⁸ Herod then turned west and made his way to Egypt,

“On Drama,” 123–27. For the mutilation of a high priest’s ear, cf. t. Parah 3:8. See further the next footnote.

125. In both narratives, Josephus records a variant tradition according to which his suicide was unsuccessful, and that he was then killed by physicians, who, on the orders of Antigonus, pretended to be helping him while actually poisoning him. Julius Africanus (apud George Synkellus) says that Phasael was killed in battle (Adler and Tuffin, *Chronography*, 442), and this is perhaps supported by *J.W.* 5.162. In *Ant.* 15.12–13, Josephus says that the Parthians intended to take both Phasael and Hyrcanus to Parthia, but that Phasael first committed suicide to avert that fate, and he does not mention that they were handed over to Antigonus. Schalit (*King Herod*, 507–509) views this as a different tradition, according to which Hyrcanus and Phasael were not handed over to Antigonus; they were kept as prisoners by the Parthians; Hyrcanus was tried by the Parthians and punished with the mutilation of his ears, which was a traditional Parthian punishment (Tacitus, *Ann.* 12.14). It seems to me, however, that Schalit is reading too much into the passages of *Ant.* 15, which are obviously of a summary character. Moreover, the mutilation of Hyrcanus by Antigonus is mentioned again just a few sections below, in *Ant.* 15.17.

126. The fifth-century Armenian source P’awstos Buzand says that Hyrcanus was deported to Armenia by the Armenian king Tigranes. It is, however, chronologically impossible that Tigranes, who had already died in 55, deported Hyrcanus in 40. Aram Topchyan (“Jews in Armenia,” 444–49) argues that Buzand may have simply combined different events, the earlier deportation of Judeans by Tigranes (ca. 70 BCE; see above, p. 56 n. 3) and the deportation of 40 BCE. He further argues that it is indeed likely that the Armenians joined the Parthians in the invasion of 40 and that some Judeans were then deported to Armenia, as attested by another fifth-century Armenian source, Movsēs Xorenac’i, who seems to have used Julius Africanus as a source along with Josephus. Josephus apparently sometimes confused Parthia and Armenia (*J.W.* 1.362–363).

127. Cassius Dio (*Hist. rom.* 48.26.2; *GLA* 2:357–58) erroneously says that the Parthians enthroned Aristobulus II (Antigonus’s father). In his coins, Mattathias (that was his Hebrew name) Antigonus used the high priestly title in his Hebrew legend, while “king” was used in the Greek legend; Meshorer, *Treasury*, 52–53.

128. In both accounts, Josephus says that this was only an excuse used by Malchus not to pay his debt. But this is likely another product of Nicolaus’s pro-Herodian bias.

Fig. 8. Coin of King Antigonus with a menorah on one side and six breads over the table on the reverse. Collection: Aba Neeman. Courtesy of Aba Neeman and J. P. Fontanille.



in the course of which he received news of his brother's fate. He came to Alexandria, where he was greeted by Cleopatra, who attempted to delay him there,¹²⁹ but Herod was determined to quickly sail to Rome despite the uncertain political situation there and the dangers of sailing in early winter weather.¹³⁰ Herod indeed encountered a harsh storm on the way

It is very likely that either the Parthians indeed issued such a demand or that Malchus was afraid of Parthian reprisal if he were to aid Herod.

129. According to *J.W.* 1.279, Cleopatra wanted to entrust Herod with the command of an expedition she had been preparing. However, this offer to a foreign leader seems unlikely (see Richardson, *Herod*, 127 n. 131), and is probably a pro-Herodian inflation by Nicolaus; see Smallwood, *Jews under Roman Rule*, 53–54 n. 27. Julius Africanus (apud George Synkellus) writes that Cleopatra actually offered Herod the management of her kingdom in her absence (Adler and Tuffin, *Chronography*, 442) but obviously that is even less plausible. Africanus also writes that Herod came to Anthony together with Cleopatra (Adler and Tuffin, *Chronography*, 440–42). See Seth Schwartz, “Georgius Syncellus’s Account of Ancient Jewish History,” in *Proceedings of the Tenth World Congress of Jewish Studies, Jerusalem, August 16–24, 1989*, vol. 2.2 (Jerusalem: World Union of Jewish Studies, 1990), 6–8.

130. In *J.W.* 1.279, Josephus reports that it was “mid-winter” (τὴν ἀκμὴν τοῦ χειμῶνος). Nevertheless, it is often suggested that he left Alexandria in late autumn (e.g., Schürer, *History of the Jewish People*, 1:281 and n. 3). Kokkinos (*Herodian Dynasty*, 367–69) objects to such a timeframe and suggests that Herod actually left Alexandria in the winter of 41/40. This pushes Kokkinos to suggest that the Pentecost that Josephus mentions prior to Herod’s flight from Jerusalem is erroneous and that the festival was actually Hanukkah; for that suggestion see further above, n. 121. B. Mahieu suggests that χειμῶν in this narrative should be interpreted as “storm,” rather than winter (for that understanding of the term see further below pp. 425–26), and that Herod actually left Alexandria in the Etesian storm season, that is in July or August (Bieke Mahieu, *Between Rome and Jerusalem: Herod the Great and His Sons in Their Struggle for Recognition*, OLA 208 [Leuven: Peeters, 2012], 51–53). I would further suggest that we need not accept the statement that Herod sailed to Rome in winter or mid-winter at face value; it may well be part of the pro-Herodian tendency of Josephus’s source,

and was almost shipwrecked.¹³¹ He landed at Rhodes, and there built a new ship with which he sailed to Brundisium, whence he proceeded to Rome. Herod arrived in Rome at a time when both Anthony and Octavian were present in the capital, following their reconciliation at Brundisium in October 40,¹³² which put off their conflict for a few years. With the memory of the relationships between Herod himself and his father and both Anthony and Julius Caesar, along with the hatred for Antigonos who received the throne from the hands of the enemy empire, and perhaps also with a promise to give Anthony money, Herod acquired the backing of the two triumvirs, and he was voted king of Judea by the Senate,¹³³ close

Nicolaus, for Herod's decisiveness to sail during the winter presents him as very courageous and sets the stage for the upcoming shipwreck motif (see next footnote).

131. Josephus himself supposedly survived a shipwreck on his way to Rome in 63/64 CE (*Life* 14–15), and so did Paul (Acts 27:13–44); both survived due to divine providence. Augustus too is said to have survived a shipwreck (Suetonius, *Augustus* 8.1). Such stories were a common literary motif, although, as Mason points out, shipwrecks were indeed a very real danger (Flavius Josephus, *Life of Josephus*, trans. Steve Mason, FJTC 9 [Leiden: Brill, 2001], 24 n. 104).

132. Marcus' n. a on *Ant.* 14.379 in LCL.

133. Two significant details are added in the *Jewish Antiquities*, but interestingly they are of contradictory tendencies: (1) Herod promised to give Anthony money, if he were made king (14.382; see Laqueur, *Der jüdische Historiker*, 194). (2) The kingship was beyond Herod's expectations, since it was Roman policy "to give it to one of the reigning family"; he rather came to request the kingship for his fiancée's brother, Aristobulus III, who was a Hasmonian (14.386–387). Laqueur (*Der jüdische Historiker*, 195–99), however, sees this second insertion too as intended to denounce Herod, for it emphasizes his illegitimacy as king, and Josephus also mentions here the future murder of this Hasmonian by Herod. He claims it is Josephus's anti-Herodian revision of a pro-Herodian source, in this case not Nicolaus but rather Herod's memoirs. Be the source as it may, historically this detail does not seem likely (contra Richardson, *Herod*, 129), not least because Aristobulus III was a mere boy at the time; he was 18 years old when he was murdered by Herod in 35 BCE (*J.W.* 1.437, *Ant.* 15.56), so he would have been only 13 in 40 BCE; see further Schalit, *King Herod*, 53 and 369 n. 100. Additionally, the assertion that it was Roman custom to give kingship to an heir of the reigning family reoccurs only a few passages later in Antigonos's appeal to Silo (*Ant.* 14.403–404, for which see further below, p. 448) and is similarly absent from that passage's parallel in *J.W.* 1.296. Compare also *Ant.* 14.489 (see Laqueur, *Der jüdische Historiker*, 197–99).

In contrast, it is not unlikely that Herod promised Anthony money in return for the throne. He had already bribed Anthony at least once before (*J.W.* 1.242, *Ant.* 14.303, 327), and he is indeed said to have given a large sum to Anthony and his friends after assuming the throne (*J.W.* 1.359, *Ant.* 15.5). Moreover, Anthony was apparently well

to the end of 40 BCE.¹³⁴ After Antigonus had received the crown from the Parthians and seeing that Herod could not be high priest, Rome could not really give him a status any less than king, as it had previously done with Hyrcanus.¹³⁵

Herod did not linger long in Rome—according to *Ant.* 14.387, he stayed in Italy only seven days—and made his way back to Judea. In the meantime, P. Ventidius Bassus,¹³⁶ who, following the treaty at Brundisium was sent to lead the Roman effort against the Parthians, was able to drive the Parthians out of Asia Minor and Syria in 39. He then came to Judea, but did not open full scale war against Antigonus. Instead, he extorted a large sum of money from the Hasmonean and, along with the bulk of his army, left Judea, leaving a small force near Jerusalem under the command of Pompedius Silo. He probably acted thus mainly due to real military considerations, namely the expectation that the Parthians would soon renew the war.¹³⁷

Herod landed in Ptolemais (Acco),¹³⁸ collected a large force of “foreigners and natives,” and set out to take Judea. He is said to have taken

known for selling positions of authority (Cassius Dio, *Hist. rom.* 48.24.1); see further Udoh, *To Caesar*, 142–43.

134. The appointment is also mentioned by Appian (*Bell. civ.* 5.75), although he includes it together with the events of 39 BCE, not 40, and he also refers to Herod’s appointment over Idumea and Samaria only; Judea is not mentioned. It is possible that Appian refers to a later addition of territory to Herod’s kingdom, and not to his original appointment (*GLA* 2:189–90; Stern, “Chronology,” 63–64), but it is also possible that it is the result of the common substitution of Idumaea for Iudaea (see below, n. 155). See also Udoh’s discussion, *To Caesar*, 137–43, who concludes that Appian’s text is too inaccurate and “is a garbled account of Herod’s appointment” (*To Caesar*, 142). For the year of the appointment, see also below, p. 405. The appointment of Herod to the kingship is also mentioned by Tacitus (*Hist.* 5.9.2) and by Strabo (*Geogr.* 16.2.46) who, however, mistakenly says that Herod was also a priest (see *GLA* 1:310). Mahieu (*Between Rome and Jerusalem*, 54–60) specifically suggests November 18 as the date of Herod’s appointment.

135. Schalit, *King Herod*, 53–54; Stern, *Hasmonaean Judaea*, 261; Stern, “The Reign of Herod and the Herodian Dynasty,” in Safrai and Stern, *The Jewish People*, 1:221.

136. He had been Suffect Consul of 43 BCE; see Broughton, *Magistrates*, 337, 339, 383.

137. Shatzman, *Armies*, 152–53; Stern, “Reign of Herod,” 222.

138. Shatzman (*Armies*, 151–52) convincingly argues that Herod most probably landed in Ptolemais only in the spring of 39, since Ptolemais is explicitly said to have admitted the Parthians (*J.W.* 1.249, *Ant.* 14.333). Herod would not have landed there

Galilee, “with a few exceptions.” He then proceeded to take Jaffa, where he was joined by Silo, as Ventidius was busy in Syrian and Phoenician cities at the time. Herod next advanced to Idumea, without Silo, rescued his relatives who had been besieged all this time in Masada, and then went on to Jerusalem, where he was once again joined by Silo. In practically every step, we are told that many locals joined Herod. However, this should be taken with a grain of salt, for we later see what a hard time Herod had in defeating Antigonus and the considerable Roman assistance that was required, just as we later see that Galilee was not really firmly in his hands.¹³⁹

Following some skirmishes from both sides of Jerusalem’s walls,¹⁴⁰ there was an outcry from the Roman troops about the lack of provisions and a demand to be allowed to go to winter quarters. Josephus, doubtlessly using the pro-Herodian Nicolaus, asserts that this took place at Silo’s instigation because he had been bribed by Antigonus. However, the lack of provisions was a very real problem, due to the fact that the region around the city had been laid waste by Antigonus’s soldiers, a sensible tactic for Antigonus’s army to follow in anticipation of the coming siege.¹⁴¹ Herod did his best to gather the necessary provisions, and he also had the inhabitants of Samaria send much food and supplies to Jericho.¹⁴² This was done despite the ambushes laid by Antigonus’s soldiers.¹⁴³ Herod took Jeri-

before the area was clear of them and that was achieved by Ventidius only in those very months. If so, Herod must have lingered somewhere during his journey back from Italy.

139. Of course, it is reasonable to assume that some Judeans joined Herod, but they were likely few. We may assume, however, that he was able to recruit a considerable force in his ancestral Idumea; see Stern, *Hasmonaean Judaea*, 265 and n. 19. See also Schalit, *King Herod*, 55; Freyne, *Galilee*, 65–67; Shatzman, *Armies*, 153–54.

140. Prior to these skirmishes, Herod is said to have tried to persuade the besieged to give up, saying that he came for the good of the people and that he was willing to forgive his foes (*J.W.* 1.295, *Ant.* 14.402). The narratives of the *Jewish War* and those of the *Jewish Antiquities* differ in their reports of the response of Antigonus, for which see below, pp. 447–48.

141. For a rather extreme example of this tactic, see the defensive operation of the Gauls against the army of Julius Caesar as described in Caesar, *Bell. gall.* 7.14–15, 17.

142. Herod’s possible ties in Samaria were mentioned above, n. 71. Here, we might add that it is not surprising that the people of Samaria appear to support Herod in his fight against the Hasmonaean, given the very harsh treatment of the Samaritans by that dynasty (*J.W.* 1.64–65, *Ant.* 13.275–281).

143. These ambushes were part of the same tactic mentioned above (n. 141)—

cho, but then he had to suspend the siege of Jerusalem, dismissing the Roman army to winter quarters (winter of 39/38).¹⁴⁴

Using bribery, Antigonus persuaded Silo to quarter a part of the Roman army at Lydda, where he would provide them with the necessary provisions, in an attempt to get on Anthony's good side. But while the Romans were wintering, Herod remained active. He sent his brother, Joseph, with an army to Idumea, took his relatives, whom he had rescued from Masada, to Samaria, and then went to Galilee to take the remaining strongholds.¹⁴⁵ During a snowstorm, he easily took Sepphoris because Antigonus's force had left the city. There he found an abundance of provisions. From Sepphoris, Herod sent some army units to the area of Arbel, west of the Sea of Galilee, where some "bandits" (λησται), who were "infesting a wide area," dwelled in caves. As with the λησται in Galilee in 47, these too should not be seen as mere bandits, but rather as rebels.¹⁴⁶ Herod's army units appear not to have accomplished anything. Only forty days later, when Herod himself joined them with the rest of the army, the rebels were defeated and driven away. He dismissed his soldiers to winter quarters, and then he found that he needed to supply Silo's troops, because Antigonus had stopped giving them provisions after a month of doing so (according to *Ant.* 14.418–419). Herod gave this task to his brother Pheroras, along with the task of rebuilding the fortress of Alexandrion, which had remained in ruins since the days of Gabinius.

having laid waste the area around the besieged city, the defending army still needs to do its best to hinder the besieging army's attempts to bring provisions from elsewhere. See Caesar, *Bell. gall.* 7.18.

144. For my suggestion that a Qumran text, Peshier Isaiah^a (4Q161), refers to this failed first siege of Jerusalem by Herod see below, appendix G.

145. As noted, this somewhat contradicts the earlier impression that Galilee and Idumea were already on Herod's side (esp. *J. W.* 1.302 // *Ant.* 14.411).

146. See above, p. 146, and below, appendix C. As with the earlier case of Herod's defeat of "bandits," concerning this episode Shaw also asserts that it "is clearly used as a symbolic way of vindicating Herod's claims to *basileia* over Judaea" (Shaw, "Tyrants," 186; see above, n. 68). For archaeological excavations of caves throughout Galilee that were used as hiding places for the rebels during the Great Revolt, see now, Yinon Shviti'el, *Rock Shelters and Hiding Complexes in the Galilee during the Early Roman Period* [Hebrew] (Tel Aviv: Hakibbutz Hameuchad, 2014). For the caves of the Arbel cliff, see Shviti'el, *Rock Shelters*, 60–71. Shviti'el mentions that the finds in these caves attest that they were already in use during the Hellenistic period (*Rock Shelters*, 68).

Afterwards, Ventidius requested the aid of Silo (and Herod) in his war against the Parthians.¹⁴⁷ Herod was apparently glad to see Silo leave, since he had become a burden (spring 38). Herod himself went to purge the caves of the remaining rebels. Reaching the caves, though, turned out to be a tremendous problem, for they were on very steep cliffs. Herod's army built chests or boxes that were lowered down to the caves full of soldiers. Thus, his soldiers massacred the rebels.¹⁴⁸ The strong ideological resistance of these rebels is highlighted by one particular, perhaps legendary, story. In one of these caves dwelt a man, his wife, and their seven sons. The man refused the request of his wife and sons to leave the cave and then killed them all before committing suicide himself. He did this despite the begging of Herod himself to spare them.¹⁴⁹

Believing Galilee was now under control, Herod went towards Samaria with the bulk of his army to engage Antigonus in battle. He left Galilee under the command of Ptolemy, one of his generals. But soon enough Ptolemy was slain by the rebels, and Herod had to hurry back to Galilee, destroying strongholds and imposing a fine of a hundred talents on the cities.

It was now the summer of 38. The Parthians had just been defeated, and Pacorus, the Parthian king's son, was killed. Anthony ordered Ventidius to assist Herod again. Ventidius obeyed and sent Machaeras with

147. According to *Ant.* 14.420, Ventidius requested only Silo, not Herod, but according to *J.W.* 1.309, he requested Herod as well. One may suppose that the *Jewish Antiquities* is more accurate, because it seems unlikely that Herod could have remained in Judea as he did if he had been summoned by the Roman general. But, then again, precisely this reasoning could have led Josephus to correct his source when writing the *Jewish Antiquities*. Both narratives say that Ventidius asked for their aid only after they would settle affairs in Judea. It seems quite doubtful that Ventidius would thus place preference on Herod's war before his own, but if this detail is in fact true, then we could imagine that Herod took the opportunity to get rid of Silo while he remained to take care of his own war by himself.

148. *J.W.* 1.311 says that no one voluntarily surrendered, and those captured preferred death, while *Ant.* 14.427 reports that many did surrender, but it inserts the preference of death in the story of the old man and his family.

149. The similarity of this story to the martyrdom of the mother and her seven sons in 2 Macc 7 (and 4 Macc 8–18) is quite obvious, but the similarity with the story of Taxo and his seven sons in the *As. Mos.* 9 is even greater. This is a literary motif perhaps used by Nicolaus to emphasize Herod's compassion and again by Josephus to denounce him. See further, Francis Loftus, "The Martyrdom of the Galilean Troglydites (*B.J.* i 312–3; *A.* xiv 429–30): A Suggested Traditionsgeschichte," *JQR* 66 (1976): 212–23; Stern, *Studies*, 332; Freyne, *Galilee*, 212–13.

a considerable force—two legions and a thousand horse. After Antigonius tried to bribe him, Machaeras went off to spy on Antigonius, against Herod's advice. Antigonius, however, was able to keep him at bay, and Machaeras, disgraced, went to Herod in Emmaus, killing any Judeans he met on the way, whether friend or foe.¹⁵⁰ Enraged by this behavior, Herod made his way to the city of Samosata, near the Euphrates, where Anthony was besieging King Antiochus of Commagene, to complain to the triumvir. Machaeras implored him and they were reconciled, but Herod still went to Anthony, leaving his brother Joseph with an army alongside Machaeras. Herod is said to have been very successful in protecting a large military convoy on its way to Anthony from numerous ambushes (*Ant.* 14.440–445), or in aiding Anthony in the siege itself (*J.W.* 1.322),¹⁵¹ and to have been received with joy and great admiration by Anthony. Soon after Herod's arrival, the siege of Samosata was over,¹⁵² and Anthony appointed Gaius Sossius¹⁵³ to the governorship of Syria, ordering him to assist Herod.

While Herod was with Anthony, however, he suffered a major setback in Judea. His brother Joseph had, according to Josephus's account, disregarded his explicit orders not to take any serious action in his absence, and, in order to gather grain, approached Jericho with five inexperienced

150. For the differences between *J.W.* 1.317–319 and *Ant.* 14.435–436, see Laqueur, *Der jüdische Historiker*, 202–5; Marcus's n. *b* on *Ant.* 14.436 in LCL.

151. For the differences between the *Jewish War* and the *Jewish Antiquities* here, see Laqueur, *Der jüdische Historiker*, 205–6, who concludes that in the *Jewish Antiquities* Josephus was using an additional source, namely Herod's memoirs. But see Marcus's n. *b* on *Ant.* 14.439 in LCL.

152. The impression from Josephus's narratives is that Antiochus was defeated, but according to Plutarch (*Ant.* 34.2–4; cf. Cassius Dio, *Hist. rom.* 49.22.1–2), Anthony's siege was not so successful, and he had to settle for an agreement in which Antiochus paid only three hundred talents, instead of the thousand which had earlier either been proposed by Antiochus himself (Plutarch) or demanded of him (Cassius Dio); see Marcus's n. *b* on *Ant.* 14.447 in LCL; Sherwin-White, *Roman Foreign Policy*, 306 and n. 24. See Stern, *Hasmonaean Judaea*, 255

153. Sossius would later be Consul in 32 BCE. See Broughton, *Magistrates*, 393, 417. On coins (Sydenham, *Coinage*, 199 no. 1271–1274) and in Latin sources (e.g., Tacitus, *Hist.* 5.9.1), his name is spelled Sosius, but Josephus spells his name Σόσσιος, as does Cassius Dio (*Hist. rom.* 49.22.3). On inscriptions, his name is spelled Sossius (*CIL* 1:76; Atilius Degraffi, *Inscriptiones italiae academiae italicae consociatae ediderunt*, vol. 13.1: *Fasti et elogi: Tabulae et indices, fasti consulares et triumphales* [Rome: La Libreria Dello Stato, 1947], nos. 7 and 36 [pp. 244–45, 342–43]).

Roman cohorts supplied by Machaeras. A battle ensued in which Joseph's army was routed, and he was killed.¹⁵⁴ Antigonus's victory led to a renewal of major revolution in Galilee and either in Idumea (*J. W.* 1.326) or in Judea (*Ant.* 14.450).¹⁵⁵

News of his brother's fate reached Herod when he was in Daphne, near Antioch. He then hastened to Judea. First, once again, he took Galilee from the rebels with the aid of two legions, which had been sent ahead by Sossius, and another eight hundred men he had gathered in Lebanon. He then came to Jericho, in the vicinity of which his army came under heavy attack, and Herod himself was injured. Nonetheless, Herod was successful in the battle and managed to take five towns in the area. This was followed by a most serious battle with Antigonus's general, Pappus, near the boundary of Judea and Samaria. Again, Herod was most successful, killing Pappus and massacring a great number of his soldiers. This was a major blow for Antigonus, and Herod was ready to march on Jerusalem, but he had to postpone such plans because of a very harsh storm.¹⁵⁶

Once the storm was over, Herod marched his army toward Jerusalem, camped outside the city, and began building a siege (spring 37). While these works were carried out, Herod left his army and went to Samaria¹⁵⁷ to marry Mariamme, the granddaughter of both Hasmonean brothers, Hyrcanus II and Aristobulus II, whom he had engaged a few years earlier (see above, p. 146). Following the marriage, Herod returned to Jerusalem with an additional large force. He was then also joined by Sossius who came with a large army of his own, and the combined force was enormous.

154. Compare 1 Macc 5:55–62, which tells the story of two generals in Judas Maccabaeus's rebellious army who, when Judas and his brothers were fighting elsewhere, wanted to "make a name" for themselves, and, against the orders of Judas and his brothers, went out in battle against Gorgias but were routed. First Maccabees explains that "they were not of the seed of those men to whom was given salvation to Israel by their hand" (1 Macc. 5:62 [NETS]).

155. Marcus (n. *b* on *Ant.* 14.450 in LCL) prefers the *Jewish War's* Idumea, since Herod did not yet have hold of Judea. However, it seems to me that Herod did in fact have hold of at least parts of Judea (e.g., Emmaus); it was mainly in Jerusalem that he had no hold. Additionally, although there were occasional disturbances in Idumea too, that was Herod's ancestral area, and he always seems to have had more support there. The substitution of Idumaea for Iudaea is quite frequent in various, usually non-Jewish, sources; see Schwartz, "Herodians," 69–71, and above, n. 134.

156. For this storm, see further below, pp. 425–27.

157. For Herod's ties and support in Samaria, see above, nn. 71 and 142.

While the joint force of Herod and Sossius was trying to build the siege-works, the population within the walls desperately tried to do anything within its abilities to hamper those works. They were actually quite successful at first. This was accompanied by oracles promising God's imminent deliverance.¹⁵⁸ However, in spite of Josephus's description of the unity of the Judeans against Herod (*Ant.* 14.470), it seems that not everyone fought against Herod.¹⁵⁹ On the one hand, Josephus later reveals that during the siege Pollion and Samaias, the Pharisees,¹⁶⁰ advised the people to let Herod into the city; after the war, they were duly rewarded by Herod (*Ant.* 15.3–4; see also 15.370). On the other hand, later Josephus also informs us that “the sons of Baba,” who had great influence on the masses, had incited the people against Herod during the same siege (*Ant.* 15.262–263). In any case, Herod and Sossius were able to overcome all the desperate efforts of the besieged. Nevertheless, the siege was prolonged, and only after a five-month siege were the city and the temple finally taken.¹⁶¹ According to *Ant.* 14.487, it was taken on Yom Kippur (of 37

158. Compare the prophecies promising deliverance prior to the destruction of the temple in 70 CE (*J.W.* 6.285–315).

159. *J.W.* 1.347–348 speaks of “the agitation of the Judean populace [πλήθος]” and emphasizes its disunity, distinguishing between “the feeble folk,” “the more daring,” and the military men. *Ant.* 14.470, in contrast, emphasizes the nation's unity, and is generally more positive: “It was with great zeal [προθυμία, more precisely, “eagerness, willingness”] and bitterness, the entire nation being gathered together [ἅτε σύμπαντος ἡθροισμένου τοῦ ἔθνους; variant: πλήθους, “multitude, populace”], that the Judeans fought against Herod.” This is in line with the general change in the *Jewish Antiquities* to a more negative portrayal of Herod, and a more positive one of Antigonus, also emphasizing his popular support within the nation (e.g., *Ant.* 14.478); see Fuks, “Josephus and the Hasmoneans,” 171–76, who, however, does not mention this specific difference.

160. For their identity, see below, p. 381 n. 3.

161. *Ant.* 14.477 says that once the Lower City and the outer precincts of the temple were taken, the people who fled into its inner precinct requested that sacrificial animals be allowed in so that the daily rites could continue. The request was granted (by Herod? by Sossius?). Recall the story according to which Hyrcanus did not allow sacrificial animals to enter when he was besieging his brother in 65 BCE (see appendix A). So, in light of that story, the purpose of the current tradition may be to glorify Herod in the eyes of his Jewish subjects. However, it is curious that this story is not found in the *Jewish War* narrative. In fact, whereas the *Jewish Antiquities* preserves at least three such stories of the problem of the supply of sacrificial animals during sieges and similar stories are found also in rabbinic literature, no such stories are found in the *Jewish War*. Therefore, this does not seem to be a pro-Herodian tra-

BCE), the same day on which Pompey took the temple twenty-six years earlier.¹⁶² The penetration into the city was followed by a great massacre. According to Josephus, not only fighting men were killed in this massacre, but women and children were butchered as well.¹⁶³ At this turn of events, Antigonus surrendered, throwing himself at the feet of Sossius, who had him put in chains.¹⁶⁴

Josephus says that, once the city and temple were taken, Herod had to restrain his Roman allies, who desired to see the temple and its holy furnishings, which are not to be seen by strangers. Herod's conduct is, of course, in contradistinction to that of Hyrcanus, who did not prevent Pompey and his men from viewing the holy furnishings in 63 BCE, and thus this story serves Nicolaus's pro-Herodian bias well.¹⁶⁵ Herod also tried to stop the pillage of the city by the Roman soldiers, succeeding only by promising to reward each soldier out of his own resources—a promise that he is said to have kept.

Josephus reports that Sossius then “dedicated a golden crown to God” (J.W. 1.357), following which he left Jerusalem, taking Antigonus with him to Anthony. The *Jewish War* says only that Antigonus was executed, while the narrative of the *Jewish Antiquities* (14.489–490) of his end is much more elaborate. It says that Herod feared that, if Antigonus were kept alive,

dition per se, but rather a common Jewish motif, which, not surprisingly, is found in the more religiously oriented *Jewish Antiquities*. Such is my conclusion also regarding the siege of Hyrcanus (appendix A). Laqueur, *Der jüdische Historiker*, 213, sees this as Josephus's intentional anti-Herodian twist on an originally pro-Herodian report taken from Herod's memoirs. However, I do not recognize an anti-Herodian twist here.

162. Josephus mistakenly writes “twenty-seven years.” Cassius Dio, *Hist. rom.* 49.22.3–49.23.2 dates it to 38 BCE, but that datum should also be rejected. For the year and date see further below, appendices E and F.

163. For this type of indiscriminate massacre of the population of a conquered city by the Romans, followed by widespread pillaging, see Polybius, *Hist.* 10.15.4–9; Tacitus, *Hist.* 3.33; along with Adam Ziolkowski, “*Urbs direpta*, or How the Romans Sacked Cities,” in *War and Society in the Roman World*, ed. John Rich and Graham Shipley (London: Routledge, 1993), 69–91; Harris, *War and Imperialism*, 50–53.

164. This conquest of Jerusalem is mentioned, with differing degrees of elaboration, by Livy, *Periochae* 128 (GLA 1:331); Seneca, *Suasoriae* 2.21 (GLA 1:367); Tacitus, *Hist.* 5.9.1–2 (GLA 2:28–29); Cassius Dio, *Hist. rom.* 49.22.3–6 (GLA 2:359–61). Not unexpectedly, they give credit for the conquest to Sossius alone. For a coin commemorating Sossius's conquest of Judea, for which he was also accorded a triumph, see Sydenham, *Coinage*, 199, no. 1272 and his notes.

165. See above, pp. 93–94 and n. 114.

he might persuade the Romans that as a descendant of kings he or his children should be preferred to Herod, the commoner. Therefore, Herod bribed Anthony to have him killed. However, in the beginning of *Ant.* 15 Josephus preserves a different tradition about Antigonus's end (§§8–10). Here Herod's intervention, let alone a bribe, is not mentioned; Anthony intended to keep Antigonus alive until his anticipated triumph in Rome. But then he learned that the Judeans remained loyal to this last Hasmonean king, and they were therefore disloyal to Herod. As a result, he beheaded him in Antioch. Josephus then quotes a testimony to that effect from Strabo, who adds that Anthony "was the first Roman who decided to behead a king." Strabo's emphasis on the uniqueness of the beheading of a king is followed by Plutarch (*Ant.* 36.4) and Cassius Dio (*Hist. rom.* 49.22.6), who adds that Anthony first had Antigonus crucified and flogged.¹⁶⁶ It is possible that the original source of these gentile authors was favorable to Anthony, and therefore did not mention his being bribed, or perhaps did not know of the bribe. It seems more likely, though, that the passage at the end of *Ant.* 14, which, as elsewhere in *Antiquities*, emphasizes the Hasmoneans' right to the throne as opposed to Herod (see, for example, 14.386–387, 403–404), derives from Josephus's anti-Herodian and pro-Hasmonean bias.¹⁶⁷ Be that as it may, this episode highlights the great respect the nation had for Antigonus, and its hatred of Herod.¹⁶⁸

166. *GLA* 1:568–69 and 2:359–60, respectively. See also Stern's notes in *GLA* 1:284–85. In a recent paper, Gregory Doudna argues that the "wicked priest" of the Qumran peshet texts should be identified with Antigonus and that those texts refer to his death at the hands of Anthony, who should be identified as the "Lion of Wrath" of Peshet Nahum. He further asserts that the "Teacher of Righteousness" should be identified with Hyrcanus II. See Gregory L. Doudna, "Allusions to the End of the Hasmonean Dynasty in *Peshet Nahum* (4Q169)," in *The Mermaid and the Partridge: Essays from the Copenhagen Conference on Revising Texts from Cave Four*, ed. George Brooke and Jesper Høgenhaven, STDJ 96 (Leiden: Brill, 2011), 259–78. Yet, in my opinion, his argument is not sufficiently founded and is based on much conjecture.

167. For that emphasis in *Jewish Antiquities*, see also above, n. 133, and below, p. 448. Indeed, in line with the more positive portrayal of Antigonus in the *Jewish Antiquities*, both versions of his death in this work are more favorable toward him in comparison to the *Jewish War*, and they emphasize the general support that Antigonus enjoyed (compare, e.g., 14.470, 478, and above, n. 159). See further, Fuks, "Josephus and the Hasmoneans," 171–76. For a more detailed discussion of the different descriptions of Antigonus's execution, and a critical discussion of the theory that Antigonus's burial place has been uncovered in a burial cave in Jerusalem, see below, appendix H.

168. *GLA* 1:285. See Stern, *Studies*, 430–31.

The defeat and death of Antigonus marked the final end of the Hasmonean state and the beginning of a new period of Roman domination of Judea, in which Rome ruled by means of the Herodian client-rulers.¹⁶⁹

Epilogue: Herod and the Annihilation of the Hasmonean House

Once in power in Jerusalem, and despite the fact that the only remaining Hasmonean contender, Antigonus, was out of the picture, Herod still felt the need to firmly secure his throne. His first action was to punish his opponents and reward those who supported him in his struggle with Antigonus. According to the *Jewish Antiquities*, he especially honored Pol lion and Samaias, the Pharisees, who had advised the people to let Herod into the city, and he killed forty-five prominent supporters of Antigonus (*Ant.* 15.6).¹⁷⁰

Nevertheless, in the course of his reign, Herod often felt the shadow of the Hasmoneans, and at different times he killed off the remnants of that priestly house, including those remnants with whom he was closely linked. At some point before 31 BCE, Herod managed to take over the Hyrcania fortress, which had been held by one of Antigonus's sisters (*J.W.* 1.364).¹⁷¹ Sometime after Herod's conquest of Judea, Hyrcanus returned from his captivity in Parthia (see *Ant.* 15.11–22). A few years later—when Herod was afraid of losing his position following the Battle of Actium in Septem-

169. Josephus eulogizes the Hasmonean state in *Ant.* 14.490–491. Cf. his eulogy following Pompey's conquest in *Ant.* 14.77–78.

170. For Pol lion and Samaias, see above, p. 161, and below, p. 381 n. 3. Although some scholars (e.g., Goodman, *Ruling Class*, 114) identify these forty-five as members of the Sanhedrin, which, according to the *Jewish Antiquities*, had earlier judged Herod (below, p. 381), they are not identified here as such, and there is no reason to see them as anything other than what Josephus says they were—prominent supporters of Antigonus; Sanders, *Judaism*, 476–78.

171. From Josephus it is unclear what her fate was. B. Z. Lurie proposes to identify her with the Hasmonean girl in the rabbinic legend of b. B. Bat. 3b: the girl is the last remnant of the Hasmonean family, and when she learns that Herod wants to marry her she prefers to take her own life, but not before she declares Herod to be a slave; B. Z. Lurie, "Figures from the Time of Sossius' Conquest of Jerusalem" [Hebrew], in *Fourth World Congress of Jewish Studies: Papers; With Abstracts of Papers Read in Hebrew and Hebrew Texts*, ed. Shaul Shaked (Jerusalem: World Union of Jewish Studies, 1967), 96–97. See also Zeev Meshel, "The Late Hasmonean Siege System at Hyrcania" [Hebrew], *Eretz-Israel* 17 (1984): 251–56.

ber 31 BCE, in which his patron, Anthony, was defeated and eventually committed suicide (August 30)—Herod had Hyrcanus killed (*J. W.* 1.433–434, *Ant.* 15.161–182). A few years earlier (perhaps in 35), Herod had the high priest Aristobulus III, his Hasmonean wife's brother, drowned in Jericho, due to his envy of Aristobulus's popularity (*J. W.* 1.437, *Ant.* 15.50–56). He also had his Hasmonean wife, Mariamme, killed (in 34 BCE according to *J. W.* 1.438–444 or around 29 according to *Ant.* 15.218–239).¹⁷² In addition, he killed Alexandra, the daughter of Hyrcanus II and the mother of his late wife, Mariamme (*Ant.* 15.247–251). Eventually, he even killed his own sons (7/6 BCE; *J. W.* 1.550–551, *Ant.* 16.392–394), whom he had begotten with Mariamme. Thus the Hasmonean house essentially came to its end (see *Ant.* 15.266).¹⁷³

172. See Marcus's n. *a* on *Ant.* 15.231 and n. *a* on *Ant.* 15.87; see also Thackeray's n. *a* on *J. W.* 1.444, all in LCL.

173. However, much later we learn of an unnamed daughter of Antigonos who was married to Herod's son, Antipater (*Ant.* 17.92); see Marcus's n. *b* on *Ant.* 15.266 in LCL; Stern, *Hasmonaean Judaea*, 274 n. 37.

Timeline

Year BCE	Events
76	Death of King Jannaeus; Queen Alexandra rules Judea; Hyrcanus II as high priest.
67	Death of Alexandra; Hyrcanus II as high priest and king; beginning of war between the brothers. Pompey wages war against the pirates in the Mediterranean.
67/66	Aristobulus II defeats Hyrcanus, becomes king and high priest. Pompey wages war against Pontus and Armenia.
65	Aristobulus is besieged in Jerusalem by Hyrcanus and Aretas, king of Nabatea; Scaurus comes to Judea and takes Aristobulus's side.
63	Pompey arrives in Damascus; prefers Hyrcanus; takes Jerusalem and the temple after three-month siege; appoints Hyrcanus as high priest, but not as king; reduces Judean territory. Mithridates, king of Pontus, dies.
57	Revolt led by Alexander, son of Aristobulus; quelled by Gabinius, governor of Syria; Gabinius's reform of Judea's government: divides Judea into five districts ("aristocracy").
56	Revolt led by Aristobulus and his younger son, Antigonus; quelled by Gabinius.
Spring 55	Gabinius's campaign to Egypt, assisted by Hyrcanus and Antipater; reinstates Ptolemy Auletes.

- 55 Another revolt in Judea, again led by Alexander; quelled by Gabinius, who makes some unspecified change in administration of Jerusalem.
- 54–53 Crassus governor of Syria; plunders Jerusalem temple.
- Spring 53 Crassus defeated and killed by Parthians; Parthian incursion into Syria halted by Cassius.
Revolt in Judea led by Peitholaus; quelled by Cassius.
- 51–50 Another invasion of Syria by Parthians; driven back by Romans.
- January 11, 49 Caesar crosses the Rubicon; Roman civil war begins.
- 49 Caesar releases Aristobulus and sends him with two legions; plot is foiled: Aristobulus is poisoned, and his son, Alexander, is executed.
- June 6, 48 Decisive battle of Pharsalus; Pompey defeated and flees to Egypt.
- September 48 Pompey arrives at Pelusium; immediately murdered.
- Autumn 48 Caesar under siege in Alexandria.
- Spring 47 Caesar finally victorious with the aid of various dynasts, including Hyrcanus and Antipater.
Caesar makes grants and privileges to the Jews; appoints Hyrcanus high priest and ethnarch; appoints Antipater *epitropos* of Judea.
Antipater appoints his sons, Phasael and Herod, as *strat-egoi* of Jerusalem and Galilee, respectively.
Herod executes rebels in Galilee, including their leader, Ezekias; stands trial in Jerusalem, but acquitted or escaped.
- 46–44 Roman civil war reaches Syria; turmoil in Syria.
- March 15, 44 Ides of March: Caesar assassinated in Rome.
- 43–42 Cassius governor of Syria; exploits Judea.
- 43 Antipater dies/murdered by Malichus; Herod kills Malichus.
- 42 Cassius leaves Syria for the war against Anthony and Octavian.

- Revolts in Judea led by Helix and Malichus's brother.
Antigonus invades Judea with aid of Ptolemy of Chalcis, Marion of Tyre, and Fabius, the Roman general in Damascus; Herod able to stop them, but some northern towns remain in the hands of Tyre.
- October 42 Battle of Philippi: Brutus and Cassius defeated by Anthony and Octavian and commit suicide.
The East, including Judea, now under Anthony's control. Anthony appoints Phasael and Herod as tetrarchs.
- 40 Parthian conquest of Syria and Asia Minor.
Parthian conquest of Jerusalem and enthronement of Antigonus; Phasael dies; Hyrcanus mutilated and taken prisoner; Herod escapes to Rome and appointed king of Judea by the Senate.
- 39 Ventidius defeats Parthians; Herod returns to Judea and begins conquest.
- 37 Herod and Sossius take Jerusalem; Herod takes throne; Antigonus executed by Anthony.
- 37-4 Herod's reign; annihilates surviving Hasmoneans.

Part 2

The Impact of the Loss of Sovereignty and the Beginning of Roman Domination

The *Kittim* and the Significance of the Roman Conquest for the Qumran Community

It is commonly accepted in scholarship that the Qumran community was decisively opposed to the Hasmoneans and their rule.¹ It may be significant,

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1. For the sect’s opposition to the Hasmoneans, see, e.g., Eshel, *Dead Sea Scrolls*, 29–61; Joseph Sievers, *The Hasmoneans and Their Supporters: From Mattathias to the Death of John Hyrcanus I*, SFSHJ 6 (Atlanta: Scholars Press, 1990), 88–92. It is commonly understood that the Qumran sectarians parted from the Jerusalem temple establishment because they rejected the Hasmonean high priesthood, given that the Hasmoneans were not of the house of Zadok. Some scrolls indeed present the sect’s priests as the genuine Zadokite priests (e.g., 1QS V, 1–3, 9–10; cf. Philip R. Davies, “Zadok, Sons of,” in *EDSS* 2:1005–7). This understanding of the origins of the Qumran sect has been rejected by some scholars who argue that the sect arose not from a dispute over the high priesthood but rather over halakhah or from a rejection of the practices of the priests (John J. Collins, “Reading for History in the Dead Sea Scrolls,” *DSD* 18 [2011]: 295–315; Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* [Grand Rapids: Eerdmans, 2010], 88–121; Robert A. Kugler, “Priests,” *EDSS* 2:688–93. Cf. Albert I. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation*, JSJSup 55 [Leiden: Brill, 1997], 31–33).

therefore, that many of the Qumran scrolls that are considered sectarian—that is, texts that were composed by the sect and reflect its outlooks and beliefs—were composed around the time of Pompey’s conquest, which in effect brought the end of the Hasmonean state, and thereafter.² How, then, did that conquest impact the Qumran sectarians and their views? How are the conquest and the history surrounding it reflected and portrayed in the scrolls? What was the sect’s view of the Romans and the conquest of Judea? Put differently, what was the significance of the Roman conquest and Roman domination for the Qumran sectarians?

These are the questions that I will tackle in this chapter. However, in order to discuss these issues, it is imperative to first determine which scrolls allude to the Romans and the Roman conquest. This necessitates that we first ascertain the identity of the *Kittim*, who are mentioned in some of the scrolls, because there is disagreement in scholarship whether they are always the Romans or whether in some scrolls they are Greeks. The first section will briefly discuss those scrolls concerning which there is general agreement that their *Kittim* are the Romans and that they reflect the events of this period, namely, Peshar Nahum (4QpNah) and Peshar Habakkuk (1QpHab). I will then examine the war literature—primarily the War Scroll (1QM), but I will also discuss briefly Sefer Hamilhamah (4Q285) and Peshar Isaiah^a (4Q161)—concerning which it has been suggested that the *Kittim* are the Seleucids or Ptolemies. In the third section,

Yet, this does not change the basic understanding that the community fundamentally rejected (perhaps not initially but eventually) the Hasmonean establishment—be the reasons for that rejection as they may.

2. There is general agreement in scholarship today that not all of the sectarian scrolls were composed at the site of Qumran itself and that they do not all reflect the specific group that resided there. It seems that there were changes in the sect’s outlooks during its history and that it was a broad movement that comprised several subgroups whose views were not always identical. For example, there is a distinction between the group that composed the Damascus Document and the “Yahad” group, which produced the Community Rule (1QS). For these distinctions see Collins, *Beyond*, 52–79. However, as I will argue, the scrolls that will be discussed here were composed during one period. Although it is possible that these were composed by various subgroups in various places, there are no fundamental differences between them concerning the issue that is dealt with here. They appear to reflect the same general outlook. Therefore, in this chapter I will discuss the sectarian scrolls from Qumran under the assumption that they emanate from the same general movement; for the sake of convenience, I use such terms as *sect*, *Qumran sect*, etc.

I will discuss some other scrolls, which may also allude to the Romans and to the events of this period. Lastly, having determined which scrolls are relevant, I will discuss the significance of the Roman conquest for the Qumranites and their view of the Romans and of Roman domination over Judea. In the context of that discussion, I will examine an assertion that is found in some scholarship, according to which the Qumran sectarians' view of the Romans changed over time, from an initially positive or neutral view to a hostile one. I will suggest that that assertion should be rejected; while the sect's view was quite complex, it was essentially hostile from the start.

Pesher Nahum and Pesher Habakkuk: *Kittim* = Romans

As is well known, the sectarian writings do not usually name the historical figures they are alluding to, but rather they use sobriquets such as "The Teacher of Righteousness" and "The Wicked Priest." However, two of the known historical figures who are mentioned by name in the scrolls appear in Pesher Nahum. These are Antiochus and Demetrius, whom scholarship identifies as the Seleucid kings Antiochus IV Epiphanes and Demetrius III. The pesher, however, alludes to these figures from a post-Roman conquest perspective, saying:

[...] מְדוּר לְרַשְׁעֵי גוֹיִם אֲשֶׁר הֵלֵךְ אֲרִי לְבֹא שָׁם גּוֹר אֲרִי [ואין מחריד פשר
על דמי] טְרוֹס מֶלֶךְ יוֹן אֲשֶׁר בִּקֵּשׁ לְבֹא יְרוּשָׁלַיִם בַּעֲצַת דּוֹרְשֵׁי הַחֲלָקוֹת [...]
בֵּיד מַלְכֵי יוֹן מֵאַנְתִּיכּוֹס עַד עֲמוּד מוֹשְׁלֵי כְּתִיִּים וְאַחֵר תִּרְמַס ...

[...] a dwelling for the wicked ones of the nations. 'Where the lion went to enter, the lion's cub [and no one to disturb] (*Nah* 2:12). Its interpretation concerns Deme]trius, King of Greece, who sought to enter Jerusalem on the advice of the Seekers-After-Smooth-Things [...] into the hand of the kings of Greece from Antiochus until the rise of the rulers of the Kittim; but afterwards, it will be trampled ... (4QpNah 3-4 I, 1-3)³

It appears that this passage refers to the fact that, unlike Antiochus before him and "the rulers of the *Kittim*" (מוֹשְׁלֵי כְּתִיִּים) after him, Demetrius III

3. Texts and translations of the scrolls are based on: Charlesworth, ed., *The Dead Sea Scrolls*, unless noted otherwise. In addition, I often examined the high-resolution images of the scrolls in the online *Leon Levy Dead Sea Scrolls Digital Library* (<http://tinyurl.com/SBL3547d>).

was unable to conquer Jerusalem. Therefore, unlike the “kings” Antiochus and Demetrius, the “rulers of the *Kittim*,” who conquered Jerusalem, must be Romans; the Romans indeed did not have kings.⁴ Shani Tzoref reinforces the conclusion that the historical context of Peshar Nahum is Pompey’s conquest of Judea and Jerusalem by comparing Peshar Nahum to the second psalm in the Psalms of Solomon, a non-Qumranic work that undoubtedly deals with the Roman conquest.⁵ Likewise, the similarity between 4QpNah 3–4 IV, 1–4, which mentions the humiliation of “the kingship of Menasseh”—an epithet usually understood as referring to the Sadducees, the supporters of Aristobulus—the exile of his family and the slaying of his nobles, and Pss. Sol. 8:20–21 and 17:11–12, is apparent; both generally fit Josephus’s description of Pompey’s conquest (see *J.W.* 1.154, 157).

Yet, Peshar Nahum is not the only Qumran text composed in the wake of the Roman conquest of 63 BCE. Scholars now mostly agree that Peshar Habakkuk, at least in its extant version, was similarly composed in the aftermath of that event.⁶ Like Peshar Nahum, Peshar Habbakuk too refers to the Romans as “*Kittim*” (though in this scroll the spelling is כְּתִימִים). These *Kittim* are said to “sacrifice to their standards” (1QpHab VI, 3–5), a description that fits the Romans, who worshiped their war standards. The *Kittim* are also portrayed as conquering the entire world: “Its inter[pretation] concerns the *Kittim*, who trample the land with [their] horse[s] and with their beasts. And from a distance they come, from the

4. The use of the plural “rulers” instead of the singular, which is seemingly more appropriate if dealing with Pompey, recurs in Peshar Habakkuk (e.g., IV, 5, 10). This appears to display recognition of the Roman Republican system, in which two consuls stood at the head of the state (see Timothy H. Lim, “*Kittim*,” *EDSS* 1:470). It is also possible that it reflects a slightly later point of view, after several Roman rulers served in the area sequentially (see below, p. 200). In this specific case in Peshar Nahum, the plural may simply be used in contradistinction to “the kings of Greece.”

5. Berrin (Tzoref), “*Peshar Nahum*.” For the context of the Psalms of Solomon, see above, pp. 19–20.

6. See, e.g., James H. Charlesworth, *The Pesharim and Qumran History: Chaos or Consensus?* (Grand Rapids: Eerdmans, 2002), 111–12. Hanan Eshel argued that there are two layers in Peshar Habakkuk, one from the second century BCE and the other from the first century BCE, following the Roman conquest (Hanan Eshel, “The Two Historical Layers of *Peshar Habakkuk*,” in *Exploring the Dead Sea Scrolls: Archaeology and Literature of the Qumran Caves*, ed. Shani Tzoref and Barnea Levi Selavan [Göttingen: Vandenhoeck & Ruprecht, 2015], 99–110).

islands of the sea, to devour all the peoples, like an eagle, and there is no satiety" (III, 9–13). This portrayal, likewise, fits the Romans, who at that point in time had taken over most of the Mediterranean basin. In addition, as we have seen, the perception of Roman universal rule was widespread in Rome at the time and was especially central to Pompey's self-perception.⁷

The *Kittim* in Qumran War Literature: Greeks or Romans?

It is therefore quite certain that the *Kittim* in Peshar Nahum and Peshar Habakkuk are the Romans, and most scholars assert that both were composed after the Roman conquest and allude to that event.⁸ Yet, to properly appreciate the significance of the Roman conquest of Judea for the Qumranites, we need to also examine another corpus of scrolls—those scrolls that describe an eschatological war in which the primary enemy are the *Kittim*. Some scholars, such as Yigael Yadin, suggest that, as in the pesharim discussed above, so too in all Qumran texts, the *Kittim* are the Romans.⁹ However, other scholars—including David Flusser, Herta Stegemann, Hanan Eshel, and Brian Schultz—suggest that, although in Peshar Nahum and Peshar Habakkuk the *Kittim* are indeed the Romans, in the "war literature" they are actually the Greeks, and these texts were composed prior to the Roman conquest.¹⁰ According to this view, the sect first identified

7. See also Pss. Sol. 2:29, and see further above, p. 84 and p. 117 n. 197.

8. Flusser argues that, whereas Peshar Nahum was indeed composed after the conquest, Peshar Habakkuk was actually composed some years before it, although its *Kittim* are nevertheless the Romans (David Flusser, "The Roman Empire in Hasmonian and Essene Eyes," in vol. 1 of *Judaism of the Second Temple Period*, trans. Azza Yadin, 2 vols. [Grand Rapids: Eerdmans; Jerusalem: Magnes, 2007], 198–99). It seems to me, however, that the text of 1QpHab IX, 4–7 and IV, 10–13 point to its having been composed after 63 BCE, and this seems to be the view of most scholars (see, e.g., Eshel, *Dead Sea Scrolls*, 173–74.) See further below, p. 200 and n. 68.

9. For Yadin, see below. Other scholars include: Maurya P. Horgan, *Pesharim: Qumran Interpretations of Biblical Books* (Washington, DC: Catholic Biblical Association of America, 1979), 81; George J. Brooke, "The Kittim in the Qumran Pesharim," in Alexander, *Images of Empire*, esp. 135–36; Philip S. Alexander, "The Evil Empire: The Qumran Eschatological War Cycle and the Origins of Jewish Opposition to Rome," in *Emanuel: Studies in Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov*, ed. Shalom M. Paul et al. (Leiden: Brill, 2003), 17–31.

10. David Flusser, "Apocalyptic Elements in the War Scroll," in vol. 1 of *Judaism of the Second Temple Period*, 140–58; Flusser, "The Death of the Wicked King," in vol. 1 of *Judaism of the Second Temple Period*, 160 (in which he identifies the *Kittim* of

the Hellenistic kingdoms, the Seleucids or the Ptolemies, as the *Kittim*, but following the arrival of the Romans in the region in the first century BCE the identification was transferred to the Romans. In light of this, Eshel suggested that the recognition that they had “erred” in the initial identification led the sectarians to stop putting their pesharim into writing, which is why there are no hints of later events in the pesharim.¹¹ According to this view, these war texts are not relevant for the current discussion.¹²

The assertion that the term *Kittim* was at first a label for the Greek or Hellenistic kingdoms is based on three compositions: (1) The War Scroll, in which the *Kittim* are the primary enemy in the eschatological war; (2) Sefer Hamilhamah; and (3) Peshar Isaiah^a. In the latter two, the arrival of the messiah Son of David is connected to the downfall of the *Kittim*. Before examining these texts and the specific arguments put forth to support the assertion that the *Kittim* mentioned therein are the Greeks, two general notes are in order:

First, all of the scrolls in which the term *Kittim* appears are commonly dated, paleographically, to the second half of the first century BCE and onward; that is to say, they all date to after the Roman conquest. It is, of course, possible that these scrolls are copies of earlier compositions, but we have no evidence that that is the case.¹³ Thus, there is no positive

Sefer Hamilhamah with those of the War Scroll); Hertmut Stegemann, *The Library of Qumran: On the Essenes, Qumran, John the Baptist, and Jesus* (Grand Rapids: Eerdmans, 1998), 131; Eshel, *Dead Sea Scrolls*, 163–79; Brian Schultz, *Conquering the World: The War Scroll (1QM) Reconsidered*, STDJ 76 (Leiden: Brill, 2009), 127–58. Likewise, Israel Shatzman accepts the assertion that its *Kittim* are the Seleucids, despite dating the War Scroll to after the Roman conquest (Israel Shatzman, “The Military Aspects of the War Rule” [Hebrew], in *The Qumran Scrolls and Their World* [Hebrew], ed. Menahem Kister, 2 vols. [Jerusalem: Ben Zvi, 2009], 1:344 n. 13 and pp. 379–81).

11. Eshel, *Dead Sea Scrolls*, 175–79. See also Stegemann, *Library*, 132–33.

12. Though we should note the medial suggestion of Brian Schultz that the War Scroll was initially composed in the second century BCE, but its second half was added after the Roman conquest (Schultz, *Conquering*), and see further below, p. 189.

13. 4QM^c (4Q493), which is often identified as a copy of the War Scroll, is dated to the first half of the first century BCE and thus may possibly be slightly earlier than the Roman conquest (see Alexander, “Evil Empire,” 30 n. 13). Yet, in spite of the similarity between the surviving part of this scroll, which discusses the blowing of the trumpets by the priests during battle, and War Scroll IX, 7–9 and XVI, 2–11, as Ronni Yishai has shown, the differences between the two are substantial, and even their points of view and purposes diverge. Therefore, they should not be considered copies of one composition, but rather they should be understood only as variant adaptations

evidence for the use of the term *Kittim* by the Qumran authors prior to the Roman conquest.

Second, the verse from Balaam's prophecy, וְצִים מִיַּד כְּתִים וְעֵנוּ אַשּׁוּר ("ships shall come from the coast of *Kittim*, and they shall afflict Asshur, and shall afflict Eber, and he also shall come to destruction," Num 24:24) is commonly understood as asserting that the *Kittim* will be the eschatological enemy of Israel, but, as Schultz asserts, such an understanding of this verse is not found in any extant source prior to the Qumran scrolls.¹⁴ Therefore, it is possible that the use of this term as a sobriquet for the eschatological enemy may be an innovation of the sectarians. I will return to this point later in this chapter.

Kittim in the War Scroll (1QM)¹⁵

The main factor leading scholars to identify the *Kittim* in the War Scroll specifically with the Seleucids is the phrase כְּתִי אַשּׁוּר (the *Kittim* of Assyria) in the second line of the first column. Already the scroll's first editor, Eliezer L. Sukenik, suggested that this phrase refers to the Seleucids. He reached this conclusion due to the words הַכְּתִיִּים בְּמִצְרַיִם ("the *Kittim* in Egypt") in line 4 of that column (the scroll is broken before those words). Sukenik understood these two phrases as referring to the Seleucids in Syria and the Ptolemies in Egypt, respectively; he even suggested

of a common source or of a common literary tradition; Ronni Yishai, "The Literature of War at Qumran: Manuscripts 4Q491–4Q496 (editions and commentary) and Their Comparison to War Scroll (1QM)" [Hebrew] (PhD Diss., University of Haifa, 2006), 224–54. The end of the surviving part of 4Q493 deals with "the trumpets of the Sabbaths" and possibly also those of the daily sacrifices. Both issues are unparalleled in the War Scroll, which indicates that 4Q493 is a different composition, whose subject is not the eschatological war, but rather the duties of the priests or, at least, the trumpets and the priests who blow them. For current purposes, it is important to note that, while the *Kittim* are mentioned several times in 1QM XVI, 2–11, the term is not found at all in its "parallel" in 4Q493, which is almost completely extant. This fact indicates that the author of the War Scroll used a previously existing source or tradition—at least when composing this paragraph—and, moreover, that in his adaptation of that source or tradition he deliberately inserted the *Kittim* into the fold.

14. Schultz, *Conquering*, 139–53.

15. Scholarship about the War Scroll is vast, and cannot be fully reviewed here. For a short survey see Philip R. Davies, "War of the Sons of Light Against the Sons of Darkness," *EDSS* 2:965–68.

that the scroll was composed prior to the Hasmonean period.¹⁶ However, Sukenik's son, Yigael Yadin, pointed to the fact that the words in line 4 are not a contiguous phrase, כְּתִי מִצֵּרִים ("the Kittim of Egypt")—which would parallel כְּתִי אֲשׁוּר—and therefore rejected his father's conclusion.¹⁷ Primarily on the basis of an examination of the descriptions of the army and the theory of war in the scroll, Yadin concluded that it was composed after the Roman conquest and before the end of Herod's reign.¹⁸

In a 1981 article, Flusser showed that the first column of the War Scroll attempts to update the last part of the vision of Dan 11:40–45, which had not been realized and the Qumran author believed would soon be realized.¹⁹ In light of that, Flusser proposed new reconstructions and a new reading of the first column of the War Scroll, according to which line 4 does not speak of Kittim in Egypt. Shortly after the publication of Flusser's paper, a scroll that appeared to be another copy of the War Scroll was published as 4Q496, and it proved that Flusser's reconstruction at the beginning of line 5 was correct. Thus, as I will soon explain, it also proved the gist of his proposal regarding line 4.²⁰

16. Eliezer L. Sukenik, ed., *The Dead Sea Scrolls of the Hebrew University* [Hebrew] (Jerusalem: Magnes, 1955), 31–32 and n. 14.

17. Yigael Yadin, *War, The Scroll of the War of the Sons of Light against the Sons of Darkness* (Oxford, 1962), 258.

18. Ibid., 244–46. Bezalel Bar-Kochva suggests that the military components in the scroll which are specifically "Roman," were already found in Alexander Jannaeus's army, and therefore do not contradict dating the scroll prior to the Roman conquest (Bezalel Bar-Kochva, "The Battle between Ptolemy Lathyrus and Alexander Jannaeus in the Jordan Valley and the Dating of the Scroll of the War of the Sons of Light" [Hebrew], *Cathedra* 93 [1999]: 31–47, 55–56. Shatzman rejects Bar-Kochva's evidence that those components already existed in Jannaeus's army and assumes that Jannaeus continued using Hellenistic tactics like his predecessors (Shatzman, "Military Aspects," 375–79). Yet, even if we accept Bar-Kochva's view, it does not necessitate the conclusion that the scroll, *as we have it*, precedes the Roman conquest, because, as will be noted below, the War Scroll is a composite text, and, therefore, probably consists of earlier materials. In this chapter, I am focusing on the composition as we have it and on its usage of the term *Kittim*, and not on its components, some of which may be early and even non-Qumranic. I am also not focusing on the military aspect.

19. Flusser, "Apocalyptic Elements." For these verses being a prophecy which had not been realized, in contrast with the rest of chapter 11, which is an *ex eventu* prophecy, see Louis F. Hartman and Alexander A. Di Lella, *The Book of Daniel*, AB 23 (Garden City, NY: Doubleday, 1978), 303–5.

20. The parallel to line 5 is found in frag. 3, which is preserved in quite bad condi-

Here is the text of most of column 1, reconstructed in light of 4Q496.²¹

- 1 לָמַן] המלחמה ראשית משלוח יד בני אור להחל בגורל בני חושך
- בחיל בליעל בגדוד אדום ומואב ובני עמון
- 2 וה[... פלשת ובגדודי כתיי אשור ועמהם בעזר מרשיעי ברית בני לוי
- ובני יהודה ובני בנימין גולת המדבר ילחמו במ
- 3 כו[... לכול גדודיהם בשוב גולת בני אור ממדבר העמים לחנות
- במדבר ירושלים ואחר המלחמה יעלו משם.
- 4 °[... הכתיים במצרים ובקצו יצא בחמה גדולה להלחם במלכי הצפון
- ואפו להשמיד ולהכרית את קרן
- 5 [ישראל וְהָיָה עַת יְשׁוּעָה לָעָם אֵל וְקָץ מִמֶּשֶׁל לְכֹל אֲנָשִׁי גִּוְרָלוֹ וְכֹלֵת
- עוֹלָמִים לְכֹל גִּוְרֵל בְּלִיעֵל וְהִיְתָה מֵהוּמָה
- 6 גְּדוּלָה ב]בני יפת ונפל אשור ואין עוזר לו וסרה ממשלת כתיים להכניע
- רשעה לאין שארית ופלטה לוא תהיה
- 7 ל[כֹּל בְּנֵי חוֹשֶׁךְ vacat
- 8 וְ]בְנֵי צָדִיק יֵאִירוּ לְכֹל קְצוּוֹת תַּבֵּל הַלּוֹךְ וְאוֹר עַד תּוֹם כֹּל מוֹעֲדֵי חוֹשֶׁךְ
- ובמועד אל יאיר רום גודלו לכול קצי
- 9 ע[] לשלום וברכה כבוד ושמחה ואורך ימים לכול בני אור וביום נפול
- בו כתיים קרב ונחשיר חזק לפני אל
- 10 ישראל כיא הוא יום יעוד לו מאז למלחמת כלה לבני חושך בו יתקרבו
- לנחשיר גדול עדת אלים וקהלת
- 11 אנשים בני אור וגורל חושך נלחמים יחד לגבורת אל בקול המון גדול
- ותרועת אלים ואנשים ליום הווה והיא עת
- 12 צרה ע[ל כו]ל עם פדות אל ובכול צרותמה לוא נהיתה כמוה מחושה
- עד תומה לפדות עולמים וביום מלחמתם בכתיים
- 13 ית[נגשו ב]נחשיר במלחמה שלושה גורלות יחזקו בני אור לנגוף
- רשעה ושלושה יתאזרו חיל בליעל למשוב גורל

tion and is extremely difficult to read. Ronni Yishai asserts that only one word could be read in this fragment and therefore doubts its identification with the first column of the War Scroll (Yishai, "Literature of War," 286). However, not only Baillet, its first editor (in DJD 7), but apparently most scholars accept the readings that parallel the War Scroll (see Bar-Kochva, "The Battle," 56 n. 129; Shatzman, "Military Aspects," 344 n. 13; and below n. 23). Regardless, Flusser's suggestion makes sense in and of itself.

21. The text and its parallels in 4Q496 (frgs. 1–3) are based on Qimron's recent edition (Elisha Qimron, *The Dead Sea Scrolls: The Hebrew Writings* [Hebrew], 3 vols. [Jerusalem: Yad Ben-Zvi, 2010–2015], 1:111)—without his additional reconstructions and punctuation—along with Jean Duhaime, ed., "War Scroll (1QM; 1Q33; 4Q491–496 = 4QM1–6; 4Q497)," in Charlesworth, *The Dead Sea Scrolls*, 2:80–203. The translation is based on Duhaime's translation, with some emendations. Those parts of the text that appear in 4Q496 are underlined in the Hebrew and italicized in the translation; such parallels continue beyond the lines copied here. Bold—my emphasis.

14 [אורו] גְּלִי הַבְּנִים יִהְיֶה לְהִמָּס לִבָּב וְגִבּוֹרֹת אֶל מֵאֲמָצֵת לְ[בָב] בְּנֵי אֹר
 [גְּבוֹרֹת הַשְּׁבִיעִי יָד אֶל הַגְּדוּלָּה מִכְנַעַת
 15] לְמִלְאכֵי מִמְשַׁלְתּוֹ וְלִכּוֹל אֲנָשִׁי [גִּזְרָלוֹ]

1 For [] the war. The first attack of the Sons of Light shall be launched against the lot of the Sons of Darkness, against the army of Belial, against the troop of Edom, Moab, the sons of Ammon 2 and [...] Philistia, and against the troops of the **Kittim of Ashur**, these being helped by those who violate the covenant. The sons of Levi, the sons of Judah, and the sons of Benjamin, the exile of the wilderness, shall wage war against them. 3 [...] against/according to all their troops, when the exiled sons of light return from the wilderness of the nations to encamp in the wilderness of Jerusalem. And after the war, they shall go up from there. 4 ... [...] of the Kittim in Egypt. **And when his time (has arrived) he shall march out with great fury to wage war against the kings of the North**, and his wrath (aiming) at exterminating and cutting off the horn of 5 [Israel. And th]is is a time of salvation for God's people and a period of dominion for all the men of his lot, and of everlasting destruction for all the lot of Belial. And there will be 6 g[reat] panic [among] the sons of Japhet, Ashur shall fall and there will be no help for him; and the Kittim's *dominion shall come to an end*, wickedness being subdued without a remnant, neither shall there be an escape 7 for [any of the sons] of darkness. vacat 8 And [the Sons of Rig]hteousness shall shine unto all the uttermost ends of the world, going on to shine till the completion of all *the appointed times of darkness*; and at the appointed time of God, his exalted greatness shall shine to all the ends of, 9 [] for peace and blessing, *glory and joy*, and long life for all the Sons of Light. And on the day of the Kittim's fall, there shall be battle and fierce carnage before the God of 10 Israel, for that is the day He has appointed long ago for a war of extermination against the Sons of Darkness. On this (day) they shall clash in great carnage; the congregation of divine beings and the assembly of men, the Sons of Light and the lot of darkness, shall fight each other 11 over the might of God, with the uproar of a large multitude and the war cry of *divine beings* and men, on the day of calamity. And it will be a time of 12 tribulation fo[r al]l the nation redeemed by God, of all *their tribulations* none was comparable to this, because of its hastening towards the end for an everlasting redemption. And on the day of their war against the Kittim, 13 [t]he[y shall clash in] carnage...

The end of line 4 through the beginning of line 5 reads: "and his wrath (aiming) at exterminating and cutting off the horn of Israel." Thus, the actor is an enemy of Israel, and the (broken off) beginning of line 4 must be the beginning of a new sentence, rather than a continuation of the

previous one, in which the “sons of light” were the protagonists. Flusser suggested reconstructing the beginning of line 4 thus: **ויבוא מלך הכתיים** [“[and the king] of the *Kittim* [will come to] Egypt ...”].²² This suggestion has been generally accepted.²³

22. Flusser, “Apocalyptic Elements,” 155. It is relevant to note three lines from the so-called Son of God scroll (4Q246 I, 4–6; text and translation based on E. Cook in DSSR 6:74–75):

	ר[בִּרְבִּין עָקָא תַתָּא עַל אַרְעָא	4
	[וְנַחֲשִׁירִין רַב בְּמִדִּינַתָּא	5
	[מֶלֶךְ אַתּוּר] וּמִצְרַיִם	6
4.	[Amid] great (signs), tribulation is coming upon the land.	
5.	] and carnage, a prince of nations	
6.	]the king of Assyria[and E]gypt	

Due to the appearance of the exceptional word **נחשיר/ין** (carnage), which is a loanword from Persian here in line 5 and in the War Scroll (I, 9,10, 13), as well as the mention of the “king of Assyria and Egypt,” and the shared phrase **עם אל** (“God’s nation,” 4Q246 II, 4; 1QM I, 5), some scholars have asserted a connection between these two scrolls. In personal correspondence, Prof. Menahem Kister suggested reading here **מלך אתוּר** **ל/ב** (“the king of Assyria to/in Egypt”), which would make 4Q246 even more similar to the War Scroll. Paleographically that scroll (4Q246) is dated to the end of the first century BCE; that is to say, it is not earlier than the War Scroll. In fact, Israel Knohl ascribed it to the early Roman period (Israel Knohl, *The Messiah before Jesus: The Suffering Servant of the Dead Sea Scrolls*, trans. David Maisel [Berkeley: University of California Press, 2000], 88–95). However, in a study of this scroll’s language, Noam Mizrahi concluded that it was composed in the mid-second century BCE or slightly thereafter (Noam Mizrahi, “The ‘Son of God’ Scroll from Qumran (4Q246)” [Hebrew] [MA thesis, Hebrew University of Jerusalem, 2001], 16–28). While it is not impossible that this scroll, which is largely based on Dan 7, attests to an early background of the picture that we find in the first column of the War Scroll, it should not affect our understanding of the identity of the *Kittim* in the War Scroll since *Kittim* are not mentioned in 4Q246. Moreover, I am not convinced that there is a direct relationship between these two scrolls, for the following reasons: the word **נחשיר/ין** is not so unique—it also appears in the Aramaic Levi Document 4:9 in reference to war; the phrase **עם אל** is apparently attested, in a patently non-Qumranic context in 1 Macc 14:27 (see below, p. 264 n. 29); and the mention of Egypt and Assyria together in the context of war is, in and of itself, not unique. So argues Sharon Mattila, who rejects the connection between the two texts, arguing also that they present significantly different eschatologies; Sharon L. Mattila, “Two Contrasting Eschatologies at Qumran (4Q246 vs 1QM),” *Biblica* 75 (1994): 518–38.

23. Eshel, *Dead Sea Scrolls*, 166–71; Schultz, *Conquering*, 88–96. Qimron, *Dead Sea Scrolls*, 1:111 suggests **ונלחם מלך הכתיים במצרים** (“and the king of the *Kittim* will fight in/against Egypt”).

Although according to this understanding the text does not refer to the Ptolemies in parallel with the Seleucids, Flusser, Eshel, and others nevertheless conclude that “*Kittim* of Assyria” are the Seleucids.²⁴ The basis for this conclusion is that during Second Temple times Syria was often called “Assyria.”²⁵ Since the *Kittim* are called “the *Kittim* of Assyria” here in line 2 and elsewhere in the scroll the terms *Kittim* and “Assyria” appear to be used synonymously (e.g., at I, 6), these scholars concluded they are the Seleucids. Accordingly, Flusser dates the composition to before 83 BCE—that is, before Syria was taken by Tigranes of Armenia and Seleucid rule ended de facto—and Eshel points to the years 150–125 BCE.²⁶

In examining this argument, I shall first discuss the term *Kittim* and the possibility that it referred to the Seleucids, then turn to examine the other component of the phrase, the term *Assyria*.

The term *Kittim* appears in the Hebrew Bible several times. In the list of Noah’s descendants, *Kittim* is one of the sons of *Yavan* (Greece), son of Japheth (Gen 10:4, 1 Chr 1:7). As noted already by Josephus (*Ant.* 1.128), it seems that the source for this name is the city of Kition in Cyprus (present-day Larnaka), but it had become a general appellation for islands of the Mediterranean Sea and the countries along its coast, to the west of the Land of Israel (see, for example, Jer 2:10). Thus, this term could theoretically designate Greeks as well as Romans. However, in all but one of its occurrences in the Hebrew Bible it does not designate a specific nation. The exception is Dan 11:30, where it clearly designates the Romans, who famously forced the Seleucid king, Antiochus IV (the “King of the North” of Dan 11:15) to retreat from Egypt. In post-Second Temple literature, this usage was usually adopted, as seen in the Aramaic translations of the Bible (for example, Tg. Onq. on Num 24:24).²⁷

In literature of the Second Temple period—apart from Daniel, Josephus, and the Scrolls—the term *Kittim* appears in two additional texts. In

24. See above, n. 10.

25. Scholars point to Jub. 13:1 as evidence for this usage (see Flusser, “Apocalyptic Elements,” 149). See also Andrew Teeter, “Isaiah and the King of As/Syria in Daniel’s Final Vision: On the Rhetoric of Inner-Scriptural Allusion and the Hermeneutics of ‘Mantological Exegesis,’” in *A Teacher for All Generations: Essays in Honor of James C. VanderKam*, ed. Eric F. Mason et al., 2 vols., JSJSup 153 (Leiden: Brill, 2012), 1:187–89.

26. Flusser, “Apocalyptic Elements,” 154; Eshel, *Dead Sea Scrolls*, 152. Schultz (*Conquering*, 142 and n. 191) dates it to the mid-second century BCE.

27. Vermes, “Historiographical Elements,” 131–33.

Jubilees, it appears twice: (1) in 24:28–29, Isaac curses the Philistines that they will be given into the hands of the *Kittim*; and (2) in 37:10, they are counted among the nations from whom the sons of Esau employed mercenaries. Yet, it seems impossible to confidently establish an identification of the *Kittim* in Jubilees, and it is possible that the author used the term in its general connotation of a nation that comes from the sea.²⁸ The second text is 1 Maccabees. It states that Alexander the Great came from “the Land of *Kittim*” (1:1) and refers to the Macedonian king Perseus as “King of *Kittim*” (8:5); that is, Greece, or more specifically Macedonia, is designated as the land of the *Kittim*. This designation fits the original biblical connotations of the term—son of Greece, nation or enemy that comes from the West, or both.²⁹ In contrast, this text does not use the term *Kittim* to designate the Seleucids, despite the fact that its eschatological significance (if it had such a significance at that time) would have served the interests of the pro-Hasmonean author quite well.

Thus, there is no extant non-Qumranic source, including 1 Maccabees, which explicitly uses *Kittim* to designate the Seleucids. At Qumran, the only certain designation is found in Peshar Nahum and Peshar Habakkuk where it designates the Romans, like Daniel.

Moreover, in light of the occurrences of *Kittim* in the Hebrew Bible, the very usage of this term to designate the Seleucids, 150 years after they arrived from “the West” and have been situated in Syria, is not very natu-

28. See also OTP 2:104 n. f; Schultz, *Conquering*, 145–46. Charles assumed that it designated the Greeks (R. H. Charles, *The Book of Jubilees, or the Little Genesis* [London: A. and C. Black, 1902], 155), and thus Eshel asserts as well (*Dead Sea Scrolls*, 164–65). This assertion is founded upon the assumption that the author of Jubilees was aware of the historical reality of the employment of Greek mercenaries in the land of Israel at the end of the First Temple period. There is, however, no reason to assume that the author was aware of that reality or that he referred to it. It is even possible to suggest that this term in Jubilees (which was probably composed close to the time of composition of Daniel or even slightly thereafter) was actually intended to imply the Romans. See John C. Endres, *Biblical Interpretation in the Book of Jubilees*, CBQMS 18 (Washington, DC: Catholic Biblical Association of America, 1987), 72–73 n. 47. However, such a hypothesis too lacks enough supportive evidence. But see the suggestion of Cana Werman, “The Attitude Towards Gentiles in the Book of Jubilees and Qumran Literature Compared with Early Tannaitic Halakha and Contemporary Pseudepigrapha” [Hebrew] (PhD Diss., Hebrew University of Jerusalem, 1995), 23–24. See further Gene L. Davenport, *The Eschatology of the Book of Jubilees*, StPB 20 (Leiden: Brill, 1971), 56 and n. 1.

29. See Schultz, *Conquering*, 146–48.

ral. It would be peculiar for the Qumran author to use *Kittim* to designate the Seleucids, instead of the term “Greece” (יוון), which designates them elsewhere in the sect’s writings (see, for example, CD VIII, 11; 4QpNah 3–4 I, 2–3). In addition, one would expect the author to use the phrase “King of the North” to designate the Seleucid king, as his source, Daniel, had done.

In light of this, it seems to me that the simple understanding of the term *Kittim* in the scrolls is that it designates the Romans, at least until an occurrence is proven to have a different connotation. Yet, I think that also other factors, internal to the War Scroll, make the possibility that it used this term to designate the Seleucids unlikely.

As mentioned, the first column of the War Scroll is constructed, to a large extent, on the prophecy at the end of Dan 11 and updates it. Yet, in that chapter of Daniel, the term *Kittim* is specifically used to designate the Romans. These *Kittim*-Romans are the ones who drive the Seleucids out of Egypt (v. 30), and the Seleucid king is called “King of the North” (for example, in vv. 6 and 40). Therefore, the assertion that the *Kittim* in the War Scroll are the Seleucids forces the conclusion that the scroll’s author completely inverted the designations of his main source—instead of calling the Seleucid king “King of the North,” as Daniel did, he uses the term *Kittim*, which Daniel used to designate the enemies-vanquishers of the Seleucid king. In addition, column 1 says that that “king of the *Kittim*” (or, perhaps, “ruler of the *Kittim*”) will “march out ... to wage war *against the kings of the North*” (l. 4). So, if the “king of the *Kittim*” is the Seleucid king, we are forced to conclude that the scroll’s author also inverted Daniel’s “king of the North” and used it as a designation of the enemies of the Seleucids! This is quite a leap, especially for a work whose main source is Dan 11 and which, according to this theory, largely reflects the same historical reality as Dan 11.

However, if the *Kittim* of the War Scroll are the Romans, that would mean that the author remained faithful to the designations of Dan 11 and updated the prophecy that had not materialized: the eschatological enemy is no longer the Seleucid king, but rather the leader of the Romans. It is reasonable that such an update would have been executed given the fundamental change in the geopolitical situation following the Roman conquest.³⁰

30. The “kings of the North” might then possibly be some kings to the north of

The argument in favor of identifying the *Kittim* of the War Scroll with the Seleucids is, however, largely based on the combination “*Kittim* of Asshur (Assyria),” and on the seemingly synonymous use of the terms “Assyria” and *Kittim* elsewhere in the scroll. This is based on the assumption that “Assyria” designates Syria, which was the center of the Seleucid kingdom. I therefore turn now to examine the term “Assyria.”

The phrase “*Kittim* of Assyria” is certainly exceptional, and it was indeed used for Syria. Schultz, who espouses the notion that the text is dealing with the Seleucids, writes that

while the *Kittim* in M [that is, the War Scroll] are associated with Assyria, it is because they conquered Assyria and are now residing there, not because they are the historical Assyria. However, having conquered Assyria and become Judea’s enemy, the sectarians felt justified in applying the biblical prophecies against Assyria onto them.³¹

Yet, this explanation fits the Romans just as well. For the Romans too conquered Syria and invaded Judea from there, and following the conquest of Judea the Roman governor of Syria was in charge of Judea and often interfered in its affairs. Nevertheless, I assert that this term is not used geographically, but rather typologically.

Aside from the singular appearance of the phrase “*Kittim* of Assyria,”³² elsewhere in the scroll the term *Assyria* appears apart from the term *Kittim*. At 1QM II, 12, the scroll mentions “the sons of Asshur and Persia, and the Kadmonites” and the *Kittim* are not even mentioned, and in three places the two terms appear in parallelism (I, 5–6; XVIII, 2; XIX, 10). Even if we assume that these are indeed synonymous terms for the same enemy, it seems to me that, more than a geographical significance, what we have here is a comparison of a contemporaneous enemy, the *Kittim*, whoever they are, to a significant and stereotypical ancient biblical enemy. The author is making typological use of biblical enemies to describe present-day enemies. Thus, when the author of Peshar Habakkuk equates the

Judea whom the Romans fought—the remnants of the Seleucids, the kings of Pontus and Armenia, and/or the kings of Parthia (see Alexander, “The Evil Empire,” 30–31).

31. Schultz, *Conquering*, 156.

32. Yadin suggested that the source of this phrase is three biblical verses in which the *Kittim* are mentioned in close proximity to Assyria: Num 24:24, Isa 23:12–13, Ezek 27:6 (Yadin, *Scroll of War*, p. 25 and n. 3).

Kittim-Romans with the Chaldeans (II, 10–12), given his biblical source, he certainly does not do so geographically (that is, he does not think the Romans came from Mesopotamia) but typologically. So too, I suggest, the author of the War Scroll equates the *Kittim* with Assyria, given his use of the book of Isaiah, without intending the geographical significance of the term Assyria. This is clearly implied, I think, by the midrash at XI, 11–12: “And since [...] until(?) the might of your hand against the Kittim, saying: ‘Asshur shall fall by a sword of no man, and a sword of no human being shall devour him.’” This midrash interprets the prophecy about Assyria in Isa 31:8 as referring to the *Kittim*. The verse about Assyria applies to the *Kittim* because they are an enemy of Israel, not because of geography. Significantly, as Yadin already noted, the fall of the *Kittim* by “the sword of God” (חרבאל), which is described at the end of the scroll (XIX, 11), is reminiscent of the fall of the Assyrian King Sennacherib’s army at the hands of God’s angel, which is the event referred to at Isa 31:8.³³ Indeed, as Menahem Kister notes in a different context: “There is no affair in biblical history that was closer to the heart of the people of Jerusalem more than Sennacherib’s siege. Primarily, because it is the only case in the Bible in which God saves His city, His temple, and His people from a dominant super-power.”³⁴ The Assyrian precedent and especially Sennacherib’s siege were sources for comparison and foundations of hope.

An additional factor that may have led the scroll’s author to use Isaiah’s prophecy, and especially Isaiah’s description of Assyria, is the fact that, as shown by Andrew Teeter, the description of the “King of the North” in Daniel’s prophecy itself is modeled in light of the figure of the Assyrian king in Isaiah.³⁵ Teeter’s explanation for Daniel’s use of Isaiah’s prophecies about Assyria is relevant for our case as well:

By literary design and by explicit decree (Isa 14:26–27), eighth-century Assyria has been absorbed—already in Isaiah—into a larger, typological role in its capacity as the rod of divine wrath that is itself destined

33. Yadin, *Scroll of War*, 348–49. Elsewhere he says, “Our passage proves that the phrase ‘Kittim of Asshur’ is intended to apply the prophecies about Sennacherib’s destruction to the present enemies” (312). See also Flusser, “Death.”

34. Menahem Kister, “Legends of the Destruction of the Second Temple in Avot De-Rabbi Nathan” [Hebrew], *Tarbiz* 67 (1998): 513 (my translation). In n. 173 Kister writes that in the War Scroll “‘Assyria’ is a nickname for an empire against whom they are fighting.”

35. Teeter, “Isaiah.” I thank Prof. Michael Segal for referring me to Teeter’s paper.

for destruction. As the period of divine judgment is extended historically and restoration deferred, so also is the identity of the agent of wrath expanded—not merely shifted. Under the conception of a single plan of God governing the judgment and deliverance of his people, the historical particulars of Assyria's role and fate become features of an archetype, a figure or pattern capable of extension well beyond the seventh-century demise of that empire. This allows for multiple historical empires and personalities to be subsumed under a single rubric; and it paves the way for later authors to discover and articulate new literary correspondences with Assyria, based not on genealogy but on functional continuity within the 'plan' of God. Thus, this theological postulate sponsors the production of literary analogies with Assyria in subsequent literature. Indeed, the author of Daniel was neither the first nor the last to utilize Isaiah's Assyria as a model for later antagonists.³⁶

Similarly, as will soon be mentioned, in Peshier Isaiah^a and Sefer Hamillaham, there is a comparison of the present-day enemy—the *Kittim*—to Assyria, and especially to Sennacherib. In those scrolls too, the basis for comparison is clearly not geographical. Thus, if this is a typological term, and not geographical, it could have equally fit both the Seleucids and the Romans. However, as asserted above, the use of the term *Kittim* as a designation for the Seleucids is not likely, but its usage to designate the Romans is both more likely and has precedent.

Moreover, the assertion that the *Kittim* of the War Scroll are the Seleucids entails the view that the Seleucids are the eschatological enemy that must be defeated for redemption to come. However, that had already been achieved by the Maccabees-Hasmoneans, who had vanquished the Seleucids, and it is commonly held that the sect was extremely opposed to the Hasmoneans.³⁷

The possible time of composition of the scroll should also be considered. The scroll's view that the *Kittim* are a terrible eschatological enemy necessitates that it refers to a powerful enemy that posed a serious threat to Judea. Accordingly, if the central enemy in the scroll is the Seleucids, it must have been composed a rather short time after the Maccabean Revolt at the latest; that is also not much later than the composition of Daniel. For, as Shultz notes, the more the Hasmonean period proceeded, the more the Seleucid kingdom weakened and disintegrated and stopped being a

36. Ibid., 197–98.

37. See above, n. 1.

force that could be seen as the eschatological enemy.³⁸ Furthermore, if the first column indeed envisions that these *Kittim* would fight in Egypt, one should ask: when, after the Maccabean Revolt, did the Seleucids fight in Egypt, or when could such a war have been anticipated?³⁹

However, if the *Kittim* of the War Scroll are the Romans, as they are in Daniel and in Peshar Nahum and Peshar Habakkuk, all of these doubts and problems disappear. The Romans defeated the Hasmoneans, took Judea and Jerusalem, and by then were ruling much of the known world. Therefore, it is natural that they would have been considered the eschatological enemy whose defeat would bring about salvation. After the Romans had taken Syria and Judea, it was reasonable to assume they would try to take Egypt as well. It is also possible that the author had in mind specific cases of Roman intervention in Egypt after 63 BCE: Gabinius's campaign to Egypt in 55 BCE, during which a revolt broke out in Judea—reminiscent of the revolt that broke out in Judea during Antiochus IV's (unsuccessful) invasion of Egypt in 168 BCE (2 Macc 5:1–11)—or Julius Caesar's imbroglio in Egypt in 48–47 BCE, after which he settled the affairs of Judea and Syria and hastened to fight in the “North”—against Pharnaces, King of Pontus.

A final consideration is the structure of the War Scroll and the distribution of the occurrences of the term *Kittim* within it. The *Kittim* are mentioned a few times in column I, once in column XI, and several more times from column XV onwards, and are absent from all other columns. It is commonly accepted in scholarship today that the scroll is composed of a few literary units, and most view either columns I–IX or II–IX as one unit.

38. Schultz, *Conquering*, 102.

39. In this respect, it is important to note Michael Wise's study that concludes that the Teacher of Righteousness was active in the beginning of the first century BCE, that the sect flourished in that century, particularly in the years 80–20 BCE, and that it was during this time that the majority of its literary activity took place (Michael O. Wise, “Dating the Teacher of Righteousness and the *Floruit* of His Movement,” *JBL* 122 [2003]: 53–87; see also Collins, *Beyond*, 88–121). Regardless of the question of the Teacher's activity, it is hard to deny that most of the historical indications in the scrolls are to the first century BCE and that most of the sectarian scrolls are paleographically dated to that century. While some scrolls are certainly copies of texts that were composed earlier, it is impossible to achieve any certainty regarding the date of their composition (Wise, “Dating,” 60–62, 65–84). Consequently, the assertion that the *Kittim* in the War Scroll are the Seleucids leads to the conclusion that it was either composed when the Seleucids hardly posed a serious threat or—in contrast—at a very early stage of the literary activity of the sect.

In his recent study, Schultz asserts that columns X onwards were added after the Roman conquest, while columns I–IX were composed already in the second century BCE, and, accordingly, that the *Kittim* in column I are the Seleucids.⁴⁰ If so, all of the occurrences of *Kittim*, except for those in column I, are from the Roman period. Therefore, even if columns I–IX were indeed composed earlier, it is nevertheless possible that the *Kittim* were added into the text of column I by the later author or compiler in order to form a correspondence or consistency between the “original” columns and the “new” columns, which were added and in which the *Kittim* are the primary enemy.

One other argument in favor of identifying the *Kittim* of the War Scroll with the Seleucids and not the Romans deserves brief mention. In XV, 2, we find the phrase “King of the *Kittim*.” The Romans did not have kings, and the pesher texts appropriately distinguish between “the kings of Greece” and “the rulers of the *Kittim*” (as seen in the lines from Pesher Nahum quoted at the beginning of this chapter). Therefore, it would seem that the “king of the *Kittim*” cannot be a Roman and must be a Seleucid.⁴¹ However, I think that we should be wary about putting too much weight on this single occurrence, which, of the entire corpus of the Qumran scrolls, appears clearly only here.⁴² It is possible, as suggested by some scholars, that this phrase reflects a specific historical reality in the Roman world, such as the “monarchy” of Julius Caesar⁴³ or the rule of Augustus as emperor.⁴⁴

40. Schultz, *Conquering*, especially his conclusions in pp. 383–85. For a brief review of some of the views, see Davies, “War,” 966. According to Ronni Yishai, in writing the War Scroll the author used earlier independent units of descriptions of war and of prayers; see Yishai, “Literature of War,” as well as Yishai, “The Model for the Eschatological War Descriptions in Qumran Literature” [Hebrew], *Meghillot* 4 (2006): 121–39, and Yishai, “Prayers in Eschatological War Literature from Qumran: 4Q491–4Q496, 1QM” [Hebrew], *Meghillot* 5–6 (2007): 129–47.

41. Flusser, “Apocalyptic Elements,” 154–55; Eshel, *Dead Sea Scrolls*, 171.

42. The phrase possibly appears also in 4Q247 l. 6, where a *mem* is clear, a *lamed* could be made out with difficulty, and a final *kap* is entirely missing; for that scroll, see further below, n. 46.

43. Yadin, *War*, 331.

44. Vermes, “Historiographical Elements,” 123.

Kittim in Sefer Hamilhamah and Pesher Isaiah^a

Kittim are also mentioned in Sefer Hamilhamah (4Q285) and in Pesher Isaiah^a (4Q161). These texts are examined more extensively below, in appendix G, and I shall now only briefly summarize the relevant points.

Since both scrolls exhibit similar interpretations of the same verses from Isaiah (from the end of chapter 10 until the beginning of chapter 11) in reference to an eschatological war, apparently against the *Kittim*, and describe the coming of the Davidic Messiah, they have been rightly understood in the same light. The text of 4Q161 5–6, which interprets the description of Sennacherib's march against Jerusalem in Isa 10:28–32, and is not paralleled in 4Q285, is understood by many scholars as alluding to the campaign of Ptolemy Lathyrus against Alexander Jannaeus in 103–102 BCE. Therefore, these scholars identify the *Kittim* of Pesher Isaiah^a, and accordingly often also those of Sefer Hamilhamah, with the Ptolemaic army of Lathyrus.

However, Lathyrus came from Cyprus, where he was ruling after his mother deposed him from Ptolemaic rule in Egypt. Therefore, the original significance of the term *Kittim*—an enemy that comes from the sea, from the West—which originated, as mentioned, in Cyprus, could undoubtedly fit Lathyrus and his army, certainly better than it fits the Seleucids. Consequently, even if in these texts the term does refer to Lathyrus and his army, that could not attest to its significance in other texts.⁴⁵

More significantly, below in appendix G I assert that the identification of the enemy in 4Q161 with Lathyrus is questionable, and I suggest that the text is actually alluding to Herod's first (failed) attempt to take Jerusalem in 39 BCE. If so, the *Kittim* in this scroll, and thus probably also in 4Q285, are the Romans, Herod's allies and patrons.

In light of the above, and of the obvious use of the term *Kittim* as a designation of Romans in the book of Daniel, Pesher Nahum, and Pesher Habakkuk, it is most reasonable to understand that appellation in the same manner in the War Scroll, Pesher Isaiah^a, and Sefer Hamilhamah. Consequently, in the absence of contrasting evidence, it seems that in Qumran terminology *Kittim* always refers to the Romans.⁴⁶

45. Cf. Charlesworth, *Pesharim*, 111.

46. The term *Kittim* appears in only two of the six fragmentary scrolls from Cave 4 that are often identified as copies or recensions of the War Scroll: a few times in 4Q491 and once in 4Q492. Some of these occurrences correspond exactly to occur-

Additional Scrolls

I now turn to other scrolls, which do not mention the *Kittim* but may nevertheless be important for a discussion of the Roman conquest's significance in the Scrolls. One such scroll, already mentioned in the historical reconstruction above, is 4Q386, which, according to Eshel, alludes to the murder of Pompey in Egypt in 48 BCE.⁴⁷ If so, it attests that that scroll's author was not only well aware of events within the Roman world outside of Judea but was also interested in those events. In this section, I shall first

rences in the War Scroll from Cave 1 (e.g., 4Q491 I, 9 // 1QM XIX, 9–10), and some less so. Both of these scrolls are dated to approximately the same time as the War Scroll, or slightly later, and thus even if they are not actual copies of the War Scroll, there is no reason to assume they preceded the Roman conquest or to identify their *Kittim* with the Seleucids and not the Romans.

Kittim are mentioned in few additional scrolls, but unfortunately due to their very fragmentary state not much can be ascertained from them. An example is Peshar Psalms from Cave 1 (1Q16 9 4); see Brooke, “Kittim,” 140–41. In 4Q247 (“Peshar on the Apocalypse of Weeks”) line 6 is commonly reconstructed: מל[ך] כתיים (“ki[ng] of *Kittim*”; note the absence of the definite article ה). However, that scroll, too, is written in Herodian script, and while some suggest that it refers to a Hellenistic king (e.g., Eshel, *Dead Sea Scrolls*, 165–166), the scroll's fragmentary state does not allow any certainty. As Magen Broshi writes, it could refer to either Greeks or Romans (Magen Broshi, “247. 4QPeshar on the Apocalypse of Weeks,” in *Qumran Cave 4, XXVI: Cryptic Texts and Miscellanea*, ed. Stephen J. Pfann and Philip Alexander, DJD 36 [Oxford: Clarendon, 2000], 191). In addition, that scroll lacks any clear sectarian features (Eshel, *Dead Sea Scrolls*, 165). The Aramaic New Jerusalem^a scroll (4Q554) speaks in one place, according to a common reconstruction, of מלכות כתיא (“kingdom of the] *Kittim*,” 2 III, 16); for the text, see Lorenzo DiTommaso, *The Dead Sea New Jerusalem Text: Contents and Contexts*, TSAJ 110 (Tübingen: Mohr Siebeck, 2005), 62–65. Although all the scrolls that are considered copies of this text are, again, paleographically dated to the early Herodian period, scholars often consider it a significantly earlier text (DiTommaso, *The Dead Sea New Jerusalem Text*, 191–94). Therefore, we should theoretically conclude that the *Kittim* here are Greeks. However, this is a very fragmentary text, and thus it is very difficult to evaluate. In addition, even if it is an earlier text, later copiers could have “fixed” it in accordance with recent historical developments. Be that as it may, according to its researchers, it is not a sectarian text (DiTommaso, *The Dead Sea New Jerusalem Text*, 187–90). Therefore, it cannot attest to the terminology of the sect or to its views.

47. Above, p. 117. However, the context in which 4Q386 was composed is debated, and some scholars assert that it is not a sectarian text but rather pre-Qumranic. See, e.g., Albert L. A. Hogeterp, “Resurrection and Biblical Tradition: Pseudo-Ezekiel Reconsidered,” *Bib* 89 (2008): 59–69, esp. 61–62.

discuss a group of very fragmentary scrolls that mention individuals from the period of the Roman conquest, and then I will suggest that two additional pesharim may have been composed in the aftermath of Pompey's conquest.

Fragmentary Historical (?) Texts

Apart from Demetrius and Antiochus, who—as noted above—are mentioned in Pesher Nahum, only a very few number of known historical figures are mentioned by name in the Dead Sea Scrolls. However, of those few figures, many are from the period surrounding the Roman conquest. They are mentioned in scrolls of which only small fragments, containing few words, have survived, and which appear to have recorded historical events and dated them by the orders of the priests' work in the temple.⁴⁸ Two scrolls mention Salome Alexandra (4Q331 1 II, 7; 4Q332 2 4), and in one of them Hyrcanus is also mentioned, two lines after his mother: הורקן נוס מרד ("Hyrcanus rebelled") (4Q332 2 6). The line is often reconstructed as continuing with "against Aristobulus." Another fragment of the same scroll is reconstructed thus: ראש הכת[יאים הרג ("the leader of the Kittim killed") (4Q332 3 2). Given that the figures mentioned in these fragments are all from the period of the Roman conquest, or slightly earlier, this reconstruction is very reasonable, and we may assume it refers to one of the Roman leaders. One scroll mentions one "Aemilius" twice, and both times he is connected to some killing (4Q333 1 4, 8). This Aemilius is apparently Aemilius Scaurus, the general sent ahead to Syria by Pompey in 65 BCE and the first Roman governor of Syria (63–61 BCE).⁴⁹ Another scroll mentions פותלאיס, one line after the mention of some killing (4Q468g). This is apparently Peitholaus, who was initially a prominent figure in the court of

48. As S. Talmon and J. Ben-Dov have shown, these texts should be distinguished from the scrolls which contain lists of the priestly orders (*mishmarot*), with which they were first identified; see Shemaryahu Talmon and Jonathan Ben-Dov, "Mishmarot Lists (4Q322–324c) and 'Historical Texts' (4Q322a; 4Q331–4Q333) in Qumran Documents," in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*, ed. Chaim Cohen et al., 2 vols. (Winona Lake, IN: Eisenbrauns, 2008), 2:927–42.

49. Schwartz, "Aemilius."

Hyrcanus II in Jerusalem but later defected to the side of the rebels against Hyrcanus and Rome.⁵⁰

The very fragmentary state of these scrolls makes it impossible to confidently determine if they are sectarian texts. However, their time of composition, at a rather advanced stage of the sect's existence, and their use of priestly orders for dating historical events (4Q332 3 3; 4Q333 1 3, 6), support the possibility that they are sectarian.⁵¹

In spite of the fact that they do not preserve much historical information, the very fact that these scrolls recorded events in which these officials were involved is significant in and of itself.⁵² There is, however, no way of knowing if it is merely chance that these specific fragments survived or whether the original texts only recorded this specific period in history.

Pesher Isaiah^b and Pesher Psalms

Three fragmentary pesharim mention a famine in which the evil Judeans, the sect's enemies, would die: Pesher Hosea (4Q166 II, 8–14), Pesher Isaiah^b (4Q162 II), and Pesher Psalms from cave 4 (4Q171 I, 25–II 1; III, 1–5). Eshel suggested that all three refer to the famine, which according to Josephus (*Ant.* 14.28) and the Babylonian Talmud (Sotah 49b // B. Qam. 82b // Menah. 64b), occurred in Judea at the time of the siege of Hyrcanus against Aristobulus in 65 BCE,⁵³ that is, the famine occurred on the eve of the Roman conquest. However, I would like to suggest that perhaps two

50. See further above, n. 181 in chapter 1.

51. But see John J. Collins, "Historiography in the Dead Sea Scrolls," *DSD* 19 (2012): 174–75.

52. See Collins, "Historiography," 171–76. See also Kenneth Atkinson, "Representations of History in 4Q331 (4QpapHistorical Texts C), 4Q332 (4QHistorical Text D), 4Q333 (4QHistorical Text E), and 4Q468E (4QHistorical Text F): An Annalistic Calendar Documenting Portentous Events?," *DSD* 14 (2007): 125–51.

53. Eshel, *Dead Sea Scrolls*, 144–49. Already Amusin suggested that Pesher Hosea reflects the events of 65 BCE; see Joseph D. Amusin, "The Reflection of Historical Events of the First Century B.C. in Qumran Commentaries (4Q 161; 4Q 169; 4Q 166)," *HUCA* 48 (1977): 147–50. In contrast, David Flusser suggested that the famine mentioned in Pesher Hosea and Pesher Psalms (he did not refer to Pesher Isaiah^b) is the famine that took place in Herod's time, in 25–24 BCE; see David Flusser, "Qumran and the Famine during the Reign of Herod," *The Israel Museum Journal* 6 (1987): 7–16. I thank Prof. Menahem Kister for this reference. For the relationship of the rabbinic version of the siege and that of Josephus, see below, appendix A.

of these texts, Peshar Isaiah^b and Peshar Psalms, actually refer to—and reflect—the Roman conquest itself.

Eshel already noted that Peshar Isaiah^b seems to be hinting to Pompey's conquest,⁵⁴ but I think there is more than a hint. Several elements in the relevant column of the Peshar match Pompey's conquest more accurately than the siege of 65. Column II reads:

פֶּשֶׁר הַדָּבָר לְאַחֲרִית הַיָּמִים לְחֻבַּת הָאָרֶץ מִפְּנֵי הַחֶרֶב וְהָרָעָב וְהִיא	1
בַּעַת פִּקְדַּת הָאָרֶץ הִיא מִשְׁכִּימִי בְּבֹקֶר שָׁכַר יִרְדְּפוּ מֵאַחֲרֵי בִנְשָׁף יִין	2
יִדְלָקֻם וְהִיא כְּנוֹר וְנָבֵל וְתוֹף וְחִלְלִיל יִין מִשְׁתִּיהֶם וְאֵת פֶּעַל יְהוָה	3
לֹא הִבִּיטוּ וּמַעֲשֵׂי יָדוֹ לֹא רָאוּ לָכֵן גָּלָה עַמִּי מִבְּלִי דַעַת וְכִבְדּוֹ מִתִּי רַעֲב	4
וְהִמְנוּ צָחִי צִמָּא לָכֵן הִרְחִיבָה שְׂאוֹל נִפְשָׁה וּפְעָרָה פִּיהָ לְבִלִּי חֹק	5
וַיִּרַד הַדָּרָה וְהִמְנָה וּשְׂאֵנָה עָלֶיזָא בֹּא <i>vacat</i> אֱלֹהֵי הֵם אֲנָשֵׁי הַלְצוֹן	6
אֲשֶׁר בִּירוּשָׁלַיִם הֵם אֲשֶׁר מֵאֲסוּ אֶת תּוֹרַת יְהוָה וְאֵת אִמְרַת קֹדֶשׁ	7
יִשְׂרָאֵל נֶאֱצָו עַל כֵּן חָרָה אָף יְהוָה בְּעַמּוֹ וַיִּטּ יָדוֹ עֲלֵיו וַיַּכְהוּ וַיִּרְגְּזוּ	8
הַהָרִים וְתֵהִי נִבְלָתָם כִּסְחָה בְּקֶרֶב הַחוּצוֹת בְּכָל זֹאת לֹא שָׁב	9
[אִפּוֹ וְעוֹד יָדוֹ נְטוּיָה] הִיא עֵדֶת אֲנָשֵׁי הַלְצוֹן אֲשֶׁר בִּירוּשָׁלַיִם	10

1 The interpretation of the passage, for the end of days concerning **the condemnation of the land before the sword and the famine**. And it will happen 2 in the time of the visitation of the land. “Woe to those who when they rise early in the morning run after strong drink ... 4 ... **Therefore my people have gone into exile for lack of knowledge. Its honored ones are dying of hunger**, 5 and its multitude is parched with thirst. Therefore Sheol opened its throat and widened its mouth without limit. 6 And its splendor will go down, and its multitude, and its tumultuous (crowd) exulting in it” (Isa 5:11–14). These are the men of mockery, 7 who are in Jerusalem. They are the ones who “rejected the Torah of God, and the word of the Holy One 8 of Israel they treated without respect. So the anger of God flared against His people, and He stretched out His hand against it and smote it. The mountains 9 quacked and **their corpse(s) became like refuse in the midst of the streets**. For all this [His anger] did not turn back, and His hand is still stretched out” (Isa 5:24–25). This is the congregation of the men of mockery, who are in Jerusalem.

While Josephus does report battles between the armies of Hyrcanus and Aristobulus prior to, and following, the siege of 65 BCE, those did not take place in Jerusalem, and Josephus does not mention battles or casualties during the siege itself. Therefore, though we should assume that there

54. Eshel, *Dead Sea Scrolls*, 147 n. 44.

were some skirmishes and casualties, it seems difficult to read the Peshar's words in line 1, "for the end of days concerning the condemnation of the land before *the sword* and the famine," as referring to this event. More significantly, the quoted passage mentions exile (l. 4), but the notion of exile is not relevant for the siege of 65, while there was exile of an admittedly small part of the population in 63. Pompey exiled Aristobulus and his family, and it is reasonable to assume that some others were exiled as well. Furthermore, note the verse from Isa 5:25 that is quoted at the end of the column: "So the anger of God flared against His people, and He stretched out His hand against it and smote it. The mountains quacked and their corpse(s) became like refuse in the midst of the streets" (ll. 8–9). Unfortunately, the peshar on this verse did not survive. However, while it is difficult to see how the phrase "their corpse(s) became like refuse in the midst of the streets" could refer to the siege of Hyrcanus against Aristobulus, it certainly corresponds to Josephus's description of the conquest of the temple by Pompey: "And there was slaughter everywhere. For some of the Jews were slain by the Romans, and others by their fellows; and there were some who hurled themselves down the precipices, and setting fire to their houses, burned themselves within them.... And so of the Jews there fell some twelve thousand ..." (*Ant.* 14.70–71). These motifs—the exile, the corpses in the streets, and the "sword"—moreover, are reminiscent of Nah 3:10 and its peshar in Peshar Nahum (4QpNah 3–4 IV, 1–4), and, as already mentioned, that text should be understood in the context of Pompey's conquest:

1 Its interpretation: they are the wicked one[s of Jud]ah (?), the House of Peleg, who are joined to Manasseh. "Yet she too w[ent] into **exile**, [into captivity. Even] 2 her children, too, are **dashed to pieces at the head of every street**, and for her honored ones they will cast lot(s), and all [her] g[rea]t [ones were bound] 3 in fetters." Its interpretation concerns Manasseh at the last period, whose reign over Is[rael] will be brought down [...] 4 his wives, his children, and his infants **will go into captivity**. His warriors and his honored ones [**will perish**] **by the sword**.

Thus, the three motifs—the sword, the exile, and the corpses in the streets—do not particularly fit the events of 65, but they do correspond to our historical sources about Pompey's conquest in 63 and to what seems to be Peshar Nahum's description of that same event. Therefore, it is reasonable to conclude that Peshar Isaiah^b too was composed in the aftermath of the Roman conquest and reflects it.

Likewise, Peshar Psalms does not mention only famine. “Sword” appears alongside it: “they will perish by the sword, by famine, and by plague” (4Q171 II, 1). The source for this phrase—which is similar to the phrase in Peshar Isaiah^b—is the book of Jeremiah, where it appears a few times, and most significantly in Jer 14:12–16. In these five verses, the motif of the “sword” is repeated five times, and again we find the motif of the people being “cast out in the streets of Jerusalem:” יהיו משלכים בחצות (“shall be cast out in the streets of Jerusalem because of the famine and the sword; and they shall have none to bury them”) (Jer 14:16). In these verses, it is clear that the punishment of death by the “sword” will be administered by the Babylonians.⁵⁵ Yet, for our purposes, it is more significant that the continuation of the peshar says that רשעי אפרים ומנשה ... ינתנו ביד עריצי גואים למשפט (“the wicked ones of Ephraim and Manasseh ... will be given into the hand of *ruthless ones of the Gentiles* for judgment”) (4Q171 II, 18–20),⁵⁶ whereas the Psalm that is being interpreted here, Ps 37, contains no hint of gentiles. On the contrary, in that Psalm the wicked fall on their own sword (Ps 37:15). In other words, in his expansion of his base text, the author of the peshar foresees that the Jewish enemies of the sect will be given into the hands of gentiles. That is the best indication of the historical context that the peshar reflects.⁵⁷ Certainly the motif of the fall of the wicked at the hands of gentiles fits the Roman conquest of 63 much better than it does the internal

55. George Brooke suggests that the source of the phrase מפני החרב והרעב (“before the sword and the famine”) of Peshar Isaiah^b is Jer 32:24, which explicitly states that the city was given to the hands of the Babylonians; George J. Brooke, “Isaiah in the Pesharim and Other Qumran Texts,” in *Writing and Reading the Scroll of Isaiah: Studies of an Interpretive Tradition*, ed. Craig C. Broyles and Craig A. Evans, 2 vols., VTSup 70 (Leiden: Brill, 1997), 2:625.

56. The source of the phrase עריצי גוים (“ruthless ones of the gentiles”) is in Ezekiel (28:7, 30:11, 31:12, 32:12); that biblical book was apparently beloved by the author of Peshar Psalms, since he borrowed several phrases from it. An additional example is the phrase הר מרום ישראל (“the high mountain of Israel”), which is also unique to Ezekiel (17:23, 20:40, 34:14; see 4Q171 III, 11).

57. In this regard, it is important to quote the words of Philip Davies, who downplays the extent of historical references in the pesharim, but nevertheless writes: “Whenever there is presented as an interpretation of a biblical text information which is not derivable from the text but seems gratuitous, then that information may be regarded as potentially of historical value” (Philip R. Davies, *Behind the Essenes: History and Ideology in the Dead Sea Scrolls*, BJS 94 [Atlanta: Scholars Press, 1987], 92).

struggle of 65. It is also important to note that the wicked who will be given to the hands of gentiles are “the wicked of Ephraim and Manasseh,” who, in the terminology of the scrolls, are the Pharisees and Sadducees, respectively. Thus, this portrayal too is reminiscent of the description of the fall of those same two groups in Peshar Nahum (especially in column IV), which was composed in the aftermath of Pompey’s conquest.

Granted, one may suggest that these two pesharim, which do not mention the *Kittim*, and especially Peshar Psalms, which speaks generally about the fall of the sect’s enemies in the hands of gentiles, were composed with a true anticipation of the future and not *ex eventu* after the Roman conquest. However, the intertextual connections between them and between them and the biblical books, as well as Peshar Nahum, strongly support the possibility that they were both composed in the context of the Roman conquest of Judea in 63 BCE and reflect that event. The famine that is mentioned may indeed be that of 65, and, because of the proximity between that event and the conquest and also due to the influence of the verses in Jeremiah, the Qumran authors connected the famine of 65 and the “sword” of 63. Yet any long siege, like Pompey’s siege in 63, naturally causes shortage, and so the “famine” may also refer to that siege. In fact, Pss. Sol. 17, which—according to most views—describes the events of 63, speaks of famine as part of the punishment of the people of Jerusalem (vv. 18–19).

The Significance of the Roman Conquest for the Qumran Community

The identification of a group of Qumran texts that were, to varying degrees of likelihood, composed in the aftermath of 63 and allude to that conquest and/or to the Romans, enables the discussion of the focal questions: what was the significance of the Roman conquest of Judea for the Qumran community? What was the sect’s reaction to the conquest and view of the Romans?

To answer these questions, we must try to look at the course of history through the eyes of the Qumranites. Qumran scholarship generally accepts the assumption that the sect was strongly opposed to the Hasmoneans.⁵⁸ If so, members of the sect had to deal with a fundamental theological difficulty throughout the period of Hasmonean rule. Several scrolls indicate

58. See above, n. 1.

that members of the group saw themselves as being in “exile” (for example, CD VI, 4–5; 1QpHab XI, 4–8; 1QM I, 3).⁵⁹ It appears that during that period the sect settled in the desert, divorced from Jerusalem and the temple, because in their view the Hasmonean establishment was sinful, and they were in the desert in order “to prepare the way of the Lord” there (1QS VIII, 12–14).⁶⁰ However, if the Hasmoneans were indeed so sinful, how is it that they are the ones who brought about the “redemption” by defeating the evil Seleucid kingdom while they, the righteous sectarians, were in exile in the desert, divorced from Jerusalem and the temple? In other words, the great success of the Hasmoneans was seemingly clear-cut proof to their righteousness and to their having been chosen by God, and by inference, proof that the sectarians were wrong. Therefore, the Roman conquest would have had profound significance for the Qumranites. It served as the ultimate proof that the Jerusalem establishment was sinful—and is accordingly punished and overthrown—and that they had been right all along. According to Menahem Kister, Esther Eshel, and Hanan Eshel, this view is reflected in a small, fragmentary, scroll 4Q471a:

לעת צויתם לבלתי	1
ו[חשקרו בבריתו	2
ות[אמרו נלחמה מלחמותיו כיא גאלנו	3
גבור(?) יכם ישפלו ולוא ידעו כיא מאס	4
ותתגברו למלחמה ואתם נחשבתם	5
בקואו vacat משפט צדק תשאלו ועבודת	6

59. See Noah Hacham, “Exile and Self-Identity in the Qumran Sect and in Hellenistic Judaism,” in *New Perspectives on Old Texts: Proceedings of the Tenth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 9–11 January, 2005*, ed. Esther G. Chazon, Betsy Halpern-Amaru, and Ruth A. Clements, STDJ 88 (Leiden: Brill, 2010), 3–21.

60. Devorah Dimant argues that the “desert” here and elsewhere in the scrolls should not be understood as an actual, geographical, desert, as a desert in which members of the sect resided, but rather as a metaphor; see Devorah Dimant, “Not Exile in the Desert but Exile in Spirit: The Peshier of Isa 40:3 in the Rule of the Community and the History of the Scrolls Community,” in *History, Ideology and Bible Interpretation in the Dead Sea Scrolls: Collected Studies*, FAT 90 [Tübingen: Mohr Siebeck, 2014], 455–64. However, for my current purposes it does not matter whether the sect actually resided in the desert or if it is just a metaphor “alluding to the reality of the community at that time, living separately as it did from Israel, which was ruled by evil forces” (Dimant, “Not Exile,” 463). The important point is the separation from the general Judean public and the sense of “exile.”

7 [תתנשא vacat ויבחר ב]ם ... [לזעקה
8 [ותשיתו] מר למתוק [ומתוק]

1.] when you were commanded not to
2.].m And you violated His covenant
3. You said, 'We shall fight His battles, because He redeemed us'
4. Your [] heros/mighty ones(?) will be brought low, and they did not know that He despised
5.].. you become mighty for battle, and you were accounted
6.]bqw'w vacat You seek righteous judgment and service of
7.] you are arrogant vacat And he chose [them] to the cry
8.] and You put [] sweet⁶¹

Although this scroll is very fragmentary, Eshel suggests that it seems to attack "those who argue that the accomplishments of the Hasmonean state were proof that God had delivered Israel" (which is essentially the view of the pro-Hasmonean 1 Maccabees).⁶² They violate God's covenant and are arrogant, but God will bring them down, just as, according to Peshar Nahum (3–4 IV, 3–4; see above), he brought down Manasseh by means of Pompey.⁶³ This general idea is reflected in the pesharim, which were discussed at the beginning of this chapter—the *Kittim*-Romans are God's instrument to punish the sinful establishment in Jerusalem. Thus, for example, 1QpHab IV, 3–9 says: "Its interpretation concerns the rulers of the Kittim, who despise the fortifications of the peoples and laugh with derision at them, and with many (people) they surround them to capture them. And with terror and dread they are given into their hand, and they tear them down, *because of the iniquity of those who dwell in them*." In the biblical verse that the peshar is interpreting (Hab 1:10b), there is no basis for the phrase "because of the iniquity of those who dwell in them," and therefore this phrase appears to reflect the author's view.⁶⁴

61. Esther Eshel and Menahem Kister, "471a. 4QPolemical Text," in *Qumran Cave 4 XXVI: Cryptic Texts and Miscellanea*, ed. Stephen J. Pfann and Phillip Alexander, DJD 36 (Oxford: Clarendon, 2000), 446–49.

62. Eshel, *Dead Sea Scrolls*, 135. For the pro-Hasmonean nature of 1 Maccabees, see, e.g., the psalm in 1 Macc 14:4–15. See also Uriel Rappaport, *The First Book of Maccabees: Introduction, Hebrew Translation, and Commentary* [Hebrew] (Jerusalem: Ben-Zvi, 2004), 48.

63. Eshel, *Dead Sea Scrolls*, 135–36.

64. Anselm C. Hagedorn and Shani Tzoref, "Attitudes to Gentiles in the Minor Prophets and in Corresponding Pesharim," *DSD* 20 (2013): 472–509.

But if the Roman conquest brought down the sinful Hasmoneans and proved that the sect was in the right, one may suggest that the attitude of the sect towards the Romans, at least in the first years after the conquest, would have been favorable or, at any rate, neutral. Indeed, some scholars reach this exact conclusion.⁶⁵ These scholars adopt an opposite approach to the scholars discussed above concerning the war literature. They push the date of its composition to sometime after the Roman conquest, and see the war literature as an indication of a change in the sect's attitude towards the Romans, from an initially positive or neutral attitude (in Peshar Nahum and Peshar Habakkuk) to a late hostile one (in the war literature). This view is summarized by Timothy Lim:

It has been suggested that the Qumran Community came to regard the *Kittim*/Romans as its chief enemy, even though earlier it depicted them simply as instruments of divine punishment of the "last priests of Jerusalem" (1QpHab ix.4). This developmental view involves seeing the *pesharim* to Habakkuk and Nahum as representing the earlier, more neutral stage, and the War Scroll, the War Rule, and Peshar Isaiah^a the later, hostile repositioning.⁶⁶

I assert, however, that this conclusion should be rejected.⁶⁷ First, Peshar Habakkuk was probably not composed immediately after the Roman conquest but rather some years later. This is apparent from the Peshar's mention of several consecutive "rulers of the *Kittim*" who came "one after another to ruin the land" (IV, 10–13); this implies that the text was composed after a few rulers came and went.⁶⁸ At the same time, the War Scroll

65. Vermes, "Historiographical Elements," 139; Stegemann, *Library*, 131–32; Atkinson, "Herodian Origin," esp. 445.

66. Lim, "Kittim," 470. It should be noted that Eshel, who asserts that the Qumran war literature precedes the Roman conquest, arrives at an essentially similar conclusion that is opposite in the direction of historical development. In his understanding, the hope for an upcoming fall of the gentiles that the Qumranites had prior to 63, which is reflected in the war literature, was abandoned after the Roman conquest (Eshel, *Dead Sea Scrolls*, 175; Eshel, "Two Historical Layers," 104–5 and nn. 21 and 23). Thus, in his understanding too there is a fundamental difference in the sect's view of the foreign empire between the war literature (and other texts that he asserts were composed prior to the Roman conquest, such as the early stratum of Peshar Habakkuk) and Peshar Nahum and Peshar Habakkuk.

67. See also Brooke, "Kittim," 155.

68. Stegemann (*Library*, 131) and Charlesworth (*Pesharim*, 111–12) assert that

is paleographically dated to the second half of the first century BCE. Thus, there is no evidence for a significant gap in time between the composition of these texts.⁶⁹

Yet more importantly, I see no reason to posit such a development between the pesher texts and the war texts. These are texts of different genres and with different purposes, and they are constructed on the basis of different biblical texts. A pesher is a contemporizing interpretation of a specific biblical book, and that interpretation is somewhat restricted by the source text.⁷⁰ In contrast, although the War Scroll is also constructed upon biblical texts, they are not continuous but derive from a diverse group of books, and the scroll is not as constrained by them.

Pesher Nahum and Pesher Habakkuk describe the fall of the evil Jews at the hands of the Romans, who are indeed an instrument in God's hand, but that does not contradict a view of the Romans as Israel's eschatological enemy, as found in the War Scroll, *Sefer Hamilhamah*, and Pesher Isaiah^a. In fact, in Pesher Nahum, Pesher Habakkuk, and Pesher Psalms, there is considerable hostility towards the Romans.⁷¹ Despite the fact that they are God's agents to punish the Jewish enemies of the sect, Pesher Habakkuk presents the Romans as very evil, "the fear and dread of whom are upon all the nations. And by design all their plans are to do evil, and with cunning and deceit they shall deal with all the peoples" (III, 4–6). They "trample the land with [their] horse[s] and with their beasts. And from a distance they come, from the islands of the sea, to devour all the peoples, like an eagle, and there is no satiety. And with rage th[ey] gr[ow] hot and with] burning

this pesher's statement that the wealth of "the last priests of Jerusalem" will be given into the hands of the Kittim (IX, 4–7) refers to the robbery of the temple by Crassus in 54 BCE. However, this sentence could just as well be referring to Pompey's conquest. Although Pompey did not rob the temple, much other property was certainly plundered then (see above, p. 94).

69. Additionally, some of the Cave 4 scrolls that are usually viewed as being copies of the War Scroll are dated paleographically quite early. So, if they are indeed copies or recensions of that text, that would mean that at least some form of it was extant at the very beginning of the Roman period. Scroll 4Q496, which, as we have seen, parallels parts of the War Scroll, is dated to the mid-first century BCE or even slightly earlier. For the datings of these various scrolls, see Duhaime, "War Scroll," 80–82. Yishai, "Literature of War," casts doubt on the assumption that they are indeed copies of the War Scroll. For 4Q496, see above, n. 20.

70. See Hagedorn and Tzoref, "Attitudes," 491, and Brooke, "Kittim."

71. See Flusser, "Roman Empire," 187–94.

anger and fury they speak with all [the peoples(?)]” (III, 9–13); they come “to ruin the land” (IV, 12–13) and “to lay waste many lands” (VI, 8);⁷² and the Roman Senate is apparently referred to as “their guilty house” (or “the house of their guilt” [בית אשמתם], IV, 11). If Peshar Psalms does in fact allude to the Romans, then they are there referred to as “ruthless ones of the Gentiles” (4Q171 II, 20).

Not only is there deep-seated hostility towards the Romans in these pesharim, but there is, moreover, an expectation of their immediate fall. 1QpHab V, 3–4 says: “God will not destroy His people by the hand of the nations, but into the hand of his chosen God will give the judgment of all the nations.” Although this sentence speaks of the “nations” and does not explicitly mention the *Kittim*, in light of this text’s great interest in the *Kittim* and the topical sequence—just a few lines above, IV, 10–13 speaks of “the rulers of the *Kittim*”—we can assume that the author had the Romans primarily in mind here, even if not only them.⁷³ Moreover, according to the commonly accepted reconstruction of the beginning of Peshar Nahum, the peshar on the verse “He rebuked the sea and dried it up” (Nah 1:4) is: “‘the sea’—that is all the Ki[tim...] so as to ren[der] a judgment against them and to wipe them out from upon the face of [the earth]” (1–2 II, 3–5).⁷⁴ This last point is reminiscent of a section of Peshar Psalms: “‘And a little while, and the wicked will be no more. And when I look carefully at his place, he will not be there’ (Ps 37:10). Its interpretation concerns all the wickedness at the end of forty years, for they will be consumed, and there will not be found on earth any [wi]cked man” (II, 5–9). As asserted above, there is good reason to conclude that this text was composed in the aftermath of the Roman conquest, and, if so, the annihilation of wickedness and the wicked from earth certainly includes the Romans. It is also noteworthy that, as Maurya Horgan notes, the reference to forty years here seems to refer to the war of forty years for the destruction of evil, which is mentioned in the second column of the War Scroll.⁷⁵

Hence, the pesharim contain not only deep-seated resentment of the Romans but also an expectation of their fall. Consequently, we are not dealing here with two different outlooks that developed one after the other.

72. See also Pss. Sol. 17:11: “The lawless one devastated our land, so that it was uninhabitable.”

73. See Hagedorn and Tzoref, “Attitudes,” 501.

74. See also Flusser, “Roman Empire,” 198–200; Brooke, “Kittim,” 138–39.

75. Horgan, *Pesharim*, 206.

Rather, the two notions—that the *Kittim* are an instrument in God's hand to punish the sinful and that they are the eschatological enemy that must be defeated—go hand in hand. In fact, this “duality” regarding the *Kittim*-Romans is manifested within the pesharim: they are God's instrument of wrath and are themselves an object of God's wrath.⁷⁶ But this should not surprise us, as this is exactly the biblical approach. For just one example, Isa 10 says: “O Asshur, the rod of Mine anger, in whose hand as a staff is Mine indignation!” (10:5), and a few verses later it says: “I will punish the fruit of the arrogant heart of the king of Assyria, and the glory of his haughty looks” (10:12).⁷⁷ This approach is found in the Bible also regarding Babylon, and, in fact, is reflected already in the song in Deut 32. That is also the outlook of the Psalms of Solomon, a contemporary with the Qumran authors. That author, too, views the Romans as instruments to punish the sinful but also hopes that their ruin will occur soon (see Pss. Sol. 2, 7, 8, and 17).

Consequently, from the perspective of the Qumran sect, which resided in exile in the desert during the Hasmonean period, while the Roman conquest may not have been foreseen, its occurrence was of utmost significance. It proved that the Hasmoneans' success was only temporary and did not bring real “redemption,” that the majority had been wrong and sinful, and that, therefore, they, the *Yahad* group, had been right all along. However, the positive role of the foreign conqueror ends with the punishment of the sinful, and he must then leave this world and clear the way for the righteous of Israel.

As Schultz demonstrates, there is no evidence that the term *Kittim* designated the eschatological enemy prior to the War Scroll.⁷⁸ This term was well suited for the new reality that was formed with the Roman conquest: on the one hand, Daniel already identified the Romans (who had driven the Seleucid king out of Egypt) with the *Kittim*, and, on the other hand, it is quite natural to interpret Balaam's prophecy: “ships shall come from the coast of *Kittim*, and they shall afflict Asshur, and shall afflict Eber, and he also shall come to destruction” (Num 24:24)—according to which the *Kittim* are destined to be destroyed—as referring to an eschatological enemy. Thus, the sectarians were able to update the prophecy at the end of Dan 11 in light of Balaam's prophecy and (re)interpret it as pertaining

76. Hagedorn and Tzoref, “Attitudes,” 498–504.

77. See also Teeter, “Isaiah,” and the quote above, pp. 186–87.

78. Schultz, *Conquering*, 139–53.

to the *Kittim*-Romans, who had defeated the Seleucids and taken Judea,⁷⁹ and view the Romans as the true eschatological enemy that must be destroyed in order for redemption to come.⁸⁰ Moreover, at this historical junction, it may have seemed only natural to interpret Daniel's prophecy itself as intending to hint that the true eschatological enemy would be the Romans, given that his statement about the Romans is quite closely reminiscent of the unique language of Balaam: צִיִּים כְּתִים (Dan 11:30); וְצִיִּים מִיָּד כְּתִים (Num 24:24). In his usage of the same language, one could possibly understand that Daniel hinted that, although the Seleucids are the enemy during the period to which he is referring directly, they will be followed by the true eschatological enemy, the *Kittim*, after whom final redemption will come.

Consequently, the Roman conquest did not only prove that the sect had been right. It also forced the sectarians to form, or update, an eschatological scenario. It now became clear that the first step in the process of redemption had begun and that it had been inaugurated by means of a foreign force. But that foreign force must now be defeated. Thus, the historical developments caused the sectarians to develop a scenario for a future eschatological war. This may have also pushed them to develop a messianic outlook, which—like Pss. Sol. 17—placed the Davidic Messiah in the center. This messianic outlook is reflected in some of the discussed scrolls (Sefer Hamillamah, Peshier Isaiah^a), as well as others, and it is distinct from the dualistic messianism of scrolls that precede the Roman conquest (such as “the messiahs of Aaron and Israel” of 1QS IX, 11), which

79. They may have viewed the Roman conquest as the actual realization of Balaam's prophecy, since according to that prophecy's simple understanding the *Kittim* will defeat Assyria and Eber—who can easily be identified with the Seleucids and Judea, respectively. Clearly, such an interpretation forms some tension with the understanding of Assyria which I suggested above. However, it is not necessarily a contradiction. Even if during their period of rule the Seleucids were identified as Assyria, when they were defeated by the Romans they were in effect removed from the world stage and the Assyrian typology could then be applied to the Romans.

80. The idea to update Daniel's prophecy could have been aided by certain similarities between some of the biography and deeds of Antiochus IV, about whom Daniel prophesied, and those of some of the Roman rulers, including: Pompey's violent conquest of the temple and his entrance into the Holy of Holies; Crassus's entrance into the temple and robbery of its treasures, and his death during a military campaign out East (see further above, pp. 93, 110).

may have primarily been a reaction to the Hasmonean unification of priesthood and kingship.⁸¹

Conclusions

It is quite clear that *Kittim* in Peshar Nahum and Peshar Habakkuk designates the Romans, and most scholars agree that these texts were composed after the Roman conquest and allude to it. In contrast, there is disagreement concerning the *Kittim* in the Qumran war literature: some argue that they are the Greeks, or, more specifically, the Ptolemies or Seleucids, and that following the Roman conquest the sect updated its usage of this term and began using it for the Romans. However, although the term *Kittim* could have theoretically fit both the Greeks and the Romans, or any nation that invaded from the sea, there is no clear-cut positive evidence for its usage as a designation of the Seleucids or Ptolemies. More significantly, there are fundamental difficulties with such a suggestion. It would have been quite unnatural to use this term for them after they had been in the East for many generations. In contrast, already Daniel had used that term to designate the Romans, and so do Peshar Nahum and Peshar Habakkuk. The main point in favor of the suggestion that *Kittim* in the War Scroll refers to the Seleucids is the singular phrase “*Kittim* of Assyria.” However, the term *Assyria* seems to be used typologically. The assertion that in the War Scroll *Kittim* refers to the Seleucids has two significant difficulties: first, it forces us to assume that the author of this text completely overturned the identifications of his main source, the book of Daniel, despite the fact that he was referring to the same general historical reality; and, second, it turns this text into a text that actually glorifies the Hasmoneans, while the common view is that the sect was extremely opposed to that dynasty. The term *Kittim* in Peshar Isaiah^a (and Sefer Hamilhamah) does not change the picture. If that text indeed alludes to Ptolemy Lathyrus,

81. See Atkinson, “Herodian Origin,” 445–58, and the words of George J. Brooke: “It is notable that whereas it is likely that there was a consistent dualistic messianic understanding in all stages of the life of the movement, only in the late first century B.C.E. compositions is the messiah of Israel explicitly named as Davidic” (George J. Brooke, “Crisis Without, Crisis Within: Changes and Developments within the Dead Sea Scrolls Movement,” in *Judaism and Crisis: Crisis as a Catalyst in Jewish Cultural History*, ed. Armin Lange, K. F. Diethard Römheld, and Matthias Weigold [Göttingen: Vandenhoeck & Ruprecht, 2011], 100).

then the term may have been used for that specific case because *Lathyrus* indeed came from the sea, from Cyprus, but that cannot attest to its usage elsewhere. However, I suggest that that text refers to Herod's first attempt to take Jerusalem in 39 BCE, and accordingly, the *Kittim* would be the Romans. In light of this conclusion, it seems that the term *Kittim* in the scrolls always designates the Romans.⁸² I have also suggested that a few other scrolls were composed in the aftermath of the Roman conquest and refer to that event or to the Romans.

Consequently, it appears that the Roman conquest, which was of major significance for the history of Judea, was also of prime significance for the sect which resided in the desert; perhaps the single most important event in its history since its establishment.⁸³ That conquest was "undisputable" evidence for the correctness and righteousness of the sect, which now saw the demise of their adversaries, the Hasmoneans. Yet, another implication of the foreign conquest was that the foreign conqueror is to be destroyed as well; his rise is a necessary phase on the path to the redemption, which will arrive after his destruction. Therefore, the increase in literary activity in Qumran following the Roman conquest is not surprising (and so too the possibility that the sectarians had an interest in, and knowledge of, the death of Pompey, the conqueror of Judea).⁸⁴ The purpose of such literary

82. Accordingly, there is also no reason to assume that the Roman conquest (and the assumed change in the sect's identification of the *Kittim*) caused the sectarians to stop putting their pesharim to writing. The opposite may be the case. Perhaps the Roman conquest was the spark that led them to compose many pesharim, especially the "historical" pesharim, as well as other texts, such as the War Scroll.

James Charlesworth is certainly right to note that it would be wrong to assume that the Romans became a significant force in the area of Judea only in 63 BCE (Charlesworth, *Pesharim*, 110–11). Indeed, the Romans are an important factor already in Daniel and especially in 1 Maccabees. However, it is quite clear that the texts discussed at the beginning of this chapter, Peshar Nahum and Peshar Habakkuk, were composed after 63 (as Charlesworth too assumes; *Pesharim*, 109–14), and, according to my suggestion, so were Peshar Isaiah^a and Sefer Hamilhamah. As for the War Scroll, although the Romans were a significant force already during the second century BCE, it seems unlikely that any Judean would have viewed them as an eschatological enemy until the conquest or shortly before it.

83. See also Vermes, "Historiographical Elements," 139.

84. For this see Brian Webster, "Chronological Index of the Texts from the Judaean Desert," in *The Texts from the Judaean Desert: Indices and an Introduction to the Discoveries in the Judean Desert Series*, ed. Emanuel Tov, DJD 39 (Oxford: Clarendon, 2002), 351–446. Webster writes that "the greatest amount of scribal activity occurred

activity was to show that the prophets and “the Teacher of Righteousness” had already foreseen this historical development and, at the same time, to prepare the sect for the eschatological war against the foreign empire.⁸⁵

during the late Hasmonaean and early Herodian periods, from 75–1 BCE. The vast majority of texts from this time-span are non-biblical.... If so, well over half of the non-biblical texts from Qumran are dated to this seventy-five-year time period” (375).

It is perhaps also not incidental that the extant fragments of 4Q331–333 and 4Q468g, which were discussed above, record figures and events from this momentous period. Perceiving the eschatological significance of the period, perhaps the Qumranites felt a special need to record its events.

85. For the War Scroll being a practical guide to war, see Alexander, “Evil Empire,” 28–29.

4

From Subjugation to Destruction: Setting the Tone for Judean-Roman Relations

From the first, ever since Pompey conquered you by force, you never ceased from revolution.

—Titus to the rebels (*J.W.* 6.328–329)¹

A Period of Constant Unrest

As the above historical reconstruction illustrates, the period discussed in this study is one of almost constant turmoil and unrest. In this chapter, I will examine this phenomenon, but first I shall briefly recount those episodes of unrest:

Following Queen Alexandra's death in 67 BCE, the period commences with the war between her two sons over the inheritance of the Hasmonean throne, a war which was virtually continuous until Pompey's conquest in 63. Pompey was then met by the resistance of Aristobulus and his followers, which was overcome only with the conquest of the temple. Josephus appears to have had almost no information about the next five to six years—he does not even know about two Roman governors in Syria between Scaurus and Gabinius. However, when the historical narrative resumes, with Gabinius's arrival in Syria in 57, a revolt is already underway.² Gabinius quelled the insurrection which was led by Alexander, the son of Aristobulus II, only to have to deal with another rebellion the very next year, this time led by Aristobulus himself along with his son Antigone.

1. My translation based on the LCL edition.

2. In this context, it is appropriate to repeat Richardson's assertion that the "five-year-gap in Josephus's narrative must have been filled with important events, not the least of which was guerrilla warfare organized by Aristobulus's son Alexander" (*Herod*, 101). See also Udoh, *To Caesar*, 24–25.

nus. Then, when Gabinius was campaigning in Egypt in the spring of 55, Alexander led yet another revolt in Judea. Returning from Egypt, Gabinius put down this revolt as well.

Information is once again almost entirely absent for events in Judea between Gabinius's departure in 55 and Caesar's settlement in 47, except for a rather brief report of the events following Crassus's failed Parthian expedition and death in 53. Josephus succinctly reports renewed insurrection in Judea, led by Peitholaus, who had formerly been at Hyrcanus's side. This rebellion was soon subdued by Cassius, who also captured the town of Tarichaeae (Migdal, near Tiberias), enslaving many of its inhabitants. It is not clear if the capture of Tarichaeae was related to Peitholaus's insurrection or not, but presumably Cassius would not have attacked the city without reason. Information about events in Judea itself resumes with its settlement by Caesar in 47. Shortly thereafter, according to Josephus, Antipater, who had just been appointed *ἐπίτροπος*, traveled around the country to quiet disturbances. So too his son Herod, the newly appointed *στρατηγός* of Galilee, attacked the "bandits" (*λησται*) in that region, killing many of them including their leader Ezekias. It appears that these various disturbances had already been going on for some time prior to the latter two appointments.

During the period of turmoil in the Republic following the assassination of Caesar in 44, Judea too was engulfed in turmoil. The year 43 saw the power struggle between Malichus and Antipater and his sons, in which Antipater was assassinated and was soon avenged by the assassination of Malichus.³ Malichus is also twice more implicated in rebellious intentions. At roughly this same time, there was also some sedition in Samaria. In the very next year, 42, there were revolts led by Helix in Jerusalem, and by Malichus's brother in the Judean countryside. Then, Antigonus tried to penetrate Judea—this time with the aid of his brother-in-law, Ptolemy of Chalcis, Marion the "tyrant" of Tyre, and Fabius, the Roman general in Damascus—but was driven back by Herod. Finally, in 40 BCE, on the tips of Parthian spears but also with the support of many Judeans, Antigonus succeeded in capturing Jerusalem and taking the throne, which he held until the conquest of Jerusalem by Herod and Sossius in 37.

Hence, this thirty-year period appears to have been almost constantly plagued by just about every form of unrest, from small, perhaps local, dis-

3. But see Menahem Stern's cautionary note mentioned above, p. 143.

turbances to major revolts and full-scale wars. Two precautionary notes are called for at this point: First, as E. P. Sanders writes: “‘History’ has generally been understood as the story of violence and change ... for the most part history has been the story of war and changes of government. That is the kind of history that Josephus wrote. But this kind of narrative can be deceiving.”⁴ This warning is relevant for any time period. Nevertheless, the period under discussion here presents a picture of turmoil so constant that it is certainly exceptional in comparison to other periods.

Second, we should always keep in mind the possible tendencies and purposes of our sources. Namely, in the case at hand, Josephus’s main source was Nicolaus of Damascus, Herod’s friend, who may have purposefully tried to paint the period leading up to Herod’s reign as one of unrest and turmoil in order to justify his patron’s usurpation.⁵ However, this justified caution should not lead us to discard the picture altogether. Moreover, not all of the evidence of turmoil in this period necessarily serves pro-Herodian tendencies. More importantly, at least some of the evidence appears not to have ultimately originated in Nicolaus but rather in Roman sources that were later adopted by Nicolaus;⁶ and one case is reinforced by extant non-Judean sources that probably did not use Nicolaus (Plutarch, *Ant.* 3.2–3, on Aristobulus’s revolt of 56). Consequently, possible biases, distortions, and exaggerations notwithstanding, the evidence indicates that this period is one of turmoil, unrest, and insurrections in exceptional proportions.

Whereas the first unrest, the internecine war between Hyrcanus II and Aristobulus II, speaks for itself—a power struggle and a war for the inheritance of the Hasmonean throne—it is my main purpose in this chapter to examine the turmoil following Pompey’s conquest. Specifically, I will address the following questions: Were those episodes of unrest and turmoil just a continuation of that earlier Hasmonean conflict or not? Were they mainly internal Judean conflicts or was this primarily an anti-Roman phenomenon? To what extent were Judeans involved in these events? What were their causes and/or purposes? Was it a phenomenon specific to this period of the earliest years following the Roman conquest, or did it have some sort of continuations and lingering effects?

4. Sanders, *Judaism*, 35.

5. See Schwartz, “Josephus on Hyrcanus,” 227–32.

6. Such was my conclusion pertaining to at least a portion of the narrative on Gabinius; see above, p. 109.

Internal Conflict or Anti-Romanism?

In view of the constant unrest and rebellions in Judea during this period, we should question the motivations underlying these events. To what extent were they an internal Judean conflict—a continuation of the initial conflict between the Hasmonean brothers—and to what extent were they an anti-Roman phenomenon?

Given that much of the unrest following Pompey's conquest was led by Aristobulus II and his sons, Alexander and Antigonus, it might appear that it was in effect a continuation of that earlier internal conflict. Moreover, according to Josephus's narratives, these Hasmoneans were willing to obtain the rule of Judea from the Romans. Aristobulus initially kept his throne in 65 thanks to Scaurus's intervention in his favor (*J.W.* 1.128–129, *Ant.* 14.29–32), and later he apparently had no qualms about negotiating with Pompey (for example, *J.W.* 1.135–136, *Ant.* 14.50–51). In 49 BCE, he was sent by Julius Caesar, along with two legions, to take control of Judea, only to be intercepted and poisoned by Pompey's friends (*J.W.* 1.183–184, *Ant.* 14.123–124; see also Cassius Dio, *Hist. rom.* 41.18.1). After Pompey's murder and Caesar's victory in Egypt, Antigonus attempted to persuade Caesar to award him the rule of Judea (*J.W.* 1.195–196, *Ant.* 14.140). Finally, this same Antigonus tried to persuade the Roman general Silo that the Romans should award the rule of Judea to any Hasmonean, rather than to Herod (*Ant.* 14.403). Accordingly, various studies assert that the intention of these Hasmoneans was not anti-Roman in nature but was rather only to attain the government for themselves.⁷ Although in his reply to Antigonus's above-mentioned appeal to Caesar, Antipater accuses Aristobulus and his sons of being enemies of Rome (*J.W.* 1.197–198, *Ant.* 14.141–142), such an allegation is only to be expected from him in those circumstances, and it cannot attest to their real motivations. Similarly, other occurrences of unrest in this period also appear to be cases of internal strife, not of anti-Roman sentiment. Such is seemingly the revolt in 53 led by Peitholaus, who had earlier defected to Aristobulus, and the quarrel of Malichus and Antipater and Herod certainly appears to be a clash within the Jerusalem court. It may be argued that other episodes,

7. Schalit, *Roman Administration*, 5; Braund, *Rome and the Friendly King*, 94; Regev, "Why Did Aristobulus," 125–30.

such as the bandits in Galilee, were also cases of internal political struggle against the Herodians.⁸

Yet, we should take into account that Josephus sought to present the Jewish people—apart from a fanatical minority of rebels—as generally peaceful and accepting of Rome, and thus he had an interest in downplaying any anti-Roman sentiments of Jews, implying that the Great Revolt was an aberration.⁹ Moreover, portraying these events as internal conflicts plays well into Josephus's comprehensive program of explaining Judea's downfall as a consequence of *στάσις*, civil strife (see, for example, *J. W.* 1.10, 5.257).¹⁰ It is clear from various statements that this is how he also specifically defined the Hasmoneans' downfall, not least in the statement at the end of *Ant.* 14: "But they [i.e., the Hasmoneans] lost their royal power through internal strife [*στάσις*], and it passed to Herod" (14.491; see also *J. W.* 1.19, 142; *Ant.* 14.58, 77).¹¹ What is more, the Romans did not usually publicize the occurrence of revolts in areas already under their control, but rather they usually silenced it, because such revolts were a humiliation.¹² It is possible, therefore, that the image of these revolts and unrest as an internal issue is a distorted outcome of our sources' predispositions.

Additionally, we should recall that, although the early Maccabees apparently had no qualms about obtaining the high priesthood and other rights from the Seleucids (see, for example, 1 Macc 10:2–47), it is quite

8. See Sanders, *Judaism*, 36–38.

9. See Lisa Ullman in Flavius Josephus, *History of the Jewish War*, 7; Pucci (Ben Zeev), "Jewish-Parthian Relations"; Steve Mason, "'Should Any Wish to Enquire Further' (*Ant.* 1.25): The Aim and Audience of Josephus's *Judean Antiquities/Life*," in *Understanding Josephus: Seven Perspectives*, ed. Steve Mason (Sheffield: Sheffield Academic, 1998), 72–74.

10. See Per Bilde, "The Causes of the Jewish War According to Josephus," *JSJ* 10 (1979): 190–91, 198; Price, "Introduction," 47–49, and especially Price, "Josephus' Reading of Thucydides: A Test Case in the *Bellum Iudaicum*," in *Thucydides: A Violent Teacher? History and its Representations*, ed. Georg Rechenauer, and Vassiliki Pothou (Göttingen: Vandenhoeck & Ruprecht, 2011), 79–98. See also Goodman, *Ruling Class*, 19–20; Steve Mason, trans., *Judean War 2: Translation and Commentary*, FJTC 1B (Leiden: Brill, 2008), 319–20 n. 2627.

11. Schwartz, "Josephus on Hyrcanus," 226–27.

12. Stephen L. Dyson, "Native Revolt Patterns in the Roman Empire," *ANRW* 3:141; Gambash, "Official Roman Responses"; Martin Goodman, "Opponents of Rome: Jews and Others," in Alexander, *Images of Empire*, 224–25; Price, "Introduction," 28–29. This, of course, goes along with the Roman tendency noted below in appendix C to belittle rebels as "bandits."

unanimously accepted that their revolt was (internal motivations notwithstanding) essentially anti-Seleucid. Analogously, the fact that Aristobulus and his sons were willing to obtain the rule of Judea from the Romans does not contradict that they were anti-Roman; they may have just been realists, taking what they could get.

Furthermore, what concerns us here is not only the motivation of the leaders of these rebellions but also, and even more so, that of the common people who supported and joined them. The evidence indicates that such support was substantial. Whereas in the initial battles between Hyrcanus and Aristobulus it appears from Josephus that—prior to opportunistic defections of many to the side with the upper hand (*J.W.* 1.120–121, 126–127; *Ant.* 14.4–5, 19–20)—their forces were more or less equal, in the rebellions which followed 63 Josephus repeatedly mentions the immense support Aristobulus and his sons enjoyed (e.g., *J.W.* 1.171, *Ant.* 14.93, *J.W.* 1.250, *Ant.* 14.334, 470; cf. Strabo apud Jos. *Ant.* 15.8–10).

Moreover, Josephus reports very high numbers of combatants in their respective armies: in the revolt of 57 BCE, Alexander's army was apparently strong enough to take control of Jerusalem from the hands of Hyrcanus. He is said to have collected 10,000 armed soldiers and 1,500 horsemen and to have fortified three important fortresses (*J.W.* 1.160–161, *Ant.* 14.82–83). In the revolt of 56 BCE, Josephus says that Aristobulus was left with 8,000 armed men after he had already dismissed many unarmed supporters (*J.W.* 1.172, *Ant.* 14.93–94), and Plutarch (*Ant.* 3.3) reports that Aristobulus's force was "many times more numerous" than the Roman force which defeated him.¹³ In his second revolt in 55 BCE, Alexander is said to have had 30,000 men left even after Antipater had persuaded many to lay down their arms (*J.W.* 1.177, *Ant.* 14.101–102). Although such high numbers are of course suspect as exaggerations,¹⁴ they nevertheless provide some indication of the popular support of the revolts. This is especially so in comparison to the numbers given for the

13. This report is very favorable to Anthony, emphasizing his part in the battle and his courage in a victory of a few against the many; thus, this may very well be a literary motif. However, this motif does not seem to be in operation in the other cases enumerated above, and the correlation of Plutarch's report with that of Josephus, as well as the cumulative effect of all of this evidence, nevertheless indicates the popular support for the revolts.

14. See Price, *Jerusalem under Siege*, 205–9.

armies of Hyrcanus and Antipater,¹⁵ which apparently could not hold out against the first assault of Alexander in 57, and for Herod's supporters. Those numbers are usually not recorded,¹⁶ but Antipater's official army, which came to the aid of Caesar in Egypt in 47, is said, in various sources including official documents, to have numbered only between 1,500 and 3,000 soldiers (1,500 in *Ant.* 14.193; 2,000 in *Ant.* 16.52; and 3,000 in *J. W.* 1.187, *Ant.* 14.128, 139).¹⁷ The entire population accompanying Herod in his escape from Jerusalem in 40 BCE, which included mostly civilians and only some mercenaries, is reported as being only over 9,000 (*J. W.* 1.266, *Ant.* 14.361), and many of those were probably not Jews.¹⁸

Thus, it appears that the various rebellions enjoyed immense support amidst the Judean population, probably greater than the support that Aristobulus had in his initial conflict with Hyrcanus. Yet it seems difficult to assume that there would be such widespread Judean support merely for the cause of swapping one Hasmonean puppet of Rome for another. It would seem, rather, that, at least as far as the Judean populace was concerned, the purpose of these rebellions would have been greater,¹⁹ and such a purpose would have presumably been essentially anti-Roman.

15. For a similar comparison of the sizes of their respective armies, see Shatzman, *Armies*, 132–35.

16. Although, if the number of soldiers who defected along with Peitholaus in 56, which is reported as a thousand (*J. W.* 1.172, *Ant.* 14.93), is any indication of the size of Judean military units at the time, then the Judean army which was led by Peitholaus and Malichus, fighting alongside Gabinus's forces, in 57 (*J. W.* 1.162, *Ant.* 14.84) should have been 2,000 strong.

17. See further above, p. 122 n. 11.

18. Note that, when he was preparing to fight Malichus, Antipater crossed the Jordan River to collect an army (*J. W.* 1.223), and *Ant.* 14.277 explicitly says this was “an army of Arabs as well as natives” (though it is not clear if this means native Judeans or natives of Transjordan). The number of soldiers in the joint force of Herod and Sossius in 37 BCE is given (only in *Ant.* 14.468) as 30,000, and even of Herod's force a great many were apparently Roman soldiers (cf. *J. W.* 1.327, *Ant.* 14.447).

19. Employing a thorough study of Josephus's terminology for social groups in Judea, Buehler (*Pre-Herodian Civil War*) suggests that the turmoil of this period was an internal social conflict within Judean society, essentially mirroring the contemporary social conflict in Rome. He understands Josephus's *πρώτοι* as referring to those who held official positions of authority in Judea, i.e., the oligarchy; and he understands the *δυνατοί* as referring to the wealthy “capitalist” aristocracy. He compares the former to the Roman “patricians” and the latter to the Roman “equites.” As in Rome, he explains the conflict as a struggle between the promonarchial wealthy aristocrats

This point is eloquently stated by Jonathan J. Price:

The Jewish princes' cynical but inept efforts to play world politics should not obscure the fact that Aristobolus and his successors were able continuously to muster large forces by tapping a large reservoir of continuing Jewish resentment of the Romans. The sincerity or simplicity of Aristobolus' anti-Roman message may be doubted, yet with its power the Hasmonean rebels rallied the population time after time, against their pro-Roman Hasmonean brothers, the ambitious Idumaeans Antipater and Herod, and finally the [*sic*] Roman patrons.²⁰

An examination of these episodes of unrest and rebellion with three issues in mind proves, I think, that in fact they were basically anti-Roman. These issues are: (1) against whom they were fighting; (2) the Roman reaction to these events; and (3) their connection to events and elements outside of Judea. I shall examine them in chronological order:²¹

(1) The initial resistance to Pompey in 63 (*J.W.* 1.131–144, *Ant.* 14.34–60). While it is true that Aristobulus negotiated with Pompey, it should have been clear to him that his behavior in deserting Pompey before the latter had even made up his mind in the brothers' dispute would earn him the Roman's wrath. His subsequent actions—his occupation of a

and the antimonarchial oligarchy, between rich and poor, and between urban and rural populations. However, while Buehler's terminological study is very useful, his historical reconstruction and conclusions are questionable. In the present context, it suffices to note two methodological problems. First, his entire discussion is rooted in Josephus's terminology alone, and, for the most part, only on the terminology of *Antiquities-Life*; he acknowledges that in the *Jewish War* Josephus employs that same terminology differently (20–21). To base a reconstruction of a social conflict only upon one author and in that only upon one of two parallel works of that author, is problematic. Second, as Buehler himself writes, taking into account Josephus's Roman audience, "it would be natural for him to portray the social structure in Palestine in terms that would be most meaningful for his readers" (21). But if so, we should suspect precisely that—namely, that Josephus intentionally portrayed Judean society in terms familiar to his audience; thus that terminology may not necessarily be reliably reflecting historical reality. See also Heinz Kreißig, review of *The Pre-Herodian Civil War and Social Debate: Jewish Society in the Period 76–40 B.C. and the Social Factors Contributing to the Rise of the Pharisees and the Sadducees*, by William W. Buehler, *Deutsche Literaturzeitung* 96 (1975): 216–17.

20. Price, *Jerusalem under Siege*, 4–5. See also Shatzman, *Armies*, 137–38.

21. For a detailed discussion of these events, see the relevant pages in the historical chapters above.

stronghold such as Alexandrion and then his preparations for war in Jerusalem—prove that he was very much aware of this. Although Aristobulus himself may have been reluctant to take on the mighty Roman army, as those negotiations and his subsequent surrender indicate, his adherents in Jerusalem were not. In spite of Aristobulus's surrender and promise to admit the Romans into Jerusalem, they shut Gabinius out of the city and prepared for the impending Roman siege. Thus, it was in effect a declaration of war against Rome, the subsequent dispute within the city being whether the city should be delivered up to Pompey.

Indeed, Pompey's immediate reactions to the actions of Aristobulus and his followers left no room for doubt that he perceived them as a declaration of war against Rome. He postponed his planned invasion of Nabataea, and instead he pursued Aristobulus through the Jordan Valley and later placed a heavy siege on the Temple Mount. In fact, already in 59 BCE, Cicero attests to the Roman point of view, writing "that nation by its armed resistance has shown what it thinks of our rule" (Cicero, *Flacc.* 28.69).²² Likewise, other non-Jewish sources attest to the fact that the Romans saw Pompey's conquest as a war against the Jews (see, for example, Diodorus Siculus, *Bib. hist.* 40.3, 4; Plutarch, *Pomp.* 45.1–2, 5; Appian, *Syr.* 50.251–252, *Mithr.* 106.498, 114.556).²³ Additionally, as mentioned above, according to a Byzantine chronicle preserved in Josippon, Aristobulus had some ties with Mithridates VI of Pontus, Rome's most bitter enemy at the time. Scholars have accepted this report as reliable, although I am not entirely convinced.²⁴

(2) Alexander's revolt in 57 (*J.W.* 1.160–170, *Ant.* 14.82–91). Alexander, who may have taken advantage of the absence of a Roman governor in Syria prior to the arrival of Gabinius, attacked Hyrcanus and apparently took possession of Jerusalem. However, even were his main goal to oust Hyrcanus, it must have been quite obvious that such a violent attack on the Roman appointee in the Judean capital was equivalent to an attack on the Romans. If there were, nevertheless, any initial doubts as to how the Romans would perceive such actions, the vigorous reactions of the Romans, crushing this revolt, should have laid them to rest. Alexander soon had to stop rebuilding the wall of Jerusalem because of the intervention of the Romans and/or the arrival of Gabinius, and he was thereafter

22. *GLA* 1:198.

23. *GLA* 1:187–89, 564–65; 2:179, 181, 182.

24. See above, p. 90.

pursued and defeated by a mostly Roman force led by Gabinius and Mark Anthony, which was joined by a force of Antipater's troops. Still, two revolts followed in the subsequent two years.

(3) Aristobulus's revolt in 56 (*J.W.* 1.171–174, *Ant.* 14.92–97). The sources do not report any attacks against Jerusalem, against Hyrcanus, or against any Judean forces in this revolt. Barely having taken over the Alexandrion fortress, Aristobulus almost immediately found himself in flight from Gabinius's forces, led by Anthony and two other Roman commanders, who quickly and decisively put down the revolt. In this case, there is no indication of any involvement of Judean forces alongside the Romans. Additionally, in view of the Roman tendency, mentioned above, to keep silent about such local revolts in areas already under their control, it seems quite significant that this revolt is reported both in Plutarch (*Ant.* 3.2–3) and in Cassius Dio (*Hist. rom.* 39.56.6).

(4) Alexander's second revolt, 55 BCE (*J.W.* 1.176–178, *Ant.* 14.100–103). In his second revolt, Alexander again took advantage of the absence of the Roman governor of Syria, as Gabinius was campaigning in Egypt. As in the previous year's revolt, it appears that he attacked neither Jerusalem nor any Judeans. In contrast, it is explicitly reported that he “was marching over the country with a large army and *killing all the Romans he met*, and was closely besieging those who had taken refuge on Mount Gerizim” (*Ant.* 14.100, emphasis added; see similarly *J.W.* 1.176). It is perhaps noteworthy that these massacred Romans are not specifically identified as soldiers, so the targets may have been Roman soldiers and civilians alike.²⁵ Alarmed, Gabinius—not Hyrcanus—sent Antipater to persuade the insurgents to lay down their weapons. Antipater was only partially successful. In the ensuing battle, Gabinius crushed Alexander's army. Again, there is no indication of Judeans fighting alongside the Romans. Additionally, I argued above that the report of this affair that we find in Josephus may have originated in some Roman source other than Nicolaus;²⁶ if so, that

25. For the possible presence of Roman civilians in Judea at this time, compare *Ant.* 14.83, and see above, p. 101 n. 141. Such an indiscriminate massacre of Romans is reminiscent of the massacre of Roman civilians in Asia Minor in 88 BCE, which was orchestrated by King Mithridates VI of Pontus (Cicero, *Leg. man.* 7; Appian, *Mithr.* 22–23). See Sanford, “Career of Gabinius,” 87; Stern, *Hasmonaean Judaea*, 224 n. 19.

26. Above, p. 109.

would, once again, be significant in view of the aforementioned Roman tendency to keep silent about such local revolts.

Regarding these successive rebellions, Eyal Regev points to the fairly lenient treatment that these rebellious Hasmoneans received from the Romans. Neither Pompey in 63 nor Gabinius in the 50's executed them; they only exiled them.²⁷ Yet this does not prove that their declared motives were not anti-Roman, for the Romans may have had their own reasons for keeping them alive. As Regev writes, the Romans may have left Aristobulus and his sons as a constant potential threat to Hyrcanus, in order to fix his dependence on them.²⁸ Additionally, it is possible that it was part of concessions made in negotiations. According to Josephus, at least the revolts of 57 and 56 ended in negotiations between Aristobulus's wife and Gabinius; the negotiations of 56 yielded the release of Aristobulus's children from Rome (*J.W.* 1.168, 174, *Ant.* 14.90, 97).²⁹

Alexander was eventually executed in 49 BCE after being convicted of crimes against the *Romans* (*J.W.* 1.185, *Ant.* 14.125). Following that execution, Alexander's sisters and his brother Antigonus were given refuge by Ptolemy son of Mennaeus, the tetrarch of Chalcis, who soon married one of the sisters (*J.W.* 1.185–186, *Ant.* 14.125–126). The territory of this Ptolemy, with whom Aristobulus's family may have had ties for a long time, was one of those forcefully taken over by Pompey in 63 (*Ant.* 14.39). So, it is likely that he shared the anti-Roman sentiment of Aristobulus's family.³⁰ Indeed, later, in 42, he aided another insurrection by Antigonus (see below, no. 9), just as his heir, Lysanias, helped persuade the Parthians to raise Antigonus to the Judean throne in their invasion of the year 40 (below, no. 10).

Regev asserts that these revolts of Aristobulus and his sons were principally aimed against Hyrcanus, not against the Romans. He argues that their goal, especially in their attempts to control the Alexandrion fortress, was to prove to the Romans that they were more popular and would be more competent as leaders of Judea and that Hyrcanus could only stay in power with constant and substantial Roman military support. Therefore,

27. Regev, "Why Did Aristobulus," 126–30; Stern, *Hasmonaean Judaea*, 227.

28. Regev, "Why Did Aristobulus," 126.

29. Note also the later treaty between Cassius and Alexander, which is obscurely mentioned in *J.W.* 1.182.

30. See further above, pp. 114–15.

it would be better for Rome to award them control of Judea.³¹ However, as shown above, it is apparent from the Roman responses that at least the Romans did not see it as an internal Judean affair; by and large, it was the Romans, not Judeans, who were suppressing these rebels. Moreover, if Aristobulus and his sons were not fighting the Romans per se and all they wanted was to rule Judea under Roman auspices, why did the Romans not give them their wish in 57, when Alexander had apparently gained control of Jerusalem?³² Seemingly that would have been easier than fighting an army of several thousand. Therefore, that first attempt should have made it clear to Aristobulus and his sons that such a strategy will not work. Additionally, as mentioned, Alexander's second revolt appears to have mainly targeted Romans.³³ In this context, it is important to recall again U. Rappaport's suggestion that Alexander Jannaeus had already broke off ties with Rome and that he was generally rather anti-Roman. Aristobulus appears to have walked in his father's footsteps, and it is likely that he did so in this respect as well.³⁴

I return to the examination of the rebellions and unrest.

(5) The unrest of 53 BCE (*J.W.* 1.179–180, *Ant.* 14.105–109, 119–120). Following the death of Crassus at the hands of the Parthians in the battle of Carrhae, Josephus reports that Cassius took Tarichaeae, enslaving 30,000 Jews there, and also killed Peitholaus, who, having defected from Hyrcanus to Aristobulus during the events of 56, was now leading a new revolt. Antipater is said to have instigated the killing of Peitholaus, but nonetheless both that and the taking of Tarichaeae were apparently carried out solely by the Romans.

Josephus's account of these events is very vague. He neither reveals why the town of Tarichaeae was targeted, nor whether there was any connection between that town and Peitholaus. Nevertheless, it is reasonable to assume that Cassius did not attack that town without reason, but rather

31. Regev, "Why Did Aristobulus," esp. 127–29.

32. For such a case, albeit a century later and in Europe, see Tacitus, *Ann.* 12.29: Claudius does not intervene to aid the Roman-appointed Vannius, apparently because those revolting against him acknowledged Roman domination (*Ann.* 12.30); see also Theodor Mommsen, *The Provinces of the Roman Empire from Caesar to Diocletian*, trans. William P. Dickson, 2 vols. (London: Macmillan, 1909), 1:215–216; Braund, *Rome and the Friendly King*, 94.

33. See also Sherwin-White, *Roman Foreign Policy*, 274.

34. Rappaport, "Relations"; Shatzman, "Integration," 72–74. But see now Rocca, "Late," 57–70.

that it was deeply involved in the current insurrection. Furthermore, we should recall that Crassus's robbing of the temple, and his subsequent death during the Parthian rout of his army, will have reminded Judeans of events in the time of Antiochus IV Epiphanes. The Parthians, moreover, were probably seen as analogous to the biblical Persians. Hence, those developments were likely to arouse hopes of salvation in Judea, and it is against this background that this insurrection should be understood.³⁵ Therefore, although Josephus—due to his own apologetic reasons—is silent regarding any connections between the Parthian victory and this rebellion, such a connection is quite evident and natural.³⁶ Consequently, it is fairly clear that this was not an internal Judean affair but rather an anti-Roman rebellion.³⁷

(6) “Disturbances” and “banditry” in 47 BCE (*J.W.* 1.201–215, *Ant.* 14.156–184). After Caesar's departure, Antipater went around the country in order to silence local “disturbances” (θόρυβοι). Josephus is once again vague as to the nature and extent of these disturbances, but elsewhere he uses this term in reference to uprisings (see, for example, *J.W.* 2.1, 69, *Ant.* 17.269). In this case, Antipater, not the Romans, was successful in silencing the disturbances “by both threatening and advising the people to remain quiet.” The gist of his reprimand is that the people should support Hyrcanus and not rebel against him. Thus it might appear to be an internal affair. However, Antipater is acting here as “ἐπίτροπος of Judea,” an office to which he had just been appointed by Caesar (*J.W.* 1.199, *Ant.* 14.143). Additionally, in his reprimand, he explicitly makes the case argued above that if the people rebel against Hyrcanus “*they would find ... in the Romans and Caesar bitter enemies* in place of rulers. For they would not allow any man to be removed from office whom they themselves had placed therein” (*Ant.* 14.157, emphasis added; similarly, *J.W.* 1.202).

Shortly later, Herod fought and crushed the “bandits” (λῃσται) in Galilee who were led by Ezekias. As will be extensively discussed in appendix C, these λῃσται were not mere bandits, but rather political rebels, and Josephus employed this terminology to disparage the anti-Roman movements and their leaders. Here it suffices to note that these “bandits” attacked beyond the borders of Galilee, in Syria; that Herod's achievement was

35. See above, pp. 110–11.

36. Pucci (Ben Zeev), “Jewish-Parthian Relations,” esp. 20.

37. Note also the indication in *J.W.* 1.182 that Alexander was once again active at this time.

apparently admired only by the “Syrians”; the increased attention and involvement of Sextus Caesar, the Roman governor of Syria; and the indirect evidence of Ezekias’s son who, following Herod’s death, led a political revolt and apparently aspired to the throne (*J.W.* 2.56, *Ant.* 17.271–272). All this suggests that they were anti-Roman rebels.³⁸

(7) The affairs of Malichus in 43–42 BCE (*J.W.* 1.220–235, *Ant.* 14.271–293). Malichus, who was an official in Hyrcanus’s court, was supposedly behind the poisoning of Antipater, and he was later avenged by Herod. Josephus’s narratives present the affairs involving Malichus as an internal affair within Hyrcanus’s court, as a rivalry between him and Antipater. This portrayal is consistent with the fact that Malichus was an important figure in the Jerusalem court already in 57, when he is attested as commanding Antipater’s troops together with Peitholaus in putting down Alexander’s first revolt, and that, unlike Peitholaus, he never deserted Hyrcanus, who was even at his side when he was murdered. Indeed, by 43 BCE, Antipater and his sons were apparently the most powerful figures in Judea, thus drawing the resentment of many in Jerusalem, as attested by the story of Herod’s trial some years earlier and by the repeated appeals of Judean officials to Anthony against Herod and Phasaël in 42.³⁹

Nevertheless, Josephus’s narratives indicate that Malichus may have been more than just a rival of Antipater. First, we learn that when Murcus was the governor of Syria he wanted to execute Malichus after “learning that Malichus was stirring up a revolt [νεωτεροποιέω] in Judaea” (*Ant.* 14.279; see also *J.W.* 1.224), but he was persuaded by Antipater not to do so. Later, after Herod sent a letter to Cassius to inform him of Antipater’s murder, Cassius not only granted Herod permission to avenge his father’s death, he also ordered the tribunes of Tyre to assist Herod in that revenge. Josephus quite ambiguously writes in *J.W.* 1.230 that Cassius “had other grounds for hating Malichus” and in the parallel passage in *Ant.* 14.288

38. See Price, *Jerusalem under Siege*, 21.

39. In this context, it is important to note that Anthony’s reaction, at least to the last two of those delegations, was in effect a reaction to rebellious activity; he imprisoned, and later killed, fifteen of the former, and he ordered a brutal military attack on the latter (*J.W.* 245–247, *Ant.* 14.326–329). In fact, in *Ant.* 14.327 Josephus even says that Anthony ordered them punished because they “were bent on revolution” (νεωτέρων ἐπιθυμούντας πραγμάτων), and some variant manuscripts call them “rebels” (στασιασταί) in 14.326.

that Cassius knew “what kind of man Malichus was.”⁴⁰ Finally, just prior to the description of his execution,⁴¹ Josephus writes that Malichus “had dreams of raising a national revolt against the Romans, while Cassius was preoccupied with the war against Anthony, of deposing Hyrcanus without difficulty, and of mounting the throne himself” (*J.W.* 1.232; *Ant.* 14.290 is less explicit). Thus, Malichus’s motivations appear to have been at least partly anti-Roman. One may suggest that this is all Herodian propaganda against Malichus. If that were the case, though, we might expect references to those intentions to be more explicit. Additionally, the time of these events, at the height of the Roman civil war, was favorable for rebellion.

(8) Disorders led by Helix and Malichus’s brother in 42 (*J.W.* 1.236–238, *Ant.* 14.294–296). Cassius’s departure from the area for the war against Anthony and Octavian—probably leaving it mostly devoid of Roman troops—was the occasion for these events, for which unfortunately our extant information is very slim. From the little that Josephus does say, they appear to have been internally motivated, particularly to avenge Malichus’s murder. Nevertheless, as argued above, any revolt against officials appointed, or recognized, by the Romans, was essentially a revolt against Rome.

(9) Incursions of Antigonus and friends in 42 (*J.W.* 1.238–240, *Ant.* 14.297–299). Aided by his brother-in-law Ptolemy of Chalcis, Antigonus collected an army, bribed Fabius, the στρατηγός of Damascus, and penetrated Judea, at the same time that Marion, the tyrant of Tyre who had been appointed by Cassius, invaded Galilee and captured three strongholds. Herod was able to thwart both incursions. Although we may assume that neither Fabius nor Marion was essentially anti-Roman—apparently they just wanted to make some profit—Ptolemy and Antigonus probably shared anti-Roman sentiments, as suggested above.

(10) Antigonus and the Parthian invasion of 40 BCE (*J.W.* 1.248–273, *Ant.* 14.330–369). Not much needs to be said about this episode, as Antigonus’s collaboration with Rome’s enemy, the Parthians, in their invasion across the Euphrates against the Romans, clearly marks him as anti-Roman. Antigonus and Lysanias of Chalcis, the son of the recently deceased Ptolemy, made “a pact of friendship,” and together they per-

40. See Marcus’s n. c on *Ant.* 14.288 in LCL.

41. He was executed when he came to Tyre to smuggle his son, who was a hostage there. Josephus does not report who held him or why, but above I suggested that it may have to do with Malichus’s rebelliousness (see above, p. 144 n. 98).

suaded the Parthians to raise Antigonus to the Judean throne. The Romans certainly viewed Antigonus as their enemy (*J.W.* 1.282, *Ant.* 14.382, Cassius Dio, *Hist. rom.* 49.22.3–4, 6). In the Senate meeting that appointed Herod king, Antigonus was declared an enemy of Rome “not only because of the first offence he had committed against them but because he had received his kingly title from the Parthians, thus showing no regard for the Romans” (*Ant.* 14.384; see also *J.W.* 1.284). The significance of Antigonus as an enemy of Rome is evident from the fact that Sossius was accorded a triumph for his capture of Judea, which is also recorded on his coins.⁴²

It is important to note the support Antigonus appears to have received throughout Judea. Many Judeans joined him in the vicinity of Carmel, in Jerusalem, and elsewhere (*J.W.* 1.250–256, 265, etc.; *Ant.* 14.334–338, 359, etc.). Likewise, later, when Herod came back from Rome in order to reclaim Judea, he repeatedly encountered strong resistance both in Galilee, including the obstinate *λῆσται* in the caves of Arbel, and in Judea proper. Generally, it seems that a multitude of Judeans supported Antigonus till the very end (*Ant.* 14.470; Strabo apud Josephus, *Ant.* 15.8–10).⁴³ It does not seem likely that Antigonus enjoyed such immense support only due to his own merits.

I shall summarize my findings regarding the three issues enumerated above. (1) Many of the rebellions appear to have especially targeted the Romans. Others were targeting appointees of the Romans. (2) The Romans certainly appear to have regarded these events as aimed against them. Except for times when the country was probably vacant of Roman forces, the Roman army was the primary, and often the only, force involved in suppressing these rebellions.⁴⁴ (3) In some of these episodes, it appears that there were significant ties between the rebels in Judea and other enemies of Rome. This is obvious for Antigonus and the Parthian invasion of 40 BCE, but it appears that already the events of 53 BCE were connected to the Parthian defeat of Crassus; often Aristobulus and his sons appear tied

42. Sydenham, *Coinage*, 199, no. 1272 and notes. For the significance of the enemy and of the victory needed in order to be worthy of a triumph, see Aulus Gellius, *Noct. att.* 5.6.21–23; Valerius Maximus, *Fact.* 2.8. For the triumph in general, see Beard, *Roman Triumph*. For Cicero's hope to achieve just enough military success to earn him a triumph during his governorship in Cilicia, see Cicero, *Fam.* 8.5.1, 2.10.2–3, with Beard, *Roman Triumph*, 187–90.

43. See Stern's comment in *GLA* 1:285.

44. See Shatzman, *Armies*, 137–38.

to other anti-Roman figures, such as the rulers of Chalcis. This fits into U. Rappaport's thesis that already Alexander Jannaeus broke off ties with Rome, and promoted an anti-Roman agenda, which included ties with Rome's enemies.⁴⁵

Therefore, although there were definitely some internal motivations for some, or perhaps all, of the episodes of rebellion and turmoil in this period, life is complex, and it seems that those were not the only, and probably not even the primary, motivations. Aristobulus and his sons appear to have been prepared to accept the rule of Judea from Roman hands had the Romans awarded it to them, just as Antigonos accepted it from the Parthians. Similarly, Malichus and others certainly had their political goals in opposition to Antipater and his sons. However, ultimately these episodes all appear to have also had a considerable anti-Roman purpose, and I suggest that—notwithstanding personal, social-economic, reasons—it was mainly for this cause that so many Judeans joined or supported these rebellions.

The Assumed Judean Opposition to the Hasmoneans and Judean Attitudes toward the Romans after 63

In the previous section, I concluded, in spite of Josephus's tendentiousness, that (one of) the main motivation(s) for the revolts and disorders of this period, which apparently enjoyed tremendous support in Judea, was anti-Roman. In order to establish this assertion, it is important to try to ascertain the attitudes of Judeans towards the Romans and their conquest. Hyrcanus and his party were undoubtedly content with the Roman conquest and support, though Hyrcanus certainly wanted them to make him king. In contrast, the followers of Aristobulus, who was ousted from the kingship and the priesthood by Pompey, had good reasons to hate the Romans. However, my primary interest here is not with the attitudes of these Hasmoneans and their followers but rather that of the general populace. Unfortunately, given the nature of our sources, it is rather difficult to discern the attitude of the average Judean towards the Romans. Nevertheless, there may still be an avenue for exploring this question.

Some studies assert that the Hasmoneans were generally not favorably received among common Judeans because they usurped the high priesthood, which rightfully belonged to the house of Zadok, and because they

45. Rappaport, "Relations." See Pucci (Ben Zeev), "Jewish-Parthian Relations."

eventually also assumed the throne which was the rightful inheritance only of the Davidic dynasty.⁴⁶ Theoretically one may presume, that if there was indeed such general abhorrence of the Hasmoneans, the Romans, who ousted the Hasmoneans from the throne and diminished their powers, would be favorably, or at least neutrally, received;⁴⁷ as discussed in the previous chapter, some indeed propose something of this sort regarding the Qumran community. It is proper then to examine the assumption of such general detestation of the Hasmoneans.

True, the story found in both Josephus (*Ant.* 14.41) and Diodorus Siculus (*Bib. hist.* 40.2) of the Judean delegation, which appealed to Pompey in Damascus in 63 against both Hasmonean brothers, seemingly indicates such general rejection of the Hasmoneans, or at least of their kingly status, and possibly a favorable, or at least neutral, acceptance of the Romans. However, as I have argued above (pp. 76–88), this story appears to essentially be a case of Roman, or specifically Pompeian, propaganda. It should therefore not be taken as indicative of prevalent Judean views.

In contrast, there is evidence for immense popularity of the Hasmoneans after Pompey's conquest, in addition to the mass volunteering to the rebellious armies. According to Josephus, Strabo reported that Anthony executed Antigonus upon learning that the Judeans remained stubbornly loyal to him (*Ant.* 15.8–10). Herod's engagement with Mariamme, the Hasmonean princess, in 42 BCE and their marriage in 37 was most likely politically motivated. Herod must have felt that it would help his popularity within Judea.⁴⁸ Furthermore, Josephus reports the great affection of the people towards Aristobulus III, Mariamme's brother, whom King Herod had appointed to the high priesthood; that was the reason Herod had him drowned in Jericho. Josephus writes: "In his appearance ... he displayed to the full the nobility of his descent. And so there arose among the people an impulsive feeling of affection toward him, and there came to them a vivid memory of the deeds performed by his grandfather Aristobulus [II]" (*Ant.* 15.51–52; see also *J.W.* 1.437). Herod's fears of this

46. This was argued most fervently recently by Rachel Elior, *Memory and Oblivion: The Mystery of the Dead Sea Scrolls* [Hebrew] (Jerusalem: Van Leer, 2009), 48–52, and see also 129 n. 32.

47. As Bickerman asserts in *From Ezra*, 174–77.

48. See Richardson, *Herod*, 121–22, contra Schalit, *King Herod*, 40–43; see further above, p. 146 n. 106.

youth as well as of others of Hasmonean descent, including his own children, attest to the popularity of this dynasty. In addition, the commemoration of the dates of various Maccabean victories as joyful days in *Megillat Ta'anit*, a pre-70 CE rabbinic text, also seems to attest to continued support of the dynasty.⁴⁹

Turning to the Hasmonean period itself, while it is clear that there was some internal strife, which during the reign of Jannaeus even deteriorated into actual civil war, it appears that it was not caused by opposition to the Hasmoneans *per se*. That strife apparently resulted from the break between the Pharisees and John Hyrcanus (*Ant.* 13.288–296), which continued into the days of Jannaeus (*Ant.* 13.372–383, *J.W.* 1.88–98). However, as bloody as that conflict eventually became, the Pharisees apparently had no difficulty cooperating with Queen Alexandra, Jannaeus's wife, after his death (*J.W.* 1.110–112, *Ant.* 13.400–406, 408–415, 422–423), just as they had no quarrels with the Hasmoneans prior to that break with John.⁵⁰ Likewise, when the break with the Pharisees occurred, John is said to have joined their rivals, the Sadducees. Thus, they too were not opposed to the Hasmoneans *per se*.

Whereas the Rabbis of the postdestruction period may have generally been, with the advantage of hindsight, anti-Hasmonean, it appears that we have no evidence that their predecessors, the Pharisees of the Hasmonean period itself, were opposed to the Hasmoneans as such. Josephus's story of the break between John Hyrcanus and the Pharisees has a relatively close parallel in the Babylonian Talmud (b. Qidd. 66a) where the king is typically called Janneaus. Vered Noam convincingly argues on the basis of the archaic, Second Temple period language of that story, as well as its biblical allusions, that it is basically a Pharisaic story from the Second Temple period originally composed as part of sectarian polemic. She further shows that in that story the king is not portrayed negatively at all, and the villain is rather Yehudah ben Gudgeda, who opposes the king, as well as Eleazar who opposes the Sages, that is, the Pharisees. The Pharisees have no interest in a confrontation with the king and do not oppose him. Actually, they are rather angry at Yehudah who vilified the king, which is also

49. Regev, *The Hasmoneans*, 268–71.

50. See Gedaliah Alon, *Jews, Judaism and the Classical World: Studies in Jewish History in the Times of the Second Temple and Talmud*, trans. Israel Abrahams (Jerusalem: Magnes, 1977), 1–17.

their attitude in Josephus's version.⁵¹ Thus, even this story does not attest to an anti-Hasmonean attitude of the Pharisees.⁵²

It is commonly understood that the Qumran sectarians parted from the Jerusalem temple, fundamentally rejecting Hasmonean high priesthood because the Hasmoneans were not Zadokites. However, as mentioned above (pp. 171–72 n. 1), some scholars argue that the sect arose not from a dispute over the high priesthood; that is to say, it did not reject the Hasmoneans qua Hasmoneans, but rather over halakah or from a rejection of the practices of the priests. Regardless, the outlook of a small, secluded, self-declared Zadokite sect cannot attest to the attitude of common Judeans.⁵³

Scholars asserting a general anti-Hasmonean environment in Judea have often pointed to the Psalms of Solomon.⁵⁴ Yet, current scholarship generally recognizes the inability to associate these psalms with any known group.⁵⁵ Thus, it is questionable to what extent they represent the views of common Judeans, or even the views of any Judeans beyond the author and his immediate circle of relatives and friends.⁵⁶

Be that as it may, these psalms explain Pompey's conquest and invasion of the temple as a punishment for sins of "the people of Jerusalem"

51. Vered Noam, "The Story of King Jannaeus (*b. Qiddushin* 66a): A Pharisaic Reply to Sectarian Polemic," *HTR* 107 (2014): 31–58.

52. See now also Regev, *The Hasmoneans*, 155–60. In this context, it is crucial to note that, even were we to conclude that the Pharisees essentially opposed the Hasmoneans, this would still not definitively attest to the attitude of the average Judean. Contemporary scholarship by and large rejects the picture that arises from Josephus's statements about the popularity and authority of the Pharisees in the Second Temple period. For the evolution of scholarship on this issue, see Schwartz, "Introduction," 5–17.

53. See Regev, *The Hasmoneans*, 95–96. For the attitude towards the Hasmoneans in the Dead Sea Scrolls, see also Sievers, *The Hasmoneans*, 88–92, who argues that the Scrolls' opposition had probably evolved since its beginnings until the composition of the Pesharim (90), and asserts that they rather "indicate that the Hasmoneans had a considerable following" (92).

54. Eilior, *Memory and Oblivion*, 129; Shatzman, "Hasmoneans," 56–57; Bickerman, *From Ezra*, 176–77. For the generally accepted view that this text is anti-Hasmonean, see Schürer, *History of the Jewish People*, 3:193–94; Flusser, "Psalms, Hymns and Prayers," 573–74. See also Atkinson, *I Cried*, 36–53; Regev, *The Hasmoneans*, 96–98.

55. See above, p. 19.

56. See Arnaldo Momigliano, "Religion in Athens, Rome and Jerusalem in the First Century B.C.," in Green, *Approaches*, 7.

(2:3, 11–18), not specifically of the Hasmoneans (cf. Pss. Sol. 1; 8:6–14).⁵⁷ Moreover, this explanation seems to be a case of religious hindsight—the author testifies that he was previously unaware of those sins (1:7, 2:17, 8:8–9). It seems that the author became aware of those sins only after the punishment. That is, the fact that there was a punishment posits, for the religious, the existence of sins. The author justifies the punishment in retrospect (see especially 8:6–9). So, even if the author was referring to the sins of the Hasmoneans, such theodicy does not attest to his attitude towards them prior to 63 BCE.⁵⁸

Only in Pss. Sol. 17 is there an obvious denunciation of the Hasmoneans. They are denounced for illegally usurping the Davidic throne (17:4–6).⁵⁹ However, this may again be a case of hindsight. In fact, in a recent study, Eckhardt argued that Pss. Sol. 17 is a composite text. According to his analysis, verses 1–10 were composed after Herod's ascension to the throne; therefore, the condemnation of the Hasmoneans should be seen against the background of their elimination by Herod, which allowed the specific identification of the Hasmoneans as the primary sinners in Jerusalem and their elimination an act of divine justice.⁶⁰ At any rate, Pss. Sol. 17 should certainly be read in light of their fall in 63.⁶¹

In As. Mos. 6:1, the author apparently denounces the Hasmoneans' rule per se: "Then powerful kings will rise over them, and they will be called priests of the Most High God. They will perform great impiety in the Holy of Holies."⁶² However, like the Psalms of Solomon, attempts to identify this text's author with any known group have proven futile, and it is also clear that at least chapter 6 was not composed in Hasmonean times,

57. Eckhardt, "PsSal 17," 489–91 and n. 64; Eckhardt, "Psalms of Solomon as Historical Source," 15–20. Cf. Atkinson, *I Cried*, 60–87.

58. See Eckhardt, "Psalms of Solomon as Historical Source," esp. 24–25.

59. See also 4Q252 6 V, 1–4, with Daniel R. Schwartz, "The Messianic Departure from Judah (4Q Patriarchal Blessings)," *TZ* 37 (1981): 257–66.

60. Eckhardt, "PsSal 17."

61. *Ibid.*, 492. See also Regev, *The Hasmoneans*, 163–65, who suggests that this opposition should not be seen as evidence of principled opposition to the Hasmoneans or to Hasmonean kingship as such, but rather it should be understood (as in the case of the Jewish delegation to Pompey) specifically against the background of the civil war between Hyrcanus and Aristobulus; that is, only the two brothers were regarded as illegitimate.

62. Translation by J. Priest in *OTP* 1:930.

but decades later, as it refers to Herod's reign and apparently also to the campaign of Varus in 4 BCE (6.2–9).⁶³

Thus, a quest for contemporaneous opposition to the Hasmoneans as such leaves us almost completely empty-handed. Of course, as politics go, it is only natural that there were some who felt deprived and opposed the Hasmoneans. The remnants of the high priestly dynasty of Onias, who were ousted by Antiochus IV and were not reinstated after the Maccabean Revolt, most probably opposed the Hasmoneans. But they went on to establish their own temple at Heliopolis in Egypt (see *J. W.* 1.33; 7.421–432, especially 431; *Ant.* 13.62–73). Thus, they do not attest to the existence of widespread opposition in Judea.⁶⁴ It is also possible that the late Hasmonean innovation of joining the priesthood with the kingship drew some opposition,⁶⁵ but again that would not necessarily constitute fundamental opposition to that house—at least not such that would prefer foreign domination—and I doubt the extent that such sentiments were widespread among the common folk. It is reasonable to assume that ordinary Judeans would not bother with any such ideologies and would be fairly satisfied living under native Judean rulers, as long as they were able to live in comparative peace and to provide the basic needs of their families.⁶⁶ Clearly, Judeans did not enjoy peace and quiet during the civil war between the Hasmonean brothers, Hyrcanus and Aristobulus, but, as we will shortly see, Roman domination soon demonstrated its own inability or unwillingness to provide such peace and quiet.

63. John J. Collins, "Testaments," in Stone, *Jewish Writings*, 347–49; Nickelsburg, *Jewish Literature*, 74–77, 247–48.

64. Note, furthermore, that Ananias, the son of Onias who built that temple in Heliopolis (*Ant.* 13.285), is said to have persuaded Cleopatra IV not to invade Judea and attack Alexander Jannaeus, "one who is our kinsman," adding that "an injustice done to this man will make all us Jews your enemies" (*Ant.* 13.353–355). So, even their opposition to the Hasmoneans may not have endured.

65. Schwartz, *Studies*, 44–56.

66. For the question of support and opposition of the Hasmoneans, see further Joseph Sievers's study, *The Hasmoneans*, which, however, mainly deals with the Hasmoneans from Mattathias to John Hyrcanus. Nevertheless, Sievers's conclusions are that, although there obviously were fluctuations in the support they enjoyed, they were, for the most part, quite popular, including Jannaeus; he adds that "their popularity was still of political importance even after their downfall, as events in the reign of Herod show" (158).

Consequently, we cannot confirm that there was a general rejection of the Hasmoneans, and it is rather reasonable to assume that they were (usually) widely accepted.⁶⁷ Though this may sound like special pleading, the discussion is necessary to refute possible assertions that the Hasmoneans were generally rejected and therefore the Romans would have generally been accepted in Judea, and that thus, in contrast to my conclusion in the previous section, any disturbances and revolts in 63–37 BCE must have been internal conflicts or, alternatively, involved only a small minority of fanatics.

Moreover, even where there is some anti-Hasmonean outlook, whether in secluded Qumran or in the retrospective Psalms of Solomon, it is not accompanied by a positive or even a neutral attitude towards the Romans and their conquest. On the contrary, they express deep resentment towards the Romans. Psalms of Solomon 7, which appears to have been composed on the eve of the Roman conquest, pleads the Lord not to allow the gentiles' conquest: "May their feet not trample your holy inheritance. Discipline us as you wish, but don't turn us over to the gentiles" (vv. 2–3).⁶⁸ When the gentiles are nonetheless triumphant, the psalmist, as mentioned above, justifies the judgment as punishment for the people's sins, on the one hand, but also strongly vilifies the Roman conquerors, on the other hand. Psalms of Solomon 2 opens with "the sinner contemptuously" smashing Jerusalem's walls (v. 1), and continues: "Gentiles who worship other gods went up to your altar; they brazenly trampled around with their sandals on" (v. 2). Although the Romans serve as divine agents to chastise the sinning "sons of Jerusalem," the psalmist nevertheless requests that God retaliate against them, and especially that he disgrace "the dragon's arrogance" (v. 25).⁶⁹ The next verse describes the fulfillment of that request—Pompey's murder in Egypt.⁷⁰ Psalms of Solomon 8 is

67. See Regev, *The Hasmoneans*, 267–72. Bar-Kochva ("Manpower") asserts that the Hasmoneans' expansionist policy did not arouse resentment within the general population, as that policy would have benefitted the populace. So too, he asserts that their hiring of foreign mercenaries, which was necessary to protect the enlarged state, was not a reason for popular resentment of the Hasmoneans.

68. For this idea, see also 2 Macc 10:4.

69. In the Septuagint *δράκων* usually translates לַיִתָּן or תַּנִּין, and it is quite instructive to ponder which biblical verses the psalmist may have had in mind, such as Ezek 29:3, 32:2, both referring to Pharaoh, or Jer 51:34, referring to Nebuchadnezzar; see also Ps 74:13–14.

70. For this identification, see above, pp. 116–17 nn. 194–98.

not as hostile to Rome or to Pompey, but it nevertheless presents him as untrustworthy and murderous: after being peacefully let into the city by its leaders—an act which the author criticizes—he tore down its walls and killed its leaders and many others (vv. 16–20). Psalms of Solomon 17 awaits judgment over the gentiles (vv. 3, 22–25), and again it maligns the foreign conqueror (vv. 11, 13–14). Thus, however we understand this psalmist's attitude to the Hasmoneans, his hostility to the Romans is unambiguous. As we have seen in the previous chapter, the Dead Sea Scrolls, which are more clearly oppositional to the Hasmoneans, present a similar phenomenon. On the one hand, the Romans (*Kittim*) are seen as God's agents to punish His people, and on the other hand they are presented as very evil and are deeply resented; their quick downfall is hoped for and anticipated.

In conclusion, while we might have supposed that Roman domination would not be negatively accepted by many Judeans, due to the often-assumed general antagonism towards the Hasmoneans, who were then ruling Judea, this is not the case. Although there certainly were people who rejected the Hasmoneans as such (Onias, for example), just as there were certainly people who were not content with this or that Hasmonean (for example, Jannaeus), it is difficult to substantiate any contemporary widespread opposition to the Hasmoneans per se. Fundamental rejection of Hasmonean rule is perhaps found in secluded Qumran, whereas in texts composed after the demise of the Hasmonean dynasty it may be no more than hindsight. It appears, then, that most Judeans were usually not opposed to that priestly house. Furthermore, even where such a rejection may have existed (such as at Qumran or in the Psalms of Solomon), the Romans are portrayed very negatively and their downfall is hoped for.⁷¹ Thus, this conclusion does not conflict with, and even supports, those of the previous section that the numerous episodes of rebellion and unrest in

71. See also Hadas-Lebel, *Jerusalem against Rome*, 21–39, 365–70. The Assumption of Moses does not explicitly refer to the Romans, but only to Varus (6:8–9) who is portrayed rather neutrally. Herod's portrayal, on the other hand, is very negative. He is a "wanton king," "a man rash and perverse," who will kill old and young alike (6:2–6 in *OTP* 1:930 [Priest]). Unfortunately, we have no contemporary evidence for the Pharisaic view of the Romans and their conquest. The Babylonian Talmud version of the story of the siege of Hyrcanus against Aristobulus (Sotah 49b // B. Qam. 82b // Menah. 64b), in which the swine, which symbolizes Rome, is deceptively sent into the temple and when it is halfway up the wall the entire land quakes—possibly symbolizing the future Destruction—is perhaps telling. See further above, p. 7 n. 16.

the years 63–37 BCE were supported by numerous Judeans and were to a large degree anti-Roman.⁷²

Understanding the Revolts: Features and Causes

An examination of the phenomenon of native revolts under Roman rule must take into account two comprehensive studies by Stephen Dyson.⁷³ Dyson showed that the revolts he examined occurred at a time of Romanization and when the full impact of Roman domination was being felt along with cultural change. A central element was the imposition of taxes. These developments caused major economic and social tensions, which led to the revolts that often took the Romans by surprise.⁷⁴

Yet, Dyson dealt with revolts in the Western tribal areas of the empire, and, moreover, the cases he examined present a pattern very unlike the one attested in Judea. Whereas in Judea, as we have seen, resistance began very soon after the initial Roman conquest and continued to erupt very frequently, the revolts examined by Dyson—many of which were in areas at the frontiers of the empire—occurred only decades after the initial conquest, and they were not nearly as frequent.⁷⁵ Nevertheless, a comparison of the Judean case with his conclusions can illuminate significant aspects.

Indeed, it appears that some features noted by Dyson for the revolts he examined cannot be relevant for Judea in our time period. According to Dyson, the revolts he examined came at a time of an acceleration of the process of Romanization, of changes in administrative structures, of abuses by the Roman administration, and of taxation; they also followed the arrival of traders and settlers from the ruling power who usually provoked hostility. He asserts that leaders of the revolts often came from

72. In other words, in the spirit of Martin Goodman's methodological warning (Goodman, "Opponents," 224), we appear to have both texts attesting to deep-founded animosity towards Rome and evidence of the actions that that animosity engendered.

73. Stephen L. Dyson, "Native Revolts in the Roman Empire," *Historia* 20 (1971): 239–74; see also, Dyson, "Native Revolt Patterns."

74. See also Greg Woolf, "Provincial Revolts in the Early Roman Empire," in *The Jewish Revolt against Rome: Interdisciplinary Perspectives*, ed. Mladen Popović, JSJSup 154 (Leiden: Brill, 2011), 31–33.

75. See Stern, *Studies*, 277; Price, *Jerusalem under Siege*, 3 n. 6; Brunt, *Imperial Themes*, 518.

the more Romanized classes.⁷⁶ Apart from taxation, these features could barely have been relevant for Judea, where revolts erupted so soon after the initial conquest. Even if the process of Romanization began in Judea already before Herod's reign,⁷⁷ it could hardly have been felt so soon. At the time of the first revolts following 63, Roman administration was just starting to take shape; it does not seem likely that a presence of Roman settlers was significant at such an early time;⁷⁸ and, although they were probably Hellenized, the leaders of the revolts could not have already been Romanized. In fact Dyson writes of most of the revolts he studied:

A distinguishing feature of this type of revolt is its timing. It is not a resistance to initial conquest and does not generally include groups that led the resistance to conquest. Usually the native tribes do not realize the full impact of conquest and are more concerned with previous quarrels with other natives.... It takes a few years of partial or complete control by the foreign power to make the natives realize the full impact of the conquest.⁷⁹

In Judea, in contrast, revolts erupted very soon after the initial conquest, and they were often led by the same people who had led the resistance to that conquest (that is, Aristobulus and his children). Additionally, the first revolts erupted at a time when Roman control was probably not very tight: no Roman governor was stationed in Judea; only the governor of Syria kept watch over Judea, while the native Hyrcanus was the high priest in Jerusalem.

Nevertheless, some of the features noted by Dyson are reflected in the Judean case. Dyson notes that revolts often erupt when Roman attention is diverted elsewhere, sometimes when the Roman governor and most of

76. Dyson, "Native Revolts," esp. 267–69; Dyson, "Native Revolt Patterns," 139–40. See also Woolf, "Provincial Revolts," 31–33.

77. For an argument asserting the beginnings of Roman architecture in the area prior to Herod's reign, see Duane W. Roller, *The Building Program of Herod the Great* (Berkeley: University of California Press, 1998), 76–84. In contrast, Mark A. Chancey, *Greco-Roman Culture and the Galilee of Jesus* (Cambridge: Cambridge University Press, 2005), 71–73, points to the lack of evidence of Roman architecture prior to Herod.

78. The presence of such settlers may be implied in *Ant.* 14.83 and 14.100, however. On *Ant.* 14.83, see Marcus's n. c ad loc. in LCL; Schalit, *Roman Administration*, 35–36; Stern, *Hasmonaean Judaea*, 219 n. 11. On *Ant.* 14.100, see above, p. 218.

79. Dyson, "Native Revolts," 268.

his army were absent from the area.⁸⁰ Indeed, as noted in the survey above, many of the revolts in Judea in 63–37 erupted when the governor of Syria was away (for example, Alexander began his first revolt when Gabinius had not yet arrived, and his second when Gabinius was in Egypt; the revolt of 53 erupted after Crassus's death), or when Roman attention was diverted elsewhere (for example, at various instances during the Roman civil war).

While this feature does not shed light on the actual causes of these revolts, it does more than explain their timing; it also sheds light on the probable perception of Judeans as to the chances of success. For, although we may assume with hindsight that these revolts against the mighty Romans were doomed to fail, they were certainly not seen as such at the time. Although the Romans had conquered the East, nonetheless, in light of the constant internal troubles in Rome and of the rise of the Parthians, who had even defeated the Romans in 53, and later in 40,⁸¹ it was far from clear that Rome would retain control for a long period of time. Thus, revolts during this period did not appear to be hopeless.⁸²

Dyson stresses that a sense of unity was often vital for such revolts: "Models of past or present unity also aid in the structuring of revolts.... In several cases models of stronger native kingdoms in the past ... or in the present ... were available for the natives revolting against Rome." He also stresses that the potential for such unity among the natives was usually underestimated by the Romans, who perceived the natives as deeply divided.⁸³ This observation is perhaps most important for understanding resistance in Judea. Judeans had an ancient "mythologized" model of a native kingdom from the distant biblical past, as well as a recent model—the just fallen Hasmonean kingdom, however flawed it may have been perceived.⁸⁴ The Romans though, seeing the civil war in Judea on the eve of their conquest, probably perceived Judeans as deeply divided and unable to unite even against a common enemy. However, as divided as Judeans may have been in 63, most Judeans probably shared opposition

80. Dyson, "Native Revolts," 268, 273.

81. For the Roman view of Parthia as its equal rival, see Strabo, *Geogr.* 11.9.2, and Justinus, *Hist. phil.* 41.1. See also Carol U. Merriam, "'Either with Us or against Us': The Parthians in Augustan Ideology," *Scholia: Studies in Classical Antiquity* 13 (2004): 56–70.

82. See Woolf, "Provincial Revolts," 43–44.

83. Dyson, "Native Revolts," 272; see further, pp. 256, 272–73.

84. See Brunt, *Imperial Themes*, 518.

to foreign domination. This is manifest in the above-mentioned resentment of the Romans in such supposed anti-Hasmonean texts as Peshar Habakkuk and the Psalms of Solomon. Thus, for example, Pss. Sol. 7 says: "Don't turn us over to the gentiles" (v. 3) and, "While your name lives among us, we will receive mercy, and the gentile will not defeat us" (v. 6).⁸⁵ If even they were so anti-Roman, so were certainly others who were not (as) opposed to the Hasmoneans.

A good illustration of this Judean sentiment is provided in the events a quarter of a century earlier, during the reign of Alexander Jannaeus. At that time, internal dissent in Judea had turned into full-blown civil war, and the opponents of Jannaeus appealed to the aid of the Seleucid king, Demetrius III. A war between Jannaeus and Demetrius, who was accompanied by those Judeans, followed. Demetrius was victorious, and Jannaeus fled to the mountains. But then, "out of pity," the Judeans deserted Demetrius and six thousand joined Jannaeus (*J. W.* 1.90–95, *Ant.* 13.376–379).⁸⁶ While the explanation of "pity" is hardly convincing, it seems reasonable to assume, as scholars have suggested, that the real reason for that desertion was that Demetrius intended to march on Jerusalem.⁸⁷ As much as they hated Jannaeus, these Judeans were apparently unwilling to see Jerusalem taken by a foreign ruler.

Thus, it appears that the primary resistance to Pompey's conquest and to Roman domination thereafter was rooted in a basic opposition to foreign rule.⁸⁸ Along with biblically-derived hopes, the memories of the bitter experiences their forefathers had with the last foreigner who dominated Judea, Antiochus IV Epiphanes, and his persecution, the subsequent successful Maccabean revolt,⁸⁹ the demise of the Seleucids, the establishment of the Hasmonean state, and the hopes these developments

85. See also Pss. Sol. 2 and 17:11–14. See also Brian Schultz's recent chapter on the War Scroll: "Not Greeks but Romans: Changing Expectations for the Eschatological War in the *War Texts* from Qumran," in Popović, *The Jewish Revolt*, 107–27, esp. his conclusion (126–27).

86. Stern, *Hasmonaean Judaea*, 186–87.

87. Frank Moore Cross, *The Ancient Library of Qumran*, 3rd ed. (Sheffield: Sheffield Academic, 1995), 99. See also 4Q169 (Peshar Nahum) 3–4 I, 2.

88. See John J. Collins, "The Jewish World and the Coming of Rome," in *Jewish Cult and Hellenistic Culture: Essays on the Jewish Encounter with Hellenism and Roman Rule*, JSJSup 100 (Leiden: Brill, 2005), 202–15, esp. 210–11.

89. The memories of the persecution of Antiochus Epiphanes and of the Maccabean revolt were undoubtedly kept alive in Judea by the Hasmonean rulers who were

aroused even among those who were opposed to the Hasmoneans, were a perfect breeding ground for such “nationalist” sentiments and opposition to foreign rule.⁹⁰

The manner in which Roman domination commenced—as a military conquest in the midst of the war between the two Hasmonean brothers—certainly facilitated the exploitation of such sentiments by any Hasmonean who was spurned, as well as by his descendants; and they would naturally encourage such sentiments and lead any ensuing revolts. While we could never know what would have happened under different circumstances, it stands to reason that, if there had been one recognized Hasmonean ruler and that ruler were to realize the situation and submit to Roman domination, the beginning of Roman rule would likely have developed in a significantly different manner. Pompey would have needed neither a military conquest, nor to penetrate Jerusalem or the temple. It is likely that he would have left that Hasmonean as a client king, an ally and friend (*socius et amicus*) of the Roman people, and foreign domination would have been barely felt.⁹¹

However, Pompey entered the scene in the midst of the Hasmonean brothers’ war, and he was therefore compelled to choose one brother over the other; and, though he chose Hyrcanus, he did not appoint him as king, all the while making it clear that Hyrcanus owed his position to—and that Judea itself was now subordinate to—the new foreign overlords. Pompey, moreover, entered (perhaps on the Jews’ holiest day) the innermost and holiest part of the temple, a terrible calamity in Judean eyes, which likely

descendants of the Maccabees, by the book 1 Maccabees (and perhaps also 2 Maccabees), and by the annual celebration of Hanukah.

90. Cf. Schultz, “Not Greeks,” 117–20 and n. 38. That the Hasmonean era was a period of heightened Jewish, or Judean, “nationalism” is accepted by many scholars; see, e.g., Mendels, *Rise and Fall*, 6, 26; Goodblatt, *Elements*, 120–21, 144. For a general examination of nationalism in ancient Judaism, see those two studies, and for the question of the appropriateness of the usage of the term “nationalism,” which is often considered a solely modern phenomenon (as noted, for example, by Martin Hengel, *The Zealots: Investigations into the Jewish Freedom Movement in the Period from Herod I until 70 A.D.*, trans. David Smith [Edinburgh: T&T Clark, 1989], 141–43), see Goodblatt, *Elements*, 1–27. See also F. W. Walbank, “Nationality as a Factor in Roman History,” *HSCP* 76 (1972): 145–68, esp. 164–68. See further Hadas-Lebel, *Jerusalem against Rome*, 21–39; Flusser, “Roman Empire,” 177.

91. See also Schalit, *King Herod*, 20–26. See, for example, Pompey’s treatment of Tigranes, King of Armenia, once the latter surrendered without battle, recognizing him as king (Plutarch, *Pomp.* 33).

reminded many Judeans of Antiochus IV.⁹² The enormity of Pompey's conquest of the temple and the Jews' hatred towards him, which is clearly attested in Pss. Sol. 2, was discussed above.⁹³

These developments, moreover, came with a heavy price for Judea and its population. Many Judeans were killed, and certainly many others were wounded, while many were exiled or enslaved. The indiscriminate killing and exile of Judeans by the Romans during Pompey's conquest (*J.W.* 1.149–152, *Ant.* 14.66, 69–71) made a horrific impression on the authors of the Psalms of Solomon (2:6–8, 23–24; 8:20–21; 17:11–12) and Peshar Habakkuk (VI, 10–12: “Its interpretation concerns the *Kittim*, who destroy many with the sword—young men, strong men [אֲשִׁישִׁים] and old men, women and toddlers—and on the fruit of the womb they have no compassion.”).⁹⁴ Additionally, the economic toll was significant. Plundering was the norm.⁹⁵ Certain areas were undoubtedly devastated, as attested in 1QpHab III, 9–12: “Its inter[pretation] concerns the *Kittim*, who trample the land with [their] horses and with their beasts. And from a distance they come, from the islands of the sea, to devour all the peoples like an eagle, and there is no satiety.”⁹⁶ Judea was laid under tribute⁹⁷ and was stripped of many

92. Smallwood, *Jews under Roman Rule*, 27.

93. Above, pp. 92–99, 116–17; see also Stern, *Hasmonaean Judaea*, 212.

94. For אֲשִׁישִׁים, see Horgan, “Pesharim,” 171 n. 60. Compare the description of “old men, women and toddlers” to Pss. Sol. 17:11, “The lawless one ... eliminated young and old and their children together” (see also 2:8) and Lam 2:21. See also 4QpNah 3–4 II, 4–6, IV, 1–4. Although such descriptions of the peshar texts and the Psalms of Solomon are doubtlessly influenced by biblical texts, especially Deuteronomy (see, e.g., 28:50 and 32:25), they nevertheless appear to be based—even if exaggerated—upon actual events, as Josephus describes. Note also Josephus's more vivid account of the indiscriminate massacre of male and female Judeans of all ages during the conquest of 37 (*J.W.* 1.351–352, *Ant.* 14.479–480). For indiscriminate massacre of the population of a conquered city by the Romans, followed by widespread pillaging, see Polybius, *Hist.* 10.15.4–9; Tacitus, *Hist.* 3.33; along with Ziolkowski, “*Urbs direpta*”; Harris, *War and Imperialism*, 50–53.

95. Cicero bemoans the fact that Romans plunder and do other injuries even onto their allies (see *Leg. man.* 65–67).

96. See also Pss. Sol. 17:11: “The lawless one devastated our land, so that it was uninhabitable.” For the damage to agriculture and commerce caused by wars, see Angelos Chaniotis, *War in the Hellenistic World: A Social and Cultural History* (Oxford: Blackwell, 2005), 121–29, 137–40. Even the garrisoning and passing of troops in the country took a serious toll.

97. For an idea of the enormous amount of plunder and other revenues Pompey

territories the Hasmoneans had formerly acquired; and Pompey probably restricted the size of the Judean army. These developments left many disgruntled Judeans, whose land was devastated or altogether lost, as well as newly unemployed soldiers, likely prompting many of them, of whom a large number were armed and well trained, to join in revolts.⁹⁸

The manifestation of Roman domination in Judea quickly demonstrated that the Judeans' sufferings were not limited to the initial conquest of Judea but that they would rather be their lot as long as they were under Roman domination. The suppression of every revolt was burdensome on the land and the people, and many Judeans probably blamed the Romans, not the rebels, for their sufferings. This was accompanied by the aggravating reality of ever-changing Roman policies regarding Judea. Pompey's settlement made Hyrcanus a high priest, but it also placed Judea under the watchful eye of the Roman governor of Syria. In 57, Gabinius changed that settlement and divided the country into five districts, each governed by a council. Later, in 55, Gabinius made an unclear change in that arrangement, elevating the position of Antipater in Jerusalem. In 47, Caesar apparently unified the country under Antipater as ἐπίτροπος, and he made Hyrcanus ethnarch. This constant change of political arrangements shows that the Romans were having a difficult time finding a suitable method to rule the Judean people.⁹⁹ Such instability must have taken its toll on the

made in his Eastern campaign, see Plutarch, *Pomp.* 45.3: "Inscriptions set forth that whereas the public revenues from taxes had been fifty million drachmas, they were receiving from the additions which Pompey had made to the city's power eighty-five million, and that he was bringing into the public treasury in coined money and vessels of gold and silver twenty thousand talents, apart from the money which had been given to his soldiers, of whom the one whose share was the smallest had received fifteen hundred drachmas"; see further Appian, *Mithr.* 116; Pliny, *Nat.* 37.12–17.

98. Shatzman, *Armies*, 129–38; Bar-Kochva, "Manpower," 175. This state of affairs, in addition to the loss of the (previous) central government, the conquest, and the various military campaigns, likely also encouraged banditry (see Eric J. Hobsbawm, *Bandits* [London: Weidenfeld & Nicolson, 1969], 18–19; Brent D. Shaw, "Bandits in the Roman Empire," *Past & Present* 105 [1984]: 29; Lincoln Blumell, "Social Banditry? Galilean Banditry from Herod until the Outbreak of the First Jewish Revolt," *SCI* 27 [2008]: 37–39), which in turn would worsen internal security and economic hardships, thus also enhancing hatred of Rome, and perhaps pushing more people to rebel.

99. Some studies appear to assume that Rome had from the outset determined a policy of dealing with Judea and that therefore the various arrangements were just gradual steps in the implementation of that policy; see, e.g., Schalit, *Roman Administration*, 66–68; Smallwood, *Jews under Roman Rule*, 31 (Gabinius continued Pompey's

people and on their willingness to accept Roman domination. At the same time, Rome's difficulties may have engendered hopes that its domination would end in the near future. More important, it seems likely that few Judeans were content with any of these different political arrangements.¹⁰⁰ The house of Aristobulus was certainly not content, but many who had formerly followed Hyrcanus were also probably not too happy with the loss of territory and authority. Likewise, opponents of the Hasmoneans were bound to remain disappointed with the settlement that left a Hasmonean as high priest. Similarly, the division of the country by Gabinius probably did not have much support among Judeans.

Furthermore, developments not directly related to Judea, such as various Roman military campaigns and the Roman civil war, also turned out to be burdensome on the Judean population. Governors of Syria often used Judea as a milch cow to finance those needs. In addition to the initial tribute imposed in 63, in 53 Crassus robbed the temple in preparation for his planned campaign against the Parthians; Cassius extracted a large sum of 700 talents in 43, in preparation for the impending war against Anthony and Octavian; at the same time, he also reduced some towns to servitude. Anthony probably also imposed heavy tribute on Judea.¹⁰¹ This grave reality—of which Julius Caesar appears to have been the exception to the rule, since he both gave territories back to Judea and eased the yoke of taxation—is reflected in 1QpHab IV, 10–13: “Its interpretation [co]ncerns the rulers of the Kittim, who, in the council of [their] guilty house,¹⁰² pass by, each man before his neighbor. [Their] rulers come [on]e after another to

policy); and esp. Piattelli, “Enquiry” (esp. 235–36). However, it seems to me that each of these various Romans had his own ad hoc policy towards Judea, which was probably determined by the immediate political situation in Judea and in the Roman world in general. For example, Gabinius probably divided the country because he thought that was the best way to prevent further revolts, just as Caesar's policy was more positive because of the help he was rendered in Egypt. For the piecemeal and experimental character of Roman policy in Judea, mostly after 37 BCE, see Albert I. Baumgarten, “How Experiments End,” in Levine and Schwartz, *Jewish Identities*, 147–61.

100. See Dyson, “Native Revolts,” 268: “Once this [i.e., initial] control is achieved ... the dominant power tries to establish a more regular administrative control, often with elements unfamiliar or disruptive to native life. Their officials are often completely ignorant of native customs and are ill-controlled.”

101. See Appian, *Bell.civ.* 5.7, and above, p. 148 and n. 113.

102. Or, perhaps, as suggested above, “the house of their guilt.” This phrase probably refers to the Roman Senate.

ruin the l[and].” In addition, Judeans were also required, or, expected, to provide supplies and troops to the Romans at various occasions: for example, during Scaurus’s campaign against the Nabateans in 63/62, during Gabinius’s campaign to Egypt in 55, in support of Pompey against Caesar in 48, aiding Caesar in Egypt in 47, and aiding Caesar’s generals who were led by Antistius Vetus in their war against Bassus in Syria in 46/45. This was certainly costly both in human lives and financially. This generally harsh reality of life under Roman domination, which was probably, for the most part, not unique to Judea, would have certainly encouraged many Judeans to join in the resistance.¹⁰³

Moreover, these early years of Roman rule over Judea presented further similarities with the era of Antiochus IV and his persecution, which could have been exploited by those who were intent on revolt, the most prominent of whom were descendants of the Maccabees. I have already mentioned that Pompey’s entry into the temple could have reminded people of Antiochus. More reminiscent of that persecutor were the events involving Crassus in 53. Crassus not only entered the temple, as Pompey had, but he also robbed it as Antiochus had. In addition, Plutarch (*Crass.* 17.5–6) describes the plundering of a temple at Hierapolis in Syria by Crassus, the same temple that is said to have been plundered by Antiochus IV Epiphanes (Granius Licinianus, *Ann.* 28). Finally, Crassus’s defeat at the hands of the Parthians, and his death during that eastern campaign, were also reminiscent of Antiochus. As argued above, this was probably the impetus to the revolt following his death, but it probably also had a more lasting effect.

I shall clarify this point: in asserting similarities between the actions of Pompey and Crassus with those of Antiochus Epiphanes, I neither maintain an identity of the causes and the motivations of the revolts of the first century BCE against the Romans with those of the Maccabean revolt against Antiochus, as argued by William Farmer and by Martin Hengel,¹⁰⁴

103. The financial burden on the conquered and various abuses by Roman officials are, of course, a primary feature of the revolts examined by Dyson. It is, therefore, perhaps not surprising that, despite the overwhelming defeats, according to the (probably exaggerated) numbers of rebels recorded by Josephus for the revolts of 57–55 BCE rebel numbers grew from one revolt to the next: from 10,000 foot and 1,500 horse in 57, to 8,000 fighters who remained after Aristobulus dismissed many (or most) who joined him in 56, to over 30,000 in 55.

104. William R. Farmer, *Maccabees, Zealots, and Josephus: An Inquiry into Jewish Nationalism in the Greco-Roman Period* (New York: Columbia University Press, 1956); Hengel, *Zealots*, 149–73.

nor do I agree with them that those motivations were primarily religious. There is neither evidence for, nor reason to think, that there was any religious persecution of the Jews by the Romans in the period examined here. My argument is that the resistance to Rome was essentially political, or “nationalistic,” notwithstanding the part religion may have played in it (such as the calamity of Pompey’s entry into the temple).¹⁰⁵ Nonetheless, similarities to Antiochus are apparent and one may assume they were apparent to contemporary Judeans as well.¹⁰⁶ Thus, they must have been a great motivator to rebellion, certainly such that Aristobulus and his sons, being descendants of the Maccabees, would have exploited.

To conclude this point, considering the timing of Pompey’s invasion following the nationalist revival by the Maccabees, which was the result of the persecution by Antiochus IV Epiphanes, and in the midst of a civil war between two descendants of those Maccabees, the manner in which the invasion took place, and its outcome, it seems only natural that it would generate intense and wide-ranging opposition to Roman rule in Judea. Even beyond Pompey’s conquest, as Roman rule manifested in Judea, it most likely only broadened and deepened that initial “nationalist” Judean opposition to its domination. This recognition supports the evidence adduced above for such opposition.

The Continuing Legacy of the Resistance of 63–37

In this section, I will examine the background of the Great Revolt of the Judeans against Rome (66–70 CE) in the light of the above understanding of the period of 63–37 BCE. As the Great Revolt itself is beyond the immediate scope of this study, I cannot delve into all of the intricacies of the debates about the first century CE and of that revolt. Rather, the discussion will be limited to a suggestion as to how 63–37 BCE can help us better understand them.

105. See Brunt, *Imperial Themes*, 272–73, 527–30.

106. 4QpNah 3–4 I, 3 may be implying a comparison of Pompey with Antiochus. For the natural human phenomenon of typological thinking—that is, equating events and figures of the present with those of the past, see David Daube, “Typology in Josephus,” *JJS* 31 (1980): 18–36, esp. 21–25. Thus, for example, many Jews saw the Romans as present day Babylonians (e.g., 1QpHab II, 11–12; Josephus, *Ant.* 10.79; Revelation), and Josephus probably identified himself with Jeremiah and other biblical heroes (Daube, “Typology”).

Some recent studies of the first century CE and the Great Revolt suggest that, by and large, until 66 CE relations between Judeans and Rome were peaceful and that most Judeans were accepting of Roman rule; whatever disturbances may have occurred were, for the most part, internal Judean affairs, not essentially anti-Roman. Most recently and most systematically, this view has been advanced by Martin Goodman in his book *Rome and Jerusalem*.¹⁰⁷ One of Goodman's main goals is to argue that the disaster was not inevitable. According to Goodman, the eruption of war in 66 was almost incidental, the result of the incompetence of the Roman governor Florus and the actions of some fanatical Jews.¹⁰⁸ However, it seems unlikely that such a brutal conflict suddenly erupted out of a situation of general felicity with no essential underlying causes.¹⁰⁹ Goodman is certainly right to shy away from determinist views such as one suggesting that the disaster was inevitable,¹¹⁰ but, as James Carleton Paget writes:

It is important to note that a view which holds there to be underlying economic, social and political tensions in Roman Judea does not thereby posit an inevitable character to the revolt, but it does take seriously evidence of tensions and disharmony, regarding these as more than blips in an otherwise harmonious tale.¹¹¹

From the perspective of the current study, it is more important to note that such studies, which assert that the period leading to the Great Revolt was generally one of peace between Judeans and Rome, tend to ignore the period of 63–37 BCE, perhaps as part of the more general scholarly neglect

107. Martin Goodman, *Rome and Jerusalem: The Clash of Ancient Civilizations* (London: Allen Lane, 2007), especially 379–99. For this view, see also Shaye J. D. Cohen, *From the Maccabees to the Mishnah*, 2nd ed. (Louisville: Westminster John Knox, 2006), 21–22, 26, 49–50; Brunt, *Imperial Themes*, 519.

108. For this type of explanation for the eruption of provincial revolts, see Woolf, “Provincial Revolts,” 36–43.

109. James C. Paget, “After 70 and All That: A Response to Martin Goodman’s *Rome and Jerusalem*,” *JSNT* 31 (2009): 347–48. See also Seth Schwartz’s discussion of the revolution in Goodman’s understanding of causation in his review of *Rome and Jerusalem*, Seth Schwartz, “Sunt Lachrymae Rerum,” *JQR* 99 (2009): 63–64.

110. For such a determinist view, see, e.g., Smallwood, *Jews under Roman Rule*, 288.

111. Paget, “After 70,” 348. Paget also points to New Testament evidence of anti-Roman environment and disturbances in first century Judea, such as Luke 23:29 (Paget, “After 70,” 358–60).

of this period, which was noted in the introduction.¹¹² It seems to me, however, that an investigation of the relations of Judea and Rome leading up to the Great Revolt must commence with the beginning of Roman rule in Judea, that is, in 63 BCE.

In his 1987 study, *The Ruling Class of Judaea*, Goodman briefly refers to a potential explanation of the revolt as rooted in Pompey's conquest. The explanation he refers to is that the oppressiveness of Roman rule, beginning with Pompey, engendered anti-Roman sentiments that eventually led to the Revolt.¹¹³ The focus on oppression lends Goodman the opportunity to reject this explanation, rightfully arguing that Roman rule in Judea was not constantly oppressive. He adds that in fact "many of the worst incidents of Roman violence, such as the campaigns [*sic*] of Pompey, had taken place long before the lifetime of those who rebelled in A.D. 66" and that there is "much evidence of Roman respect for the Jewish cult."¹¹⁴

However, we should look at the other side of the issue. Along with the question of Roman oppression of Judeans, one should also look at the Judeans' attitude toward Roman rule. As I have shown above, in the years 63–37 Judea saw numerous episodes of unrest and rebellion, which were primarily political, or "nationalistic," and anti-Roman. Opposition to foreign rule in general, and to Roman rule in particular, abounds in Judean literature of the era—in texts that are often taken as opposed to the Hasmoneans (such as the Psalms of Solomon and the Dead Sea Scrolls). As the period went on, Judeans seem to have suffered more, and more reasons for hatred of Rome emerged (for example, Crassus's plunder of the temple and Cassius's extortions and brutality), thus reinforcing the

112. See above, pp. 2–9. In fact, Goodman's chapter on the issue is titled "The Road to Destruction, 37 BCE–70 CE," thus ignoring 63–37 BCE entirely; moreover, it devotes only less than a paragraph to the following period, Herod's reign (37–4 BCE). A similar picture emerges from other studies. See, e.g., James S. McLaren's study, *Turbulent Times: Josephus and Scholarship on Judaea in the First Century CE*, JSPSup 29 (Sheffield: Sheffield Academic, 1998), whose index shows no references to Josephus's narrative of 67–37 BCE, or David M. Rhoads, *Israel in Revolution: 6–74 C.E.; A Political History Based on the Writings of Josephus* (Philadelphia: Fortress, 1976), who in his "Historical Background" devotes a mere paragraph to the years 67–37 BCE (p. 23), and less than four pages to the rule of Herod and Archelaus (pp. 23–27).

113. Goodman, *Ruling Class*, 9–11. Schalit, *King Herod*, 20–26, posits that Roman hatred of the Jews began in the initial foolish resistance of Aristobulus to Pompey and from that point oppression began.

114. Goodman, *Ruling Class*, 14.

initial opposition. While there certainly were Judeans who profited from Roman rule and were therefore content with it, they were by all means the minority; I cannot point to any wide circles of support for Roman rule in Judea in 63–37.

Consequently, when considering the background of the Great Revolt, one should not only focus on the actual oppressiveness of Roman rule but also, and perhaps more so, on the Judeans' attitude towards it. That attitude, at least in 63–37, was largely one of opposition and resistance. Just as it is hard to believe that a bloody conflict such as the Great Revolt erupted suddenly without any background of hostility,¹¹⁵ so it is hard to believe that such broad and deep ideological opposition to Roman rule as manifest in 63–37 simply disappeared upon the ascent of Herod—the Roman appointee—to the throne. Rather it seems sensible to evaluate subsequent disturbances in the light of this early opposition, thereby making it more reasonable to understand them as essentially anti-Roman, not internal. Thus, while there probably were additional, and more immediate, reasons and causes for the Great Revolt that stem from the history of the first century CE, it seems that its roots are to be found in the initial stages of Roman domination of Judea. This has been previously posited by several scholars. For example, in his study of the Great Revolt, Jonathan Price speaks of “the near *tradition* of rebellion begun in 63 B.C.E.” and writes:

The outbreak of war in 66 C.E. was the explosive culmination of a long series of conflicts that began with Pompey's conquest in 63 B.C.E. During the 130 years preceding the rebellion, disorder and defiance were more frequent than peace, internal divisions and struggles constant.

The Romans did not practice a deliberate anti-Jewish policy, but hostility nonetheless smoldered under the surface and burst into flame at the slightest provocation. Rebellion against the Romans had become entrenched, even respected habit by 66 C.E. and at the same time had amplified and changed the nature of the internal struggles which never vanished from among the Jews.¹¹⁶

115. Cf. Richard A. Horsley, “The Sicarii: Ancient Jewish ‘Terrorists,’” *JR* 59 (1979): 446–47.

116. Price, *Jerusalem under Siege*, 2–11; quotes from pp. 7, 2, and 3 respectively; italics original. For similar views, see Stern, *Studies*, 277; Freyne, *Galilee*, 57; Aryeh Kasher, “Introduction: The Causal and Circumstantial Background of the Jewish War against the Romans” [Hebrew], *The Great Jewish Revolt: Factors and Circumstances Leading to Its Outbreak* [Hebrew] (Jerusalem: Shazar, 1983), 9–92, esp. 10–27. See

Indeed, there are several indications for the continuity of the anti-Roman hostility and unrest of 63–37 BCE in the period following 37. The main security concerns of Herod, whose power was dependent upon Roman support (see *Ant.* 15.72, 80, 16.401, Plutarch, *Ant.* 71.1),¹¹⁷ were with his Judean subjects. With Roman support and using efficient and brutal measures, Herod was able to prevent any substantial unrest. But the evidence, not in the least the need for that support and those measures themselves, suggests that the flame of resistance was still burning. As mentioned above, according to Strabo (apud Josephus, *Ant.* 15.8–10), Anthony executed Antigonus in 37 when he learned that the nation remained loyal to that Hasmonean and would not accept Herod. This sentiment is also apparent in the report of the popularity of the Hasmonean high priest Aristobulus III, whom Herod subsequently murdered (*Ant.* 15.50–56), just as he later murdered his own Hasmonean wife and children. It is quite clear that he saw them as a threat to his power, as potential candidates around whom his opponents can rally.

Upon the death of Herod the undercurrents of rebellion surfaced. Numerous disturbances and rebellions erupted throughout Judea (*J.W.* 2.4–13, 39–75; *Ant.* 17.213–218, 250–298). Most of this unrest took place when Herod's heir, Archelaus, was away in Rome; the fighting was largely between the rebellious Judeans and Roman forces, who also set fire to the porticoes of the temple; and the insurrections were eventually put down by Varus (*J.W.* 2.39–54, 66–75; *Ant.* 17.250–268, 286–298), an event that left a lasting impression in *As. Mos.* 6:8–9 (see also Josephus, *Ag. Ap.* 1.34, Tacitus, *Hist.* 5.9.2). Moreover, some of these rebellions were led by various pretenders to the throne (*J.W.* 2.56–65, *Ant.* 17.271–284, Tacitus, *Hist.* 5.9.2), and as such were essentially political.¹¹⁸ One of these leaders was Judas the son of Ezekias the ἀρχιληστής, whom Herod had killed in 47 BCE, and who, as observed above, was actually a rebel leader. This indicates continuity from the pre-37 resistance.

Judean opposition to Herod was undoubtedly also fueled by internal Jewish reasons, such as his cruelty and his sacrilegious actions (such as the pagan temples he built in Caesarea and elsewhere or the golden

also Thomas Grünewald, *Bandits in the Roman Empire: Myth and Reality*, trans. John Drinkwater (London: Routledge, 2004), 91.

117. See Stern's note in *GLA* 1:574.

118. See Grünewald, *Bandits*, 95–96.

eagle he erected over a gate of the temple).¹¹⁹ Such displeasure with Herod is attested by the story of the delegation of Judeans which, following Herod's death, arrived at Rome to request the end of Herodian rule, which they considered tyrannical, even preferring to be annexed to the province of Syria (*J.W.* 2.80–92, *Ant.* 17.300–314). Yet this should not lead us to conclude that many Judeans were particularly happy with Roman domination, because it is difficult to determine to what extent such a delegation represented the general populace, and its request only attests to a preference—in the lack of a prospect of freedom from Roman dominance—to be ruled from afar by the Roman governor of Syria rather than by a local tyrant.

In fact, when Judea eventually came under direct Roman rule following the exile of Archelaus in 6 CE, and Quirinius, the governor of Syria, came to Judea to assess the property of the Jews, the rebellious “Fourth Philosophy” emerged. This movement was certainly anti-Roman; it had “a passion for liberty that is almost unconquerable” (*Ant.* 18.23). The movement, which was established by Judas “the Galilean” (*J.W.* 2.117–118; *Ant.* 18.1–10, 23–25), appears to be the foundation of the later Sicarii,¹²⁰ who were active in the last two decades before the Great Revolt. Although the Sicarii seem to have mainly targeted Judeans, these were Judeans who—so they believed—collaborated with Rome and enabled its rule. Their main goal was to rid the country of Romans.¹²¹ According to Josephus, even after the Great Revolt was crushed, they went on fomenting anti-Roman sedition in Egypt and Cyrene (*J.W.* 7.407–419, 437–441). Moreover, although

119. Hengel (*Zealots*, 313–24; esp. 315–17) posits that opposition to Herod was—already in the case of the *λῆσται* in the Galilee before Herod became king—religiously motivated, in that he was not entirely of Jewish descent. However, while his pedigree was certain to arouse objections to his kingship, that motivation is barely attested (cf. Benedikt Eckhardt, “‘An Idumean, That Is a Half-Jew’: Hasmoneans and Herodians between Ancestry and Merit,” in *Jewish Identity and Politics between the Maccabees and Bar Kokhba: Groups, Normativity, and Rituals*, ed. Benedikt Eckhardt, JSJSup 155 [Leiden: Brill, 2012], 91–115). Furthermore, it appears that these *λῆσται* had already been operating prior to Herod's arrival in Galilee.

120. For the Sicarii being the continuation of the “Fourth Philosophy,” see *J.W.* 7.253–255; Uriel Rappaport, “Who Were the Sicarii?,” in Popović, *The Jewish Revolt*, 323–42; Horsley, “Sicarii,” 442–45; Solomon Zeitlin, “Zealots and Sicarii,” *JBL* 81 (1962): 395–96; Stern, *Studies*, 278–81; Price, *Jerusalem under Siege*, 20; Goodblatt, *Elements*, 88–92.

121. Price, *Jerusalem under Siege*, 45–47; Horsley, “Sicarii,” 442–47.

scholars asserting that the Sicarii and the Zealots should be differentiated are certainly correct, it seems that there is yet some ideological link, or at least similarity, between the two movements, and perhaps other revolutionary movements as well.¹²²

The Sicarii leader in 66 CE was Menahem, the son of Judas the Galilean (*J.W.* 2.433), and another descendant of Judas, Eleazar son of Jair, was the Sicarii leader in Masada (*J.W.* 7.253; see also *J.W.* 2.447). Two other sons of Judas were crucified by Tiberius Alexander, the procurator of Judea in the late 40s CE (*Ant.* 20.102). Josephus is silent about the reasons for their execution, but their family ties and their punishment suggest that they were rebels.¹²³ Thus, the anti-Roman “Fourth Philosophy”-Sicarii runs through the first century CE, until 73/74 CE. Moreover, as mentioned below,¹²⁴ many scholars identify Judas the Galilean with the aforementioned Judas, the son of Ezekias. If so, there is a continuous dynastic line of ideological resistance to Roman rule from 47 BCE to 73/74 CE.¹²⁵ Yet, even if that identification is rejected—and, consequently, so is this long continuity of that dynastic line—that would still not diminish the essential similarity of purpose of the rebellions of 63–37 BCE and of the rebels of the first century CE—opposition to Roman domination.

In this context, it is also important to mention Josephus’s usage of the term *λῃσται*, which appears very rarely in his histories prior to Pompey’s conquest but quite often subsequent to it. In appendix C below, it will be shown that usually Josephus used this term, in accordance with contemporary Roman usage, as a derogatory title for political rebels.¹²⁶

The incessant ideological Judean resistance to Roman domination in its early period likely had an additional effect of no less significance; namely, in cementing a Roman view of Judeans as a particularly rebellious people. For this view, consider Nicolaus’s view in *J.W.* 2.92, as well as that of Philostratus in *Vit. Apoll.* 5.33; see also Tacitus, *Hist.* 5.9–10.¹²⁷ In this

122. Price, *Jerusalem under Siege*, 21–24; Stern, *Studies*, 286–92, 310; Hengel, *Zealots*, 380–404.

123. Price, *Jerusalem under Siege*, 7–8 and see also n. 24; Stern, *Studies*, 282.

124. Below, p. 374.

125. Price, *Jerusalem under Siege*, 20–21; Stern, *Studies*, 278–81; Rappaport, “Sicarii.”

126. Note also the similarity discussed below (p. 375) between the “Fourth Philosophy”/Sicarii and the *λῃσται* of the Arbel caves in 39/38 BCE in their preference for death over slavery.

127. Hans Lewy, “Tacitus on the Origin and Manners of the Jews” [Hebrew], *Zion*

light, it is not surprising that in the first century CE the Romans often reacted extremely swiftly and harshly to incidents in Judea, which may have originally not been seditious. For example, when in the 40s CE the “impostor” Theudas led masses to the Jordan with a promise of salvation, the procurator Fadus attacked them by surprise, killing and imprisoning many, and cut Theudas’s head off and brought it to Jerusalem (*Ant.* 20.97–98). Although Theudas’s “claims sound fairly harmless, and whether he intended any action against Rome is unknown—since his followers seem to have been unarmed,” Fadus’s decisive action against this movement clearly indicates that he considered it as rebellious.¹²⁸ A similar case involving an “impostor” who promised salvation and was crushed by a force dispatched by the procurator Festus is narrated in *Ant.* 20.188.¹²⁹

Another example occurred in the procuratorship of Cumanus (48–52 CE). When a sacrilegious act by a Roman soldier in the temple caused uproar by the Judeans Cumanus brought in massive reinforcements, which caused panic among the Judeans and a terrible stampede ensued (*J.W.* 2.223–227, *Ant.* 20.108–112). While the Judeans’ uproar was certainly justified, and does not constitute rebelliousness, it seems that Cumanus genuinely feared it would turn into an anti-Roman insurrection.¹³⁰ Similarly, while it is debatable whether Jesus could be interpreted

8 (1942–1943): 15–16 and n. 94, 72–73 and n. 261; Price, *Jerusalem under Siege*, 3–4 and n. 7; Schalit, *King Herod*, 22–23 and 352 nn. 70–71; see also Walbank, “Nationality,” 165: “Palestine provides an example of a movement perhaps unique in the history of the empire ... the combination of social struggle and national resistance was charged with the powerful currents that are generated by fanaticism. *But I can recall no example in Roman history where Roman methods proved in the long run so unavailing as they did in the case of the Jews*; and this seems to reflect the peculiar union of elements in the Jewish movement” (emphasis added).

128. Quote from Goodman, *Rome and Jerusalem*, 386. There are, however, indications that Theudas’s intentions were not harmless. The similarity of this episode to that of the Egyptian pseudo-prophet, who is explicitly reported as being anti-Roman (*J.W.* 2.261–263, *Ant.* 20.169–172, Acts 21:38 [which says the Egyptian’s followers were Sicarii]; see Goodman, *Rome and Jerusalem*, 389–90) and Theudas’s juxtaposition with Judas the Galilean in Acts 5:36–37 imply that it was rebellious. See also Rhoads, *Israel in Revolution*, 83–84.

129. For these and other similar episodes in Josephus, see Schwartz, *Studies*, 29–43; Rebecca Gray, *Prophetic Figures in Late Second Temple Jewish Palestine: The Evidence from Josephus* (Oxford: Oxford University, 1993), 112–44.

130. Contra Goodman, *Rome and Jerusalem*, 386–87.

as an anti-Roman rebel (and if so, to what extent), he was nevertheless crucified, alongside rebels, as “king of the Jews” by the Romans in Judea.¹³¹

Given that the issues and scholarly debates about the first century and the Great Revolt are outside the scope of this study, I hope that the above discussion sufficiently illustrates my point. Judea in the first century CE should be viewed in the light of the incessant ideological Judean resistance of the earliest period of Roman rule in Judea. Consequently, other immediate causes notwithstanding, it seems that the roots of the Great Revolt—not just as background factors but rather as the beginning of a continuous process—are to be found in the inception of Roman rule in Judea, as previously asserted by Stern, Price, and others.¹³²

This conclusion is in line with Titus’s words in his speech to the rebels, as recorded by Josephus, which were copied at the beginning of this chapter: “From the first, ever since Pompey conquered you by force you never ceased from revolution” (*J.W.* 6.328–329). Interestingly, the essence of this statement utterly contrasts with that of statements in two other long and highly important speeches recorded by Josephus, that of Agrippa II and of himself. Agrippa says:

Certainly, the longing for freedom now is untimely; it *was* necessary to struggle in the past for the sake of not throwing it away.... Yet the one who has once been subdued and then resists is not a freedom-lover but an obstinate slave. At that time, accordingly, when Pompey was setting foot in the region, it was necessary to do everything for the sake of not admitting the Romans. But our forebears and their kings ... did not hold out against a small fraction of the Roman force. And you, who have inherited the [art of] submitting as a tradition, who are so inferior in your affairs to those who first submitted, *you* are setting yourselves against the entire *imperium Romanum*? (*J.W.* 2.355–357 [Mason])¹³³

Josephus records himself as saying to the besieged:

131. For a discussion of Christian scholarship about possible links between Jesus and the Zealots, see Schwartz, *Studies*, 128–46.

132. See above, n. 116. See also Schultz, “Not Greeks but Romans,” 126–27. For a suggestion of other factors, see, e.g., Uriel Rappaport, “On the Factors Leading to the Great Revolt against Rome” [Hebrew], *Cathedra* 8 (1978): 42–46.

133. Italics are Mason’s. See also his notes ad loc.

Be it granted that it was noble to fight for freedom, they should have done so at first; but, after having once succumbed and submitted for so long, to seek then to shake off the yoke was the part of men madly courting death, not of lovers of liberty. (J.W. 5.365 [Thackeray])¹³⁴

These statements imply, in stark contrast to that of Titus, that ever since the very beginnings of Roman rule, since Pompey's conquest, Judeans were submissive and never rebelled, until the Great Revolt. Thus, while it is certainly doubtful whether Josephus records Titus's actual speech, it seems that in it he conveys a reasonable Roman viewpoint, and not his own view and apologetics; those latter are probably more closely conveyed in his own speech and that of Agrippa.¹³⁵

Conclusion

Scholars often debate whether Judean resistance to Roman rule was exceptional in the history of the Roman Empire.¹³⁶ The purpose of this chapter was not to resolve that debate. Rather, the purpose was to study Judea for its own sake and to examine the various revolts and general turmoil in Judea in the period examined in this study, from Pompey's conquest onward, and their possible implications for the subsequent period. It appears that, of these twenty-six years, some kind of war, revolt, or other significant disturbance occurred in virtually every year for which we have any substantial information.

In this chapter, I first examined whether the revolts and turmoil of 63–37 were primarily an internal Judean matter or rather an anti-Roman struggle. While leaders of these revolts often had obvious internal goals (like the Hasmonean brothers' conflict or internal battles for power within the Jerusalem court) it appears there was some greater purpose, leading a great many Judeans to join and support these rebellions. Examining these episodes one by one, we observed (1) that often they specifically targeted Romans, and even when they were targeting Judean officials, given that

134. See Thackeray's n. a in LCL.

135. On Josephus's use of speeches in the *Jewish War*, see Price, "Introduction," 59–62.

136. For the view that it was exceptional, see the quote from Walbank, above n. 127, and Brunt, *Imperial Themes*, 264–65, 272; Flusser, "Roman Empire," 177; Stern, *Studies*, 277; Isaac, *Limits*, 55, 77. For the opposing view, see Goodman, "Opponents."

they were Roman appointees, that was tantamount to rebelling against Rome; (2) that the Romans certainly appear to have regarded them as aimed against them, as is apparent from their reactions and from some Roman sources; and (3) that often there were ties between the Judean rebels and other enemies of Rome. Thus it appears that, to a large extent, these were anti-Roman struggles.

That argument was followed by the demonstration that it is almost impossible to point to any considerable potential support for, or even neutrality towards, Roman domination. First I established that, in spite of common views to the contrary, one can hardly point to anti-Hasmonean ideologies in the Hasmonean period itself, and those that may be probably represent marginal views that do not attest to widespread Judean views. It is reasonable to assume that most Judeans were usually content with Hasmonean rule, and the Hasmoneans appear to have remained quite popular even after 63 BCE. Thus, one should not claim that the Roman conquest was favorably or neutrally received because Hasmonean rule was deeply hated. Moreover, even in those circles that appear to have rejected the Hasmoneans, it seems that there was profound resentment of the Romans and hope for their speedy downfall. Thus, this conclusion supports the previous one, that the revolts and turmoil were primarily anti-Roman. This was rooted in a basic Judean opposition to foreign rule. This “nationalist” opposition was a consequence of biblical hopes, of the persecution of the Jews by the Seleucid King Antiochus Epiphanes, of the subsequent Maccabean revolt, and of the establishment of the Hasmonean state, coupled with the timing of Pompey’s conquest (in the midst of the struggle between the Hasmonean brothers) and the way in which it unfolded. The manner in which Roman rule in Judea continued only enhanced this initial opposition.

Lastly, I argue, in contrast to some studies, that Judean-Roman relations in the first century CE and the Great Revolt must be examined in light of this early incessant and ideological resistance to Roman rule. Such deep-seated opposition did not disappear with the ascent of Herod, and some continuities of it are apparent throughout the period until the Great Revolt. Thus, even when the situation appears to have been calmer this opposition was apparently under the surface. At the same time, that initial opposition cemented a Roman view of Judeans as a rebellious people, thus influencing Roman reactions to occurrences in Judea. Consequently, without denying other causes, the roots of the Great Revolt are to be found in the inception of Roman rule in Judea. In effect, this period set the tone

for Judean-Roman relations in the subsequent two centuries; of violent struggles between Jews and Romans until the end of the Bar Kokhba revolt in 135 CE.¹³⁷

As mentioned above, all this does not mean that once Pompey took Judea the eruption of the Great Revolt and the subsequent destruction were inevitable. Pointing to the roots of a historical event does not amount to a determinism that makes that event inevitable. There certainly were some causes and conditions of the first century CE without which the revolt might never have erupted. Likewise, certain measures could have been taken to prevent the deterioration; perhaps Julius Caesar's measures, which improved the position of Judea and the Jews in general, were a step in the right direction, or maybe the appointment of Agrippa I to the throne. But both were short-lived and had no lasting effect,¹³⁸ apart, perhaps, from engendering disappointment and frustration.¹³⁹

137. See also Sherwin-White, *Roman Foreign Policy*, 274.

138. For Caesar, see above, pp. 125–36. For Agrippa I, see Stern, “Reign of Herod,” 288–300; Daniel R. Schwartz, *Agrippa I: The Last King of Judaea* (Tübingen: Mohr Siebeck, 1990), 171–75.

139. Schwartz, *Agrippa*, 175; Rappaport, “Factors,” 44–45.

Becoming Like the Diaspora: Setting the Stage for Postdestruction Existence

It is a common scholarly convention that ancient Judaism revolved around the temple in Jerusalem until it was destroyed in 70 CE, and thereafter it became a religion with no geographical focus, or, perhaps, with several. This thesis assumes that much of what we know about ancient Judaism can meaningfully be organized around the destruction of the Second Temple and understood as reflecting its existence or destruction.¹ A different scholarly view sees post-first-century CE development of rabbinic

A preliminary, short, version of this chapter was published as “Setting the Stage: The Effects of the Roman Conquest and the Loss of Sovereignty,” in Schwartz and Weiss, *Was 70 CE a Watershed*, 415–45.

1. For example, Heinrich Graetz’s dividing line between the third and fourth volumes of his *magnum opus* (*Geschichte der Juden: Von den ältesten Zeiten bis auf die Gegenwart*, 11 vols. [Leipzig: Leiner, 1853–1890]) is the “Untergang des jüdischen Staates,” which, for him, happened with the destruction of the temple. Note also his definition of the second period of Jewish history as the Second Temple period, ending with the destruction in 70, and the third period—the period of exile—as beginning thereafter; see his *Die Konstruktion der jüdischen Geschichte*. For Graetz’s problematic definition of the Second Temple period, see Daniel R. Schwartz, “Jews, Judaeans and the Epoch that Disappeared: On H. Graetz’s Changing View of the Second Temple Period” [Hebrew], *Zion* 70 (2005): 293–309, and Schwartz, “Introduction,” in *Was 70 CE a Watershed*, esp. pp. 1–3. For the view by which the state came to its end only with the destruction of the temple, see above, pp. 3–5. For more examples, see G. Alon’s chapter “The Impact of the Great Defeat” in his *Jews in Their Land*, 1:41–55. For the rabbinic view of the destruction of the Second Temple as a watershed, note the frequent idioms **משחרב הבית** (e.g., t. Menah. 10:26 and t. Ta’an. 2:3) and **בזמן הזה** (e.g., m. Ma’as. Sh. 5:7 and t. Sanh. 3:6) and the contrasting idioms **בפני הבית** and **שלא בפני** (e.g., m. Bik. 2:3; m. Sheqal. 8:8).

Judaism not so much, or not only, as a result of the temple's destruction, but rather as a response to the rise of Christianity.

One should ask, however, how it was that this religion and its people, if in fact they were focused on the temple to such an extent, were able to overcome the incredible catastrophe of its destruction and develop the concepts, attitudes, and institutions that enabled their survival in the new and completely transformed reality. It is my aim in this chapter not to debate those views noted above, but rather to argue that the relatively neglected series of events of 67–37 BCE and their aftermath set the stage for that survival and for some of those post-70 developments.

The first two chapters of this study have shown what a very eventful and turbulent period the years 67–37 BCE were for Judea, as for much of the Mediterranean world. In Judea this was a period ridden with wars, conquests, and revolts; it experienced both internal strife and external dangers. But, above all, this period brought about the end of the eighty-year old independent and sovereign Hasmonean state, and Judea and its people were now subjugated to Rome, a foreign gentile superpower.²

A change such as the loss of sovereignty and the subjugation to a foreign gentile empire must have had a tremendous impact on Judean religion and society. However, as already observed in the introduction to this study, historical study has relatively neglected this period; and, as noted just above, when reflecting upon the evolution of ancient Judaism, scholarship has usually focused on the destruction of the temple, not on the loss of independence. While a great deal of scholarship has been devoted to Herod's rule, and to the first century CE as background to the Great Revolt and to the rise of Christianity, not enough attention has been paid to the early Roman period (63 BCE–70 CE) in general, as the background to understanding postdestruction Judaism.³

In the introduction, I also noted the related tendency of some studies to speak of the destruction in 70 CE as the time when the Judean state came to its end.⁴ It seems that, in addition to the neglect of the period, this tendency in turn has also made it seem all the more natural for scholars to emphasize the destruction as the basis for understanding later Judaism

2. For the perception of both Judeans and Romans that the period of subjugation began in 63 BCE, see above, pp. 97–99 and n. 132.

3. For the Great Revolt, see above, pp. 243–244 and n. 112.

4. See above, pp. 3–5.

and to overlook the impact of the loss of independence and the beginning of Roman dominion of Judea.

Still, some studies have asserted the significance of this period for certain long standing developments in Judaism. Elias Bickerman saw this period as a major step in the development of Pharisaic Judaism, which in turn guaranteed Judaism's survival, and Lester Grabbe pointed to this period as a period of increasing diaspora influence on Judea, specifically in introducing institutions such as the synagogue, prayer, and Torah learning. These two issues, the rise of the Pharisees and the influence of the diaspora on Judea, will be discussed below.

Mendels views the entire period between 63 BCE and the destruction in 70 CE as a period in which the symbols of nationalism underwent a metamorphosis. Among other changes, in this period many Judeans "started to think like Diaspora Jews on national issues," and the literature of the period demonstrates that certain aspects of nationalism "underwent a spiritualization and became more transcendental." Mendels discusses four such "nationalistic symbols": kingship, the land, Jerusalem and the temple, and the army.⁵

In this chapter, I will contend that some conceptual and institutional developments that were crucial for the development of postdestruction Judaism are to be understood more specifically against the background of the loss of independence and the beginning of Roman rule in Judea. These developments have usually either been attributed to the aftermath of the destruction or been taken as long-standing Judean phenomena that existed throughout all or most of the Second Temple period. In contrast, I suggest that we consider the notion that specifically the period of the loss of independence and the inception of Roman rule in Judea is when the seeds of these developments were sown, or it was at least a major factor in their shaping.

Before I proceed, it is imperative to note one direct outcome of the Roman conquest of Judea and the entire Middle East: it brought into a single, Roman framework Jews who previously had been divided among different states (Hasmonean Judea, Ptolemaic Egypt, Seleucid Syria, Greece, Italy, and more). Thus, for the first time in a long time, the Judeans were in fact ruled by the same empire as a large portion of their diaspora brethren (excluding Mesopotamian Jews, who were under Parthian

5. Mendels, *Rise and Fall*, 191–353. Quotations from pp. 203, 349.

control). This development itself could have greatly affected contemporary Judean society and religion, was likely a major factor in the growth of diaspora influence on Judea, and appears to have played a part in at least some of the developments examined below.⁶

In this chapter, the case will first be made that the early Roman period saw the first fundamental separation between the state and religious authority in Judea. Then, I will discuss some institutional innovations in this period. Third, the impact of the developments of this period on the centrality of the Jerusalem temple will be discussed, followed by the effects that impact may have had on the development of another institution, namely, the synagogue. Finally, I will briefly suggest that these developments may have been a major catalyst to the rise of the Pharisees, a development that in and of itself was a major factor in the survival of Judaism after the destruction.

Religion and State

Judean Jews of the postdestruction era had to get used to the idea that the religious aspect of their lives had turned into a communal issue, divorced from the authority of the state. Political power was now, for the most part, fully in the hands of the foreign empire and had nothing to do with the religious authority. This situation is similar to that already faced by diaspora Jews during Second Temple times.

It has been recognized, however, that preliminary steps toward the separation of religion and state in Judea had already taken place while the temple was still standing. Daniel Schwartz has shown that the Hasmonean conquest of non-Jews eventually led the Hasmoneans to add the royal title to their high priestly title so as to enable them to “[call] upon the Gentile subjects to render obedience to them not as religious figures but rather only as temporal overlords.”⁷ However, this separation, which distinguished Hasmonean priestly and political authority, was nonetheless only nominal, since both spheres of power were still in the hands of the same person. It is true that during Alexandra’s reign (76–67 BCE) the titles were split between two individuals. However, it was not really a full separation, since the high priest whom she appointed was her son,

6. On the growth of diaspora influence, see further below, pp. 322–23.

7. Schwartz, *Studies*, 12.

Hyrchanus II, and that separation was forced upon Alexandra because, as a woman, she could not hold the high priestly office. Indeed, as soon as she died the two titles were once again united, first in the person of Hyrchanus II (67/66 BCE), then in the person of his younger brother, Aristobulus II (67/66–63 BCE).

It is with the Roman occupation of Judea that the distinction turned into a true separation of powers, since virtually throughout the entire early period of Roman rule in Judea, from its inception until the destruction, the Romans or their agents exercised political authority, leaving religious authority in the hands of the high priest.⁸ The Romans tried various methods of governing Judea. At first, they reinstated Hyrchanus to the high priesthood but without kingship and with diminished political powers, if any (63 BCE; see *J.W.* 1.153, 157). Later, Gabinius divided the country into five districts, each with its own council (57 BCE; see below), which exercised civic authority, leaving only the temple to Hyrchanus's charge. After the Parthian invasion and Antigonus's assumption of the kingship (40 BCE), the Romans, in response, appointed Herod as King of Judea, just as they later did with Agrippa I (41–44 CE). But these vassal kings could not, by definition, be high priests. Finally, in the years 6–41 CE, Judea came under direct Roman rule. After Agrippa's short-lived kingship, Judea became a Roman province.⁹ A major common denominator in all these "experiments" is the separation between political power and religious authority.¹⁰

Thus, notwithstanding the scholarly tendency mentioned above, the Judean state had, in effect, been lost, and only the religious sphere

8. *Ibid.*, 13. Of course, this might be seen as not really new, since it is similar to the pre-Hasmonean state of affairs. However, even without noting the differences between these two eras, in the present context suffice it to say that, since we are asking what set the stage for the post-70 era, conceptions held prior to the founding of the sovereign Hasmonean state are hardly relevant.

9. See further Hannah M. Cotton, "Some Aspects of the Roman Administration of Judaea/Syria-Palaestina," in *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1.–3. Jahrhundert*, ed. Werner Eck (Munich: Oldenbourg, 1999), 75–91.

10. On the Romans as "experimenting" with different political arrangements for Judea see Baumgarten, "Experiments."

remained, embodied by the temple.¹¹ So too, any significance that the temple might have held as the seat of a sovereign was in reality lost.¹²

This new situation that the Judeans suddenly found themselves facing, illustrated in Jesus's saying: "Render to Caesar the things that are Caesar's, and to God the things that are God's" (Mark 12:17 // Matt 22:21 // Luke 20:25), is very similar to the reality of Jewish life in the diaspora. On the one hand, diaspora Jews were subject to a foreign power that held all political authority; and, on the other hand, they needed to govern their own daily communal and religious life. In fact, the only real difference between the Judeans and their diaspora brethren, in this respect, was their geographical proximity to the temple.

In my view, it is this "semidiaspora" situation in Judea, and the adoption or invention of concepts and institutions that fit this situation, which in some respects set the stage for the templeless life of postdestruction Judea. That is to say, this period witnessed a virtually complete diaspora reality within Judea itself.

Political Institutions

The Ethnarch¹³

One interesting method of governing Judea with which the Romans experimented—the appointment of Hyrcanus II as ethnarch—might initially seem to bespeak a continued linkage of state and religion. Above, in

11. As noted above (p. 4), the kingships of Herod the Great and Agrippa I should not be counted against this, as they were only temporary. Moreover, the Herodians were perceived as usurpers and Roman vassals; Herod especially was seen, at least by some Judeans, as a foreigner or a "half-Jew" (*Ant.* 14.403); cf. Mendels, *Rise and Fall*, 213–17. On Agrippa I, see *Ant.* 19.332, and m. Sotah 7:8 with t. Sotah 7:16 and Schwartz, *Agrippa*, 157–71. Indeed, direct Roman rule was apparently preferred by some Judeans to being ruled by the Herodian house (see *J.W.* 2.84–91, *Ant.* 17.304–314). See also Eckhardt, "An Idumean."

12. This explains why it would become a major springboard for later revolts. See Schwartz, *Studies*, 9–10; Mendels, *Rise and Fall*, 280–81.

13. An earlier version of this section was published as "The Title *Ethnarch* in Second Temple Period Judea," *JSJ* 41(2010): 472–93. It is revised and updated here, also taking account of the criticism of that article by Benedikt Eckhardt, in his book *Ethnos und Herrschaft: Politische Figurationen jüdischer Identität von Antiochos III. bis Herodes I*, *SJ* 72 (Berlin: de Gruyter, 2013), 351–56.

the historical reconstruction, I argued in favor of the view that it was Julius Caesar, not Pompey, who originally bestowed this title upon Hyrcanus.¹⁴ Hyrcanus held this title, which literally means “head of the *ethnos*/nation,” in addition to his title of high priest. Thus, the highest Jewish religious authority also had, under Roman auspices, some official measure of political authority. However, this was not a return to the early Hasmonean unity of state and religion, in which the high priest ruled the state. Rather, it is more closely akin to the late Hasmonean situation, wherein the use of two titles, king and high priest—now ethnarch and high priest—shows that the political and the religious powers are differentiated, despite the fact that the same person holds them. This separation is demonstrated by the case of another Second Temple period persona known to have held the title of ethnarch, Archelaus, son of Herod (*J.W.* 2.93, *Ant.* 17.317), who was not high priest.

Yet, the uniqueness of this title requires that it be thoroughly examined. This section is devoted to such an examination. I have examined all occurrences of this term, of which I am aware, from the relevant period.¹⁵

The title *ethnarch*, which historically first appears in our sources in relation to Hasmonean Judea, appears more often in relation to the early Roman era. The aim of this section is to examine closely this term’s meaning and significance, and then to conclude when, and under what circumstances, it came into use in Judea, which Judean leaders in fact held it, and what the ramifications of its implementation are.

Origin and Significance of the Use of Ethnarch in Judea

When discussing this title in its Judean setting, it is important to note that it is not merely a Judean term; it appears in additional sources as well. However, all but one of those sources are later than the appearance of the term in Judea. The one exception, an inscription of King Antiochus I of Commagene, is dated by its editors, with no explicit evidence, to the years 66–64 BCE.¹⁶ Two facts, whose relevance will become clear later on, need

14. See *Ant.* 14.190–195, and above, pp. 126–29.

15. This was done by using the TLG website. Naturally, the bulk of the discussion will be of the Judean sources, but all other sources are mentioned as well. Byzantine sources are not examined, as they are relatively late, and many of them are related to Paul’s use of the term in 2 Cor 11:32, for which see below, n. 70.

16. J. Wagner and G. Petzl, “Eine neue Temenos-Stele des König Antiochos I. von Kommagene,” *ZPE* 20 (1976): 201–23.

mentioning: (1) This inscription is from a period after the Romans had de facto made Commagene a client kingdom. (2) The ethnarchs are mentioned at the end of a list of officials that seems to be in descending order of importance: kings, *dynatoi*, *strategoi*, and finally ethnarchs. This illustrates the diminished importance of these officials in Commagene. Nevertheless, the exact meaning of the term in this inscription is unclear.

Be that as it may, my aim is the significance of this term as it is used in relation to Judea and the Jews. We first find this term (in sources addressed below) used of Simon the Hasmonean and possibly also of his son, John Hyrcanus. But how should this term be defined in relation to these Hasmoneans? The Hasmonean revolt was a national revolt that resulted in the Hasmoneans gaining rule over territory. This territory was occupied by Jews/Judeans as well as non-Jews/Judeans. However, the term ethnarch literally denotes an ethnically, not territorially, defined form of leadership or rule, and therefore it does not naturally denote these Hasmoneans' realm; it cannot easily designate rule over non-Jews. Moreover, it seems peculiar that this very unique and uncommon term, which, as we shall see, apart from the few references to these early Hasmoneans, is found only after the Roman conquest, would be used to define such an ordinary form of rule, which was regularly defined by any one of a few common Greek words—*ἀρχή*, *ἄρχων*, *ἡγεμών*, *ἡγούμενος*, and so forth—words that are indeed often used in reference to the Hasmoneans. With this in mind, I will now evaluate the integrity of the evidence attributing this title to them.

The possibility that John Hyrcanus held the title ethnarch derives from the widespread hypothesis that Josephus erred when he related two documents that speak of “Hyrcanus the High-priest and Ethnarch” to Hyrcanus II; rather, it is argued, they in fact apply to John Hyrcanus.¹⁷ However, the first document (*Ant.* 14.145–148) does not itself mention within it any Judean leader.¹⁸ Rather, after the end of the document, it is dated by Josephus, or his source, to the “ninth year of Hyrcanus the high priest and ethnarch” (§148b).¹⁹ While “high priest” applies to all of the

17. Shatzman, “Integration,” 77 n. 106; Rappaport, “Relations,” 395.

18. See Ilan, “Pattern,” 357.

19. Menahem Stern, *The Documents on the History of the Hasmonaean Revolt* [Hebrew] (Tel-Aviv: Hakibbutz Hameuchad, 1965), 146–48, 157–59; VanderKam, *Joshua to Caiaphas*, 354–55; Pucci Ben Zeev, *Jewish Rights*, 359. See also Goodblatt, *Monarchic Principle*, 54–55; and Marcus's notes ad loc. in LCL.

Hasmonean rulers, the use of ethnarch by Josephus or his source, could well be an anachronism, deriving from the basic mistake of applying the document to Hyrcanus II, who, as we have seen, was indeed an ethnarch. Neither can the second document (*Ant.* 14.149–155) serve as evidence that John Hyrcanus was an ethnarch. This document mentions “Hyrcanus, son of Alexander, the high priest and ethnarch” (14.151). Therefore, either we accept this statement as correct and it belongs to the days of Hyrcanus, son of Alexander—that is, to Hyrcanus II.²⁰ Or, if the scholarly consensus that John Hyrcanus is meant is correct, the statement that he is the son of Alexander must be an interpolation, by Josephus or his source.²¹ Consequently, the term ethnarch too will be only a part of this mistaken attribution.²²

We cannot, therefore, substantiate the suggestion that John Hyrcanus held the title ethnarch by any evidence related directly to him. But we may assume that he was indeed an ethnarch if his father, Simon, held that title.²³ Therefore, I now turn to the evidence pertaining to Simon. It is found in three closely grouped verses in 1 Maccabees and also in one instance in Josephus.

Beginning with the latter (*Ant.* 13.214), it should first be noticed that this is Josephus’s rewriting of 1 Macc 13:42, where the term ethnarch does not appear, but rather “high priest, *strategos*, and *hēgoumenos*.” Thus, the source should be given preference over its rewriting.²⁴ We may imagine that Josephus, in using it here, was possibly influenced by the attribution of this title to Simon later on in 1 Maccabees, to which we shall turn shortly.²⁵

20. See VanderKam, *Joshua to Caiaphas*, 355.

21. Marcus n. *d* in LCL. For that scholarly consensus, see Stern, *Documents*, 147–48.

22. Marcus n. *e* in LCL; Eilers, “Josephus’s Caesarian *Acta*,” 194; Smallwood, *Jews under Roman Rule*, 559. See also Habas Rubin, “The Patriarch,” 46–47. Eckhardt’s suggestion that the title *ethnarch* was likely held by John Hyrcanus, thus further explaining Josephus’s confusion and erroneous attribution of this document to Hyrcanus II (Eckhardt, *Ethnos*, 189 n. 151) is unnecessary, for the confusion is easily understood due to the similarity of names and the nature of Josephus’s sources, as explained by Ilan, “Pattern,” 357.

23. See Uriel Rappaport, “The Emergence of Hasmonean Coinage,” *AJS Review* 1 (1976): 179–80 n. 41. First Maccabees 14:49 implies that Simon’s titles were to pass on to his heirs.

24. Habas Rubin, “The Patriarch,” 40.

25. See Hugo Willrich, *Judaica: Forschungen zur hellenistisch-jüdischen Geschichte und Litteratur* (Göttingen: Vandenhoeck & Ruprecht, 1900), 84; Harry W. Ettelson,

Second, it should be noted that the reading ethnarch here in Josephus is far from certain, as some manuscripts have the word ἑπαρχος.²⁶

The three verses in 1 Maccabees (14:47; 15:1, 2) are, in contrast, seemingly more conclusive evidence for Simon holding this title.²⁷ However, it is critical to take into account that all we have is the Greek translation of the original Hebrew version of this book. Since this is the case, it is often virtually impossible to know what the original Hebrew word underlying any Greek term in the book was.²⁸ Moreover, even if the original Hebrew version of the book were extant, it would be impossible to derive official Greek terms used during that period. The unique title ethnarch is not found in other sources in relation to the early Hasmoneans, including other official documents, and, in fact, it is not attested in any other sources for this period outside Judea as well. Therefore, these verses should not be taken as clear and cogent evidence that Simon held this Greek title.²⁹

"The Integrity of I Maccabees," *Transactions of the Connecticut Academy of Arts and Sciences* 27 (1925): 278.

26. Manuscripts A, M, W, E according to LCL.

27. And many scholars indeed assume he held this title: Schürer, *History of the Jewish People*, 1:193, 333–34 n. 12; Stern, *Documents*, 139–40; David Solomon, "Philo's Use of ΓΕΝΑΡΧΗΣ in *In Flaccum*," *JQR* 61 (1970): 125; Smallwood, *Jews under Roman Rule*, 4; Goodman, *Ruling Class*, 31; Piattelli, "Enquiry," 209, 213, 214, 219–20; Goodblatt, *Monarchic Principle*, 101; VanderKam, *Joshua to Caiaphas*, 282. See also Mendels, *Rise and Fall*, 211.

28. Rappaport, *First Maccabees*, 2.

29. David Flusser suggests that the incomprehensible and much-debated ἐν ασαραμελ of 1 Macc 14:27 is a transliteration of the Hebrew term שר עם אל, which, in turn, should be understood as the Hebrew equivalent to ethnarch (David Flusser, "The Connection Between the Apocryphal Execusio Isaiae and the Dead Sea Scrolls" [Hebrew], *BIES* 17 [1952]: 32 n. 12). However, as Yigael Yadin (*Scroll of the War*, 44 n. 6) notes, שר עם אל would better fit the military title στρατηγός (1 Macc 14:47). Furthermore, I would add that since the translator used the term *ethnarch* elsewhere it is odd that he would have failed to do so in 14:27. Yadin (*Scroll of the War*) rather suggests reading ἐν(σ)α(σ)αραμελ = נשיא and שר עם אל, which would then, together with the title high priest, correspond to all three of Simon's titles. However, that suggestion entails emendation of the text—the addition of σι (so Habas Rubin, "The Patriarch," 42–44; see also nn. 35–36 on p. 239). I would add that if the Hebrew text used by the translator had the word נשיא, we would expect him not to have much trouble in its understanding. This common Hebrew word is usually rendered in the Septuagint by ἄρχων. At any rate, Yadin's suggestion is no more than conjecture, and the debate about this phrase is far from any conclusion. For the numerous suggestions proposed for its understanding, see Schalit, *King Herod*, 416, and Rappaport, *First Maccabees*, 315–16.

This is true even in relation to the last of these occurrences of the title *ethnarch*, which is found in an official letter of Antiochus VII to Simon (15:2). In his convincing rebuttal to the suggestion that the letters, treaties, and other documents in 1 Maccabees are interpolations, Harry Ettelson has demonstrated that these documents show linguistic and other relationships to the narrative parts of the book, a fact that confirms “the thesis that they are not and could not be later interpolations, but are instead ... *free reproductions of underlying documentary material*, given by the author of 1 Macc. largely in his own language.”³⁰ If this is so, then even the Hebrew original was not a trustworthy reflection of official Greek terms. Alternatively, even if this thesis is rejected and we assume that the Hebrew original was indeed a more trustworthy reflection of the original Greek documents, it remains that the Greek text that we now have is, as Uriel Rappaport writes, only a translation from the Hebrew and not a reconstruction of the original Greek documents.³¹

We should immediately deny the possibility that the term was used here in Hebrew as a loanword, for loanwords have first to be absorbed in the adopting language, while the term *ethnarch* is not found in any Hebrew texts. Moreover, as mentioned, this term is not even attested in Greek anywhere else until the mid-first century BCE, and we should also note the minimal penetration of Greek into Hebrew literature at this time.³² Furthermore, although one might possibly suggest that the word *ethnarch* was written in transliteration in the original Hebrew and therefore is in fact evidence of the specific Greek term, this would be an unwarranted assumption in the absence of any other evidence. Emanuel Tov describes the common denominator of Hebrew words transliterated in the Septuagint as cases where “no Greek equivalent could be found or needed to be found.”³³ If this logical rule is correct regarding translations, it should be all the more so regarding original compositions. Hence, even if the Hebrew author of 1 Maccabees used transliteration for very specific and common technical terms that did not have close Hebrew equivalents,

30. Ettelson, “Integrity of I Maccabees,” 370 (emphasis added); see further, 342–75, esp. 370–75.

31. Rappaport, *First Maccabees*, 38.

32. Elisha Qimron, “The Language and Linguistic Background of the Qumran Compositions” [Hebrew], in Kister, *The Qumran Scrolls*, 2:552.

33. Emanuel Tov, “Loan-words, Homophony and Transliterations in the Septuagint,” *Biblica* 60 (1979): 227.

as Bar-Kochva suggests, it seems to me to be improbable when dealing with the term *ethnarch*.³⁴ This term is not only unique but, as mentioned above, is not attested elsewhere in contemporary sources, and the author had many different Hebrew terms at his disposal to designate Simon's role in leadership. Use of *ethnarch* in Hebrew characters seems to me even more unlikely considering the nationalistic character of 1 Maccabees. This conclusion is reinforced by the fact that the first occurrence is either in the official proclamation of Simon's leadership by the "great assembly" or in the author's summary or paraphrase of that proclamation.³⁵ It is very unlikely that in such a document proclaiming Judean independence from Hellenistic domination a *Greek* term would be used for the leader's title.³⁶ It seems, rather, that the title *ethnarch* was introduced in this instance by the translator.³⁷ Therefore, we may assume that that is the case in the two adjacent occurrences as well.

To conclude this discussion of the evidence from 1 Maccabees: accepting the translation's Greek wording as evidence of the use of an official Greek title, when it is the only existing evidence, is methodologically problematic.

Some scholars, most recently Benedikt Eckhardt, have proposed, however, that the title *ethnarch* is the Greek equivalent of the title ראש חֵבֶר הַיְּהוּדִים ("head of the Hēver of the Jews/Judeans"), which is found on some of the coins of John Hyrcanus, along with his title of high priest.³⁸ Eckhardt further suggests that, if this was the case, the Romans later merely

34. Bar Kochva suggests this for the terms *gymnasium*, *phalanx* and *helepolis*. See Bezalel Bar-Kochva, *Judas Maccabaeus: The Jewish Struggle against the Seleucids* (Cambridge: Cambridge University Press, 1989), 169, 432–37.

35. For the debate as to where the document actually ends, whether in verse 45, 47, or 49, see Rappaport, *First Maccabees*, 327; Stern, *Documents*, 139–40; Sievers, *The Hasmoneans*, 119–124.

36. See Goodblatt, *Elements*, 156.

37. I have not found any thorough research dealing with the time of the translator, although various short scholarly comments place the translation between the end of the second century BCE and the end of the first century BCE. See, e.g., Bar-Kochva, *Judas Maccabaeus*, 434–35; Rappaport, *First Maccabees*, 8–12, and n. 20. Bar-Kochva (*Judas Maccabaeus*, 189) claims that Nicolaus of Damascus used this translation; so too Tal Ilan, "King David, King Herod and Nicolaus of Damascus," *JSQ* 5 (1998): 202, and esp. pp. 222–24.

38. Eckhardt, *Ethnos und Herrschaft*, 351–56; Uriel Rappaport, "On the Meaning of Hēver Hayehudim" [Hebrew], in Rappaport and Ronen, *The Hasmonean State*, 284.

utilized a local nonroyal title. Yet, while one of the suggested meanings of *חבר היהודים* is indeed that it denotes the Jewish/Judean people in general,³⁹ the meaning of this phrase has remained allusive and enigmatic, with no suggestion tilting the scales of scholarly opinion.⁴⁰ Some suggest that it denotes a Judean council, whereas others suggest that it refers to the “assembly” of the Judeans, the same assembly that had initially nominated Simon according to 1 Macc 14:28, 46, and which is indeed meant to be representative of the nation.⁴¹ However, even if we accept—and there is good reason to do so—that the phrase *חבר היהודים* was indeed intended to denote the Jewish/Judean people, two important points should be noted: First, alongside the coins of John Hyrcanus that refer to him as the head of the *חבר* (*יהוחנן הכהן הגדל ראש חבר היהודים*), other coins of his and of other Hasmoneans mention the *חבר* without designating the Hasmonean high priest as its head (*יהוחנן הכהן הגדל וחבר היהודים*), and studies of John Hyrcanus’s coin types suggest that the ones that designate him as head of the *חבר* are later than those that do not.⁴² If so, that distances us even more from Simon’s rule and the ethnarchy mentioned in 1 Maccabees. Second, it is rather odd that the Greek term chosen to correspond to “head of the *חבר היהודים*” would be the rare, and previously unknown, term *ethnarch*. Why would someone coin a new term only for the sake of corresponding to a local Judean title? Additionally, rather than referring to the *ἔθνος*, we might perhaps expect a more literal translation of *חבר*. *κοινός*, which is often used in the Septuagint to translate *חבר* (Prov 21:9, 25:24, 28:24; cf. Mal 2:14, Isa 1:23), would probably be the most reasonable and familiar term; the title would have then been “head of the *κοινός* of the Jews/Judeans.” While this is admittedly only conjecture, it is meant to reaffirm the point that we cannot substantiate any Greek equivalent. Further, any such translation, if there is any, may merely be the result of the later translator’s work.⁴³ Thus, it seems to me that this is too slim a basis to claim

39. E.g., Regev, *Hasmoneans*, 186–99, for whom it refers to the entire Jewish people, whereas for Eckhardt it refers to the Judean Jews alone.

40. See Meshorer, *Treasury*, 31–32; Goodblatt, *Monarchic Principle*, 99–103.

41. Rappaport, “Meaning.”

42. Dan Barag and Shraga Qedar, “The Beginning of Hasmonean Coinage,” *INJ* 4 (1980): 13–19; Meshorer, *Treasury*, 32, 36.

43. See Rappaport, “Meaning,” 288.

that the title ethnarch was already in use for John or Simon and that the Romans merely continued using this local title.⁴⁴

The evidence pertaining to the last two Judean leaders who are said to have held the title ethnarch is much more firmly established. These are Hyrcanus II and Herod's son Archelaus (4 BCE–6 CE). The evidence for the latter seems to be well established since it appears in various scattered passages in Josephus (*J.W.* 2.93 // *Ant.* 17.317; *J.W.* 2.96, 111, 115, 167; *Ant.* 17.339), in one extant fragment of Nicolaus of Damascus,⁴⁵ who, admittedly, was probably Josephus's source for this part of his narrative on Archelaus, and possibly also on a coin (see below, pp. 358–59). However, for our quest to understand the nature of the title ethnarch, the most we can derive from the evidence about Archelaus is that ethnarchs are not kings, but are, rather, inferior to kings. For, when Archelaus came to Rome in order to obtain Augustus's approval of his kingship, Augustus instead "appointed Archelaus not king indeed but ethnarch ... and promised to reward him with the title of king if he really proved able to act in that capacity" (*Ant.* 17.317; paralleled at *J.W.* 2.93).⁴⁶

In contrast, the evidence pertaining to Hyrcanus II may serve our purposes better, not only because it is more abundant, but because it is found in official documents which are more trustworthy and which elaborate

44. As for the original Hebrew term that appeared in 1 Maccabees, we may assume that a different term than those that were found previously in the book was used, which prompted the Greek translator to also use a different term. Since we later find the term ethnarch translating the term נָשִׂיא (Origen, *Princ.* 4.3; *Ep. Afr.* 14), I think, contra Habas Rubin ("The Patriarch," 41–43), that we should not exclude the possibility that the original Hebrew term was נָשִׂיא. Further support for this possibility may be the fact that both Hyrcanus II and Archelaus, the *ethnarchs*, are sometimes referred to as kings (see above, p. 128 n. 31). The terms נָשִׂיא and מֶלֶךְ (king) sometimes interchange in the book of Ezekiel, in the Septuagint, and in the Dead Sea Scrolls; see Alexander Rofé, "Qumranic Paraphrases, the Greek Deuteronomy and the Late History of the Biblical נָשִׂיא," *Textus* 14 (1988): 163–74. Josephus too seems to have exchanged these concepts. Compare, e.g., Gen 34:2 (נָשִׂיא הָאָרֶץ; LXX: ἀρχων) with *Ant.* 1.337, 339, 340 ("king"), and Judg 7:25, 8:3 (שָׂרֵי מַדִּין; LXX: ἀρχοντες) with *Ant.* 5.227 ("kings"). In rabbinic literature, we also find the statement: "וַאֲיִזְהוּ נָשִׂיא?" "זֶה הַמֶּלֶךְ" (e.g., m. Hor. 3:3). Therefore, if, once the Greek term ethnarch came into use, its Hebrew equivalent was נָשִׂיא, that might explain the appearance of the term "king" in relation to these ethnarchs. Thus, perhaps the translator of 1 Maccabees used the term ethnarch because in his day it was the natural equivalent of נָשִׂיא.

45. *GLA* 1:252.73–74.

46. Cf. (pseudo?) Lucian's *Macrobi*, 17.

more on the content of Hyrcanus II's—that is, the ethnarch's—authority.⁴⁷ The document that apparently announces Caesar's bestowal of the title ethnarch on Hyrcanus says: “It is my [Caesar's] wish that Hyrcanus ... and his children shall be ethnarchs of the Jews” (*Ant.* 14.194).⁴⁸ It then continues: “And if ... any question shall arise concerning the Jews' [Ἰουδαῖοι] manner of life ... the decision shall rest with them” (14.195). Eckhardt proposes that this privilege to decide in questions that arise “concerning the Jews' manner of life” is perhaps given here to the Jews in general.⁴⁹ However, up to this point the edict speaks about grants and privileges given to Hyrcanus and his sons; therefore, it seems to me that this privilege too is granted to them specifically; they are to decide in such matters.

If the ethnarchy is just a standard type of rule/leadership of Judea and what this statement means is that Hyrcanus and his children can decide questions concerning the Judeans, is this not just stating the obvious? The next document (*Ant.* 14.196–198) that Josephus quotes may clarify the matter.⁵⁰ There we find “that the high priest, being also ethnarch, shall be the protector [προῖστυγῆται] of those Jews who are unjustly treated” (14.196). Again, if the nature of the ethnarch's rule is ordinary territorial rule, what does the phrase “protector of those Jews who are unjustly treated” mean? Obviously the ruler of Judea is supposed to be the protector of the Judeans. Who else can be their protector?⁵¹ Therefore, it seems clear that, as previ-

47. Additionally, Meshorer (*Treasury*, 58) attributes a bulla with what seems to be the letters ΕΘΝΑΧ, which he interprets as ethnarch, to Hyrcanus II. If the attribution is correct, this bulla proves that the title was in actual use.

48. For Caesar being the one who first bestowed this title, see above, pp. 126–29. For the authenticity of this document (§§190–195), see Pucci Ben Zeev, “Seleukos,” and for a detailed analysis of it see Pucci Ben Zeev, *Jewish Rights*, 31–53.

49. Eckhardt, *Ethnos und Herrschaft*, 351–56.

50. Possibly a fragment of the previous document (Pucci Ben Zeev, *Jewish Rights*, 55, 63).

51. Eckhardt (*Ethnos und Herrschaft*, 351–56) suggests that these privileges may have to do with their capacity as high priests, not as ethnarchs. However, while the language of the edicts can perhaps support both possibilities, it seems to me more reasonable to understand that privileges to decide in matters “concerning the Jews” and to be “the protector of the Jews” are within the political capacity of the “head of the Jewish ethnos” (ἐθνάρχης Ἰουδαίων), rather than the religious capacity of high priest. To put it differently, perhaps it should be understood, as the LCL translation of §196 implies, that these privileges are granted to the high priest, given that he is also the ethnarch. That is, these are not the natural privileges of the high priest, but they are his because he has also been made ethnarch.

ously noted by some, what the decree actually means is that the ethnarch is to be the protector (whatever that means specifically) of Jews living outside of Judea as well, and this may correlate with the grant to decide questions “concerning the Jews’ manner of life.”⁵² This privilege was indeed utilized by Hyrcanus in his intercessions on behalf of diaspora Jews⁵³—in Ephesos (14.223–227) and Laodicea (14.241–243).⁵⁴ It should be stressed that this does not mean that Hyrcanus had complete responsibility or rule over Jews of the Roman diaspora; it rather appears that he was seen by Rome as the leader of the Jews and that he had some authority to intercede with the imperial authorities, and speak, on their behalf.

The ethnic definition of Hyrcanus’s authority is also implied in the fragmentary *senatus consultum* quoted in *Ant.* 14.199, which, however, does not contain the title ethnarch. It reads: “He [Hyrcanus] and his sons shall be high priests and priests of Jerusalem and of their *ethnos*.” The juxtaposition of the geographical designation, Jerusalem, with the *ethnos* is telling.⁵⁵

52. Pucci Ben Zeev, *Jewish Rights*, 65–66, 442–43; S. Applebaum, “The Legal Status of the Jewish Communities in the Diaspora,” in Safrai and Stern, *The Jewish People*, 1:455. See Mendels, *Rise and Fall*, 211.

53. Mendels, *Rise and Fall*, 211; VanderKam, *Joshua to Caiaphas*, 382–85.

54. For the first document, see Pucci Ben Zeev, *Jewish Rights*, 137–49. Note that the Jews of Ephesos are referred to here as Hyrcanus’s *πολῖται* (§226; lit., “citizens”). See also §259 in the decree of Sardis, along with Lucio Troiani, “The ΠΟΛΙΤΕΙΑ of Israel in the Graeco-Roman Age,” in Parente and Sievers, *Josephus and the History*, 17–18, as well as Pucci Ben Zeev, *Jewish Rights*, 29–30, 142–43, 219–20. For the second document, see Pucci Ben Zeev, *Jewish Rights*, 194, 196–97, rejecting the view by which the Hyrcanus mentioned in this document is John Hyrcanus. Eilers (“Josephus’s Caesarian Acta,” 194–200) has, however, revived the theory that it is John Hyrcanus. If that were the case, this would be the only firm evidence for this type of Hasmonean authority in the diaspora prior to Hyrcanus II, as indeed adduced by Regev, *The Hasmoneans*, 82–84. Regev asserts that the Hasmoneans intervened in the diaspora in the same manner, although all other evidence he mentions refers undisputedly to Hyrcanus II (see also *The Hasmoneans*, 196–99). Earlier Hasmoneans may have indeed striven to represent, or have some responsibility over, the entire Jewish people, including the diaspora—as perhaps attested by the two letters attached to the beginning of 2 Maccabees (1:1–2:18)—but there is hardly any evidence that diaspora Jews saw them as such, and certainly the powers ruling over diaspora Jews did not recognize the Hasmoneans as such.

55. Pucci Ben Zeev, *Jewish Rights*, 70. The peculiar formulation “high priests and priests” led some scholars to emend “ethnarchs” for “priests” (see Marcus’s n. e ad loc. in LCL), but there is no manuscript evidence for such a reading. As mentioned

As mentioned, some studies have noted this nonterritorial element in Hyrcanus's role as ethnarch.⁵⁶ But it seems to me—and this is my main point—that this nonterritoriality is essential to the use of the term ethnarch. As already noted, the use of this term to denote ordinary territorial rule would be most peculiar. The contrast between this title and such territorial designations as king and *tetrarch* (a title that refers to a divided territory and that was bestowed upon Herod and Phasaël by Mark Anthony at a time when Hyrcanus was still an ethnarch [*J. W.* 1.244, *Ant.* 14.326]⁵⁷ and by Augustus upon the brothers of Archelaus when the latter was made ethnarch [*J. W.* 2.93]), as well as *epistrategos* and *nomarch* (governors of a region or province) in Strabo, *Geogr.* 17.1.13, is significant.

The Greek term *ἔθνος* is very flexible and has a variety of meanings, many of which are not territorially defined in any way. Indeed, *ἔθνος* can denote a social class, a political subdivision, a guild, an order of priests, and so forth.⁵⁸ Thus, since Hyrcanus's type of leadership was a new innovation, which seems to have been defined ethnically, not territorially, a unique term had to be used. The unique title ethnarch—head of the *ἔθνος*—obviously suits the role adequately. Consequently, ethnarch is not just a title of lesser significance than king.⁵⁹ Rather, it designates authority of a completely different type: whereas kings, by definition, rule territories (though

above, the omission of the title ethnarch led Momigliano to date this document to 48 BCE—that is, prior to Caesar's war in Alexandria and the bestowal of this title upon Hyrcanus; see further above, pp. 122–23. Even if the original decree indeed precedes the bestowal of the title ethnarch, what is essential is the conception of the ethnic aspect of Hyrcanus's leadership. That conception may have preceded its official titular manifestation by Caesar.

56. In addition to the studies mentioned in previous footnotes, see Büchler, "Priestly Dues," 6–10; Solomon, "Philo's Use," 129; Pucci Ben Zeev, *Jewish Rights*, 49–50, with further references; Gruen, "Herod," 19–20. See Rajak, "Roman Charter," 117; Juster, *Les Juifs*, 1:216–17, and n. 3.

57. See Marcus's n. *i* on *Ant.* 14.326 in LCL. Marcus notes that this is the first occurrence of the title tetrarch in Josephus.

58. Anthony J. Saldarini, *Matthew's Christian-Jewish Community* (Chicago: University of Chicago Press, 1994), 59–61, 78–81. See also LSJ, s.v. "*ἔθνος*," and Hugh J. Mason, *Greek Terms for Roman Institutions: A Lexicon and Analysis* (Toronto: Hakkert, 1974), 40–41. Cf. Roger Just, "Triumph of the Ethnos," in *History and Ethnicity*, ed. Elizabeth Tonkin, Maryon McDonald, and Malcolm Chapman (London: Routledge, 1989), 72–73.

59. Contra Samuel Sandmel, "Ethnarch," *IDB* 2:178–79.

such territories are not necessarily fixed),⁶⁰ as seems to have been obvious in antiquity as well, ethnarchs rule people.⁶¹ It seems, therefore, that the use of the title ethnarch signifies an innovative view of the Jewish people, not as a people of a certain country, but rather as a nonterritorial entity.

It is instructive to compare the mention of the Jewish ἔθνος in the aforementioned letter of the magistrates of Laodicea (*Ant.* 14.241) to the use of the same terminology in the Seleucid period, in Antiochus III's letter of 200 BCE (*Ant.* 12.138–144) and in a quote from Polybius (*Ant.* 12.135). In the former, which probably belongs to the days of Hyrcanus, the Jewish ἔθνος clearly includes Judeans as well as Jews of the diaspora, at least those of Laodicea. In contrast, in Antiochus's letter ἔθνος clearly applies to Jerusalem and its surroundings.⁶² The term has that same geographical connotation in the quote from Polybius.

Obviously, the question arises: If Hyrcanus's rule was nonterritorial, who in fact had authority over the territory of Judea? We might suggest that Hyrcanus had a dual type of rule, as leader of the entire Jewish ἔθνος and as ruler of the territory of Judea.⁶³ Alternatively, it seems that Antipater, Herod's father, was the actual ruler of the territory of Judea.

60. See, e.g., the first definition of "king" in Noah Webster, ed., *Webster's Third New International Dictionary of the English Language, Unabridged* (Springfield, MA: Merriam, 1976), 1244.

61. See Schwartz, "Herodians," 68. Mark Anthony's letter to the Tyrians, quoted in *Ant.* 14.314–318, ordering them to return to "Hyrcanus, the ethnarch of the Jews," any places (χωρία) they now hold which belonged to him before Cassius invaded the area (§317), may be referring to personal property of Hyrcanus, a sort of private royal estate. It is more likely, however, that it actually refers to territory belonging to the Judeans, as is clear from both the beginning of this document (§314: "their territory"), as well as the adjacent documents (§§306–313, 319–322) which both refer to possessions of the Judeans; see also Udoh, *To Caesar*, 70–71 n. 150. Thus, it does not attest to a territorial definition of Hyrcanus's rule.

62. Elias J. Bickerman, "The Seleucid Charter for Jerusalem," in Tropper, *Studies*, 1:340–41; see also Bickerman, "The God of the Maccabees: Studies in the Meaning and Origin of the Maccabean Revolt," in Tropper, *Studies*, 2:1068–69.

63. See Rabello, "Legal Condition," 713, who holds that any Jewish leader in the Land of Israel was regarded also by diaspora Jews as their leader, but also claims that "all these leaders [including Hyrcanus II] were first and foremost territorial rulers, ruling over the kingdom of the Land of Israel." For a similar view see Mantel, *Studies*, 237–38.

Josephus explicitly writes that Caesar appointed Antipater as “procurator of all Judea [πάσης ἐπίτροπος Ἰουδαίας]” (*J.W.* 1.199; see also *Ant.* 14.143).⁶⁴

Admittedly, the later ethnarchy of Archelaus seems to deviate from this nonterritorial definition, since in relation to it we read that Augustus appointed (καθίσταται) Archelaus as “ethnarch of half the territory that had been subject to Herod” (*Ant.* 17.317); that “the ethnarchy of Archelaus comprised the whole of Idumaea and Judaea, besides the district of Samaria” (*J.W.* 2.96); and that when he was exiled to Vienna in Gaul his “ethnarchy ... was turned into a province” (*J.W.* 2.167).⁶⁵ So, it seems that the nature of his ethnarchy was territorial.⁶⁶ Yet, this does not necessarily conflict with our conclusions regarding Hyrcanus’s ethnarchy. Almost forty years went by between Hyrcanus’s and Archelaus’s ethnarchies, while in the interim Judea was ruled by kings (that is, territorial rulers), and, in addition, Archelaus—an heir of a king—received this title from a new emperor. So it would not be very surprising if the title was now used in a way that deviated from its original obscure meaning. One may suggest that Augustus, who explicitly did not want to make Archelaus king, looked for a title lesser than king for Herod’s son, and therefore he may have turned to the last nonkingly title used in Judea, without intending its exact original meaning. For this reason, what is crucial for our investigation is the original implementation of this title, not any later deviations. Moreover, we should note that whereas virtually all of the occurrences of the title ethnarch in relation to Hyrcanus II are in official documents, those related to Archelaus are in narrative accounts.⁶⁷ Two additional factors must be mentioned:

(1) The episode of Archelaus’s appointment by Augustus is also reported in an extant fragment of Nicolaus of Damascus, who was probably Josephus’s source. It is significant that, unlike Josephus’s statements, in this fragment the appointment to the ethnarchy is set apart from the distribution of the territory:

64. Piattelli, “Enquiry,” 222. Cf. David Goodblatt, “From Judeans to Israel: Names of Jewish States in Antiquity,” *JSJ* 29 (1998): 6–7, and n. 9.

65. See also *J.W.* 2.111 // *Ant.* 17.339. For Archelaus’s exile, see also *Ant.* 17.342–344; Strabo, *Geogr.* 16.2.46; Cassius Dio, *Hist. rom.* 55.27.6 (with Stern’s comments in *GLA* 2:365).

66. See also Pucci Ben Zeev, *Jewish Rights*, 49–50.

67. Except for the coins that bear this title (see below, pp. 358–59).

Caesar settled the question of the whole inheritance, allotting to each of Herod's children a part of the realm, Archelaus' share amounting to a half of the whole. And Caesar honoured Nicolaus and appointed [κατέστησεν] Archelaus ethnarch. He promised that if he proved himself worthy, he would soon make [ποιήσεν] him king. His younger brothers Philip and Antipas he appointed [ἀπέδειξεν] tetrarchs.⁶⁸

Thus, Nicolaus's fragment implies a distinction between the territorial aspect of Archelaus's rule and his appointment as ethnarch.

(2) Most of the rather few additional occurrences of the term ethnarch refer to leaders in essentially nonterritorial circumstances, and they are mostly from Archelaus's time and later. Thus we find an ethnarch of the Jews in Egypt (*Ant.* 14.117 [Strabo quoted by Josephus]; 19.283 [Claudius's edict];⁶⁹ see also Strabo, *Geogr.* 17.1.13); we find an "ethnarch of King Aretas" in or near Damascus in the first century CE (2 Cor 11:32);⁷⁰ and

68. *GLA* 1:250–60. Translation based on *GLA* 1:255. This is the only occurrence of the term ethnarch in the fragments of Nicolaus.

69. This ethnarch seems to be identical with the *genarch* mentioned by Philo, *Flacc.* 74. This identification is confirmed by the synonymous use of these terms by Philo in relation to Abraham in *Her.* 279. See, e.g., Box's discussion in Philo of Alexandria, *In Flaccum*, trans. Herbert Box (London: Oxford University Press, 1939), 102–3, and the other studies mentioned in nn. 73–74 below.

70. This verse, which is the only occurrence of the term ethnarch in the New Testament, has drawn considerable debate; among fairly recent studies, see Justin Taylor, "The Ethnarch of King Aretas at Damascus: A Note on 2 Cor 11, 32–33," *RB* 99 (1992): 719–28, and Douglas A. Campbell, "An Anchor for Pauline Chronology: Paul's Flight from 'the Ethnarch of King Aretas' (2 Corinthians 11:32–33)," *JBL* 121 (2002): 279–302. The narrative is problematic because Acts 9:23–25, which apparently refers to the same episode, mentions neither Nabateans nor an ethnarch. It is, rather, the Jews who want to apprehend Paul. Be that as it may, in the present context, what is essential in the text of 2 Corinthians is the fact that he is defined as being "the ethnarch of King Aretas," not of any place, and the place where he is said to have been active is not said to have been his, rather, it was "the city of the Damascenes." Thus, it seems likely to interpret the title in line with the second-century inscription that refers to the ethnarch of a nomadic Arab tribe (see next note). Similarly, Taylor explains that ethnarch (or φυλάρχης) designates the role of tribal chief or sheikh, and that some such sheikhs had a dual role, as sheikhs and as στρατηγοί. Paul, therefore, "names one (Greek) title of the Nabataean governor of Damascus, viz. that which referred to his tribal authority (ἐθνάρχης), while having in mind rather his royal function, for which his other title of στρατηγός would have been more appropriate" (quoted from p. 724; see also pp. 720–24, and Campbell, "Pauline Chronology," 285).

an ethnarch of Arab nomads (νομάδες) in the Syrian desert in the second century CE⁷¹—although such tribes had areas within which they generally functioned, given their nomadic nature, it is unlikely that their leader was defined territorially; and, finally, the term is used by Origen as equivalent to the Jewish אֲשִׁי (Princ. 4.3; Ep. Afr. 14), although he also uses the term πατριάρχης once (Sel. Ps. [PG 12:1056]).⁷²

A Unique Roman View

Excluding the three or four occurrences relating to the early Hasmoneans that I have disqualified, I am aware of one argument that asserts the existence of Jewish ethnarchs prior to the Roman era. That argument has to do with the Jews of Egypt, and it derives from the contradiction between Claudius's edict as quoted by Josephus (*Ant.* 19.280–285), which claims that “upon the death of the ethnarch of the Jews” in Alexandria, “Augustus did not prevent the continued appointment of ethnarchs” (19.283), on the one hand, and Philo's statement in reference to approximately the same time that after the death of the γενάρχης Augustus appointed a γερουσία to take charge of Jewish affairs (*Flacc.* 74), on the other. Herbert Box suggested the following solution:

The apparent contradiction between Philo and Claudius may be reconciled by supposing that the office of ethnarch had in the later Ptolemaic period become monarchical in character, and that on the death of the ethnarch whom he had found in Alexandria when he annexed Egypt Augustus took the opportunity, presumably in accordance with the wishes of the Alexandrine Jews, to establish a γερουσία, of which the ethnarch should be president.⁷³

71. OGIS 2:312–13, no. 616.

72. Habas Rubin, “The Patriarch,” 61–73. The term ἐθνιαρχῶν found in a Jewish burial inscription from Argos may possibly also be an allusion to the אֲשִׁי. The inscription can be found in P. Jean-Baptiste Frey, *Corpus of Jewish Inscriptions* (New York: Ktav, 1975), 1:518–19. See Habas Rubin, “The Patriarch,” 111–12. Nicholas R. M. de Lange (*Origen and the Jews: Studies in Jewish-Christian Relations in Third-Century Palestine* [Cambridge: Cambridge University Press, 1976], 34) suggests that the title ethnarch “was the older, Hellenistic, title” which he relates to the title of the Second Temple period, that it was gradually replaced by the title patriarch, and that the transition occurred in Origen's time (see also GLA 2:564). Elsewhere, however, de Lange (*Origen and the Jews*, 24) proposes that where Origen uses the term patriarch he does not refer to the אֲשִׁי but rather to the head of a local community.

73. Box's comment in Philo of Alexandria, *In Flaccum*, 103. See van der Horst's

We have, however, no evidence that the Jews of Alexandria wished to see the ethnarch's "despotic powers" (as Box speculates) diminished. More importantly, Box's suggestion does not entail the supposition that the office of Jewish ethnarch was in existence in Alexandria already in the Ptolemaic period. The important element in Box's suggestion is, rather, his recognition that Philo does not write that the office of ethnarch was abolished, a point that leaves room for the possibility that all Philo meant is that Augustus now put the ethnarch at the head of the newly formed *γενουσία*.⁷⁴ The same solution could be offered even if the Romans established the office of ethnarch; after all, Augustus ruled for more than forty years, and it is entirely likely that he not only replaced an ethnarch but also, earlier in his tenure, founded the office. In any case, we should not make too much out of the supposed contradiction, because the text of the edict found in Josephus is recognized as a pro-Jewish forgery.⁷⁵

The only possible positive evidence for the existence of Jewish ethnarchs in Ptolemaic Egypt is Strabo's description of the Jews of Cyrene and Egypt, quoted by Josephus in *Ant.* 14.117–118, which mentions the Jewish ethnarch in Egypt. Josephus says that Strabo's testimony refers to the time of Sulla, early in the first century BCE. Nevertheless, the tenses used imply that a large part of Strabo's report including the statement about the ethnarch actually refers to his own days, the period of Augustus.⁷⁶ This conclusion seems to be confirmed by Strabo's description of Egypt in his *Geographica*. In a passage, usually overlooked in this context, he says that the Romans, having turned Egypt into a province in the days of Augustus, have "appointed throughout the country officials called epistrategai and nomarchs and ethnarchs" (*Geogr.* 17.1.13). Although Strabo does not refer here specifically to the Jews, it would be unreasonable not to connect this description to that quoted in Josephus.

Thus, just as we saw regarding Judea, so too regarding the Jews of Egypt: the evidence for ethnarchs points to the early Roman period. Indeed, it seems that such a view of the Jewish people as a nonterritorial entity fits well with the developments of the early Roman era. By this time,

comments in Philo of Alexandria, *Flaccus: The First Pogrom*, trans. Pieter W. van der Horst (Leiden: Brill, 2003), 168–69.

74. Cf. Kasher, *Jews in Hellenistic and Roman Egypt*, 254–55.

75. Victor A. Tcherikover, "Prolegomena," in *CPJ* 1:57 n. 22.

76. See Marcus's note *b* on §115 in LCL; Schürer, *History of the Jewish People*, 3:92; GLA 1:280; Habas Rubin, "The Patriarch," 252 n. 111.

the Romans knew Jews who were organized in several communities in Rome, a fact which may well have influenced their perception of the Jews as a religious or ethnic entity, not a geographically centered people.⁷⁷ Significantly, Shaye Cohen has shown that in the middle of the first century BCE Greek and Latin authors start using the term Ἰουδαῖοι in reference to Jews/Judeans living outside of Judea.⁷⁸ Finally, we should note the Roman system of citizenship, in which a person can receive Roman citizenship despite the fact that neither he nor his ancestors ever set foot in Rome or Italy.⁷⁹ This too may have influenced the Roman view of not differentiating between Judeans and Jews of the diaspora.

It seems, in fact, that already Pompey's initial arrangement of tearing away from Judea all the gentile areas previously conquered by the Hasmoneans and confining "the *ethnos* within its own boundaries" (*J.W.* 1.155–157, *Ant.* 14.74–76), thus dividing the country based on ethnicity rather than geography, reflects such an ethnical perception.⁸⁰

An additional point for consideration was noted by M. Pucci Ben Zeev. She shows that the exemption from military service that some Jewish communities received from the Romans in this period was "by no means a unique case." Such an exemption was granted to the Dionysiac Artists and other similar associations. Ben Zeev concludes that discussion thus: "It is

77. See Daniel R. Schwartz, "One Temple and Many Synagogues: On Religion and State in Herodian Judaea and Augustan Rome," in Jacobson and Kokkinos, *Herod and Augustus*, 394–96. The unique phenomenon of the Jewish diaspora had, it seems, a very important impact on Greco-Roman ethnographic descriptions of the Jews, already prior to the Roman era. The Jews were perceived as a people without geography, as illustrated by René S. Bloch, "Geography without Territory: Tacitus' Digression on the Jews and its Ethnographic Context," in *Internationales Josephus-Kolloquium, Aarhus 1999*, ed. Jürgen U. Kalms (Münster: LIT, 2000), 38–54.

78. Cohen, *Beginnings*, 93–94. Although Cohen views the word Ἰουδαῖοι as an ethnic-geographic term still in this period (*Beginnings*, 93–94), elsewhere he writes that "if the geographic meaning of *Ioudaios* became attenuated in diaspora settings, the ethnic meaning came to the fore" (*Beginnings*, 74, and see pp. 74–76).

79. See Walbank, "Nationality," 153–54.

80. Perhaps similarly, in Caesar's decree quoted in *Ant.* 14.202–210, one of the grants is that "no one ... shall rise auxiliary troops in the boundaries/territories of the Judeans/Jews [ἐν τοῖς ὁροις τῶν Ἰουδαίων]" (§204), whereas the term boundaries (ὅροι) is usually defined with the name of a country in the singular (e.g., Judea in *Ant.* 12.351, 1 Macc 5:60, 15:30; Galilee in *J.W.* 3.127, *Life* 270; Syria in *Ag. Ap.* 1.266; Media in *Ant.* 18.48; Egypt in *Ant.* 12.295, but in *Ant.* 9.218 it applies to Egyptians), not with the name of the people.

interesting to note that in all these cases, the recipients of the grant were groups of people identified by criteria other than ethnic or geographical ones—in other words, a kind of ‘non-territorial’ peoples.”⁸¹

In this context, we might add that, if indeed the title ethnarch was Caesar’s innovation, it may be that the help he received from the Jews in Egypt under the leadership of Hyrcanus and Antipater was not just a motive for his rewarding Hyrcanus by making him ethnarch, but perhaps this episode, which included Hyrcanus’s direct influence on diaspora Jews, prompted his very employment of this title.⁸²

Finally, it is also noteworthy that the period following the Roman conquest of Judea in 63 BCE is also the period in which Doron Mendels has identified a change in the Jewish concept of the Land towards a more amorphous idea as a result of the foreign occupation.⁸³

Consequence

Despite the fact that Hyrcanus’s ethnarchy came to its end in 40 BCE, the Roman view of the Jewish people, exemplified by this title, continued to have an impact upon Jewish existence thereafter. We see that, subsequent to Hyrcanus Judean leaders, whatever their title, continued to act on behalf of diaspora Jews (see, for example, *Ant.* 19.287–291).⁸⁴ In fact, this Roman view of the Jews may explain the somewhat peculiar addition to the standard Roman greeting in the opening of Claudius’s letter to the Jews in *Ant.* 20.11–14. The standard wording is “to the archons, council, and people” of whatever city (for example, *Ant.* 14.190, 16.172),⁸⁵ whereas here we find the peculiar addition “and to the whole nation [ἔθνος] of the Jews” (*Ant.* 20.11). This view also lies at the basis of Roman policy towards the Jews in the aftermath of the Great Revolt, when they imposed the “Jewish tax” (*fiscus Judaicus*) on all Jews, including diaspora Jews who had taken no part in the revolt.⁸⁶

81. Pucci Ben Zeev, *Jewish Rights*, 161–62.

82. See also Gruen, “Herod,” 19–20.

83. Mendels, *Rise and Fall*, 243–75.

84. See Mendels, *Rise and Fall*, 211–12. See, however, recently Gruen, “Herod,” who argues that Herod gave no special attention to diaspora Jews.

85. See also Frank F. Abbott and Allan C. Johnson, *Municipal Administration in the Roman Empire* (Princeton: Princeton University Press, 1926), letters 30, 36, 54, 68, etc.

86. For the *fiscus Judaicus* in the diaspora, see *CPJ* no. 421 (2:204–8) for Arsinoe in 73 CE and nos. 160–229 (2:119–36) for Edfu. See further Martin Goodman, “Nerva,

However, for the current purposes, I would like to illustrate one crucial consequence of the innovation of this title and the view of the Jewish people that it bespeaks. Namely, whether or not there is a direct link between the ethnarch of the Second Temple period and the *עשׂי* of the postdestruction era, the nonterritorial aspect of the ethnarch's rule, and the view of the Jewish people as an ethnic, not a territorial, entity conform to a diaspora setting, or a stateless setting (as we indeed saw, the Jewish diaspora in Egypt had an ethnarch at one point). Hence, although the innovation of the ethnarch is to some degree a step back in terms of the separation of state and religion, reflecting "experimentation," it is nonetheless, in and of itself, an innovation that set the stage in Judea for postdestruction existence.⁸⁷

Summary

I would now like to summarize this discussion of what at first may have appeared to be an issue of nomenclature alone.

The evidence for the title ethnarch in Judea is found in three corpora. The first relates to the early Hasmoneans, Simon and John Hyrcanus. As we have seen, the evidence for John seems to derive from erroneous attributions, and the evidence for Simon relies solely on a Greek translation

the *Fiscus Judaicus* and Jewish Identity," *JRS* 79 (1989): 40–44. Goodman argues that, while in the time of the Flavian dynasty the Jewish tax was imposed on Jews who were defined as such by their ethnic origin, Nerva imposed this tax only on those Jews who openly "declared themselves as Jews—that is, if they carried on their Jewish customs *professi*." Thus "Nerva may unwittingly have taken a significant step towards the treatment of Jews in late antiquity more as a religion than as a nation." For a different view of the Jewish tax, see Sara Mandell, "Who Paid the Temple Tax When the Jews Were under Roman Rule?" *HTR* 77 (1984): 223–32.

87. The view of Jews and Judaism that is suggested by the title ethnarch should have some bearing on the hot debate in contemporary research on how to translate *Ἰουδαῖοι*—Jews or Judeans (for which, see above, p. 14 and n. 35 in the introduction). It gives additional weight to the argument that the proper translation is "Jews," at least after the Roman conquest of 63 BCE, and at least when the sources speak from a Roman standpoint. We should also note that Hyrcanus's authority over the Jews living outside Judea seems to be mainly in issues that have to do with religion—"manner of life" (*Ant.* 14.195; see Piattelli, "Enquiry," 224–25, and also p. 220)—a point which will, again, lead us to speak of "Jews" and "Judaism." An additional specific consequence is perhaps the trial of Herod. As suggested above (pp. 138–39), the obscurity of this term, together with the fact that Hyrcanus's ethnarchy existed parallel to Antipater being *ἐπίτροπος* of Judea, may be seen as the background of that affair.

of an originally Hebrew text. The third relates to Archelaus, Herod's heir. Although this latter evidence is well established, it is not derived from official documents and is later than the original implementation of the term in Judea. The second corpus, referring to Hyrcanus II, is most important, since, not only is it found in numerous official documents, but it seems to testify to the initial implementation of the title in Judea by Julius Caesar.

My conclusion is that this title does not denote ordinary rule, but rather it exemplifies a unique Roman view of Jewish existence as a territory-less people, a view which was to persist throughout the remainder of the Second Temple era, following the Roman conquest, and would eventually also help set the stage for postdestruction Jewish existence. Thus, this title played a role in allowing, perhaps for the first time in their history, the Jews of the diaspora and the Judeans of Palestine to be perceived as one entity, united, for a short while, at least in some aspects of their existence under a single leadership.

Synedria

Another Roman experiment in the government of Judea was Gabinius's aforementioned reform of Judea's administration that divided the country into five districts, each governed by its own council, labeled *σύνοδοι* in *J. W.* 1.170 and *συνέδρια* in *Ant.* 14.91. This raises the question of the existence of the Sanhedrin, the institution of great prominence in later rabbinic literature, whose title is a loanword from the Greek *συνέδριον*.

The majority of studies about the Sanhedrin, especially those of earlier eras but also in more recent research, have seen this institution as existing throughout all or most of the Second Temple period.⁸⁸ Thus, for example, Josephus's claim that Alexandra entrusted the administration of the

88. For example, see Schürer, *History of the Jewish People*, 2:200–206; Victor A. Tcherikover, "Was Jerusalem a 'Polis'?" *IEJ* 14 (1964): 67–78; Rabello, "Legal Condition," 716–17. Zeitlin ("Political Synedrion," 120–26) sees the origin of the postdestruction Sanhedrin in the coalescence of a Bet Din (supposedly established at the accession of Simon in 143 BCE), which was allegedly a formal and permanent council dealing with religious issues, with the *συνέδριον*, which was supposedly an ad hoc gathering of the ruler's friends convened to deal with issues of the state. Zeitlin's paper provoked a very lively discussion in the next two volumes of *JQR*, primarily on the question of whether the term *συνέδριον* was used for court of justice in Greek and Jewish-Hellenistic literature. However, in the present context it would be superfluous to summarize that discussion. For a view similar to Zeitlin's, but more nuanced, see

kingdom to the Pharisees (*J. W.* 1.110–112; *Ant.* 13.405, 408–409) is understood, in some studies, as if she gave them the control of the Sanhedrin, despite the fact that Josephus does not mention any such institution in that episode.⁸⁹ These scholars argue that the different terms we find in our sources (γερουσία, συνέδριον, βουλή) all refer to the same single institution, which may have had a different name at different times.⁹⁰ Some of them view the Sanhedrin as a leading national institution, while others view it more as an advisory council to the ruler—the king or high priest, as the case may be.⁹¹ Other scholars, on the contrary, are more skeptical about the evidence and view any mention of συνέδριον in Second Temple sources as no more than an occasional gathering of advisors convened by rulers on an ad hoc basis.⁹²

I begin this investigation with an examination of the meanings and significance of the different terms usually taken as referring to this institution as well as the chronology of their appearance:

Ellis Rivkin, “Beth Din, Boulé, Sanhedrin: A Tragedy of Errors,” *HUCA* 46 (1975): 181–99. See also Mantel, *Studies*, 54–101.

89. For some examples, see Schürer, *History of the Jewish People*, 2:204; Abel, “Le siège,” 244; Buehler, *Pre-Herodian*, 34, 77. See also Atkinson, *I Cried*, 93–94. For criticisms of this view, see McLaren, *Power and Politics*, 66 and esp. n. 2; Sanders, *Judaism*, 475–76. For this scholarly tendency, see further below, p. 286.

90. Gedaliah Alon, “The Original Sanhedrin: Retrospect,” in Alon, *Jews in Their Land*, 1:189; Eduard Lohse, “συνέδριον,” *TDNT* 7:862–64; Buehler, *Pre-Herodian*, 33–34, 77–78; Tcherikover, “Was Jerusalem,” 70–73; Steve Mason, “Chief Priests, Sadducees, Pharisees, and Sanhedrin in Luke-Acts and Josephus,” in *Josephus, Judea, and Christian Origins: Methods and Categories* (Peabody, MA: Hendrickson, 2009), 368–69. Grabbe recently suggested that the variation is not a consequence of change over time, but rather of different sources using different terms; see Lester L. Grabbe, “Sanhedrin, Sanhedriyyot, or Mere Invention?,” *JSJ* 39 (2008): 1–19. Rivkin (“Beth Din”) differentiates between the συνέδριον and the βουλή, which, he contends, was the Greek term for the religious Beth Din; following the destruction, the Beth Din assumed some political responsibility and hence “the Greek rendition *boulé* perforce gave way to *sanhedrin*” (pp. 198–99). Rivkin does not refer to the term γερουσία.

91. For Sanhedrin as a leading national institution, see, e.g., Schürer, *History of the Jewish People*, 2:200–206; Atkinson, *I Cried*, 93. For Sanhedrin as an advisory council, see Grabbe, “Sanhedrin.”

92. Goodblatt, *Monarchic Principle*, 108–13. See Efron’s study, “The Great Sanhedrin in Vision and Reality,” in *Studies*, 287–338. For a well-nuanced examination of the evidence, see also McLaren, *Power and Politics*, passim.

(1) Συνέδριον in the Pre-Roman Period. The term συνέδριον appears several times in the Septuagint translation of the Hebrew Bible. Often it seems to be a relatively close rendering of the Hebrew original, drawing on one or another of this Greek term's standard meanings (for example, "court" in Prov 22:10, rendering יִדִּי; "council" or "place of meeting" in Jer 15:17, rendering סֹד).⁹³ Apart from its occurrences in the Septuagint, the term συνέδριον is scarcely found prior to the Roman era. In texts of the Second Temple period, it is found in Ben Sira, which is likewise a translation from the Hebrew. There it either renders a verbal form of סֹד (42:12) or takes the similar meaning of "to be/sit among/together" (11:9; 23:14; as in LXX Ps 25:4, for example). The character of Ben Sira, the fact that it is a translation (probably made outside of Judea), and the contexts and rarity of the term's appearance speak against viewing it as evidence for an actual institution in Judea.⁹⁴ The term does not appear in a historical text such as 1 Maccabees, and in 2 Maccabees it occurs only once (14:5), but that is in reference to a συνέδριον of the Seleucid king, Demetrius.⁹⁵

In Josephus, the term appears only twice in contexts prior to the Roman occupation. One occurrence is in his paraphrase of the Letter of Aristeas, in *Ant.* 12.103. This part of the sentence is a fairly close rendering of Let. Aris. 301, which also has the term συνεδριον. In this narrative, the term refers to a meeting of the elders who came to Alexandria to translate the Bible and has nothing to do with a Judean institution. The second

93. See Goodblatt, *Monarchic Principle*, 108. For סֹד as meaning "council" in the Bible, see BDB, s.v. "סֹד." For this usage in Qumran, see, inter alia, 1QH^a XII, 25; 4Q181 1 II, 1; and especially the idiom, סֹד הַיָּחִיד, which refers to the sect itself (e.g., 1QS VI, 19; 4QS^c [4Q259] III, 17–18).

94. The term also appears once in Sus 28, whose date, place, and language of composition are disputed (see Nickelsburg, *Jewish Literature*, 24 and 347–48 n. 28). It likewise appears once in the Pss. Sol. 4.1, which is also a translation from the Hebrew; and in any case, at least some of its psalms were composed after the Roman occupation (see introduction). Moreover, that verse, "Why are you, profane man, sitting in the *synedrion* of the holy?" (my translation), appears to be using language that recalls biblical verses, such as Jer 15:17 (לֹא יֹשְׁבֵי בְּסֹד מִשְׁחָקִים), Ps 89:8 (בְּסֹד קִדְשִׁים) or Ps 111:1 (בְּסֹד יִשְׂרָאֵל), that do not refer to any institution. See G. B. Gray's comment ad loc. in *APOT* 2:636.

95. See also Efron, "Great Sanhedrin," 310; Howard Clark Kee, "Central Authority in Second-Temple Judaism and Subsequently: From Synedrion to Sanhedrin," *Review of Rabbinic Judaism* 2 (1999): 53–54.

appearance is in *Ant.* 13.364, where it refers to a meeting of the city council of Gaza.

(2) *Συνέδριον* in the Roman Period. In Josephus's historical narrative, a *συνέδριον* in Judea first appears in the narration of the above-mentioned reforms of Gabinius (*Ant.* 14.91). However, in the parallel narrative in the *Jewish War*, the term *σύνοδοι*, and not *συνέδρια*, appears (*J.W.* 1.170). These terms are similar, and it is possible that one or the other derives from scribal error or creativity. Nevertheless, I think we can discern that *συνέδρια* is the correct term for the institutions Gabinius established.⁹⁶ Although both terms share the meaning "a meeting," *συνέδριον* also has the meaning of "council," whereas definitions of the term *σύνοδος* seem to imply one-time gatherings or meetings, usually not an institution that is both formal and permanent.⁹⁷ Indeed, this sense of one-time meetings or general gatherings fits the way Josephus himself regularly uses the term *σύνοδος* (for example, *J.W.* 1.585, *Ant.* 4.290, 8.133). That sense, however, does not seem to fit the intent of Gabinius's administrative reforms. The term *συνέδρια*, meaning councils—a meaning that is also clear from the use of this term to refer to the Roman Senate in Polybius (*Hist.* 1.11.1) and others authors⁹⁸—in contrast, fits the context of the reforms perfectly. Additional reinforcement for this conclusion is found in the similar Roman partition of Macedonia approximately a century earlier. Livy writes that the councilors of the regional councils the Romans set up in Macedonia were called *σύνεδροι* by the Macedonians (Livy, *Ab urbe cond.* 45.32.2).⁹⁹

(3) *Γερουσία*. The term *γερουσία* appears a few times in the Septuagint (e.g., Exod 3:16, Num 22:4, Josh 23:2). However, as David Goodblatt shows, it does not have to be understood as referring to a formal council and might be no more than an equivalent of *γέροντες*, that is, זקנים, "elders."¹⁰⁰ Regardless, occurrences of this term in Greek translations of the biblical books should not be taken as evidence for historical reality

96. As Reinach suggests in connection with the passage in the *Jewish War*. See note a on *J.W.* 1.170 in LCL.

97. LSJ, s.v. "συνέδρα," 1704; s.v. "σύνοδος," 1720. *Σύνοδος* also takes the meaning of association, which often served religious purposes. See further Arthur Darby Nock, "The Gild of Zeus Hypsistos," in *Essays on Religion and the Ancient World*, ed. Zeph Stewart, 2 vols. (Oxford: Clarendon, 1972), 1:430–32.

98. Mason, *Greek Terms*, 123–24.

99. See also Stern, *Hasmonaean Judaea*, 222 n. 15. For the similarity of Gabinius's reforms to that Roman partition of Macedonia, see above, p. 104.

100. Goodblatt, *Monarchic Principle*, 92–99.

in Second Temple Judea, for they may reflect the diasporan *Sitz im Leben* of the translators.¹⁰¹ The term also appears often in Josephus's rewriting of the Bible, including contexts where the term does not appear in the Septuagint.¹⁰² However, after his treatment of the biblical period, the term appears only rarely; such occurrences as there are, in his writings and elsewhere, are limited to a very short period of time, 200–143 BCE.¹⁰³ In Josephus's accounts of that period, moreover, the term appears only in two documents that he cites. Of these, the first (*Ant.* 12.138–144) is a bill of rights given by Antiochus III to the Judeans, which, even if authentic, might at most be a reflection of Greek perceptions and not of actual Judean institutions.¹⁰⁴ The second (*Ant.* 13.166–170) is merely Josephus's version of a letter of Jonathan to the Spartans found in 1 Macc 12, which in turn has its own problems. Namely, whereas the letter is said to have been sent by Jonathan, the *γερούσία*, the priests, and the rest of the Judeans to the Spartans (1 Macc 12:6), the reply of the Spartans (14:20) mentions only “elders” (*πρεσβύτεροι*) and no *γερούσία*. Thus, it is very possible—as Goodblatt notes—that at 12:6 *γερούσία* is only a product of translation and the Hebrew original really had no more than זקנים, “elders.”¹⁰⁵ These “elders”

101. For the existence of (non-Jewish) *γερούσαι* in Egypt from Ptolemaic times, at least in Alexandria, see M. A. H. El-Abbadi, “The *Gerousia* in Roman Egypt,” *JEA* 50 (1964): 164. See also Dionysius of Halicarnassus, *Ant. rom.* 2.12.

102. Goodblatt (*Monarchic Principle*, 94–97) sees in Josephus's usage of this term further support for his suggestion that *γερούσία* is merely a translation of “elders,” which need not entail a formalized council. In my view, however, the numerous occurrences of *γερούσία* in Josephus's retelling of the Bible that are *not* paralleled in the Septuagint, and especially *Ant.* 5.135, where *γερούσία* seems to be the manifestation of the type of government which Josephus terms “aristocracy”—that is rule by a council (see also below, p. 289)—imply that in using that term Josephus intended a formal council. In my MA thesis (“Kingship”), I suggested that Josephus was promoting a specific proaristocracy (i.e., pro-*γερούσία*) agenda in the *Antiquities*.

103. Goodblatt, *Monarchic Principle*, 89–90, 98.

104. *Ibid.*, 85–86. On the question of the letter's authenticity, see appendix D in the LCL *Josephus*, vol. 7. Menahem Stern accepted it as authentic; see Stern, “The Documents in the Jewish Literature of the Second Temple” [Hebrew], in *The Seleucid Period in Eretz Israel: Studies on the Persecutions of Antiochus Epiphanes and the Hasmonean Revolt* [Hebrew], ed. Bezael Bar-Kochva (Tel-Aviv: Hakibbutz Hameuchad, 1980), 57.

105. Goodblatt, *Monarchic Principle*, 97–98. A similar phenomenon is found in 3 Maccabees, where the sole occurrence of *γερούσία*, in 1:8, seems to be equivalent to *γεραῖοι* in 1:23 (see *ibid.*, p. 94 n. 39). A good illustration of this occurs in another

may just be a biblical element, and, in any case, while they may be a collective, they are not a formal council or court.

Apart from Josephus and 1 Maccabees, the term also appears in three passages in 2 Maccabees (1:10, 4:44, 11:27). That is not much, and of those three passages the first and the last are of limited value: 2 Macc 1:10 comes in a letter added to the book and might, therefore, be based on the other two, and 2 Macc 11:27 is in a letter sent by Antiochus (IV or V), which might, again, be no more than a reflection of Greek perceptions.¹⁰⁶ Hence, altogether there are good reasons for Goodblatt's skepticism as to the existence of a formal council termed *γερουσία*.¹⁰⁷ Yet even if we reject this skepticism, we are still left with evidence for the existence of the *γερουσία* only during a short period of time.¹⁰⁸ It disappears from our sources more than eighty years before the *συνέδριον* first appears.¹⁰⁹

(4) *βουλή*. The term *βουλή* is also sometimes viewed as another term for *συνέδριον*. Again, I do not take into account the few instances where *βουλή* appears in the Septuagint, for in those cases too it seems to be a relatively close rendering of the Hebrew original (most often *נַחֲדָבָה*; for example, Judg 20:7) usually exhibiting the meaning of "counsel, plan." In works of the Hellenistic period, the term appears only in 1 Maccabees, where it appears

work that mentions the *γερουσία*—the book of Judith, which is also a translation from the Hebrew. The term appears there in three verses (4:8, 11:14, 15:8), and it is usually taken to refer to a council. However, according to Yehoshua M. Grintz (*The Book of Judith* [Hebrew] [Jerusalem: Bialik, 1986], 105), the Syriac version reads *ܫܒܝܐ*, "elders." Accordingly, he translates "elders" in all three places, but in his notes he writes that it refers to a national council, the Sanhedrin. The problem is also illustrated in the KJV, which has "ancients" at 4:8 and 15:8, but "senate" at 11:14. For a different explanation of the disappearance of the *γερουσία* in the letter of the Spartans, see Maria Brutti, "The Council of Elders during the Pre-Hasmonean Period," *European Journal of Jewish Studies* 3 (2009): 180–81.

106. Goodblatt, *Monarchic Principle*, 89–90, 98. On 11:27, see also *ibid.*, 17–18.

107. *Ibid.*, 83–99.

108. See Brutti, "Council," who suggests that the appearance of the *γερουσία* during this short interval is a consequence of a decline in the standing of the high priest in Judean society during the Seleucid period.

109. See also Goodman, *Ruling Class*, 113–14, who nevertheless speaks of *συνέδριον* as only one of a variety of names, including *γερουσία*, used after the Roman occupation; for which, however, he cites only Acts 5:21. On that text, which appears to be quoting Exod 4:29 or 12:21 and is the only occurrence of this term in the New Testament, as well as on Philo's usage of *γερουσία*, see Goodblatt, *Monarchic Principle*, 90–91.

only once with reference to a council (14:22), and that council is in Sparta; and βουλευτήριον is used of the Roman Senate (8:15, 19; 12:3). In the New Testament, the term βουλευτής appears in parallel accounts in reference to one Joseph of Arimathea (Mark 15:43 // Luke 23:50), who is, accordingly, often viewed as a member of the Sanhedrin.¹¹⁰ However, this seems to be rooted more in common perceptions of the Sanhedrin, and the tendency to find it everywhere, than in the actual evidence.¹¹¹ The verse in Mark is ambiguous and could equally mean that Joseph was a member of the city council of Arimathea.¹¹² Even if the reference is not specifically to the council of Arimathea, it should probably be understood, as we shall soon see, to mean that he was a member of the Jerusalem *city* council and not of a national council, the Sanhedrin.

In Josephus, the term βουλή (and its derivatives), in the meaning of council, appears in several places in reference to various foreign cities (for example, *J.W.* 7.107, *Ant.* 14.190), always denoting city councils and not national councils, except for references to the Roman Senate (for example, *J.W.* 1.284; *Ant.* 13.164). Thus, we also find a βουλή at the time of the Great Revolt as the city council of Tiberias (for example, *J.W.* 2.639, *Life* 64). For this reason, it seems that when βουλή does refer to a Judean council (*J.W.* 2.331, 336, 405; 5.144, 532; 6.354), it is a city council of Jerusalem that is intended, not any national institution.¹¹³

110. Schürer, *History of the Jewish People*, 2:206; C. S. Mann, *Mark: A New Translation with Introduction and Commentary*, AB (Garden City, NY: Doubleday, 1986), 657; John Nolland, *Luke*, WBC 35, 3 vols. (Dallas: World Books, 1989–1993), 3:1163.

111. See Efron, "Great Sanhedrin," 325; Rivkin, "Beth Din," 197–98, and for additional examples of this scholarly tendency, see Rivkin's n. 21 (pp. 195–96).

112. McLaren, *Power and Politics*, 91 and n. 2. Note also that in Matthew and John he is not said to be a βουλευτής or anything similar. For the suggestion that Joseph was a member of the city-council of Arimathea, see also Collins, *Mark*, 777; and see Collins's n. 55, where she proposes that Luke's understanding is an inference from Mark. The location of Arimathea is uncertain (Nolland, *Luke*, 3:1164).

113. Contra Grabbe, "Sanhedrin," 17, and Tcherikover, "Was Jerusalem," 67–70. See also Goodblatt, *Monarchic Principle*, 117–18; Sanders, *Judaism*, 473. One further possible reference to a βουλή is found in Pss. Sol. 8:20: ἀπώλεσεν ἄρχοντας αὐτῶν καὶ πάντα σοφὸν ἐν βουλῇ, which Robert B. Wright (*Psalms of Solomon*, 119 and n. 148) translates: "He killed off their leaders and each wise man in the council." One should, however, note both that this text, too, is a translation from Hebrew, and that although the context makes it possible that the phrase indeed refers to a council, this is far from certain. In fact, the phrase σοφὸν ἐν βουλῇ, which I have not found in any other text, occurs once more in Pss. Sol. (17:37), and there it is impossible to understand it as

Two more factors about the appearance of βουλή as council in Josephus should be noted. First, all references to a βουλή in Jerusalem or Judea are found in the *Jewish War*. None is found in the *Jewish Antiquities* or the *Life*.¹¹⁴ In fact, the first reference to the Jerusalem βουλή in the *Jewish War* is chronologically later than the end of the narrative of the *Jewish Antiquities*. There is one exception to this rule: *Ant.* 20.11. However, this sole reference appears in a formal letter sent to the Judeans by Claudius, and it seems to be a standard opening formula for such letters, as is clear by its similarity to the openings of letters to other cities (e.g., *Ant.* 14.190, 16.172).¹¹⁵ Therefore, it should not be viewed as evidence for the institution's actual existence. Second, all of these references to a Jerusalem or Judean βουλή are from the time of the Great Revolt or immediately prior to it. They are later, both in the narrative and chronologically, than the latest references to a Judean συνέδριον (*J.W.* 1.620—Herod's days; *Ant.* 20.216–217—Agrippa II's days and procuratorship of Albinus, 62–64 CE).¹¹⁶

Hence, I do not think συνέδριον, βουλή, and γερουσία should be associated with one another. The chronological gap between the evidence for γερουσία and that for συνέδριον,¹¹⁷ and the scanty and chronologically iso-

referring to a council. Wright translates there: “wise in intelligent counsel” (p. 197). Indeed, others have offered the same translation for 8:20; see *APOT* 2:641 [Gray]; Atkinson, *I Cried*, 57); this includes Wright himself, in his translation in *OTP* 2:659. Cf. Jer 18:18, Isa 19:11. Moreover, even if this phrase is nevertheless taken to be a reference to a council, the context, which repeatedly mentions Jerusalem, makes it clear that it should not be seen as anything more than a city council.

114. Not to mention *Against Apion*, which employs none of the various terms we are discussing.

115. See Abbott and Johnson, *Municipal Administration*, nos. 30, 36, 54, 68, etc.

116. There are two seeming exceptions: (1) *J.W.* 4.213, where, however, the verbal form need not imply any institution at all; and (2) *Life* 62—concerning which see the doubts expressed by Schwartz in Flavius Josephus, *Vita: Introduction, Hebrew Translation, and Commentary* [Hebrew], trans. Daniel R. Schwartz, Between Bible and Mishnah (Jerusalem: Ben-Zvi, 2007), 78 n. 103. Elsewhere in the *Life*, Josephus refers to a body he terms τό κοινόν, but that is unparalleled in the *Jewish War* and is probably pure rhetoric; see Schwartz's comments in Josephus, *Vita*, 79 n. 107; Price, *Jerusalem under Siege*, 64–65; contrast with Mason, “Chief Priests,” 369–70. For the βουλή, see further McLaren, *Power and Politics*, esp. 158–87.

117. See also Sidney B. Hoenig, *The Great Sanhedrin: A Study of the Origin, Development, Composition and Functions of the Bet Din Hagadol during the Second Jewish Commonwealth* (Philadelphia: Dropsie College, 1953), 11. For the suggestion that the *hever hayehudim* mentioned on many Hasmonean coins is the link between the

lated evidence for a βουλή, in addition to the fact that it seems to denote a council that is municipal, not national,¹¹⁸ speak against viewing these terms as synonymous. Moreover, if they are to be viewed as synonyms, the abrupt changes in terminology need to be explained. Therefore, whether the other two institutions existed or not does not have a bearing on the issue of the συνέδριον.

According to the evidence just noted, this institution would have existed during the early period of the Roman occupation of Judea (57 BCE–ca. 66 CE).¹¹⁹ But did this institution actually exist? As mentioned, some scholars have denied the existence of such an institution and interpret most occurrences of this term in Josephus as referring to “an *ad hoc* assembly of friends and advisers convened by an official to assist in policy decisions or in trying a case.”¹²⁰ Therefore, I will now examine the evidence for the existence of an institution entitled συνέδριον in Judea during this period.

(1) As mentioned above, a συνέδριον in Judea first appears in Josephus’s writings in the account of Gabinius’s reforms. There is no apparent reason to doubt the historicity of that account, especially given the precedent set in Macedonia. Therefore, the συνέδρια set up by Gabinius must have been real and permanent institutions. Goodblatt, however, assumes that “the arrangements of Gabinius did not survive the restoration of Hyrcanus to political power ... by Julius Caesar in 47 B.C.E.”¹²¹ Yet, there is no evidence that Caesar’s settlement had any impact upon Gabinius’s reform. Admittedly, since the country was united at that time, we should assume that its division into five regions, each with its own συνέδριον, was abolished. But given that this is the first unambiguous mention of any συνέδριον in Judea and from here on it appears sporadically, it seems that

γερουσία and the συνέδριον, see Tcherikover, “Was Jerusalem,” 72; but for the uncertainty of that term’s meaning, see Goodblatt, *Monarchic Principle*, 99–103. On the *hever*, see also Rappaport, “Meaning,” and above, pp. 266–68.

118. Efron (“Great Sanhedrin,” 316) also notes that there is no connection between the Talmud’s Sanhedrin and its concept of βουλή.

119. For the mention of a Sanhedrin in the days of Jannaeus in the *scholium* on the text of Megillat Ta’anit for the twenty-eighth day of Tevet, see Vered Noam, *Megillat Ta’anit: Versions, Interpretation, History with a Critical Edition* [Hebrew], Between Bible and Mishnah (Jerusalem: Ben Zvi, 2003), 107–9, 277–79.

120. Goodblatt, *Monarchic Principle*, 109. For more on his view of this, see pp. 108–19.

121. *Ibid.*, 110.

at least one such body continued to exist throughout the period, despite various changes in its nature and authority. If, in contrast, this term refers to an ad hoc assembly, why is it applied only at this period? Had the Hasmoneans and other officials never previously convened “friends and advisers” for consultation?

Furthermore, in his description of Gabinius’s reform Josephus (or his source) declares quite roundly that:

The Jews welcomed their release from the rule of an individual and were from that time forward governed by an aristocracy. (*J.W.* 1.170)

And so the people were removed from monarchic rule and lived under an aristocracy. (*Ant.* 14.91)

It should be made clear that, as in common Greco-Roman thought (for example, Polybius, *Hist.* 6.4.3), for Josephus aristocracy means rule by council(s) as is evident both here and elsewhere (*J.W.* 2.205, *Ant.* 5.135).¹²²

Although it is highly doubtful that the Judeans were content with this reform,¹²³ I find it hard to believe that Josephus (or his source) would make such pronouncements had these *συνέδρια* disappeared completely only two years after their foundation, when Gabinius again reorganized the government in Judea (*J.W.* 1.178, *Ant.* 14.103), or ten years later when Caesar settled affairs in Judea (*J.W.* 1.199–200, *Ant.* 14.143).¹²⁴ It is rather more likely that one general council, *συνέδριον*, continued to exist, although it need not be assumed that it remained static and unchanging.

(2) I now turn to an examination of more explicit evidence, beginning with the remaining occurrences of this term in Josephus’s narratives of the Roman period. This necessitates that I first digress into an examination of two groups of occurrences of *συνέδρια* in Josephus’s writings: those convened by Herod, and those convened by Augustus. For, as will be shown, Josephus’s formulations of these *συνέδρια* are very similar and differ significantly from other Judean *συνέδρια*. It will become apparent that this

122. See Schwartz, “Josephus on Jewish Constitutions,” 32–34, and Sharon, “Kingship,” 44–54.

123. See above, p. 105.

124. See Bammel, “Organization,” and Smallwood, *Jews under Roman Rule*, 31–36.

digression is necessary prior to an examination of the other attestations of συνέδρια in Judea.

Some scholars who conclude that the Judean συνέδριον was an ad hoc assembly equate it with Josephus's reports of συνέδρια convened by Augustus, which they interpret as Augustus's *consilium*—an ad hoc assembly of friends and advisors.¹²⁵ It is intriguing to compare this with the Hebrew translation of the *Jewish War* by Lisa Ullman.¹²⁶ Her translations of the Herodian συνέδρια vary significantly. Whereas some have more ad hoc connotations (מושב משותף, “joint meeting” in 1.537; אסיפה, “assembly” in 1.559; see also 1.571), others seem to be more formal institutions (בית הדין, “court” in 1.540; מועצת בית הדין, “council of the court” in 1.620; see also 1.640). Yet her translation of the Augustan συνέδρια is consistently the more formal sounding מועצה, council (2.25, 38, 81, 93). The notes of Shatzman to Ullman's translation explain that these councils were the *consilium principis*, which was “a group of friends and officials that the emperor would convene occasionally for consultation.”¹²⁷ Thus, the note suggests a nonformal body, whereas the actual translation implies a formal institution. Moreover, this edition suggests a differentiation between the συνέδρια of Augustus and those of Herod. In his new edition of book 2 of the *Jewish War*, Steve Mason also views the Augustan συνέδρια as the *consilium principis*, which he defines as “a semi-official body of friends (*amici*) and advisers, summoned as needed, especially for specific legal cases, that was established by Augustus (Dio 52.15).”¹²⁸ Yet, in his fundamental study of imperial councils, John Crook refrains from the seemingly official but unattested term *consilium principis*. He prefers the unofficial *amici principis* for the imperial councils of Augustus and subsequent emperors. This was, according to Crook, an informal ad hoc assembly of friends and advisers convened by the *princeps* for consultation, and, according to Crook, it is this body that is meant by Josephus in his usage of the term συνέδριον in relation to Augustus.¹²⁹

125. Sanders, *Judaism*, 482–83. See also Goodman, *Ruling Class*, 115.

126. Flavius Josephus, *History* [Ullman].

127. Ibid., note on 2.25 (p. 214); my translation.

128. Mason in Flavius Josephus, *Judean War*, 2:20–21 n. 147, emphasis added.

129. John Crook, *Consilium Principis: Imperial Councils and Counsellors from Augustus to Diocletian* (Cambridge: Cambridge University Press, 1955). For the *amici principis*, see pp. 21–30; for its informal and ad hoc nature during the early empire, see pp. 26, 29–30, 56, 103; and for the Augustan συνέδρια in Josephus, see esp. pp.

Consequently, we face two questions: (1) Should Josephus's Augustan συνέδρια be viewed as more formal (or, semiformal), or, rather, as more ad hoc and informal? (2) What is the relation of Josephus's Judean συνέδρια to the Augustan συνέδρια? For the present purposes, it is crucial to first decide between three alternatives: (a) they should be understood in the same manner; (b) they should be completely differentiated; or (c) an intermediate approach—some of the Judean occurrences should be understood in the same manner as the Augustan while others should be understood differently.

I begin with the second question and would like to suggest that we seriously consider the third alternative, namely, that the Herodian συνέδρια mentioned by Josephus should be understood in the same manner as the Augustan συνέδρια, and that other Judean συνέδρια mentioned by Josephus should not necessarily be viewed in the same light, but rather they should be examined separately and individually.

The following table presents Josephus's formulations for the Herodian and Augustan συνέδρια.¹³⁰

The Case	<i>Jewish War</i>	<i>Jewish Antiquities</i>	Additional Notes
Augustus's advice to Herod; 7/6 BCE	1.537: ... to hold an inquiry into the plot before a joint συνέδριον <u>of his own relatives and the provincial governors</u> [κοινοῦ συνεδρίου τῶν τε ἰδίων συγγενῶν καὶ τῶν κατὰ τὴν ἐπαρχίαν ἡγεμόνων]	16.357: ... to appoint and convene a συνέδριον [συνέδριον ἀποδείξαντα] ... and to take along the governors ... and as many others as he thought conspicuously friendly or important, and with their advice to determine what should be done.	Herod acts on Augustus's advice and convenes a court: συνήγαγε τὸ δικαστήριον, according to <i>J.W.</i> 1.538, but in <i>J.W.</i> 1.540 (σύνεδροι) and in <i>Ant.</i> 16.360, 361, 367 the term συνέδριον is used.

32–33. Crook rejects usage of the phrase *consilium principis*, asserting that that phrase is unattested and that the imperial councils did not have a fixed term (pp. 104–6). For other sources referring to the *amici principis* of Augustus and of later emperors, see Crook, *Consilium Principis*, passim and esp. 105 nn. 12–13. For Augustus, see e.g., Cassius Dio, *Hist. rom.* 55.33.5, where the term σύνεδροι is used.

130. Translations of *J.W.* 2.25 and 2.81 are based on *Judean War* [Mason], 2:20, 54. I changed “council” of both LCL and Mason to συνέδριον and used “convene” or “gather,” rather than “assemble” for συνάγω in order to differentiate it from ἀθροίζω, although both words carry similar meanings. The translation of *Ant.* 17.249 is mine.

Herod dismisses a συνέδριον	1.559: διέλυσε τὸ συνέδριον	The episode is paralleled in <i>Ant.</i> 17.13–15, but the term συνέδριον is not found.	This comes after Herod had gathered his relatives and friends (Συναγαγὼν ... συγγενεῖς τε καὶ φίλους) at <i>J. W.</i> 1.556, where, however, the term συνέδριον is not found.
Herod's accusation of Pheroras's wife	1.571: He [i.e., Herod] ... assembled a συνέδριον of his friends and relations [ἀθροίσας οὖν συνέδριον τῶν τε φίλων καὶ συγγενῶν].	17.46: Herod held a συνέδριον of his friends [συνέδριον τε ποιεῖται τῶν φίλων].	
Trial of Antipater	1.620: The king assembled a συνέδριον of his relatives and friends [συνέδριον ... ἀθροίζει τῶν συγγενῶν καὶ φίλων], inviting Antipater's friends to attend as well.	17.93: Varus and the king held a council [συνήδρευε], to which were invited the friends of both sides and the relatives of the king [καὶ οἱ ἀμφοῖν φίλοι καὶ οἱ συγγενεῖς βασιλέως].	Herod and Varus preside over this συνέδριον.
Augustus's συνέδριον on Judean problem	2.25: He [Augustus] assembled a συνέδριον of the Romans who were in office [συνέδριον μὲν ἀθροίζει τῶν ἐν τέλει Ῥωμαίων]	17.229: He [Augustus] gathered [συνήγειν] his friends [τοὺς φίλους] to give their opinions.	The term συνέδριον is not found in the account in the <i>Jewish Antiquities</i> .
Augustus dismisses the above συνέδριον	2.38: διαλύσας δὲ τοὺς συνέδρους	17.249: And when the dismissal of the men had taken place [καὶ διαλύσεως τῶν ἀνδρῶν γενομένης]	As above.
Second Augustan συνέδριον on Judean problem	2.81: After Caesar assembled a συνέδριον of the Romans who were in office and his friends [ἀθροίσαντος ... συνέδριον τῶν ἐν τέλει Ῥωμαίων καὶ τῶν φίλων]	17.301: When Caesar had gathered a συνέδριον of his own friends and the leading Romans [συνέδριον φίλων τε τῶν αὐτοῦ καὶ Ῥωμαίων τῶν πρώτων συναγαγόντος]	

Augustus dismisses the above συνέδριον	2.93: διέλυσε τὸ συνέδριον	17.317: διαλύει μὲν τὸ συνέδριον
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The similarities between the Herodian and the Augustan συνέδρια, especially the verbal similarity, are clear. Both Herod and Augustus gather or assemble συνέδρια of friends and relatives/officials¹³¹ and later dismiss them. These characteristics and this distinct language are not found in regards to the other συνέδρια mentioned by Josephus, which will be examined shortly.

The verbal similarity is obviously much greater in the passages in the *Jewish War*: Both Augustus and Herod ἀθροίζω συνέδρια of friends and relatives/officials and later διαλύω them. In the parallel passages in the *Jewish Antiquities*, although the basic features are similar, the language of the different passages varies and is notably different from the passages in the *Jewish War*: some *Jewish Antiquities* passages do not even contain the term συνέδριον; none uses the verb ἀθροίζω, which is regularly used in the *Jewish War* passages, but they rather use varying verbs; and additional differences may be noticed.¹³²

It is generally assumed that Nicolaus of Damascus was Josephus's main source for the period from Herod's rise to power until Augustus's settlement of Judea following Herod's death.¹³³ All of these Herodian and Augustan συνέδρια belong to that period. Moreover, for at least some of these episodes, there is strong evidence that Nicolaus was indeed Josephus's source. Nicolaus appears as having an active role in some of them or immediately before or after them (*Ant.* 16.335–350, 370–372; *J.W.* 1.629, 637–638 // *Ant.* 17.99, 106–121; *J.W.* 2.34–37 // *Ant.* 17.240–248; *J.W.* 2.92 // *Ant.* 17.315–316), and some are recounted in the extant fragments of his autobiography.¹³⁴

However, it appears almost impossible to decide in which of his accounts of these συνέδρια Josephus followed Nicolaus more closely. In the

131. While the συνέδρια of Herod are said to have included friends and relatives, those of Augustus include friends and officials. However, Augustus's συνέδρια included relatives as well (*J.W.* 2.25).

132. Note the greater emphasis on the φίλοι in the *Antiquities* passages; cf. Mason in Flavius Josephus, *Judean War*, 2:54–55 n. 488; 8–9 n. 40.

133. For Nicolaus as Josephus's source, see above, pp. 23–27.

134. *GLA* 1:250–55, no. 97.

introduction, I noted that many scholars conclude that generally Josephus used Nicolaus directly in the *Jewish War* while in the *Jewish Antiquities* he used his own *Jewish War* version, not Nicolaus. My own conclusion, though, agrees with the view that in the *Jewish Antiquities* too Josephus used Nicolaus directly. Moreover, there are good reasons to think that at times Josephus followed Nicolaus more closely in the *Jewish Antiquities*, at least in book 14, than in the *Jewish War*.¹³⁵ However, I think there are some indications (though, admittedly, not decisive) that, in these συνέδρια passages, the *Jewish War* renders Nicolaus's language more closely.

First, Steve Mason observes the verbal similarity of *J.W.* 2.25 and 81: "The close verbal parallel highlights the resumption of the earlier story of the succession hearings."¹³⁶ While this may appear like a case of an editor resuming an account which he left off in order to introduce material from a separate source (such as occurs in Gen 37:36 and 39:1), that does not seem to be the case here. The narrative does not seem to be cut off by material from a separate source, nor is the account in any way interrupted after *J.W.* 2.25; the hearing continues until the συνέδριον is dismissed in 2.38. *Jewish War* 2.81 appears to report a new hearing in Rome, which, however, was concerned with the same issue as the earlier hearing—the question of succession in Judea. It is hard to believe that someone rewriting the account would remember to alter his source's language exactly as he had fifty-six paragraphs earlier. In contrast, it seems to me reasonable to assume that the original account would have made the verbal connection between the two hearings, especially given that that account's author was probably Nicolaus who had an interest in these hearings in which he participated. Furthermore, as apparent from the above table, the same close verbal parallel exists also between Augustus's and Herod's συνέδρια passages. In all likelihood, Nicolaus, Herod's friend and historian and Augustus's associate and biographer, is responsible for making this verbal connection between the two, whereas Josephus—if his source did not form this connection—would have seemingly had no reason to intentionally do so himself by altering his source's language in this exact way.

Second, whereas in συνέδρια passages in *Ant.* 20 and in his *Life* (for which see below), some of which are doubtlessly Josephus's own original formulations, Josephus consistently uses the verb καθίζω, not ἀθροίζω,¹³⁷

135. See above, pp. 35–39.

136. Mason in Flavius Josephus, *Judean War*, 2:54 n. 487

137. *Ibid.*, 2:20–21 n. 147; Steve Mason, *Josephus and the New Testament*, 2nd ed.

Nicolaus's extant fragments attest to his use of ἀθροίζω in relation to συνέδρια (*Vit. Caes.* F 130 30, 128 [Ἀντώνιος δὲ συνέδριον τῶν φίλων ἀθροίσας]; 129)].¹³⁸ Third, it seems that in the *Jewish Antiquities* Josephus tends to use the term οἱ πρῶτοι in instances in which he had used other equivalent terms in his earlier work (e.g., δυνατοί; γνώριμοι; compare, for example, *J.W.* 2.233 and *Ant.* 20.119; *J.W.* 2.239 and *Ant.* 20.125).¹³⁹ Therefore, the different wording of *Ant.* 17.301 in comparison to *J.W.* 2.81 should probably be attributed to Josephus himself. Consequently, it seems likely that the *Jewish War* passages render Nicolaus's language more closely.

Even if this conclusion is rejected, but all the more so if not, it seems that we should understand the Herodian and the Augustan συνέδρια as essentially the same while other συνέδρια passages in Josephus are formulated very differently and should therefore be examined separately. Additionally, from the sources presented above, it indeed seems that the Augustan and Herodian συνέδρια in Josephus should be taken as designating ad hoc and informal meetings, as we can infer from the use of the verb ἀθροίζω (and συνάγω) and from their dispersal (διαλύω) by Herod/Augustus immediately following deliberations.¹⁴⁰ Moreover, the fact that they are defined as συνέδρια “of friends and relatives/officials” points to their ad hoc advisory character.¹⁴¹ Therefore, it appears that we should accept Crook's view that Josephus's Augustan συνέδρια were the *amici principis*, and we can similarly suggest the term *amici regis* for his Herodian συνέδρια.

How are we to understand the similarity of Herod's συνέδρια to those of Augustus? There are two possible answers: (1) In reality, Herod had no such *amici* institution; the similarity being a literary construct of the

(Peabody, MA: Hendrickson, 2003), 239, and below, n. 144. For the stylistic and verbal connections of the *Life* and *Ant.* 20, see Thackeray's introduction to his LCL volume of the *Life* and *Against Apion*, pp. xv–xvi, as well as his *Lexicon to Josephus* (Paris: Librairie Orientaliste P. Geunthner, 1930), ix.

138. *FGH* II, 1:417, ll. 31–32; 418, ll. 3–4. See *ibid.*, 420, ll. 13–14. We should note, however, that Nicolaus does use the verb καθίζω in his account of the συνέδριον of Herod and Varus (*FGH* II, 424, l. 5; *GLA* 1:252, l. 41) but that is in his autobiography, while Josephus apparently used his *History*.

139. See Buehler, *Pre-Herodian*, 20–35.

140. Compare to the ad hoc advisory war council of Titus, which was first assembled/collected (ἀθροίζω, *J.W.* 6.238) and then dispersed (διαλύει τὸ συνέδριον, *J.W.* 6.243). See also Mason “Chief Priests,” 365.

141. Cf. Tcherikover, “Was Jerusalem,” 72 n. 17.

author, Nicolaus. Such a similarity may have been created either unintentionally—because that was Nicolaus’s preferred choice of words—or, more likely, intentionally—in order to deliberately form the similarity between Herod and Augustus.¹⁴² (2) Herod in fact formed such an institution, following the practice of his patron Augustus. There are two indications in favor of the latter possibility. First, this συνέδριον “of friends” is not attested prior to Augustus’s advice to Herod to assemble such a συνέδριον for the case of his sons (*J.W.* 1.537, *Ant.* 16.357). Second, as shown below, before Augustus became his patron, Herod made use of what appears to be a formal συνέδριον.

Be that as it may, it appears that the Herodian συνέδρια were a weighty factor in some scholars’ evaluation of Judean συνέδρια as ad hoc and informal.¹⁴³ Yet, I assert that these cases are distinct from other occurrences of the term in Josephus and are affected by the Augustan συνέδρια. Therefore, while the Herodian συνέδρια indeed seem to be, or are presented as, informal and ad hoc, that should not affect our evaluation of other Judean συνέδρια,¹⁴⁴ to which I now turn.

We saw above that the first appearance of συνέδριον in Judea was in Gabinius’s reform, which was definitely a formal and ongoing institution. The συνέδρια that we encounter later do not usually occur with the definite article, but, as Grabbe writes, “the absence of the definite article does not automatically lead to a meaning which would take the indefinite article in English.”¹⁴⁵

142. For biographical similarities between Augustus and Herod and for a suggested case in which Nicolaus may have intentionally formed a link between them, see Sharon, “Herod’s Age,” 56–59.

143. See Goodblatt, *Monarchic Principle*, 109 and n. 60.

144. Contra Sanders, *Judaism*, 482–83, who views Herod’s συνέδρια and those of Ananus and Agrippa II as essentially the same. Mason notes that “the word συνέδριον in *War* consistently refers to an ad hoc official meeting; Josephus almost always speaks of its being convened (ἀθροίζω) or dissolved (διαλύω)” (“Chief Priests,” 365); and later he writes: “Outside of Herod’s reign, the term συνέδριον in *Antiquities* often means the regular Judean Senate led by the high priest. This usage begins when Gabinius establishes five *synedria* of which Jerusalem is the first” (369). Yet, Mason does not explicitly tie the Herodian συνέδρια to the Augustan, and he does not consider Josephus’s source for these formulations. Additionally, Mason identifies the different terms (συνέδριον, γερουσία, βουλή) as referring to one and the same institution (pp. 368–369), a notion that I rejected above.

145. Grabbe, “Sanhedrin,” 12.

Following Gabinius's reform, we next encounter the συνέδριον as the court that tried Herod in 47 BCE. In this account, the συνέδριον is definitely presented as a formal institution with very wide jurisdiction. However, as we will see below in appendix D, Josephus offers two different accounts of this story in *J.W.* 1.204–215 and in *Ant.* 14.158–184; the latter has a framework very similar to the *Jewish War* narrative, but it has a disparate account from a separate source introduced into it. It is only in this latter account that the συνέδριον appears, and it appears prominently; it never appears in the *Jewish War* account. Furthermore, scholars have noted the similarity of that account of Herod's trial to a story from the Babylonian Talmud (b. Sanh. 19a–b), and it seems that both derive from a common Jewish tradition. Consequently, this account's historicity has been highly doubted. Thus, Goodblatt characterizes it as a fictional story of Pharisaic origin, and therefore he doubts its details.¹⁴⁶ Nevertheless, two important points should be noted. First, as I have attempted to show in appendix D, the *Jewish War* account has its own inner difficulties, and therefore we cannot arrive at a convincing reconstruction of the affair, beyond its most basic details, and the *Jewish Antiquities* account may, after all, contain some historical kernel.¹⁴⁷ Second, and most important, even if this was indeed a fictional account, it nevertheless attests to a Jewish source from temple times that assumes the existence of a Sanhedrin/συνέδριον as a formal institution. In other words, it seems to me that, as in similar historical fictions, the author had to formulate his fiction upon the reality of his time; otherwise, his fiction would be easily exposed. So, the author of this account—which was already formulated and sufficiently well-known enough for Josephus to include it in his work written in Rome in the 80s or early 90s CE—must have thought that his readers would not disbelieve a story in which the συνέδριον is a formal and prominent institution.

We next find a/the συνέδριον during Herod's reign, at the crucial turning point following the battle of Actium (31 BCE); that is, before Herod first went to meet Augustus following his victory over Anthony. Herod was afraid that he would pay the price for his alliance with Anthony, and,

146. Goodblatt, *Monarchic Principle*, 111–13.

147. Recall that the source of the *Jewish War* narrative of this episode was Herod's friend, Nicolaus, and it appears that Nicolaus had an interest in placing the blame for the deterioration of relations between Hyrcanus and Herod on Hyrcanus alone (see above, pp. 43–44). If so, he may have intentionally suppressed the involvement of any other players, such as the συνέδριον.

deeming Hyrcanus as the likely candidate to replace him, he had the former king and high priest killed. In *Ant.* 15.161–182, Josephus provides two divergent accounts of Hyrcanus’s execution, both missing from *J.W.* 1.433–434, which only briefly relates the execution. According to the first account, Herod supposedly caught some letters which proved that Hyrcanus was plotting against him. When Hyrcanus denied the charge, Herod presented the letters to “the *synedrion*” (τῷ συνέδριῳ) and had him put to death (*Ant.* 15.165–173).

This συνέδριον is accompanied by the definite article, and it is not defined as being of friends or officials or the like. Herod neither convenes, nor assembles, nor dissolves it; it appears to be pre-existing. Moreover, we should try to ascertain what the purpose of this συνέδριον was. If it had simply been a forum of the king’s friends and relatives convened ad hoc for consultation, what was the point of showing them the letters? Herod had the proof he needed against Hyrcanus, and he was already determined to get rid of Hyrcanus anyway. It seems reasonable that the purpose of showing the letters to this συνέδριον was to afford the execution at least some semblance of a legitimate legal decision. But that objective would not have been achieved were this an ad hoc assemblage of people associated with the king and chosen by him. It therefore appears that this συνέδριον should be understood as an official council, at least in appearance independent of the king.¹⁴⁸ We should also note that Josephus says that he obtained this account from the Memoirs of Herod—that is, a source other than Nicolaus—whereas other sources gave a different account (*Ant.* 15.174).¹⁴⁹ This is significant given our conclusion above that Nicolaus was Josephus’s source for the later Herodian συνέδρια.

Excluding the Herodian συνέδρια, dealt with above, there remain only two episodes in Josephus, both narrated in *Ant.* 20 alone, in which a/the συνέδριον played an important role. Both are from the 60s CE, the first

148. The use of the συνέδριον by Herod for the execution of Hyrcanus forms an interesting symmetry with the *Jewish Antiquities* version of the trial of Herod. Josephus’s presentation gives the impression that Herod deliberately punished Hyrcanus by using the same means with which he himself was nearly executed several years earlier, an episode in which Hyrcanus was deeply involved.

149. Sanders (*Judaism*, 480) accepts the other version of the story, which Josephus seems to prefer as well. According to this version, there was no such trial. Sanders further claims that the version of Herod’s memoirs is “self-serving,” showing that in hindsight Herod himself thought that there should have been a trial before the Synedrion. Yet, this still necessitates that Herod thought of an existing formal institution.

being a συνέδριον convened by Ananus the high priest (*Ant.* 20.200–203) and the second by King Agrippa II (20.216–218).

Goodblatt refers to the specific verb καθίζω which Josephus uses in both cases and explains it thus: “Hannan and Agrippa appointed or constituted a body rather than calling into session an already existing one,” and accordingly views both as ad hoc, basing his argument on Victor Tcherikover.¹⁵⁰ Indeed, Tcherikover views this verb as referring to “the formation of the Sanhedrin ... since the expression καθίζειν δικαστάς is a technical term for the formation of various courts,” and he claims that this expression is thus used in the papyri.¹⁵¹ However, Tcherikover cites only one example for this usage, and that is in a papyrus from Egypt dated to 226 BCE;¹⁵² in other words, it is separated from Josephus’s *Antiquities* by both geography—Egypt, not Judea or Rome—and time—over three hundred years. In the LSJ lexicon, this verb’s meaning is not so clear cut. It takes the meanings of “make to sit down,” and “cause an assembly, court, etc., to take their seats, convene,” but also “constitute, establish.” The impression is thus certainly less of an ad hoc gathering than ἀθροίζω or συνάγω, which we encountered in the Augustan and Herodian συνέδρια above, but apparently the word can take both connotations.

It seems that in his late writings Josephus took a liking to this verb, as he also uses it in his autobiography regarding the convening of a συνέδριον “of friends” (φίλοι) by both his rivals and himself (*Life* 236, 368),¹⁵³ both of which may appear to be ad hoc. However, further examination reveals that at least the συνέδριον convened by Josephus was probably not as ad hoc as first appears. Josephus appears to be referring to the body of seventy Galileans, which he earlier said he had established; he made the seventy his φίλοι (*Life* 79). In fact, in *Life* 368–372. Josephus makes clear that this was not a συνέδριον of his personal friends, but rather of these Galilean φίλοι. If Josephus would have us understand his συνέδριον as a formal council, perhaps his rivals’ συνέδριον is meant to be seen as its equivalent. In any case, I now turn to individual analyses of the two episodes in *Ant.* 20.

150. Goodblatt, *Monarchic Principle*, 109–10 and n. 65. See also Mason, *Josephus and the New Testament*, 241–42.

151. Tcherikover, “Was Jerusalem,” 72 n. 17.

152. The text and translation of that papyrus are found in *CPJ*, no. 19 (1:151–56).

153. Thackeray (*Josephus*, 106–9) asserts that books 15–19 of the *Jewish Antiquities* were written not by Josephus himself but by his assistants, concludes nevertheless that book 20 and the *Life* were written by Josephus himself.

The first episode is the trial and stoning of James, the brother of Jesus, along with certain others.¹⁵⁴ Josephus writes that the Sadducee high priest Ananus, son of Ananus, took advantage of the opportunity when there was no Roman procurator in Judea—Festus had died and Albinus was still on the way to Judea—and convened a συνέδριον of judges (καθίζει συνέδριον κριτῶν)¹⁵⁵ for the trial of James and the others, whom he accused “of having transgressed the law.” Some righteous inhabitants of Jerusalem took offense at this action and complained both to Agrippa II, who consequently deposed Ananus, and to Albinus. The complaint to Albinus, which he found convincing, was that “Ananus had no authority to convene a συνέδριον (καθίσαι συνέδριον) without his [Albinus’s] consent” (*Ant.* 20.202).

The designation of this συνέδριον as one “of judges” seemingly indicates that it too, like the Augustan and Herodian συνέδρια “of friends” and so forth, was ad hoc;¹⁵⁶ otherwise, Josephus could have simply said he convened the συνέδριον. Yet this designation is exceptional, and certainly a συνέδριον “of judges” appears to be significantly different than one “of friends.” As we have seen, a ruler’s ad hoc advisory council is defined as being comprised of friends and officials/relatives, not judges. In this case, the designation can be understood as defining the judicial character of a formal council. Therefore, we again need to examine the specific role of the συνέδριον in this episode as presented by Josephus. What was Ananus’s purpose in convening this συνέδριον? Again, it appears most reasonable that his goal was to present the execution as a legitimate judicial process, and not as his personal caprice. Furthermore, while some scholars sup-

154. Naturally this story has attracted much scholarly attention. For some examples, see Mason, *Josephus and the New Testament*, 236–48; James S. McLaren, “Ananus, James, and Earliest Christianity: Josephus’ Account of the Death of James,” *JTS* 52 (2001): 1–25. There have been some suggestions that this story is a Christian interpolation (Efron, “Great Sanhedrin,” 333–36), but most studies accept it as authentically Josephan. One may suggest that Josephus used some Pharisaic account as his source for this noticeably anti-Sadducean account, which is also drastically opposed to his positive portrayal of Ananus in *J.W.* 4.319–321; in any case, the language is certainly Josephan; see Mason, *Josephus and the New Testament*, 239. For the possibility of Josephus’s usage of an anti-high-priestly source in this case, see Regev, *Sadducees* 301 and n. 11; see Daniel R. Schwartz, “KATA TOYTON TON KAIPON: Josephus’ Source on Agrippa II,” *JQR* 72 (1982): 259–62.

155. My translation. The LCL translation is, “convened the judges of the Sanhedrin.”

156. See McLaren, *Power and Politics*, 148–55.

pose that Albinus was angry at Ananus because in this period the high priests seemingly did not have the authority to impose death sentences (compare John 18:31), Josephus says no such thing.¹⁵⁷ According to Josephus, the problem with Ananus's action was that he did not have authority to convene a/the συνέδριον without the consent of the procurator.¹⁵⁸ Yet why would the Roman government's consent be needed for an ad hoc consultation? The need for the procurator's consent makes sense only in the case of a formal council.

In the second episode (§§216–218), just a few pages after the previous one, Agrippa II was persuaded by the Levites to convene a/the συνέδριον (καθίσαντα συνέδριον) in order to obtain permission for them to wear the same linen robes as the priests. The king did just that, and with the consent (γνώμη) of the συνέδριον he granted (συγχωρέω) their request. A part of the Levite tribe was also permitted to learn the hymns (which they sing in the temple) by heart. Josephus, the priest, declares that “all this was contrary to the ancestral laws” and even adds that “such transgression was bound to make us liable to punishment.”

Why would Josephus even mention this συνέδριον if it had been no more than an ad hoc consultation and the decision was only Agrippa's? Moreover, why would the Levites request that he convene a συνέδριον if it had been merely an ad hoc meeting of advisors convened by the king for his own benefit? They should have merely asked him for the permission, and it would have then been up to him to decide whether he wanted to consult with anyone, and, if so, with whom. The συνέδριον is rather presented as necessary to grant the requested permission. Therefore, once again, it is more reasonable that this συνέδριον was a formal and previously existing council.¹⁵⁹

157. See Feldman's n. *d* on §202 in LCL.

158. See Kee, “Central Authority,” 56. Regev (*Sadducees*, 302–5) provides evidence for the authority of the Jewish institutions in legal procedures, including the authority to impose death sentences during the first century CE. Regev conjectures that from Albinus's standpoint the problem with what Ananus had done was that Albinus had not arrived yet in Judea and therefore had not formally recognized Ananus as high priest. However, I am not aware of evidence for the need for such recognition at this time; the authority to appoint and depose high priests was at that time in the hands of Agrippa II (*Ant.* 20.15, 179).

159. See also Grabbe, “Sanhedrin,” 12–13. See Baumgarten, “Experiments,” 156–57. Josephus's denunciation, whose addressees are not specified, is probably to

Consequently, excluding the Herodian συνέδρια “of friends and relatives,” the συνέδρια of Josephus’s narrative of early Roman Judea are all better understood if they were previously existing formal councils.¹⁶⁰ They first appear in Gabinius’s reform in 57 BCE, then in Herod’s trial in 47 BCE, in Hyrcanus’s trial in 31/30 BCE, and finally in two episodes of the 60s CE. Admittedly, this is not very much and there is a large gap between 31/30 BCE and the 60s CE, but we should recall that Josephus’s descriptions of Judea in 6–66 CE are rather slim.¹⁶¹ Moreover, these occurrences of συνέδρια in Josephus seem to be derived from a variety of sources, including Pharisaic sources, Herod’s memoirs, and Josephus himself. Additionally, other sources, to which I will turn shortly, both fill in some of the gap, and strengthen the conclusion I have drawn from Josephus.

We should always keep in mind that, for various possible reasons, history does not always record what modern historians deem as important. Josephus seems not to have been as occupied with the question of the συνέδριον/Sanhedrin and its authority, as modern scholars are, mostly due to its place in the New Testament gospels and Acts. Josephus mentions the συνέδριον only in passing. We may assume that the various rulers (kings, procurators, high priests) were interested in presenting most government actions (at least uncontroversial actions) as their own, without sharing the credit, and therefore they had the court scribes disregard the συνέδριον even in cases in which it was involved. Furthermore, it is likely that a king such as Herod, and perhaps his son Archelaus too, did not make frequent use of such a council, which is the manifestation of aristocratic, not kingly, government. But more than half of Josephus’s history of Judea in the early Roman, pre-Great Revolt, era is devoted to the period of their rule (that is, *J.W.* 1.358–2.116, *Ant.* 15–17), and much of *Ant.* 19 deals with events in Rome. In addition, I do not propose that this συνέδριον played a role similar to the Sanhedrin of later rabbinic literature; that is, that it was in fact a national leading council. Our various sources do not provide many details of the συνέδριον—its character, functions and authority, or its makeup—and it certainly seems to have undergone certain changes during its existence and to have been, at least at times, under the jurisdiction of various kings, high priests, or procura-

be understood as targeting all the parties involved—not just the Levites, but Agrippa and the συνέδριον as well.

160. Cf. McLaren, *Power and Politics*, 213–17.

161. See Mason, *Josephus and the New Testament*, 28–29.

tors. Therefore, it is not surprising that we do not hear more about the συνέδριον.

Consideration should, nevertheless, be given to the fact that all of these mentions of συνέδρια appear only in the *Jewish Antiquities*; none is paralleled in the *Jewish War*. One may suggest that this fact casts some doubt on the actual existence of the συνέδριον. However, an explanation why Josephus would have introduced these συνέδρια into his later work would have to be offered in order to give any weight to such a suggestion. One cannot suggest that Josephus was trying to recommend the postdestruction Sanhedrin to the Romans (in a manner similar to some scholarly explanations of Josephus's changed view of the Pharisees in the *Jewish Antiquities*) because all of these cases portray the συνέδριον in a negative light. In any case, it is far from certain whether a Sanhedrin existed in this early post-70 period.¹⁶² Moreover, Josephus does not say much about the συνέδρια and does not stress the matter.¹⁶³ Additionally, considering Josephus's advocacy of government by council in the *Jewish Antiquities* (see below), the fact that these συνέδρια are portrayed negatively speaks against its rejection as Josephan inventions. Therefore, the reasonable explanation is that these episodes are found in the *Jewish Antiquities* and not in the *Jewish War* due to the summary nature of the pre-Great Revolt period in the latter as opposed to the detailed history of the former and because, in writing the *Jewish Antiquities*, Josephus used various new sources.

Before concluding my examination of Josephus, one last point should be considered. Josephus explicitly defines the constitution of Judea following Archelaus's rule (6 CE) as an aristocracy alongside the leadership of the high priests (*Ant.* 20.251). As mentioned above, for Josephus aristocracy is rule by council(s), and in the *Jewish Antiquities* he views it as the ideal type of government (*Ant.* 4.223–224, 6.36). Yet, while he defines such ideal periods as the days of Moses and Joshua and of the Return to Zion as consisting of aristocratic government (*Ant.* 6.83–85, 11.111–112, 20.229), it certainly appears unlikely that Josephus viewed the first century CE as

162. Kee, "Central Authority," 58. Zeitlin ("Political Synedrion," 126–29) asserts that Josephus changed his use of the term συνέδριον between the *Jewish War*—where it is used for an ad hoc assembly called for by the ruler—and the *Jewish Antiquities*—in which it applies, according to Zeitlin, to a court—because by the time of the completion of the latter book (93 CE) "the term *synedrion* was already applied to the Jewish court" (128).

163. See Mason, "Chief Priests," 373.

an ideal period.¹⁶⁴ Therefore, the fact that Josephus nevertheless defines it as a period of aristocracy indicates that he believed that a formal council existed during that period, through much of which he himself lived.

(3) Scholarship on the New Testament in general, and on the trials of Jesus and the apostles in particular, is too vast to review here.¹⁶⁵ Occurrences of *συνέδριον* are numerous in the gospels and Acts and deserve a study of their own. Therefore, I cannot fully discuss each occurrence; rather, I shall limit myself to only a brief discussion. Most occurrences of *συνέδριον* seem *prima facie* to suggest a previously existing formal institution.¹⁶⁶ This appears to be the simple understanding of John 11:47 and Matt 5:22. In the latter the term *συνέδριον* is preceded by the definite article as in other passages in the gospels, such as the parallel accounts of the trial of Jesus (Matt 26:59, Mark 14:55, 15:1, Luke 22:66), and in Acts (for example, 4:15, 5:21).

Nevertheless, some scholars have been skeptical.¹⁶⁷ Goodblatt points to some occurrences which seemingly do not point to a “national council,” but rather to local courts (Matt 10:17 // Mark 13:9), and he raises the possibility of the same interpretation for Matt 5:22. He also suggests that in additional occurrences, such as John 11:47, Luke 22:66, and Acts 4:15, *συνέδριον* should be interpreted as “meeting.” Yet, he admits that the parallel narratives of Jesus’s trial in Mark and Matthew “seem to describe a Judean national council.”¹⁶⁸ Goodblatt, however, compares those narratives with that of Luke, in which according to his reading there is no formal council, and that of John, and he concludes that the latter two gospels do not attest to a formal trial of Jesus “before a native Judean institution.”¹⁶⁹ However, even if we give precedence to Luke and John¹⁷⁰ and assume that the narratives of Mark and Matthew (or parts thereof) are inventions, it is

164. For aristocracy in Josephus meaning rule by council/s, see above, n. 102, and p. 289. For the periods which Josephus defines as consisting of aristocratic government, see my, “Kingship,” 44–60.

165. But see the comprehensive discussion of Jesus’s trial in Brown, *Death of the Messiah*, and esp. pp. 339–48.

166. Grabbe, “Sanhedrin,” 13.

167. The following briefly summarizes Goodblatt, *Monarchic Principle*, 119–25.

168. *Ibid.*, 121.

169. *Ibid.*, 122. For the “Sanhedrin” in Luke’s narrative, see Brown, *Death of the Messiah*, 430–32.

170. Note that Goodblatt declares that he assumes “the ‘two source’ theory and Marcan priority” (*Monarchic Principle*, 120 n. 78); as we will soon see, he later denies

important to realize that, if these authors wanted their story to be believed, they would not have invented institutions that any Judean would easily recognize as inventions.

In Acts too (at 5:21, 27; 6:12, 15; 22:30), Goodblatt admits that we are dealing “with an on-going institution, not an *ad hoc* assembly of leaders,” and that “the implication is that the same institution convened in each of these cases, rather than a jury being assembled for each trial.”¹⁷¹ However, Goodblatt doubts “whether Acts provides ... accurate evidence on Judean institutions.” His doubt is based on “the silence of Josephus,” who “knows nothing about a Judean national council called ‘the *sunedrion*.’”¹⁷² He adds that, “the testimony of a native Judean informant [Josephus] who was practically an eye-witness is obviously to be preferred to that of a gentile author who never set foot in the country.”¹⁷³

Yet Josephus does not say a word about the trials of Paul or the other apostles nor does he even mention these individuals. More importantly, the above discussion of the *συνέδρια* in Josephus’s *Jewish Antiquities* has led me to the conclusion that they appear to be previously existing formal councils. In addition, if one denies the credibility of the author of Acts, one cannot simultaneously easily give preference to Luke over the other evangelists, as suggested for the denial of the evidence from Jesus’s trial, for it is commonly assumed that they were composed by the same author. Furthermore, even when dealing with a source distant both in time and in place from the events it describes, I am not convinced that outright rejection of the details in its narrative is warranted when there is no contradictory narrative or other compelling reasons and when there is no explanation for that source’s introduction of those details. After all, if we assume that the author of Acts was “a gentile author who never set foot in the country”—and it is in fact debated whether he was a non-Jew or a Hellenistic Jew¹⁷⁴—we must also assume that he used some sources for his narrative;¹⁷⁵ and those

the accuracy of the evidence for Judean institutions in Acts, whose author is presumed to be the same as Luke’s.

171. Ibid., 124.

172. Ibid.

173. Ibid.

174. See Gregory E. Sterling, *Historiography and Self-Definition: Josephos, Luke-Acts, and Apologetic Historiography*, NovTSup 64 (Leiden: Brill, 1992), 327–29.

175. For the use of sources by the author of Acts, see Werner G. Kümmel, *Introduction to the New Testament*, rev. ed., trans. Howard Clark Kee (London: SCM, 1975), 174–85; Justin Taylor, “The Making of Acts: A New Account,” *RB* 97 (1990): 504–24.

sources would have been closer to the events described and would not have invented institutions that their audience would easily recognize as inventions.

Goodblatt further writes that were he able to rely on Acts, he would also be willing to accept the evidence for such an institution in Mark and Matthew, and perhaps even in Luke. Yet, in my view, the accumulation of evidence from the gospels, which even Goodblatt admits seems to describe a formal council, along with Acts, which must be understood as referring to an on-going institution, together with the evidence from Josephus, is in and of itself an important factor in our evaluation of the *συνέδριον*.¹⁷⁶ The very fact that the gospels and Acts almost consistently use the exact same term we find in Josephus for this same period, but not for other periods, cannot be mere coincidence. After all, the gospels and Acts could have used any one of a variety of Greek terms if they intended to invent a Judean council (*βουλή*, *γερουσία*, *δικαστήριον*).¹⁷⁷ Or, alternatively, if they meant to refer to a *consilium*, they could have used the term *συμβούλιον*.¹⁷⁸

(4) The Sanhedrin is frequently mentioned and discussed in rabbinic literature. In the earliest stratum of this literature, that is, the tannaitic

176. See also Regev, *Sadducees*, 298–300. Mason (“Chief Priests,” 364) discusses the very different perspectives of Josephus and Luke-Acts and writes, “This basic difference between Luke and Josephus should, however, make us all the more aware of any shared assumptions about the realities of Judean society, which are all the more useful for historical reflection because they come from such diverse perspectives.” See also Mason, “Chief Priests,” 372–73.

177. As mentioned already, the term *γερουσία* does appear once (Acts 5:21), but see above, n. 109. We do encounter the term *πρεσβυτέριον* in Luke 22:66 and Acts 22:5 (1 Tim 4:14 is not relevant for the present discussion), both from the same non-Judean author. Furthermore, regarding Luke 22:66, note that the *πρεσβυτέριον* seems to be only one component of the *συνέδριον*, and, in fact, the parallel narratives (Matt 27:1, Mark 15:1) speak of *πρεσβύτεροι*, i.e., elders, not *πρεσβυτέριον*. See Goodblatt, *Monarchic Principle*, 121–22.

178. This latter is the other Greek term used for the *consilium* of Roman magistrates, in addition to *συνέδριον* (see LSJ, s.v. “*συμβούλιον*”; Crook, *Consilium Principis*, 105–6), and is, in fact, used in Acts 25:12 for Festus’s *consilium*, but it is not used in this meaning or as an alternative for *συνέδριον* in reference to Judean institutions. It occurs twice in Mark with the verbs *δίδωμι* and *ποιέω* (3:6, 15:1), meaning “to hold counsel”—in the second instance those holding the consultation include “the whole *συνέδριον*”—and five times in Matthew, always with the verb *λαμβάνω*, meaning “to take counsel” (e.g., 12:14, 22:15, 27:1; the first and third paralleling the two verses in Mark).

Mishnah and Tosefta, see, for example, m. Sotah 9:11, m. Sanh. 1:6, 3:3, and t. Sanh. 2:14, 3:9. The rabbinic material is also too vast to fully examine here. Yet, it is important to consider one crucial aspect of this evidence. If it seems more than mere coincidence that the New Testament authors used the exact same term as Josephus, it is even more surprising that rabbinic literature would make use of this Greek term. This point has been eloquently noted by Goodblatt:

This Hebrew and Aramaic term is a loan word from the Greek. This raises the question why a Greek term was borrowed to designate what the rabbinic sources portray as such a central Israelite institution?... Certainly there were good native words available to designate such institutions.... Making the question even more perplexing is the following. The borrowing of the Greek συνέδριον seems to be, in effect, unique to Hebrew and Jewish Aramaic.... The fact that συνέδριον did not engender a common semitic loan word makes its borrowing by the rabbis to designate a central Israelite institution all the more surprising.¹⁷⁹

Goodblatt even assumes that “some institution called συνέδριον must have made such a great impression on the mind of the rabbis that they borrowed its name for the institution they hoped would rule Israel and be ruled by them.” Yet, Goodblatt obviously denies the possibility that a Second Temple period Judean institution was the source of inspiration. While he tentatively raises the possibility that the model for this rabbinic institution was the Roman Senate, “which several Greek authors of the Augustan age referred to as the συνέδριον,” he ultimately leaves this question unresolved.¹⁸⁰

However, for two reasons it seems unlikely that the model for the rabbis’ Sanhedrin was the Roman Senate. First, use of the term συνέδριον for the Senate becomes very rare after the Augustan age,¹⁸¹ long before the rabbis. Second, it seems highly unlikely that the rabbis would have adopted an institution of the hated “wicked kingdom” as a model for their idealized Jewish government. It is more reasonable to assume that this

179. Goodblatt, *Monarchic Principle*, 126–27.

180. *Ibid.*, 127–28.

181. Mason, *Greek Terms*, 123–24. Mason points to only nine examples of this usage after the Augustan age, and he explains this change in the increasing use of this term for the *consilium* during the imperial age, as demonstrated above in reference to Josephus’s Augustan συνέδρια.

Greek loanword penetrated Hebrew and Jewish Aramaic as a term designating a formal council because a formal council bearing that title had indeed previously existed in Judea.

Thus, the unique usage of this Greek term by the rabbis serves as additional supportive evidence for the existence (not the authority or character) of a formal institution termed *συνέδριον* near the end of the Second Temple period.¹⁸² True, rabbinic sources never mention the Sanhedrin in their anecdotes about the Second Temple period. However, that cannot be used as reason—which, in any case, would be an argument from silence—to reject the existence of such an institution during that time, once we realize that those sources portray the Sanhedrin as an idealized institution.¹⁸³ Naturally, the rabbis would not inject their ideal institution into a period that they deemed far from ideal.

Before concluding this section, I want to note a methodological point. While some scholars have taken for granted the rabbinic description of the Sanhedrin as a central national council and devoted much effort to explaining the divergences between that literature and the evidence in Josephus and the New Testament, it appears that those scholars who are rightfully more skeptical towards the use of rabbinic literature as evidence for historical reality of the Second Temple period and view its account as idealized, nevertheless take the rabbinic literature as their point of departure. To be precise, they apparently look for the rabbis' "supreme Judean council" in the literature of the Second Temple period, and when the term *συνέδριον* does not definitively yield such a supreme council, they consistently reject the understanding of that term as denoting *any* form of council. Instead, they argue, as we have seen, either that the source is problematic (for example, Acts) or that the specific case can be taken to mean an ad hoc meeting or the like.

Yet, once one realizes that the rabbinic portrait of the Sanhedrin is unhistorical and idealized, it seems to me methodologically sounder to leave that portrait aside and examine the Second Temple period sources individually with a blank slate. Doing this, the best explanation of that data, although admittedly obscure at times, appears to be that there indeed was some formal institution termed *συνέδριον* during the end of the Second Temple period. However, the existence of a formal council does not neces-

182. Kee, "Central Authority."

183. See Efron, "Great Sanhedrin," 292–99; Goodblatt, *Monarchic Principle*, 107–8, 29.

sarily imply that it was a central national leading council.¹⁸⁴ Indeed, the accounts of the *συνέδριον* in the New Testament and especially in Josephus do not portray it as the supreme Judean institution; it often convenes at the request of the high priest or king.

In fact, Goodblatt ultimately comes close to this conclusion, qualifying his denial of the possibility of the very existence of any such council. He writes: "One could argue that they [Josephus and the New Testament] point to some kind of council in first century Jerusalem. But they hardly prove the existence of a national council throughout the Second Temple era."¹⁸⁵ In my view, this is indeed the more reasonable understanding of the evidence. Thus, *συνέδριον* in the Greek Jewish sources is better understood as referring to actual formal councils; the *συνέδριον* did not exist throughout the Second Temple era, but it was introduced into Judea in the mid-first century BCE; and it was not the supreme national leading institution in Judea, but neither was its authority confined only to Jerusalem.

I shall summarize the main points of this section. While much traditional scholarship tended to assume the existence of the Sanhedrin as a supreme national leading council in Judea through all or most of the Second Temple period, there is a lack of contemporaneous evidence to that effect. The Greek terms *γερουσία*, *συνέδριον*, and *βουλή* should not be viewed as identical. They are chronologically separate, and while it is doubtful whether *γερουσία* even refers to an existing institution, *βουλή* denotes only city-councils. On the other hand, the term *συνέδριον* is better attested. It first appears in Judea in the administrative reform of Gabinius in 57 BCE, appearing sporadically thereafter. However, more skeptical modern scholars deny the existence of a formal council named *συνέδριον*, and they interpret its attestations as ad hoc gatherings for consultation. Indeed, some occurrences of this term seem to denote ad hoc gatherings of friends of the king, but these seem to be isolated to Herod whose actions, or their literary description by Nicolaus, were probably influenced by the practice of his patron, Augustus. They should not determine the understanding of other occurrences of this term. In those cases, as with the New Testament evidence, the more reasonable understanding, in my opinion, is often that we are dealing with an existing formal council. To this we should add the

184. Mason, "Chief Priests," 372; Grabbe, "Sanhedrin," 15–16. As Grabbe points out ("Sanhedrin," 3), the existence of a formal council per se does not rule out Goodblatt's high-priestly monarchy.

185. Goodblatt, *Monarchic Principle*, 125.

cumulative effect of all of these attestations originating from a variety of sources. Lastly, the fact that the rabbis later adopted this Greek term for their idealized council, instead of using some Hebrew or Aramaic term, can be reasonably comprehended only if we assume the prior existence of a Judean institution bearing that name.

Still, this formal council does not appear to have been the superior institution ruling the land. The sources do not provide enough information for us to discern the exact nature, authorities, and makeup of this institution. Among the often-changing government and power centers in early Roman Judea, it is most natural to assume that the συνέδριον went through many changes as well. Thus, Gabinius's regional councils were probably abolished in Caesar's settlement of Judea in 47 BCE, but one general council seems to have remained. Its powers must have been diminished when there was a powerful king such as Herod, and they were probably strengthened when there was no king.¹⁸⁶ At least at times, it appears to have been neither entirely independent nor fully authoritative, but rather it was subordinate to the king or high priest.¹⁸⁷ Given what our sources do tell us, we can, at most, conclude that it was a formal council, which convened at the request of the ruler to decide high profile and very controversial cases; but we simply cannot know if it regularly convened without the request of the ruler or if it presided over more mundane cases.

Consequently, just as we saw with the office of ethnarch, here, too, we see an innovation of the early Roman era. And this innovation can similarly be understood as conforming to an essentially diaspora situation. For, like the ethnarch, there is nothing essentially territorial about a council.¹⁸⁸ Thus, there were councils of the Jewish diaspora in Egypt (although, admittedly, they were not called συνέδριον, but γερονσία).¹⁸⁹ As for Judea, there were territorial rulers (kings, procurators) at the same time that the

186. Grabbe, "Sanhedrin," 18.

187. See Cohen, *From the Maccabees*, 103; Goodman, *Ruling Class*, 114–15.

188. In this context, it is noteworthy that tannaitic sources explicitly rule that the Sanhedrin functions both in the land of Israel and in the diaspora (m. Mak. 1:10, t. Sanh. 3:10).

189. See J. W. 7.412; Philo, *Flacc.* 74. For the organization of the Jewish community in Alexandria as a *πολίτευμα*, see Aryeh Kasher, "The Jewish *Politeuma* in Alexandria: A Model of Communal Organization in the Hellenistic-Roman Diaspora" [Hebrew], in Gafni, *Center and Diaspora*, 57–91; for its *γερονσία*, see Kasher, "Jewish *Politeuma*," 75. For a suggestion that the Jewish community of Rome was similarly organized, and likewise had a governing council, see Margaret H. Williams, "The Structure of the

συνέδριον functioned. It is therefore not surprising that in the postdestruction reality Judeans would have taken this predestruction institution as a model and that they tried to transform it into a supreme, leading, institution. This seems to be what the rabbis tried to do as well.¹⁹⁰

The Centrality of the Temple

A common perception of Second Temple Judaism is that the temple in Jerusalem was central to almost the entire Jewish people, both Judeans and diaspora Jews.¹⁹¹ According to this view, only the Dead Sea sect and other marginal groups rejected the contemporary temple on the grounds of theological and/or halakhic disputes; yet they still expected the future building of the “real” temple (which would of course accord with their views), and in the interim, they formed or adopted some sort of substitute for the temple. Some groups or individuals may have had disputes with the temple authorities but did not completely reject the institution. Other views contend that diaspora Jews, due to their distance from the temple, had formed their own local substitutes for the temple—synagogues and prayer. Accordingly, although they did not fully oppose or reject the Jerusalem temple, nevertheless it was not immediately central in their lives.¹⁹² Yet, it seems that both views agree that the temple was central to all Judeans, who were later forced by the destruction to adjust their lives to a new temple-less situation. However, I would like to suggest that already the earliest period of Roman rule in Judea significantly qualified the centrality of and all-encompassing reverence for the temple,¹⁹³ thus setting the stage for the postdestruction era.

Jewish Community in Rome,” in *Jews in a Graeco-Roman World*, ed. Martin Goodman (Oxford: Clarendon, 1998), 215–28, esp. 221–27.

190. See Schürer, *History of the Jewish People*, 1:525–26, 2:209.

191. For some examples see Shmuel Safrai, *Pilgrimage at the Time of the Second Temple* [Hebrew] (Tel-Aviv: Am Hassefer, 1965), esp. 7–12; Schürer, *History of the Jewish People*, 3:147–49; Martin Goodman, “The Temple in First Century CE Judaism,” in *Temple and Worship in Biblical Israel*, ed. John Day (London: T&T Clark, 2005), 459–68; Goodman, “Religious Reactions to 70: The Limitations of the Evidence,” in Schwartz and Weiss, *Was 70 CE a Watershed*, 509–16.

192. See, for example, Schwartz, “Jews of Egypt”; Michael Tuval, “Doing without the Temple: Paradigms in Judaic Literature of the Diaspora,” in Schwartz and Weiss, *Was 70 CE a Watershed*, 181–239. See also Neusner, “Judaism in a Time of Crisis,” 314.

193. Mendels, *Rise and Fall*, 301–5, posits a “decline of the Temple as a religious

First, let us observe a number of phenomena:

(1) With the de facto loss of the state in 63 BCE the temple in effect lost any significance it may have had as the seat of a sovereign.¹⁹⁴

(2) Within a span of just thirty years, the temple came under serious threat numerous times. The temple was besieged four or five times: according to *Ant.* 14.5, in the initial battle between Hyrcanus and Aristobulus in 67/66 BCE, Hyrcanus captured some of his enemies in the temple, and the narrative seems to imply that subsequently Hyrcanus was besieged there by his brother;¹⁹⁵ in 65 BCE, Hyrcanus and Antipater together with Aretas besieged Aristobulus (*Ant.* 14.19–28; cf. b. Sotah 49b // B. Qam. 82b // Menah. 64b); in 63 BCE Pompey besieged the supporters of Aristobulus who were entrenched on the Temple Mount (*J.W.* 1.143–153, *Ant.* 14.58–72); a generation later, Herod's army besieged some of its enemies in the temple in 40 BCE (*J.W.* 1.251, 253, *Ant.* 14.335, 339); and Herod and the Roman general Sossius did the same to Antigonus in 37 BCE (*J.W.* 1.347–352, and see also 1.354; *Ant.* 14.470–480, and see also 14.482–483). Two of these sieges ended with the temple being taken violently (by Pompey, and by Herod and Sossius).

To these sieges we may add, moreover, the 57 BCE rebellion of Aristobulus's son Alexander, who, it seems, took Jerusalem and even tried to rebuild the wall destroyed by Pompey (*J.W.* 1.160, *Ant.* 14.82–83). In the aftermath of this rebellion, Gabinius had to reinstate Hyrcanus in the temple, which proves that the temple, too, had been taken (*J.W.* 1.169, *Ant.* 14.90). Furthermore, the temple was robbed by Crassus in 54–53 BCE (*J.W.* 1.179, *Ant.* 14.105–109). Taking into account the basic belief that the temple is a guarantee of security (Jer 7:1–15), these events could well have undermined notions about the special sanctity adhering to the temple, a process further intensified by the fact that Hasmonean high priests played unsavory roles in some of them.¹⁹⁶

and spiritual place,” but mainly points to developments of the first century CE, especially from 50 CE onwards (301).

194. Schwartz, *Studies*, 9–10.

195. *J.W.* 1.121, however, reports only that Hyrcanus took Aristobulus's wife and children as hostages in the citadel (which he anachronistically calls “Antonia”), and it does not mention the temple.

196. See Ps.-Clem., *Recognitions* 1.37. For the belief in the inviolability of Jerusalem and the temple, see also Orian, “Hyrcanus vs. Aristobulus.” In this context, the Babylonian Talmud's thrice-repeated narrative (Sotah 49b // b. Qam. 82b // Menah. 64b) of Hyrcanus's siege against Aristobulus may be of significance. As illustrated in

What is more, if Josephus's account is to be believed, during Pompey's conquest the temple was overrun, and the priests were massacred even as they were performing the temple rites, while others set fire to some of the buildings, apparently on the Temple Mount itself (*J.W.* 1.148–150, *Ant.* 14.65–68, 70).¹⁹⁷ Additionally, Josephus describes the entrance of Pompey and his staff into the holy of holies, “entry to which was permitted to none but the high priest,” and their viewing the holy utensils. Josephus characterizes this act thus: “Of all the calamities of that time none so deeply affected the nation as the exposure to alien eyes of the Holy Place, hitherto screened from view” (*J.W.* 1.152).¹⁹⁸ The fact that gentiles, whose hands were stained with the blood of Judeans, entered the place that Jews consider the holiest on earth—into which no Jew or even priest may enter, except for the high priest one day a year—viewed the holy utensils, which according to Gary Anderson were treated in the Second Temple period as “quasi-divine,”¹⁹⁹ and came out unharmed, was indeed likely to deeply affect many Judeans.²⁰⁰ Specifically, it would be easy for any Judean to conclude that the contemporary temple was no longer (or, perhaps, never was) the dwelling place of the divine.²⁰¹

appendix A below, in that narrative Hyrcanus's party violated its oath, and they sent a swine up to their besieged brethren in the temple instead of the sacrificial animals they had promised. The swine, which is not mentioned in Josephus's narrative, apparently symbolizes the Roman Empire (e.g., b. Pesah. 118b; Avot R. Nat. A, 34). As a result of this evil deed, the Land of Israel was afflicted by a terrible earthquake, which symbolizes the destruction.

197. Compare Josephus's lament following a report about many Jews who were killed inside the temple in civil strife during the Great Revolt in which he says, “For thou wert no longer God's place, nor couldest thou survive, after becoming a sepulchre for the bodies of thine own children and converting the sanctuary into a charnel-house of civil war” (*J.W.* 5.19). For this episode, see Goodblatt, “Suicide in the Sanctuary,” esp. 11–13.

198. The parallel account in *Ant.* 14.71–72 is softened, characterizing it as a “sin committed against the sanctuary” and not mentioning its effect upon the nation.

199. Anderson, “Towards a Theology.” For the problem of the holy utensils being viewed by alien eyes, see above, pp. 93–94 n. 114.

200. Compare the second century CE pagan Babrius's fable (no. 2) about a farmer who lost his faith when he realized that the god failed to punish the persons who had stolen some property from his temple and did not even know who they were.

201. A more extreme reaction would question not the temple's efficacy but that of God himself, and even his very existence, as Adiel Schremer asserts was one probable reaction to the disaster of 70 CE (Schremer, *Brothers Estranged*, esp. 25–27).

Furthermore, Josephus dates both the conquest of Pompey and that of Herod and Sossius to “the day of the fast”; that is, Yom Kippur (the Day of Atonement). Despite the many studies that reject this dating, as I will show in appendix F below, there are no compelling reasons to reject Josephus’s explicit dating. If the city and the temple had indeed been taken violently twice, only twenty-six years apart, on the exact same day, and all the more so if that day was Yom Kippur, the most holy day of the Jewish year, the day when all sins are supposed to be atoned for, or *even if only popular memory remembered them as occurring on that day*, such an event would have had its own theological significance. At least in the eyes of some, these events would have likely undermined views of the temple’s sanctity and efficacy.

(3) Goodman has argued that the prestige of the high priests was greatly diminished after Herod came to power in 37 BCE, because from that point he nominated the high priests, and in effect, they were his puppets.²⁰² Herod not only nominated the high priests but also deposed them freely—and unlawfully, since the high priesthood had traditionally been a lifetime appointment (*Ant.* 15.39–41).²⁰³ It seems, however, that the reduction in the prestige of the high priests was not only a result of Herod’s practices, but it had already begun from the onset of Roman intervention in Judea, long before Herod’s reign. From the outset, high priests depended on the recognition of the Romans.²⁰⁴ Thus, at the height of the civil war between Hyrcanus and Aristobulus in 65 BCE, the latter retained the position due to Scaurus’s intervention in Judea (*J.W.* 1.128, *Ant.* 14.30); later, in 63 BCE, Hyrcanus was reinstated in the prestigious position thanks to the decision of Pompey (*J.W.* 1.153, *Ant.* 14.73). Later as well, it was by the decisions of Roman officials that Hyrcanus retained this office (*J.W.* 1.169 // *Ant.* 14.90 [by Gabinius]; *J.W.* 1.199 // *Ant.* 14.143 [by Caesar]). This practice of intervention in the appointment of the high priests continued throughout the days of Herod and Archelaus as well as under the Roman procurators.

202. Goodman, *Ruling Class*, 111–12. For the disapproval, by at least some of the Judeans, of Herod’s choice of high priest and the claim that the appointee was unworthy, see *J.W.* 2.7, *Ant.* 17.207. See also *Ant.* 20.247–250.

203. See Gedaliah Alon, “Par’irtin,” in Alon, *Jews, Judaism and the Classical World*, 48–88, esp. 59–61; Goodman, *Ruling Class*, 112.

204. Cf. Lester L. Grabbe, *Judaic Religion in the Second Temple Period: Belief and Practice from the Exile to Yavneh* (London: Routledge, 2000), 109.

There can be no doubt that these developments served as major incentives for subsequent revolts against the Romans. Indeed, the numerous revolts during the early years of the Roman occupation of Judea were not aimed exclusively against the Romans; they were also inevitably aimed against Hyrcanus the high priest, the appointee of the Romans; most of these revolts were led by Hasmoneans, Aristobulus and his sons, who obviously wanted to claim the high priesthood for themselves.²⁰⁵

However, in addition to these revolts, we may assume a priori that this state of affairs, and especially the fact that the high priests governing the temple did not receive that position due to their virtue or pedigree and were not elected to it by the nation or its institutions, but were appointed by the Romans and their agents, had another effect: many Judeans who had formerly held the temple in high esteem might now become estranged from the temple establishment, at least until—as they hoped—some drastic change occurred sometime in the unknown future. Such a tendency will have been further enhanced by the failure of the various revolts, as the Judeans came to realize the overwhelming power of the Romans and the impossibility of defeating them in the foreseeable future. Such a partial withdrawal from the contemporary temple, without a complete rejection of it, would have been analogous to the situation of diaspora Jews. Hence, to the extent that such a withdrawal indeed occurred, it would point again to the early Roman era as a period that set the stage for post-70 life—for a templeless reality.

Can we, however, discern some real evidence for such a withdrawal from the temple? I think there are some indications:

(1) Daniel Schwartz discusses the phenomenon of prophets and other leaders who, in the first century CE, led people into the desert and promised salvation from there.²⁰⁶ Schwartz asks why these leaders launched their rebellions in the desert and not in Jerusalem. He suggests that the withdrawal to the desert served, for these groups, the same function as the withdrawal to the desert of the Qumran sect (and of John the Baptist):

205. Note that, despite his status as king, Mattathias Antigonus used only the high-priestly title in the Hebrew legends of his coins. Yaakov Meshorer (*Treasury*, 52–53) is skeptical, however, whether the Greek legend, reading “king,” was aimed toward foreigners, whereas the Hebrew legend, reading “high priest,” was aimed towards his Jewish subjects. See Regav, *The Hasmoneans*, 185–86.

206. See Schwartz, *Studies*, 38–43.

they felt that holiness had left Jerusalem and relocated in the desert.²⁰⁷ He further argues that, although these groups might be understood against the background of Qumran, it rather seems that the perception that holiness had left Jerusalem was more general.²⁰⁸ Schwartz posits three factors, all dating from the Hasmonean era, for this perception. First, there was the nominal separation of state and religion which was the consequence of the Hasmoneans' assumption of the kingship in addition to the priesthood, as discussed above. This was intensified by Roman rule. Second, there was growing criticism as to the very legitimacy of the Hasmonean priesthood and growing moral criticism of this priesthood. The moral criticism of the ruling priesthood was increasing in the Roman era.²⁰⁹ As demonstrated above, it is most likely that there was also heightened criticism of the high priests' legitimacy. Third, there was the growing influence of Hellenism.

While it seems likely that indeed these factors dating from the pre-Roman era laid the foundations for this withdrawal from the temple, it must be remembered that these withdrawals to the desert are all from the first century CE; that is, they are all from the early Roman period, and not earlier. As noted, Schwartz, too, sees an escalation of some of these factors in the Roman era. Thus, it seems to me that this perception developed fully only in the early Roman period as a consequence of the catalysts noted above.

(2) It seems that at least two texts that are commonly viewed as originating in Judea in the early years following the Roman occupation do not attribute much importance to the temple: The Parables of Enoch (1 En. 37–71), which include what seems to be a reference to the Parthian invasion of 40 BCE (56.5–7) and are therefore usually dated not long after, hardly mention the temple, altar, or sacrifices.²¹⁰

207. Compare the request of rebels who survived the destruction of the temple to be allowed to retire to the desert (*J.W.* 6.351).

208. See Hengel, *The Zealots*, 249–55. For the desert as the place of divine revelation for the Qumranites, see most recently Alison Schofield, “The Wilderness Motif in the Dead Sea Scrolls,” in *Israel in the Wilderness: Interpretations of the Biblical Narratives in Jewish and Christian Traditions*, ed. Kenneth E. Pomykala, TBN 10 (Leiden: Brill, 2008), 37–53.

209. See Schwartz, *Studies*, 39 n. 30.

210. In fact, the only possible reference to the temple seems to denote the heavenly temple and is found in chapter 71, which some scholars view as a late addition; see Michael E. Stone, “Apocalyptic Literature,” in *Jewish Writings*, 399, 401, and 403 n. 106. For the dating of the Parables, see Debevoise, *Parthia*, 112; Jonas C. Greenfield and

The Psalms of Solomon—which clearly alludes to the initial Roman invasion of Judea led by Pompey (Pss. Sol. 2, 8, 17) and is dated not long thereafter—is a work commonly assumed to have been composed in Hebrew in Jerusalem.²¹¹ In fact, Jerusalem appears to be particularly important for the psalmist (for example, 2:19–22; 8:4, 15–22; 17:22, 30), but surprisingly the temple and that which concerns it do not.²¹² The Psalms of Solomon include only a few references to the temple, altar, and sacrifices (e.g., 2:2–3; 8:12, 22), and the author does not seem to be very interested in them.²¹³ Indeed, where one would expect to find references to the temple, the sacrifices, or the priesthood, such references are missing. Thus, at the end of Ps. Sol. 8 (vv. 27–30), the psalmist prays for future redemption, asking that God’s mercy be upon Israel and that he gather

Michael E. Stone, “The Enochic Pentateuch and the Date of the Similitudes,” *HTR* 70 (1977): 51–65; and, recently, the essays by David W. Suter (“Enoch in Sheol”), Michael E. Stone (“Enoch’s Date in Limbo”), and James H. Charlesworth (“Can We Discern the Composition Date of the Parables of Enoch?”) in Boccaccini, *Enoch and the Messiah Son of Man*. It seems that there is almost a consensus that it should be dated to around the turn of the era. For the view that 56:5–7 reflects the Parthian invasion, see the chapters in *Enoch and the Messiah Son of Man* mentioned above as well as those by Luca Arcari (“A Symbolic Transfiguration of a Historical Event: The Parthian Invasion in Josephus and the Parables of Enoch”) and Hanan Eshel (“An Allusion in the Parables of Enoch to the Acts of Matthias Antigonus in 40 B.C.E.?”) in the same volume. Bampfylde (“Similitudes”) identifies these verses with the Parthian invasion of Syria in 51–50 BCE and dates the original composition of the Parables to circa 50 BCE.

211. Flusser, “Psalms, Hymns and Prayers,” 573; Atkinson, *I Cried*, 211; Wright, *Psalms of Solomon*, 7, 11–13. See above, pp. 19–20.

212. Jerusalem also seems to be prominent in the recently published, *Gabriel Revelation*, which is dated to the turn of the era as well; at least in its surviving portions, this text similarly does not allude to the temple and its world. See the original publication by Ada Yardeni and Binyamin Elitzur, “A First-Century BCE Prophetic Text Written on a Stone: First Publication” [Hebrew], *Cathedra* 123 (2007): 155–66; see also Israel Knohl’s reading in his “Studies in the *Gabriel Revelation*” [Hebrew], *Tarbiz* 76 (2007): 324–28.

213. Efron (*Studies*, 240) too notes the lack of the psalmist’s interest in the temple, sacrifices, and priests, but for him it is an additional reason to reject the consensus dating of this work and to conclude that it is a Christian text—a notion which is commonly rejected; see further above (p. 117 nn. 197–98). Momigliano characterizes these psalms as “a theology of defeat” and adds, “If the Temple is the center of the humiliation experience, it cannot be said to be the center of the moral preoccupation of the Psalmist. His devotion is not directed to the Temple or in general towards ritual purity” (“Religion,” 6–7).

the diaspora; but not a word is said of the temple, which only a few verses earlier was said to have been profaned (v. 22).²¹⁴ So, too, Ps. Sol. 17 criticizes the Hasmoneans for assuming the kingship, which rightly belongs to the House of David (vv. 4–6), but it does not make a point of similarly criticizing them for unjustly assuming the high priesthood, which rightly belongs to the descendants of Zadoq. The same psalm also contains a relatively detailed portrayal of messianic expectations (vv. 21–46), but again the temple and sacrifices remain unmentioned.²¹⁵ Similarly, in passages where we might have expected to find allusions to sacrifices, we find, instead, references to prayer and fasting (for example, 3:8, 9:6, 10:6, 15:2–4, 18:2). In general, in fact, prayer is a major issue for the psalmist, just as, for that matter, it is important for the Parables of Enoch (see for example, 1 En. 47, 61).²¹⁶

214. Compare these verses to Sir 36:1–19.

215. See further Büchler, *Types*, 140–42, 170–74. Michael Knibb suggests that 17:30–31, and especially the phrase “the glory of the Lord,” implies an expectation of a purified temple. He suggests several biblical passages on which the psalmist drew (Isa 2:2–4, 55:5, 60:7–10, etc.). See Michael A. Knibb, “Temple and Cult in the Apocrypha and Pseudepigrapha: Future Perspectives,” in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez*, ed. Anthony Hilhorst, Émile Puech, and Eibert Tigchelaar, JSJSup 122 (Leiden: Brill, 2007), 512. However, in my view, the reference to these biblical passages actually proves the opposite, since almost all of those biblical passages explicitly allude to the temple while our psalm at most barely implies it. Furthermore, I do not even see such an implied expectation as Knibb suggests: v. 30 speaks of the Messiah’s purifying of Jerusalem, and v. 31 speaks of “the glory of the Lord with which God has glorified her,” that is, Jerusalem. Of course, a priori that could mean the temple in Jerusalem, but since the temple is never mentioned in these messianic verses and the city of Jerusalem is the subject, it rather seems to refer to the city in general.

216. K. Atkinson (*I Cried*, 7–8) actually sees the context of the Psalms of Solomon as similar to that of the Qumran sect (but he does not suggest that they were authored by this sect). The group polemicized against the halakhic positions of the temple authorities, rejected the contemporary temple cult, and replaced the sacrifices with prayer and fasting (Atkinson, *I Cried*, 2). I do not see such outright polemic and rejection but rather a diminished interest in the world of the temple and sacrifices (see Büchler, *Types*, 170–74). Michael Knibb (“Temple and Cult,” 509–13) agrees that prayer and individual piety were of great importance for the Psalms of Solomon, and he argues that the group behind it was dissatisfied with the contemporary temple cult but also that “the extent of their alienation from the temple cult remains uncertain.” The question of Jesus’s and his early followers’ attitudes towards the temple is beyond the scope of this chapter, but see Jörg Frey, “Temple and Identity in Early Christian-

Prayer is, of course, highly important for those who are distanced from the temple, as in the diaspora.²¹⁷ But another related aspect of typical diaspora worldview, illustrated by Noah Hacham, is that God's holiness is not confined to a specific place; it rather resides within the people, wherever they are.²¹⁸ This view is exemplified in 2 Macc 5:19: "God did not choose the people on account of the Place; rather, He chose the Place on account of the people."²¹⁹ It is therefore surprising and highly significant that the Psalms of Solomon, which as mentioned was apparently composed in Hebrew in Jerusalem while the temple was still standing, appears to reflect a similar view. Thus, while the altar and temple are said to be God's (for example, 2:2–3, 8:11–12), He is not said to dwell in the temple. Rather, God is said to dwell in the heavens (18:10) and to be the judge of the whole world (9:2–3, 18:3). Furthermore, his name resides within the people—thus in Ps. Sol. 7:6: "your name lives among us." Especially important is Ps. Sol. 9:9: "you put your name upon us," which is in a psalm that explicitly deals with Israel in exile. Although the notion of God's name being called upon the people of Israel is found already in the Bible (for example, Deut 28:10, 2 Chr 7:14), "The Place"—the temple—is most frequently where God's name resides (for example, Deut 12:5–11, 1 Kgs 8:16–21, 2 Kgs 23:27, Jer 7:10–14; also 1 Macc 7:37). Hence, along with the diminished interest in the temple, sacrifices, and priests, and the importance of prayer, the Psalms of Solomon also reflects a diasporic worldview in that it does not confine the divine presence to the temple, but rather it locates it in the heavens and within the people, wherever they are.

ity and in the Johannine Community: Reflections on the 'Parting of the Ways,' in Schwartz and Weiss, *Was 70 CE a Watershed*, 449–65. He argues that the message of Jesus (and John the Baptist) and the early Christians was independent of the temple, distanced from it, and included some criticism of it. See also Neusner, "Judaism in a Time of Crisis," 319–20.

217. See Hacham, "Exile," 12–13.

218. Hacham, "Exile," 9–10; see further Hacham, "Where Does the Shekhinah Dwell? Between the Dead Sea Sect, Diaspora Judaism, Rabbinic Literature, and Christianity," in *The Dead Sea Scrolls in Context: Integrating the Dead Sea Scrolls in the Study of Ancient Texts, Languages, and Cultures*, ed. Armin Lange, Emanuel Tov, and Matthias Weigold, VTSup 140 (Leiden: Brill, 2011), 399–412.

219. This translation is from Daniel R. Schwartz, *2 Maccabees* (Berlin: de Gruyter, 2008).

The Synagogue in Judea

The issues of prayer and of the diasporic perception of God's unconfined holiness naturally lead to a discussion of another important institution: the synagogue. The following discussion will not deal with all studies and aspects of this extensively-studied subject. Rather, I will limit myself to a discussion of the synagogue's origin in Judea and a suggestion for its context. The first part of this discussion mainly follows the lines of a 1988 study by Grabbe;²²⁰ later discoveries and scholarship will also be adduced, but in my view they have not altered Grabbe's fundamental conclusions.

Numerous theories have been proposed as to the time and place of the synagogue's origin: in the land of Israel in the late First Temple period; in Babylon during the exile; in Jerusalem after the return from that exile; in third-century BCE Egypt; in Hasmonean Judea; and only after the destruction.²²¹ Yet if we follow the evidence closely and refrain from unsupported assumptions and theories, we find that the earliest evidence for synagogues is supplied by references to *προσευχαί* (places of prayer) in inscriptions from third-century BCE Egypt.²²² In contrast, there is no evidence for the existence of the synagogue in the land of Israel until post-Hasmonean times. In earlier sources, the terms *προσευχή* and *συναγωγή* do not seem to refer to this institution (but rather to "prayer" and "gathering/assembly," respectively). As Grabbe points out, it is especially significant, in this context, that in our main narratives of Antiochus IV's persecutions

220. Lester L. Grabbe, "Synagogues in Pre-70 Palestine: A Re-Assessment," *JTS* 39 (1988): 401–10.

221. On the different theories, see Rachel Hachlili, "The Origin of the Synagogue: A Re-Assessment," *JSJ* 28 (1997): 34–37; Lee I. Levine, *The Ancient Synagogue: The First Thousand Years*, 2nd ed. (New Haven: Yale University, 2005), 22–28. Levine proposes a different theory: the synagogue developed, through a subtler and prolonged process, out of the "city-gate" (*שער העיר*) of the biblical era and its communal functions (*Ancient Synagogue*, 28–44). For the suggestion that synagogues as buildings emerged only after the destruction, see Howard Clark Kee, "The Transformation of the Synagogue after 70 C.E.: Its Import for Early Christianity," *NTS* 36 (1990): 1–24; but see also the decisive rejections of that suggestion by, among others, Pieter W. van der Horst, "Was the Synagogue a Place of Sabbath Worship Before 70 CE?," in *Japheth in the Tents of Shem: Studies on Jewish Hellenism in Antiquity*, CBET 32 (Leuven: Peeters, 2002), 55–62, and John S. Kloppenborg Verbin, "Dating Theodotos (CIJ II 1404)," *JJS* 51 (2000): 243–80.

222. Grabbe, "Synagogues," 402–3.

and the subsequent Maccabean revolt (1 and 2 Maccabees and Josephus), there is no mention of any synagogues. Had synagogues existed we would have expected to hear something about their desecration or at least about disruption of worship in them. To deny the force of that point by condemning it as a mere *argumentum ex silentio* is to proceed on the basis of *petitio principii*; as long as we have no source attesting to them we should not simply assume the existence of synagogues.

The earliest literary evidence for synagogues in the land of Israel comes from the gospels (for example, Mark 1:21–29, Luke 4:16–30), Acts (for example, 6:9), and Josephus's narrative of the first century CE (J.W. 2.285–289, *Ant.* 19.300–305, *Life* 277–280).²²³ The archaeological data accord with the literary evidence: the Theodotus inscription from Jerusalem, which mentions a synagogue, is usually dated to the first century CE, pre-70, and the few pre-70 synagogues from the land of Israel (of which the most famous are those of Masada, Herodium, and Gamla) are all dated to the first century CE or the end of the first century BCE at the earliest.²²⁴

223. See also Lee I. Levine, "The Pre-70 C.E. Judean Synagogue: Its Origins and Character Reexamined," in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg* [Hebrew], ed. Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay (Winona Lake: Eisenbrauns, 1997), 156*–57*.

224. In a very thorough paper, John S. Kloppenborg Verbin ("Dating Theodotos") firmly rejects views that date the Theodotus inscription to well after the destruction and concludes that it should be dated to the Herodian or early Roman periods, prior to 70 CE. For a survey of the evidence for Judean synagogues of the pre-70 era, see Levine, *Ancient Synagogue*, 45–74. Ehud Netzer, Yaakov Kalman, and Rachel Loris (sic) identified a building in Jericho from the beginning of the first century BCE as a synagogue ("A Hasmonean Period Synagogue at Jericho" [Hebrew], *Qadmoniot* 32 [1999]: 17–24). Yet, in a later article Netzer dated the building to 75–40 BCE; see Netzer, "A Synagogue in Jericho from the Hasmonean Period" [Hebrew], *Michmanim* 20 (2007): 16. In the excavation's final report, the excavators date the building's main phase to the days of Alexandra; see Ehud Netzer, Rachel Laureys-Chachy, and Yaakov Kalman, "The Synagogue Complex," in *Hasmonean and Herodian Palaces at Jericho, 2: Final Reports of the 1973–1987 Excavations*, ed. Ehud Netzer (Jerusalem: Israel Exploration Society, 2004), 159. They offer a detailed discussion explaining its identification as a synagogue (184–88). I am persuaded, however, by the doubts asserted by Lee Levine and U. Z. Maoz about the identification of this building as a synagogue; see Levine, *Ancient Synagogue*, 72–74; Uri Zvi Maoz, "The Synagogue that Never Existed in the Hasmonean Palace at Jericho: Remarks Concerning an Article by E. Netzer, Y. Kalman, and R. Loris" [Hebrew], *Qadmoniot* 32 (1999): 120–21; but see also Netzer's reply, "The Synagogue in Jericho—Did it Exist or Not? A Response to U. Z. Maoz's Remarks in *Qadmoniot* XXXII, no. 2 (118) 1999" [Hebrew], *Qadmoniot* 33 (2000):

Thus, the evidence indicates that, in the land of Israel, the synagogue is a phenomenon of the early Roman period.²²⁵

As Grabbe writes, the development of this institution set the stage for postdestruction Judaism:

The rise of the synagogue was a fortuitous but vital development which paved the way for a post-temple Judaism which became necessary after 70.... Synagogues were not planned as a substitute for the temple but they were a useful vehicle to make the transition.²²⁶

We must ask, however, why is it that this institution, which had already existed in the diaspora for a few centuries, arrived in Judea specifically in this period? What is it about this period in Judea that made it susceptible to the introduction of this diasporic institution?

In another essay, Grabbe remarks that “it was mainly during the Roman period that developments within Diaspora Jewish communities started to have a significant influence on religion in the homeland.”²²⁷ However, Grabbe does not see this influence as an intrinsic effect of the Roman era but rather as “a fortuitous development.” He attributes this influence mainly to the growing population of the diaspora, which by this time may have been larger than the Judean population, and to the fact that many diaspora Jews made pilgrimages to Jerusalem. While these factors for the growth of diaspora influence on Judea seem likely, we should recall the point noted at the beginning of this chapter: the Roman conquest of Judea and the Middle East brought Judeans and diaspora Jews into a

69–70. In general, when dealing with early buildings, dated to periods concerning which we do not have literary or epigraphic evidence supporting the institution’s very existence, we should be wary of classifying them as synagogues rather than just as ordinary public buildings.

225. Grabbe, “Synagogues,” 404–8. See Grabbe, *Judaic Religion*, 173–74; Cohen, *From the Maccabees*, 107. Levine likewise notes the lack of evidence for synagogues in Judea prior to the end of the first century BCE, and therefore he views that century as an advanced step in his proposed reconstruction of the development of the synagogue (Levine, *Ancient Synagogue*, 41–42).

226. Grabbe, “Synagogues,” 409–10. Cf. Jack N. Lightstone, “Roman Diaspora Judaism,” in *A Companion to Roman Religion*, ed. Jörg Rüpke (Oxford: Blackwell Publishing, 2007), 367–68.

227. Grabbe, *Judaic Religion*, 113; see further, 113–114, 328–29. In this context, it is noteworthy that Acts 6:9 explicitly associates a Jerusalem synagogue, or several synagogues, with diaspora Jewry; see Levine, *Ancient Synagogue*, 55–57.

single, Roman, framework. This was probably a major factor in the growth of diaspora influence on Judea. At the same time, Pompey's suppression of piracy, the development of roads and trade routes by the Romans, and the soon-to-come *pax Romana* made travel between Judea and the diaspora easier and safer than ever,²²⁸ thus enhancing the ability of the diaspora to influence Judea (and vice versa).²²⁹ Diaspora influence would have been yet further enhanced by Herod's policies of encouraging the immigration to Judea of Jewish families from the diaspora and promoting their rise in Judean society and administration.²³⁰

Although the growing influence of diaspora communities on Judea might be reason enough for the appearance of this institution in Judea at this point in history, I think we should still look for an additional factor, since it seems that there always were connections between Judea and the diaspora. It is interesting to note that most theories as to the origins of the synagogue view it as emerging because of the absence of the temple (those who propose that it emerged in the Babylonian exile, or after the destruction) or the distance of the community from the temple (those who propose that it emerged in the diaspora of the Second Temple period); obviously, postdestruction synagogues are usually viewed as fulfilling the void made by the temple's destruction. However, when dealing with the synagogues in late Second Temple period Judea, scholars refrain from ascribing a similar role in their genesis to the temple. They do not assume that the synagogue grew to fill a void left by the temple, which still existed; rather, they assume that these synagogues fulfilled social and local needs and were not in any

228. Velleius Paterculus wrote: "The *pax augusta*, which has spread to the regions of the east and of the west and to the bounds of the north and of the south, preserves every corner of the world safe from the fear of brigandage" (*Hist. rom.* 2.126.3). However, as Thomas Grünewald (*Bandits*, 17–32) rightly warns us, we should not accept such idyllic descriptions as historical reality; rather, for the common person, everyday life was quite risky even during the most peaceful times; banditry, piracy and other such criminalities were widespread. Still, in comparison with other time periods, travel must have been easier and safer in this period. In Judea itself, prior to the *pax Romana*, the instability and frequent revolts during 63–37 BCE probably encouraged banditry and travel was probably not very safe.

229. See Martin Goodman, "The Pilgrimage Economy of Jerusalem in the Second Temple Period," in *Judaism in the Roman World: Collected Essays*, AGJU 66 (Leiden: Brill, 2007), 59–67, esp. 63.

230. See Menahem Stern, "Social and Political Realignments in Herodian Judaea," *The Jerusalem Cathedra* 2 (1982): 49–58.

tension or competition with the temple and that only after the destruction they became substitutes for the temple.²³¹ However, Second Temple period synagogues in Judea were religious institutions used for religious activity (Torah reading and study), even if not for regular communal prayer. Therefore, I think, nonetheless, that the natural tendency to assume a basic tension between the temple and the synagogues is a logical assumption, which must be taken into consideration when discussing the origins of synagogues in Judea during the predestruction era, not only in the discussion of diaspora or postdestruction synagogues.

Consequently, I suggest that the appearance of an institution such as the synagogue in Judea was not fortuitous, and it is unlikely to have been due only to the above-noted diaspora influence. Rather, for that influence to have its effect in Judea, it must have filled some vacuum there, and I propose that this vacuum is similar to that which was filled by synagogues in the diaspora (or by similar substitutes in the Qumran community), namely, the distance from the temple.

In his study of predestruction synagogues in the land of Israel, Paul Flesher likewise accepts the Egyptian origin of the synagogue and its post-Hasmonean appearance in Judea, and he assumes an inherent difference between the Judaism of the temple and that of the synagogue. He further surveys the evidence for pre-70 synagogues in Judea, and he concludes that all such evidence pertains only to Galilee, not to Judea proper. The only exceptions are the synagogue(s) of foreigners mentioned in Acts 6:9 and possibly the synagogues at Herodium and Masada, which were established only during the Great Revolt, that is, very close to the destruction. The reason for this difference, according to Flesher, is that in Galilee, as in the diaspora, people had no immediate access to the temple, whereas in Judea proper the temple was the focus of religious life.²³²

Yet, note the following. First, to make his case, Flesher is obliged to accept scholarly opinions that reject the historicity of other passages in Acts that attest to the existence of synagogues in Jerusalem (22:19, 24:12,

231. Hachlili, "Origin." Even Grabbe, who explains the emergence of the synagogue in the diaspora as a result of distance from the temple, explicitly writes that it was not planned as a substitute for the temple (see above).

232. Paul V. M. Flesher, "Palestinian Synagogues before 70 C.E.: A Review of the Evidence," in *Studies in the Ethnography and Literature of Judaism*, vol. 6 of *Approaches to Ancient Judaism*, ed. Jacob Neusner and Ernest S. Frerichs (Atlanta: Scholars Press, 1989), 67–81.

26:11). Second, at least two buildings, which were excavated some years after Flesher wrote his article and are located quite close to Jerusalem, are identified by their excavators as synagogues—in Qiryat Sefer and in Modi‘in.²³³ Lastly, it is telling that the literary sources, and especially the Jerusalem-born priest, Josephus, refer to the synagogues naturally, without any hint that this phenomenon was foreign to native Jerusalemites.

Therefore, I would like to suggest that the vacuum filled by the synagogues in Judea during the end of the Second Temple period was not one created by geographical distance from the temple (or, only by geographical distance). Rather, it may have been formed by a growing sense of moral, religious, spiritual, and/or political alienation from the temple, brought on by the factors discussed above.²³⁴

But whether or not the appearance of the synagogues in Judea derived from a growing sense of distance from the temple, the opposite will have been the case; namely, to the extent that synagogues appeared in Judea, they will have played a role in marginalizing or undermining the temple and its cult. After all, as time went by, the synagogue and the worship therein would probably have been viewed as worthy functional substitutes for the temple and its cult, even if they were not meant as such when established. The more we are convinced that, as Esther Chazon argues, fixed prayer was indeed developing during the Second Temple period,²³⁵ the more we will expect that to have been associated with the synagogues.

233. For this, see the brief survey and bibliography in Levine, *Ancient Synagogue*, 69–70.

234. The recent discovery of a relief with a menorah on a stone in a Second Temple period synagogue in Migdal (for this, see Rachel Hachlili, *Ancient Synagogues—Archaeology and Art: New Discoveries and Current Research*, Handbook of Oriental Studies Section 1, Ancient Near East 105 [Leiden: Brill, 2013], 296–98), seemingly presents a difficulty to this suggestion. However, it is a matter of interpretation. Does the depiction of the menorah in a synagogue necessarily prove that “the synagogue is a ‘representative’ of the Temple,” and that the community had a strong connection to the current temple, as argued by Mordechai Aviam (“Reverence for Jerusalem and the Temple in Galilean Society,” in *Jesus and Temple: Textual and Archaeological Explorations*, ed. James H. Charlesworth [Minneapolis: Fortress, 2014], 131–33)? It was certainly meant to represent the temple, but did it represent the current temple or the idealized temple in the days to come? Perhaps it is no more than a reflection of that community’s longing for the temple as it should be but is not.

235. Esther G. Chazon, “Liturgy Before and After the Temple’s Destruction: Change or Continuity?,” in Schwartz and Weiss, *Was 70 CE a Watershed*, 371–92.

But whatever we believe about communal *prayers* in the synagogues, it is well established that Scripture was regularly read and studied in the synagogues. As Martha Himmelfarb has shown, the more Scripture becomes accessible to the general public, the more the authority of the priests is undermined.²³⁶ One way or another, as result or cause or both, synagogues in predestruction Judea indicate additional early Roman stage setting for post-70 templeless existence.²³⁷

Conclusion

In this chapter, I propose that while we should not deny the extraordinary effect of the destruction of the temple, at least some of the developments of post-70 Judaism are rooted in the period prior to the destruction. A similar view was promoted previously by Grabbe:

Many of the particular features of Judaism which became characteristic after the fall of the Second Temple were those which we find already developing in the Diaspora religious practices.²³⁸

With hindsight we can see how certain pre-70 trends were highly important in meeting the post-70 situation without temple or priestly leadership.... Other elements giving direction to the new situation were those aspects of Judaism that had evolved to meet the Diaspora situation: the synagogue, prayer, and the study of written scriptures. These had already started to have an effect on Palestinian Judaism even before 70. The seeds were sown for a Judaism *sine templo*; even if the temple had not been destroyed, Judaism might well have developed in new directions anyway.... Even without the Roman Destruction, Judaism was likely to have developed a new shape which placed more emphasis on these “para-temple” practices.²³⁹

236. Martha Himmelfarb, “‘Found Written in the Book of Moses’: Priests in the Era of Torah,” in Schwartz and Weiss, *Was 70 CE a Watershed*, 23–41, esp. 23–29.

237. Although the evidence shows that the synagogue appeared in Judea only after 37 BCE, i.e., after the specific period of this study, it is my contention that its appearance is a result of—and response to—the developments of the period of this study. It takes time for such developments to take effect, and the establishment of actual synagogues must have been preceded by a gradual process of internalization of the qualified centrality of the temple and of the influence of the diaspora.

238. Grabbe, *Judaic Religion*, 179.

239. Grabbe, *Judaic Religion*, 333–34.

Grabbe rightfully emphasizes the similarity between the postdestruction situation and that of the diaspora of the Second Temple period. However, in addressing developments in Judea similar to those in the diaspora, he tends to view the former only as the result of diaspora influence, rather than as reflections of and responses to conditions and developments in Judea itself prior to the destruction.

In this chapter, in contrast, I have suggested that in fact these developments were intrinsic to Judea itself and to the situation following the Roman occupation and the end of the independent Hasmonean state. The Roman conquest brought about the unification of Judeans with their diaspora brethren, which, along with the Roman roads and the later *pax Romana*, enhanced diaspora influence on Judea. More significantly, however, it placed the Judeans in a situation very similar to that of their brethren abroad. The state of affairs in Judea itself, following the Roman occupation, was to some extent an exile-like, or a semi-diaspora, situation.²⁴⁰ Therefore, concepts and institutions that developed in Judea in this period were inherent to the situation in Judea, even if they were sometimes influenced by the diaspora.

For this reason, while Grabbe views the appearance of the synagogue as a result of a growth in the influence of the diaspora, in this chapter I focus on the Roman conquest of Judea as a condition and catalyst for that influence. Judean Jews were receptive to the synagogue because of a temple-related vacuum created by the Roman conquest and its aftermath. I have similarly suggested that, in addition to the synagogue, this period instilled in the Judeans some of the basic concepts of the post-70 (and diaspora) reality: the absorption of the fact that they were living under foreign subjugation; the separation of religion and state; and the decline in the centrality of the temple. I have also argued that two political institutions, the ethnarch and *συνέδριον*, apparently developed only in this period; both are essentially nonterritorial and are therefore also appropriate to a diaspora,

240. That some Judeans of the period regarded their situation as “exilic” may be implied by the abovementioned phenomenon of men who led Judeans into the desert promising salvation (see above, pp. 315–16). This is clear in the case of Theudas (*Ant.* 20.97–98), who promised his followers that the Jordan River would part at his command, following the biblical precedent of Joshua; his actions implied an understanding of their current situation as exilic. See further Craig A. Evans, “Aspects of Exile and Restoration in the Proclamation of Jesus and the Gospels,” in Scott, *Exile*, 300–305.

or post-70, situation. For the present purpose the extent to which these institutions were actually adopted in post-70 Judea (that is, as the נשיא and the Sanhedrin) is not crucial; what is important are the perceptions that they instilled in the people.

These developments and new perceptions, and this developing new diasporic reality in Judea, may have themselves, in turn, impacted Judean religion. One significant example may be the rise of the Sages, the Pharisees, which I will only briefly elaborate on: Such diaspora conditions as the loss of sovereignty and the perceptions of a stateless existence—which it and other developments of this period instilled—of nonterritoriality, along with the possible perception of the illegitimacy of the high priests and decline in the centrality of the temple, may have naturally functioned as a stimulus to the formation of new centers of authority.²⁴¹ True, the Pharisees did not reject the temple.²⁴² But as long as the temple was perceived as the center of Judaism, religious authority cannot but reside in it and in the hands of its priests; “experts” could not lay claim to such authority. Certainly the Pharisees, whose authority is inherently based on knowledge and charisma, not on pedigree or a connection to a specific place, could not have gained any real authority over the nation as long as the temple and its priests were so central.

Daniel Schwartz describes the Pharisees as essentially diaspora Jews, in spite of the fact that they are recorded only in the land of Israel, because in essence “Diaspora is not a matter of geography; it is a matter of sovereignty or the lack of it.”²⁴³ Schwartz further writes:

I would suggest that the basic difference between Pharisaic Judaism and priestly Judaism ... was in the former's willingness ... *to prescind from territory as that which grants identity*. Such an understanding of the fundamental root of Pharisaism will allow us to understand the more traditional way of understanding the difference between Pharisees and Sadducees, viz., as one between lay leadership and the priesthood, as a corollary. For since the axis and anchor of Jewish territorialism was

241. Hacham, “Exile and Self-Identity,” 10–12.

242. But see Neusner, “Judaism in a Time of Crisis,” 320–25.

243. Daniel R. Schwartz, “Josephus on the Pharisees as Diaspora Jews,” in *Josephus und das Neue Testament: Wechselseitige Wahrnehmungen*, ed. Christfried Böttrich and Jens Herzer, WUNT 209 (Tübingen: Mohr Siebeck, 2007), 142. For an understanding of the term “exile” in rabbinic literature as meaning, not physical deportation, but rather subjugation and as a state of mind, see Milikowsky, “Notions of Exile,” 266–78.

the Temple, and the priesthood that ran the Temple was defined by its common pedigree, *any devaluating of the Temple of necessity devalued both territory and pedigree at the same time*. Indeed, we see that the Pharisees took pride in the fact that among their leaders there were Jews of foreign descent.²⁴⁴

It is only with the developments of the period discussed in this study which are enumerated above—the loss of sovereignty, the growing perception of Judaism as nonterritorial, the unification with the diaspora, the separation of the state from religious authority, and the decline in the legitimacy of that religious authority—that such “experts” could truly have achieved a position of authority.²⁴⁵ Ultimately, this culminated with the destruction, but it appears to have begun much earlier than that. Additionally, although we should perhaps be wary of characterizing it as a Pharisaic institution per se, the existence of the synagogue, which was separate from, even if not in opposition to, the temple establishment, and whose main functions included Torah reading and study, would have been a natural platform for the Pharisees to establish their authority.²⁴⁶ Thus, the effects of the early Roman period in Judea and the perceptions it instilled, as well as the new institutions that were introduced then, helped set the stage for the rise of the Pharisees and thus changed and perhaps allowed the survival of postdestruction Judah.²⁴⁷ Obviously, these developments would have also had the corresponding effect: they would have

244. Schwartz, “Josephus on Pharisees,” 143 (emphases added). With this understanding, it should be of no surprise, if during Herod’s siege of Jerusalem when Antigonus the Hasmonean was king in 37 BCE, Pollion and Samaia the Pharisees advised the people to let Herod into the city (*Ant.* 15.3–4; see also 15.370).

245. See Mendels, *Rise and Fall*, 283–86, who writes that Herod intentionally reduced the status and importance of the priesthood and that such an action enhanced “the status of the sages, who thus occupied a place of leadership;” see also *ibid.*, 293.

246. Cf. Momigliano, “Religion,” 14–16.

247. See Bickerman, *From Ezra*, 174–75: “In point of fact, it was the Roman rule which made possible and facilitated the development of Pharisaic Judaism to a high degree” (175). On Bickerman’s view of Roman rule in Judea, see Albert I. Baumgarten, *Elias Bickerman as a Historian of the Jews: A Twentieth Century Tale*, TSAJ 131 (Tübingen: Mohr Siebeck, 2010), 290–92. According to Baumgarten, Bickerman saw it “as a blessing in disguise that contributed to the ultimate survival of Judaism and to the dominance of the Pharisees” (290). Yet, contrary to Bickerman, I am neither convinced that the Pharisees were essentially opposed to the Hasmoneans, nor do I think that they welcomed Roman domination; for this see above, pp. 226–28. My assertion

also brought about a decline in the power of the Pharisees' rivals, the priestly-oriented Sadducees.

Finally, this chapter has shown the great impact of the end of independence and the importance of the early Roman era in Judea, not only for the background of Christianity and the Great Revolt, but also for a better understanding of postdestruction Judaism and how it was able to adapt and survive. Further study may uncover additional ways in which this period set the stage for developments that came to fruition after the destruction.

is only that the early period of Roman domination helped set the stage for the rise of the Pharisees; I do not think the Pharisees foresaw it as a blessing.

Summary and Conclusions

This study has focused on the end of the last truly independent Jewish state in the land of Israel prior to the establishment of the modern State of Israel—that is, the Hasmonean state—and the beginning of Roman rule in Judea. It asserts this period's profound significance not only for its own time but also for subsequent Jewish history: this period should be viewed as a significant factor in the evolution of Judaism and Jewish identity. Specifically, this is a study of three decades. Following in the footsteps of Flavius Josephus in the fourteenth book of his *Jewish Antiquities*, it begins with the aftermath of the death of the Hasmonean queen Alexandra (Shelamzion) in 67 BCE, for that is when the Hasmonean state began to fall apart due to the civil war between her two sons, Hyrcanus II and Aristobulus II; it ends with the Herodian-Roman conquest of Jerusalem and Herod's assumption of the kingship of Judea in 37 BCE, for that is, in effect, the final end of the Hasmonean dynasty and the beginning of a new era.

This period has been relatively neglected in the modern study of ancient Judaism. Filling the gap, as this book strives to do, is a desideratum not only for the sake of a complete historical record—an important purpose in its own merit—but also due to the significance of this era. This was a momentous era in the history of the entire Mediterranean world: Rome had taken over the Hellenistic empires; the brutal Roman civil wars were raging and would eventually bring about the end of the Republic; and Parthia was rising in the East.

This was a time of great significance for Judea as well. In the mid-second century BCE, following centuries of existence under foreign domination, the Jews of Judea had established their own independent state, under the Hasmoneans. Now, however, less than a century later and following a few years of civil war between the Hasmonean heirs, that independence came to its end with the conquest of Judea by the Roman army of Pompey the Great. While the Jews continued to enjoy some degree of autonomy in the coming decades, they were certainly not independent.

The true sovereigns were the Romans. This first period of Roman domination over Judea, moreover, was not quiet; it was a very tumultuous period.

The importance of this period for Judean history is reflected in the space devoted to it by Josephus, but also in its place in other literary works, which were composed during this period or shortly thereafter. First and foremost, are the Psalms of Solomon and some of the Dead Sea Scrolls, especially the Pesharim, which quite clearly allude to the events of this era. In fact, although very few historical figures are mentioned by name in the Dead Sea Scrolls, a disproportionate number of those that are mentioned belong to this period (such as Alexandra, Hyrcanus, Aemilius Scaurus, and Peitholaus).

The first part of this study (chapters 1–2) was devoted to the historical events of this thirty-year period, reconstructing them, as best as possible, on the basis of the literary sources. Although, as noted, numerous sources refer to events of this era, some more comprehensively than others, Josephus remains our primary source, as he is for much of the Second Temple period.

Josephus's two major historical works contain parallel accounts of this period in relatively great detail, *J.W.* 1.120–357 and the entire fourteenth book of the *Jewish Antiquities*. But, although they are parallel, they are not identical. Some differences are probably due to the fact that, in the *Jewish War*, this era is only a part of the background to its actual historical topic (the Judean revolt of 66–73/74 CE); others are due to additional sources used in *Jewish Antiquities*; and still others may be due to Josephus's own changed perspectives and tendencies. Indeed, this era probably presented a real dilemma for Josephus. Being a Judean, and especially a Jerusalemite priest, who claims to have been a descendant of the Hasmoneans (*Ant.* 16.187, *Life* 2–6), and having seen the destruction of the temple at the hands of the Romans, on the one hand, but living in Rome under the patronage of the emperors, on the other hand, Josephus was in a delicate position in recounting the initial conquest of Judea by Rome, which entailed the demise of the Hasmoneans. Perhaps it was his difficulty to cope with this dilemma that led him, as it appears, generally to stick to his sources in both of his accounts, maybe more than elsewhere. Josephus's own voice is apparent mainly in his laments over the loss of freedom, for which, however, he blames the Hasmonean brothers, not Rome (*Ant.* 14.77–78, 491), and perhaps in the characterization of certain individuals and events. In terms of the factual content, he seems to have generally followed his sources.

Josephus's main source for both of his narratives was probably Nicolaus of Damascus (a diplomat and historian in Herod's court), but in *Jewish Antiquities* he also made quite extensive use of various other sources. These included Jewish traditions as well as non-Jewish works (especially Strabo) and Greek and Roman documents. In the course of this study, the possibility that, at times, Josephus's non-Jewish sources ultimately drew on the original reports of various Roman officials was also suggested. This certainly appears to be the case in the account of the Judean people's delegation to Pompey in Damascus in 63, which is paralleled in *Jewish Antiquities* and Diodorus, but it was also suggested for *Jewish Antiquities*'s account of Scaurus's reasons for preferring Aristobulus in 65. Yet the fact that the ultimate source of a certain account was such a report does not mean that it is a more trustworthy account; such a report's author may have had his own agenda and purposes. Thus, for example, I concluded that the account of the people's delegation to Pompey in Damascus is essentially a case of Pompeian propaganda, meant to legitimize Pompey's actions. Hence, this study is also, to a large extent, a study of Josephus, asserting, in contrast to a prevalent view in contemporary scholarship, that his accounts—our main sources for the history of most of the Second Temple period—can be responsibly used as sources for history.

Let us briefly recount some of the main points of the historical reconstruction. In 63 BCE, following approximately four years of intermittent civil war between the Hasmonean brothers, Pompey arrived in Judea, took Jerusalem by force, and overthrew Aristobulus. He appointed Hyrcanus to the high priesthood but denied him the throne. Judea, whose territory was diminished, was made tributary to Rome and subservient to the Roman governor of Syria. In the eyes of Judeans and Romans alike, that conquest amounted to a complete loss of Judean independence.

In the years following that conquest, disorder appears to have been more frequent than peace. Although there are some gaps in Josephus's narratives, in virtually every year for which we have a record, there appears to have been some sort of turmoil or war. After suppressing the first revolt of Aristobulus's son Alexander, who had apparently taken Jerusalem, Gabinius reinstated Hyrcanus in the high priesthood and divided Judea into five districts, each governed by its own *συνέδριον*. Nevertheless, rebellions led by Aristobulus and his sons followed in each of the next two years. The next governor of Syria was the triumvir Crassus. He robbed the Jerusalem temple in order to finance his planned campaign against Parthia. That sacrilege, and his subsequent defeat and death at the hands of the Parthians

(53 BCE), probably triggered, among Jews, memories of Antiochus IV and aroused hopes for redemption, and renewed unrest in Judea, which was quickly put down by Cassius.

Soon thereafter, however, the situation in Rome deteriorated into civil war. In 49 BCE, Julius Caesar tried to employ the services of Aristobulus to lead a campaign in Judea, but he was intercepted and killed by the Pompeians, who soon executed Aristobulus's son Alexander as well. After Caesar's victory over Pompey and the latter's assassination in Egypt in 48 BCE—an event which resonated well in Judea—Judea came under Caesar's control. Having been aided by Hyrcanus and his right-hand-man Antipater in the Alexandrian War, Caesar now rewarded them by appointing Antipater ἐπίτροπος of Judea, making Hyrcanus ethnarch in addition to his high priesthood, and by bestowing numerous other grants and privileges on them and on the Jews of Judea as well as those of the diaspora. Most significant of these was certainly the recognition of the right of the Jews anywhere to live according to their ancestral laws.

Antipater's appointment marked the entry of his son Herod on to the stage of history. Antipater appointed him and his brother Phasael as στρατηγοί of Galilee and Jerusalem, respectively. Herod immediately took action, crushing the insurgent λησταί ("brigands") in Galilee and thus earning the respect of Syrians as well as that of the Roman governor of Syria, Sextus Caesar. True, that gave the Herodians' opponents in Jerusalem a pretext to prosecute Herod, but Sextus Caesar demanded his release and, with Hyrcanus's help, Herod was either acquitted or simply allowed to escape.

In the following years, Syria was a major battleground in the Roman civil war. After Caesar's assassination in March 44, the entire Mediterranean was engulfed, including Judea. Shortly later, Antipater died or was assassinated by Malichus, a prominent figure in Judea, but Herod soon took his revenge. Then, in 40 BCE, Aristobulus's son Antigonus made common cause with the Parthian invasion of Syria. Together they took Judea and deported Hyrcanus, while Antigonus assumed the throne. Herod escaped to Rome, where, with the support of Anthony and Octavian, the Senate appointed him king of Judea. Yet, it took him almost three years until he was able to take Judea and Jerusalem with the aid of a massive Roman force. Anthony then executed Antigonus and the Hasmonean family lost its last hold on power in Judea.

The second part of this study (chapters 3–5) examines the impact that the developments of this period had on Judean society and religion. Chapter 3 is an examination of the significance of the end of the Hasmonean

state and the beginning of Roman domination for the contemporaneous but estranged Jewish group, the Qumran community. It is argued first that the epithet *Kittim* refers to the Romans in the community's various writings, including the Qumran war literature, texts that some have thought to refer to Greeks. I then suggested that also some other scrolls likely allude to the Roman conquest or to the Romans. Having established a group of scrolls that likely refer to the Roman conquest and/or to the Romans, I argued that the Roman conquest was of profound significance for the Qumranites, for they could view it as "proving" that they were right all along and the Hasmonean authorities were impious. However, whereas some scholars assert that the sect initially had a neutral stance towards the Romans, who were seen as divine agents, it is argued that those same scrolls actually convey extreme hatred of Rome and a hope for its impending downfall. Thus, the conquest forced the sectarians to develop a new eschatological scenario. Despite their seeming seclusion from society, then, the sectarians were very much aware of and interested in the larger political events, and, moreover, their world—and religious—views evolved in response to those events.

But the end of the Hasmonean state and the beginning of Roman domination had yet broader and longer-term impact. That impact took two somewhat opposing directions, laying the ground both for catastrophe and survival, as each of the next two chapters suggests.

Chapter 4 provided an analysis of the constant turmoil and rebellions that took place in Judea between 63 and 37 BCE. A case-by-case examination of all instances of revolt and turmoil during this period revealed that often the primary targets were Romans and that, even when their targets were Judeans, those Judeans were Roman appointees; the Romans considered these actions as aimed against them; and often there appear to have been ties between the Judean rebels and other enemies of Rome, such as Parthia. Thus, although there certainly were some internal Jewish motivations, these were essentially anti-Roman episodes, and it was that cause that moved so many Judeans to support and join in these revolts and turmoil. It is then demonstrated that, apart from Hyrcanus and his close associates, it is impossible to point to any potential substantial support for, or even neutrality towards, Roman domination. The conclusion of chapter 3 is significant for this argument. Most Judeans had probably supported the Hasmonians, and even those that opposed them—such as the Qumran community—deeply resented the Romans and hoped for their speedy downfall. Thus, hatred for the Roman conquerors appears to have been shared by a great many Judeans.

The resistance to Roman domination was motivated by a basic Judean opposition to foreign rule, rooted in biblical hopes as well as in more recent memories of the persecution of the Judeans by Antiochus IV, of the Maccabean revolt, and of the subsequent independent Hasmonean state. The burdensome and frequently brutal manner in which Roman domination commenced and took shape, which included obvious analogies with that “evil” Antiochus, as well as the often-changing political arrangements of Judea imposed by the Romans, naturally engendered even greater resentment among Judeans. And the fact that a disgruntled branch of the Hasmonean family continued to exist and operate during this entire period ensured that such sentiments would be fully exploited.

Lastly, this chapter urged that, in contrast to some studies, Judean-Roman relations during the next century, the first century CE, culminating in the Judean-Roman War (“the Great Revolt”) and the Roman destruction of Jerusalem and the Second Temple, must be examined in light of this early incessant and ideological resistance to Roman rule. The undercurrents of opposition and resistance to Roman rule continued to flow throughout that period, occasionally erupting above the surface. Thus, more immediate causes notwithstanding, the roots of the Great Revolt and the destruction are to be found in the inception of Roman domination over Judea.

Chapter 5 argued that, while the roots of those catastrophes are to be sought in this era, it also provided some of the means of Judaism’s survival following and despite them. First, the Roman conquest in 63 BCE not only put the Judeans in a political position that was similar to that of their diaspora brethren—dominated by a foreign empire. It also united them under the same empire as most of the diaspora. In addition, the loss of sovereignty led to a true separation between the religious and the political authorities.

It is then argued that two political institutions, the ethnarch and *συνέδριον*, probably developed only in this period and that they helped set the stage for postdestruction Judaism. While the title ethnarch is attested in reference to earlier Hasmoneans, that evidence derives from Josephus’s erroneous attributions and from the Greek translation of an originally Hebrew text (1 Maccabees) that could not have used this Greek term. Firm evidence for this title appears only in the early Roman period (mainly in Judea), and it seems that it was first employed in Judea in 47 BCE, when Julius Caesar bestowed it upon Hyrcanus II. This unique title does not denote ordinary territorial rule but rather an ethnically defined leader-

ship, and thus it attests to an ethnic, and nonterritorial, Roman view of the Jews. Thus, as ethnarch Hyrcanus had the right to intercede in favor of diaspora Jews, not only Judeans. This view of the Jewish people conforms to a diaspora setting—a stateless setting—and helped prepare the Judeans too for such circumstances.

The *συνέδριον* (or Sanhedrin) has usually been viewed as an institution that existed, and led the nation, throughout all or most of the Second Temple period. However, in reference to an institution in Judea, the term first firmly appears in our historical record only in the early years of Roman rule, in the context of Gabinius's reform in 57 BCE. From then on, it appears occasionally. While some scholars suggest that the *συνέδριον* was at best only an ad hoc assembly, an examination of the evidence led me to the conclusion that it was a formal council, although it was not, as once perceived, the supreme institution ruling the land. However, like the ethnarch, a council is not essentially territorial, and there were in fact similar institutions in the diaspora. Indeed, the postdestruction rabbis adopted this institution, whether in deed or only in word. Thus, these two institutions instilled in the people perceptions that are suitable to a diasporic reality.

It is further suggested that the legitimacy of the priests and the common perception of the centrality of the temple were likely to have been undermined during this period and in its aftermath. This was a likely result of two phenomena: first, the temple came under repeated threat, was taken violently several times, and robbed at least once; and, second, the high priests now became fully dependent on Roman recognition or appointment. That indeed the temple and priests were undermined is suggested by the lack of importance of the temple, sacrifices, and priests in Judean texts of this period and by the first century CE phenomenon of the “sign prophets” who led their followers to the desert for salvation, withdrawing from Jerusalem. This qualification of the centrality of the temple contributed to creating a diaspora-like situation for many Judeans, setting the stage for postdestruction life.

This undermining of the centrality of the temple, along with a potential for an increase in diaspora influence on Judea, may have encouraged the Judeans' receptiveness to the synagogue, an institution which appeared in Judea shortly after our period but which had developed in the diaspora already two centuries earlier. Indeed, the very existence of synagogues in Judea would have likely undermined the temple and its cult. Lastly, I suggested that all of these various developments and perceptions, and this

new “diasporic” reality in Judea, likely played a major role in the rise of the Pharisees and, therefore, also in the decline of the priestly Sadducees. These developments too set the stage for postdestruction Judaism.

The developments of this period appear to also have had an impact on the rise or evolution of messianism, another significant factor in the evolution of Judaism. This phenomenon surfaced several times throughout this study, but it was not considered independently. As was mentioned above, several messianic pretenders operated in first-century CE Judea, and there do not appear to have been similar messianic figures in earlier periods. Similarly, the earliest extant comprehensive vision of Davidic messianism is found in one of the most important Jewish literary works of the initial period of Roman domination, the Psalms of Solomon (Ps. Sol. 17). The notion of Davidic messianism is also frequently found in several Dead Sea Scrolls which are dated to the same period, whereas earlier scrolls appear to have different messianic conceptions.¹ Thus, the end of the Hasmonean state and the beginning of Roman domination, and the accompanying developments, appear to have impacted the notion of messianism in general and, more specifically, to have been a significant phase in the development of Davidic messianism, which would eventually become one of Judaism’s foundational beliefs.

In conclusion, this study argued that the three decades between 67 and 37 BCE were not only very eventful but also constituted a highly significant period for the evolution of Judaism. The Roman conquest of Judea in 63 BCE essentially brought about the end of Jewish statehood, and the consequences of that and of the first period of Roman domination in Judea are twofold. On the one hand, they set the tone for the following two centuries of Roman-Judean relations and their tragic results. On the other hand, they generated some perceptions and concepts, and spurred some processes, that allowed for—and facilitated—the continuation of Jewish life in Judea after the destruction of the temple. This period was in essence the beginning of (semi)diasporan conditions and of diasporan institutions in Judea. The Judaism that we know, which evolved through many centuries in the diaspora, is not just a consequence of diaspora templelessness, which began in 70 CE; it is also a consequence of statelessness and foreign rule, which began—in Judea—with the Roman conquest of 63 BCE.

1. See above, pp. 204–5 and n. 81.

In other words, 63 BCE should be viewed as a watershed in Jewish history no less significant than 70 CE; and the entire early Roman period in Judea, until the destruction, should be viewed as a significant transformative period. For Jewish life in Judea, political independence—as long as it lasted—and all that it entails were not of secondary significance in comparison to religion in general, and to the temple in particular. Life could and does rather revolve around a variety of intertwined spheres, and the loss of one sphere is not only impactful in and of itself but is likely to impact the others.

Lastly, if the loss of statehood and the beginning of Roman domination were significant for the subsequent evolution of Judaism in Judea, and if they indeed also had an impact on the concept and phenomenon of messianism, as suggested above, then they were also necessarily significant contributors, in the background or more, to the rise of a messianic movement that would soon arise in Roman Judea—the Jesus movement. Thus, the notions of the state and the lack thereof, born and formed in the three decades on which this study focuses, can inform our understanding of certain important aspects of early Christianity as well.

Appendix A

The Legends of the Siege of Hyrcanus against Aristobulus in Josephus and Rabbinic Parallels

Josephus's narrative describing the siege that the forces of Hyrcanus II and Aretas the Nabatean laid against Aristobulus II in 65 BCE in *Ant.* 14.21–28 includes two lengthy stories about the siege, neither of which is found in the parallel narrative in *J.W.* 1.126–27. The first story is introduced by a statement that the siege took place during Passover and that “the Jews of best repute left the country and fled to Egypt.”¹ It goes on to tell the story of the murder of a righteous man named Onias. This Onias had once prayed to God to end a drought and God heard his prayer and sent rain. During the siege, Onias went into hiding, but he was later found and asked to curse the party of Aristobulus. Onias refused, and when forced to speak he prayed, asking God not to listen to the requests of either side. He was then stoned to death.

The second story too is introduced with the statement that Passover came during the siege. Aristobulus and the priests within the temple lacked a sufficient number of animals for sacrifices. They asked the besieging forces of Hyrcanus to furnish the necessary animals, and the latter agreed to do so in return for an excessive price of a thousand drachmas per animal. Aristobulus's party agreed, but their fellow countrymen violated

1. Compare Pss. Sol. 17:17. We should note the recurrence of stories about people fleeing to Egypt; e.g. Jeremiah and the other Judean remnants following the destruction of the first temple (Jer 43); Onias IV, the founder of a Jewish temple in Egypt (*Ant.* 12.387); Jesus and his parents (Matt 2:13–15). One may well wonder to what extent this is a literary theme and to what extent it actually reflects historical reality—Egypt being a sort of safe haven for fleeing Judeans. Be that as it may, in Josephus's narrative, these fleeing Judeans “of best repute,” along with the righteous Onias, are doubtlessly meant to serve as righteous contrasts to the feuding brothers; cf. Schwartz, “Josephus on Hyrcanus,” 225.

their commitment and did not supply the animals. The priests then prayed to God to punish the transgressors, and He indeed sent a violent wind that destroyed the crops and caused a huge price surge.²

The legendary character of both stories is quite clear, and, for the following reasons, it is likewise clear that they are both introduced from secondary sources: (1) Both stories disrupt the natural flow of the narrative; they could be easily extracted from *Jewish Antiquities* without harming the flow of the narrative, which would then be basically the same as *Jewish War*. (2) The first story is introduced by a phrase typically used by Josephus when he introduces material from secondary sources: *τούτων δὲ γινομένων κατὰ τὸν καιρὸν*.³ (3) Passover is repeated twice as the time of the events—at the beginning of each story. (4) Both stories are portrayed as reasons for God's visitation. Moreover, (5) no actual punishment is recorded for the first story; the second story is introduced as a punishment for the crime of the first story ("But God straightway punished them ... in the following manner"), but the second story has its own crime (withholding of the sacrificial animals) immediately followed by its due punishment. All this clearly reveals that Josephus is combining sources here.⁴

Although the story of Onias's murder is not found in rabbinic sources, the legend of his successful prayer for rain is unmistakably paralleled in the rabbinic legend about the pious Honi "the circle maker" (m. Ta'an. 3:8). The story about Hyrcanus's party not sending in the sacrificial animals that had been paid for, and the ensuing drought, is paralleled in the Babylonian Talmud (henceforth BT), b. Sotah 49b // b. B. Qam. 82b // b. Menah. 64b. The two versions are, however, not entirely parallel as will be illustrated below. The issue is yet more complicated, because the BT's version has partial parallels in two stories that appear side by side in the Palestinian Talmud (henceforth PT), y. Ta'an. 68c // y. Ber. 7b.

Naturally, given this state of affairs, these legends along with questions concerning their sources and the relationship between the various versions have attracted much scholarly attention.⁵ In what follows, I will

2. See above, p. 62 n. 16.

3. See Schwartz, "Kata touton," 246–54.

4. As Marcus notes on *Ant.* 14.25 in LCL.

5. On the episode of Onias/Honi in both Josephus and rabbinic sources and especially on his prayers and the circle he made, see Judah Goldin, "On Honi the Circle-Maker: A Demanding Prayer," *HTR* 56 (1963): 233–37; Niclas Förster, "The Prayer of Choni in Josephus *Jewish Antiquities* XIV 24," in *Studies in Jewish Prayer*, ed. C. T.

not tire the reader with a review of all of that scholarship. I will rather examine only some prevalent views and briefly discuss these issues. Both stories will be discussed, but the focus of the examination will be the story of the sacrifices. I shall begin with a discussion of Josephus's source, then examine the relationship between the different versions, and end with an evaluation of the historicity of both stories.

Josephus's Source

Some scholars suggest that Nicolaus of Damascus was Josephus's source for one or both stories. This suggestion is based on the common assumption that Nicolaus was Josephus's primary source for the period.⁶ Roman Wilk proposes that the story about the sacrifices, and perhaps also the Onias story, originated within circles close to Aristobulus for the purpose of denigrating Hyrcanus, and that Nicolaus, who had an interest in defaming the entire Hasmonean line, and especially Hyrcanus, adopted this story. Wilk identifies Nicolaus's hand in Antipater's total absence from the story.⁷ However, Hyrcanus too is not mentioned in either story; he is last mentioned in the description of the siege itself, prior to the two stories (*Ant.* 14.20). Yet any competent reader of the story could easily infer that the villain is Hyrcanus, and the same could be said of Antipater, Hyrcanus's right-hand man. Moreover, while Nicolaus may have indeed had an interest in denigrating Hyrcanus to some extent, in order to legitimize the takeover of the Herodians, he could not have taken it too far, because both Herod and his father, Antipater, were allies of Hyrcanus. In other words,

Robert Hayward and Brad Embry (Oxford: Oxford University Press, 2005), 101–16; Böhler, *Types*, 196–264. For the story of the sacrifices, see the studies mentioned in the following footnotes. Two very recent comprehensive studies of this story, which also refer to much of the earlier scholarship, are Orian, “Hyrcanus vs. Aristobulus,” and Vered Noam, “The War between the Hasmonean Brothers” [Hebrew], in *Josephus and the Rabbis*, ed. Tal Ilan and Vered Noam, 2 vols. (Jerusalem: Yad Ben-Zvi, 2017); Noam intends to publish an English version of this chapter and others in a future book, which will be entitled *Josephus and the Rabbis on the Hasmoneans*. I thank Prof. Noam for sharing her chapter with me prior to its publication.

6. See above, pp. 23–27.

7. Roman Wilk, “When Hyrcanus Was Besieging Aristobulus in Jerusalem” [Hebrew], in *Dor Le-Dor: From the End of Biblical Times Up to the Redaction of the Talmud; Studies in Honor of Joshua Efron* [Hebrew], ed. Aryeh Kasher and Aharon Oppenheimer (Jerusalem: Bialik, 1995), 100–101.

denigrating Hyrcanus would also harm the reputation of the Herodians. It seems, in fact, that Nicolaus had a greater interest in defaming Aristobulus than in criticizing Hyrcanus.⁸ It is certainly unlikely that the pro-Roman Nicolaus would adopt a source which is quite favorable to Aristobulus, the enemy of the Herodian house and the Romans. Furthermore, there is no trace of these two stories in the *Jewish War* narrative, which is widely-accepted as being based (almost solely) on Nicolaus, whereas in *Jewish Antiquities* Josephus made use of a variety of additional sources, and, as mentioned, there are clear signs that the stories are interpolated. Therefore, the suggestion that Nicolaus was the source of these stories should be rejected.⁹

The theoretical possibility that Josephus himself invented these stories should likewise be rejected. We have no evidence that Josephus ever fabricated entire stories, certainly for periods prior to his own lifetime. Furthermore, such a suggestion would require an assumption that the Babylonian rabbis used Josephus's *Jewish Antiquities*. Although some scholars have suggested such usage, it seems highly unlikely that the rabbis in Babylonia would have had access to Josephus.¹⁰

8. Compare, for example, *J.W.* 1.128 with *Ant.* 14.30–32 (and see above, pp. 62–64), as well as the different depictions of the two brothers in the two versions of the story of the embassies to Pompey in Syria in 63 BCE (above, pp. 68–74).

9. For additional reasons to reject the notion the Nicolaus was Josephus's source here, see Orian, "Hyrcanus vs. Aristobulus," 216–22, and Noam, "War," nn. 22, 40. Jane Bellemore ("Josephus, Pompey," 111) too suggests that Josephus's source for both stories was Nicolaus. This is part of her overall thesis according to which in the *Jewish War* Josephus mainly used Jewish sources and any divergences of *Jewish Antiquities* from the *Jewish War* narrative are due to new pro-Roman sources, mainly Nicolaus. However, her thesis is contrary to the consensus, which is also accepted in this study, that Nicolaus was Josephus's main source for the *Jewish War*, and that, while he was again extensively used in *Jewish Antiquities*, in that composition it was supplemented by other sources, Jewish and non-Jewish. The episode dealt with here seems actually to display a major fault in her thesis, since the two stories seem to portray an inner-Jewish standpoint, and both are somewhat paralleled in rabbinic sources—which Bellemore neglects to mention—thus pointing to the use of Jewish sources in *Jewish Antiquities* rather than the *Jewish War*.

10. For that suggestion, see, e.g., Wilk, "Hyrcanus," 102. For more on the relationship between Josephus and the rabbis, see Noam, "Did the Rabbis," and above, p. 24 and n. 60. For a more detailed rebuttal of the possibility that the rabbis used Josephus in this specific case, see Orian, "Hyrcanus vs. Aristobulus," 222–27. One of Orian's points is that, if Josephus's text was used by the rabbis, it is peculiar and unexplain-

These legends, about a Jewish holy man and about divine punishment for Jewish religious sins (theodicy), whose religious-moral message is—as asserted by Vered Noam¹¹—that Jewish unity must be maintained, and which are partially paralleled in rabbinic sources, are most likely to have been acquired from some Jewish source(s), whether written or oral.¹² It is, furthermore, more economical and sensible to assume that Josephus had recourse to the Jewish tradition than to assume that he received a Jewish story through a non-Jewish intermediary such as Nicolaus.

The Development of the Babylonian Talmud's *Baraita* and Its Palestinian Talmud Parallels

Assuming, as most scholars do, that Josephus could not have been the source of the BT's story of the sacrifices, leads to the conclusion that the

able that the rabbis omitted to mention the story of Onias's murder as well as that the siege took place on Passover ("Hyrcanus vs. Aristobulus," 223; also Noam, "Did the Rabbis," 383–84; Noam, "War," around n. 41). However, if Josephus found the two stories together in one source, as Noam argues ("War," around nn. 102–103), and the rabbis had the same source, then the first problem remains. Indeed, these may not be such inexplicable omissions. The notion that it took place on Passover may have simply been overlooked or discarded once the rabbis turned it into a story of the daily sacrifices, and the talmudic story seems to nevertheless contain a trace of that notion in its mention of the Omer, which is brought on the day after the first day of Passover (see Noam, "War," around n. 50; and see further below, p. 350); and we may hypothesize that the rabbis intentionally omitted the story of Onias's murder at the hands of his fellow Jews due to contemporaneous Christian anti-Jewish views of the Jews as prophet-killers, found already in the New Testament: Matt 23:29–37, 1 Thess 2:14–15. Nevertheless, as Noam asserts, the abundance of details and anecdotes in Josephus's versions of such "Jewish" stories that are missing from their parallels in rabbinic literature, reinforces the conclusion that the rabbis did not obtain these stories from Josephus's writings (Noam, "Did the Rabbis," 383–85).

11. Noam, "War," around nn. 99–103.

12. Laqueur, *Der jüdische Historiker*, 142–43; Seth Schwartz, *Josephus and Judaean Politics* (Leiden: Brill, 1990), 91 n. 126; Orian, "Hyrcanus vs. Aristobulus," 226; Noam, "War," between nn. 19–42. In this context, it is important to note the numerous literary and linguistic parallels, asserted by Otto Betz and Vered Noam, between Josephus's story of Onias's murder—which, though, is not found in rabbinic literature—and the rabbinic legends about Honi and the rain (Otto Betz, "The Death of Choni-Onias in the Light of the Temple Scroll from Qumran" [Hebrew], in Oppenheimer, Rappaport, and Stern, *Jerusalem in the Second Temple Period*, 84–89; Noam, "War," between nn. 24–40).

same early Jewish source used by Josephus was independently used by the rabbis.¹³ Yet, this raises the obvious question of how we are to explain the differences between Josephus's story and that of the baraita—a tannaitic source—embedded in three different places in the BT.

The basic deviations are: (1) Josephus says it occurred on Passover and so implies that the animals were intended for the Passover sacrifices, whereas the talmudic version speaks of the daily sacrifices (the *tamid*); (2) in Josephus's version, Hyrcanus's party never provides the animals, whereas in the talmudic story at first they actually did provide the animals, until (3) one old man "who was knowledgeable in Greek wisdom" advised them that only when the temple rites would cease would they be able to conquer the temple; (4) in the talmudic story, Hyrcanus's party did not just stop providing the animals but rather sent up a swine; and (5), when the swine was halfway up the wall and he stuck his claws into it—or, according to Saul Lieberman's suggestion, he screeched—the land of Israel quaked.¹⁴

Before explaining these differences, it is important to take account of the two somewhat similar stories preserved in the PT. Those two stories appear side by side twice (y. Ta'an. 68c // y. Ber. 7b). The first story concerns the sending up of the daily sacrifices during a siege of the temple "in the days of the kingdom of Greece." They would send up two lambs in exchange for gold until one time they sent up two goats, which—though not impure—are not acceptable for sacrifice. Fortunately, God revealed to them two lambs on the Temple Mount. The second, opposing, story is set in "the days of the Evil Kingdom" (that is, Rome). The story is similar, except that they send up two pigs. Before the pigs reached the middle of the wall, the pig (singular) screeched; its screech caused the wall to shake (that is, there was an earthquake) and the pig jumped forty *parsa* from the land of Israel.¹⁵ The story ends by saying that "at that very time, because of the sins, the daily sacrifice ceased, and the temple was destroyed." This

13. For the phenomenon of parallel historical traditions between Josephus and rabbinic literature, usually the Babylonian Talmud, see Kalmin, "Between"; Cohen, "Parallel"; and now Ilan and Noam, *Josephus and the Rabbis*.

14. See Saul Lieberman, *Studies in Palestinian Talmudic Literature* [Hebrew], ed. D. Rosenthal (Jerusalem: Magnes, 1991), 489–90. I thank Prof. Vered Noam for this reference. The Talmud as we have it says that the swine "stuck its claws" (נָעץ צַפְרָנִי), but some manuscripts omit צַפְרָנִי, and Lieberman asserts that that word was an addition by the copyists who did not understand that נָעץ is also the word for a pig's screeching.

15. Though the Ta'anit version does not mention the wall shaking. See Lieberman, *Studies*.

latter story obviously refers to Titus's siege leading to the temple's destruction in 70 CE.

Ernest Wiesenberg suggests that the story in the BT is a result of a fusion of the two stories in the PT. He bases his suggestion on the obvious similarity between the traditions of the two talmudim and on the correct observations that Hyrcanus and the Jews with him would have hardly needed the old man "who was knowledgeable in Greek wisdom" to advise them about the power of the temple rites and that it is unlikely that Hyrcanus, who was striving to regain the high priesthood, would have sent a swine up to the temple.¹⁶ Wiesenberg thus denies the conclusion above that the Babylonian rabbis essentially had the same early Jewish source as Josephus. In order to further substantiate his suggestion, Wiesenberg argues that the time frame "in the days of the kingdom of Greece" could refer to the war between the Hasmonean brothers.¹⁷ However, as Noam asserts, this latter phrase, the pattern of that story, and the solution to the problem that arises in it—a surprising "find"—all point to it being a legend about the Maccabean Revolt, rather than about the war between the Hasmonean brothers.¹⁸

Wiesenberg's suggestion seems to be guided to some extent by the common tendency to give preference to the PT's traditions over those of the BT, due to its proximity in time and place to the events. Yet, at least in cases where the BT traditions are paralleled in Josephus (and those are much more common than PT traditions), that tendency is questionable. Josephus's parallel story attests to the precedence of the BT version of the sacrifice story, which is set during the war between the Hasmonean brothers. Moreover, as Noam asserts, the originality of the Babylonian tradition is proven by two facts: (1) the exceptionality of the reference to that fraternal war in rabbinic literature, as opposed to the legends relating to the Maccabean Revolt and the Great Revolt—which are the settings of the PT stories—which are common topoi and are events that draw numerous stories; and (2) the specific mention of the Hasmonean brothers' names and positions (indicating who was outside laying the siege and who was inside), as opposed to the vague references "days of the kingdom of Greece" and "days of the wicked kingdom." It seems, therefore, that the basic sacrifice

16. Ernest Wiesenberg, "Related Prohibitions: Swine Breeding and the Study of Greek," *HUCA* 27 (1956): 219–220, 229–30.

17. *Ibid.*, 223–25.

18. Noam, "War," between nn. 71–76.

story, whose message seems to be about Jewish unity and the sin of interrupting the temple rites—which are both lost if the besiegers are non-Jews, as is the case in the PT stories—was originally told about the Hasmonean brothers' war, and it was transferred from there to other events.¹⁹

Consequently, as Vered Noam and Matan Orian assert, the BT version of the story should be given precedence over the PT version, and we may assume that the early Jewish source used by Josephus also made its way into the BT. But that leaves the question of how the differences between Josephus's story and the BT version came about. Noam and Orian both suggest that the PT version of the story later affected the BT version, and thus it took its current form. According to Noam, the PT version which repositioned the story to be about the destruction, changed the story accordingly, so that the Passover sacrifices became the daily sacrifices (*tamid*), because according to m. Ta'an. 4:6 the *tamid* was discontinued (on the same day the city walls were penetrated) shortly before the destruction. The PT version further added the motifs of the swine, which is characteristic of stories about Rome, and the earthquake, which symbolizes the destruction. These additional motifs of the new "Roman" version of the story then infiltrated the Babylonian version. Orian offers a similar development but suggests that the *tamid* may have been in the original version of the BT.²⁰

This suggestion is certainly plausible, but it is important to stress that, while correctly asserting that in this and similar cases the BT has precedence, these suggestions nevertheless end up asserting that the final BT version has been influenced by the PT. Yet, if the BT knew of the PT version of the story, it is surprising that the BT does not preserve a similar legend about the destruction; after all, as mentioned, it was a common topos and stories about the destruction abound. An additional, albeit more minor question, is why the two pigs of the PT story, in which they logically take the place of the two daily lambs of the *tamid*, turned into one in the BT story? That is, if the influencing story had two pigs, which correspond to the *tamid*, it would not make sense for the secondary story to change it to one pig and thus lose that correspondence.

19. See further Noam, "War," around nn. 83–85.

20. Noam, "War," around nn. 86–94; Orian, "Hyrcanus vs. Aristobulus," 212–13, 230–31; see also Wilk, "Hyrcanus." The "old man" does not appear in the PT version and thus cannot be explained by its influence. For the explanations offered by Noam and Orian for his appearance in the BT version alone, see below.

I, therefore, want to suggest another, linear, process of development, namely, that the differences in the BT version are for the most part a result of the evolution of the original tradition in the process of its transmission. They are not a result of the influence of the PT, and the PT tradition is a later stage of that evolutionary process. In other words, as agreed by most scholars, Josephus's version of the story is closer to the original source. That original tradition evolved to the BT version, but its development continued further until it reached the PT version.

As mentioned above, there are five major differences between Josephus's story and the BT story. One difference, that in Josephus's version they never provided the animals and in the BT version they at first did provide animals, is quite minor. Moreover, it seems to be related to another difference—the BT's saying that they stopped doing so after the old man's advice. For, if they did not initially know that in order to take the temple they should stop supplying the animals until they were advised by an outsider, then they must have provided them for some time. But this latter difference, about the old man, cannot be explained, as we have seen, by the proposed PT influence. Noam and Orian offer two different approaches to explain this detail in the BT. Noam suggests that the old man was actually part of the original story—the fundamental message of the story being one of the need for Jewish unity, which is severed by the old man who was knowledgeable in Greek wisdom, thus making the foreign, Greek, culture opposed to Jewish unity. Thus, Onias and the old man represent opposites. Josephus, however, naturally omitted the old man, because he did not want to criticize Greek culture.²¹ Further support for this suggestion is the fact that what the old man suggests is that they no longer provide animals for sacrifices, not that they send an impure animal, which is what they do in the talmudic version; thus his advice conforms to Josephus's version better than it does to the talmudic version.²² Orian suggests that the sentence about the old man is actually a later interpolation into the BT story, intended to justify Hyrcanus who was now—given the evolution of the story—said to have sent a swine up to the temple.²³ Neither explanation necessitates the assumption of PT influence over the BT version. Assuming the linear development which I am suggesting, once the story was changed, in the PT, to one of a foreign

21. Noam, "War," around nn. 99–104.

22. See Orian, "Hyrcanus vs. Aristobulus," n. 71.

23. *Ibid.*, 230 and n. 71.

(Roman) army besieging the temple, the element of the old man was no longer pertinent, neither for justification nor in terms of the message of Jewish unity, which was now lost.

The third difference is that the BT does not mention Passover and speaks of the daily (*tamid*) sacrifices, whereas Josephus wrote that it occurred on Passover and implies that the issue was the holiday sacrifices. Yet, it is important to realize that Passover is not mentioned in the core of Josephus's story nor in the story of Onias; it is rather only mentioned in Josephus's introductions to both stories. In introducing the story of the sacrifices, Josephus says that during the siege the festival of Passover came around, and he explains that during that festival it is the custom to bring many sacrifices. The impression is, then, that the sacrifices in the story are those festival sacrifices, but that is not explicitly said in the narrative itself. The question is, then, why Josephus situated the story on Passover. It is possible that Passover was part of the original tradition. For, in its statement that as a consequence/punishment of this affair the Omer—which is brought on the day after the first day of Passover—had to be brought from afar, the BT version seems to preserve a trace of the notion that it took place on Passover.²⁴ Alternatively, perhaps the Passover was not an integral part of the story but the Omer was, and its mention may have prompted Josephus to infer that the siege occurred on Passover.²⁵ Be that as it may, even if Passover was an integral part of the original story, it is quite easy to see how the story evolved to become a story of the *tamid* sacrifices, since those sacrifices are the most basic sacrifices, brought twice every day of the year; any other sacrifices, such as the Passover sacrifices, are in addition to them (so that if the Passover sacrifices were disrupted presumably so was the *tamid*). Thus, by their nature and by their very name—*tamid*, meaning perpetual—the *tamid* sacrifices represent the continuity of the temple rites and their disruption comes to represent the destruction (see Dan 8:11–14, 12:11–12). Therefore, it would have been natural, certainly

24. Noam, "War," around n. 50. As for the introduction of the Onias story, perhaps, as Noam suggests, the mention of Passover there is part of a third, independent, story interpolated here by Josephus. That story meant to convey the sinful character of the war between the Hasmonean brothers that forced honorable Jews to flee to Egypt on the festival commemorating the Exodus of the Israelites from Egypt (see Noam, "War," around n. 51).

25. See Orian, "Hyrcanus vs. Aristobulus," 212–14, 231–35.

in an internal-Jewish tradition, to emphasize the disruption of the *tamid* in any story about a hindrance to sacrifices.

The two remaining differences are the BT statements that the besiegers sent up a swine and that there was an earthquake. In order to understand these elements, it is important, I think, to realize that they are symbolic. In rabbinic literature, but significantly not in the Palestinian Talmud, the swine often symbolizes the Roman Empire (see, e.g., b. Pesah. 118b; Avot R. Nat. A34). This is probably due to the fact that the swine was the symbol of the Tenth Legion Fretensis, which took part in Titus's siege and encamped in Jerusalem following the destruction.²⁶ Thus, given the fact that in 63 BCE, just two years after the siege under discussion, Hyrcanus and his party laid siege alongside the Roman forces of Pompey against Aristobulus's forces that were entrenched on the Temple Mount, and aided the Roman takeover of Jerusalem, it seems reasonable to suspect that, sometime after 70 CE, rabbinic tradition added the swine to the original story in order to symbolize the Roman conquest and the part Hyrcanus played in it.²⁷ In contrast, in the PT's story, where Rome itself is laying siege and where two pigs are sent up, this symbolism is lost.

The earthquake is likely meant to symbolize the future destruction at the hands of Rome.²⁸ However, given the rabbis' ahistoricism and that we are dealing with symbolism, this does not mean that the rabbis thought the story occurred right before the destruction nor that it is a result of the influence of the PT story about the destruction.²⁹ Rather, it symbolizes a perception that the initial Roman takeover of Jerusalem, aided by a Hasmonean, eventually led to the destruction.

26. *GLA* 2:364; Wilk, "Hyrcanus," 104; see also Hadas-Lebel, *Jerusalem against Rome*, 517–21. For the swine as symbolizing Rome, see now Misgav Har-Peled, "The Dialogical Beast: The Identification of Rome with the Pig in Early Rabbinic Literature" (PhD diss., Johns Hopkins University, 2013).

27. Contra Wiesenbergs, "Related Prohibitions," 220–21. See Jordan D. Rosenblum, "Why Do You Refuse to Eat Pork?: Jews, Food, and Identity in Roman Palestine," *JQR* 100 (2010): 103–5, who, however, understands the PT version as also alluding to the war between the Hasmonean brothers.

28. Compare Matt 27:51–54, and see further above, p. 7 n. 16.

29. For rabbinic perceptions of history, see Isiah Gafni, "Rabbinic Historiography and Representations of the Past," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 295–312, with further references; and, for a well-nuanced approach, see Noam, "Did the Rabbis," esp. 367–71.

If this suggestion is correct, it is now quite easy to see how this form of the story, which evolved into the BT version, may have further evolved into the second version of the story in the PT. Once the legend was about the daily sacrifices, involved the sending up of swine, and ended up with an earthquake, it is not surprising that it was reused and rewritten in relation to the siege of Titus and the destruction, which, as mentioned, was a common topos, a magnet for a variety of stories. The earthquake symbolized the destruction, and, although in the PT story, where Rome itself is laying siege and where two pigs are sent up, the symbolism of swine = Rome is lost, the sending of a swine up to the temple had itself also become a common motif in stories about the destruction of the temple (for example, Avot R. Nat. B7).³⁰ Certainly the interruption of the *tamid* was linked to the destruction. Thus, it was quite natural to reuse this legend in order to expound the Mishnah about the cessation of the *tamid* just prior to the destruction (m. Ta'an. 4:6; y. Ta'an. 68c). Now that the symbolism swine = Rome was lost anyway, the PT could speak of two pigs, instead of the one of the BT, in correlation with the two daily *tamid* sacrifices. The last stage in this process of literary development would then have been the addition of the first story in the PT version—that occurs in the days of the kingdom of Greece—as a positive contrast to the story of the destruction: when the Jews were not as sinful, God provided them a solution to the lack of sacrificial animals.³¹

The Historicity of the Stories

I briefly turn now to the question of the historicity of these stories. Some scholars have relied exclusively on Josephus's stories as historical, whereas others have combined his sacrifice story with that of the BT, taking up some points from each version and rejecting others.³² Given that, as I have shown, this is a legend that went through an evolutionary process and that some of the details of the BT story, such as the swine and the earthquake, seem to be symbolic, such harmonizing approaches should be rejected.

In his recent study of these stories, Orian argues in favor of the historical likelihood of both Josephan stories. Pointing to the widespread Jewish

30. See further Kister, "Legends," 502–3.

31. See Orian, "Hyrcanus vs. Aristobulus," 230.

32. E.g., Amusin, "Reflection," 148–49 n. 49. Further references are noted in Noam, "War," nn. 62–63.

belief that Jerusalem and especially the temple were inviolable because they were protected by God Himself, Orian asserts that, in besieging the temple, Hyrcanus faced a serious problem of the morale of his soldiers, for they would have seen it as a fight against God. Therefore, Hyrcanus would have needed to undermine that belief by adopting religious counter-measures: the support of a holy man who was known for his direct influence on God and withholding the sacrificial animals.³³

Yet while this suggestion can support the historical likelihood of the Onias story, in which Hyrcanus seeks the help of a “man of God” and in which the sinful act, Onias’s murder, was not planned but rather a result of sudden immediate rage, it is hard to see how Hyrcanus or his followers could have believed, like the old man of the BT story, that withholding the sacrificial animals would help their cause. For, whether or not it would curb the divine protection of the temple, it was clearly a sacrilegious act for which Hyrcanus and his people would have been responsible, and therefore they would necessarily suffer its due divine punishment. Striving to regain the high priesthood, and certainly hoping to get the support of as many Judeans and priests as possible, it seems almost as unlikely that Hyrcanus would withhold the sacrificial animals as that he would send a pig up into the temple. In this regard, it is important to recall the persuasive suggestion of Noam that, in terms of the literary sense of the story, the “old man” was possibly an inherent part of the original story, for it makes sense in terms of the moral message of the story. However, this same detail makes little historical sense, since Hyrcanus, the former high priest, would hardly have needed the old man “knowledgeable in Greek wisdom” to advise him about the power of the ongoing sacrifices.

The two stories—it should be emphasized again—derived from earlier Jewish sources (or, perhaps, both derived from one early Jewish source), both are internally “closed” stories, with a clear moral message, and neither have a trace in Josephus’s *Jewish War*. It seems, therefore, that we should view these stories as Jewish legends, their legendary character apparent in the “holy man” and his prayer as well as in the divine punishment. While the legendary character of these stories should not necessarily cause us to completely disregard them, all of these characteristics makes their historicity suspect.

33. Orian, “Hyrcanus vs. Aristobulus,” 235–42.

The obvious historical kernel of the second story is the problem of the supply of animals for the temple sacrifices, which would have been encountered during any siege of the temple, and it seems that such stories are a literary means of explaining how this problem was, or was not, overcome.³⁴ In the present context, both the talmudic story and the two stories in Josephus seem to serve the purpose of theodicy; namely, the Judeans were punished, and Jerusalem was taken, because of their sins. In other words, the belief in the inviolability of Jerusalem certainly existed, but it should not lead to the conclusion that these stories in fact happened; its prominence helps understand, rather, why and how this legend arose—as an explanation for how Jerusalem was nevertheless taken.

Summary and Conclusion

In *Jewish Antiquities*, Josephus reports two episodes that occurred during the siege of Hyrcanus II against his brother, Aristobulus II, who was entrenched in the temple. Both of these stories are missing from the parallel *Jewish War* narrative, are clearly interpolated into the narrative, and have very clear internal Jewish characteristics and concerns; moreover, both have parallels or significant points of contact with legends found in rabbinic literature. Thus, Josephus likely found them in some internal Jewish source(s).

The same source that Josephus used for the story of the sacrifices also found its way into the Babylonian Talmud. However, by the time it reached its final form in the BT, that story developed. Its main developments were inspired by the destruction of the temple in 70 CE at the hands of the Romans. The story remained a story of the Hasmonean fraternal war, but now Hyrcanus was charged with aiding the Roman takeover of Jerusalem and the temple (symbolized by his sending up the swine, which had now come to symbolize Rome), which ultimately led to the destruction (symbolized by the earthquake). This new form of the story was further

34. In addition to the sources discussed above, see *Ant.* 13.242–244 (Antiochus Sidetes) and 14.477 (Herod). Interestingly, as in our case, both of the latter are not found in the parallel *Jewish War* narrative. However, unlike our case, in both episodes the forces laying the siege allow sacrificial animals to be brought into the temple, or even send them themselves (Antiochus). This obviously makes our story even more maligning to Hyrcanus (and Antipater).

developed and associated with the Roman siege of 70 CE and the destruction itself, in the PT version.

Thus, if my suggestion is accepted, by providing three points along the continuum of its linear literary development, this story offers a rare case where we can observe the development of such a legend. In terms of historical facts, however, both of these legends should be suspect. The problem of the supply of animals for sacrifices was certainly real during any siege of the temple, but these legends are mostly concerned with theodicy and providing an explanation as to how the temple was taken despite its divine protection.

Appendix B

Did Hyrcanus II Mint Coins?

Unlike other Hasmoneans, no coins of Hyrcanus II have been identified with any certainty. Nevertheless, scholars have usually expected to find such coins, since he ruled for a rather long time.¹ Indeed, in the past some numismatists have suggested either attributing coins with the name Yehohanan or some of those with the name Yehonathan to Hyrcanus II. The lengths to which these scholars would go are exemplified by the following: The leading expert on ancient Jewish numismatics, the late Yaakov Meshorer, suggested at one point that all of the Yehohanan coins should be attributed to Hyrcanus II.² However, later he retracted this view due to new archaeological evidence (namely, coins from Galilee and the Samaritan city on Mount Gerizim) that proved it impossible, showing that all Yehohanan coins belong to John Hyrcanus.³ Meshorer then, considering it hard to believe that in twenty-three years of rule Hyrcanus II did not mint any coins, half-heartedly suggested that perhaps Hyrcanus II's Hebrew name was identical to his father's Hebrew name, Yehonatan (or Yonatan), and that some of the coins bearing this name, probably those

1. E.g., Arie Kindler, "Hasmonean Coinage: Two Problems" [Hebrew], *Cathedra* 59 (1991): 12; VanderKam, *Joshua to Caiaphas*, 374–75.

2. Meshorer (*Treasury*) thus made the quite common assumption that the Hasmoneans consistently used the same twin names; i.e., that each Greek name that they used had a specific twin Hebrew name, and therefore Hyrcanus II's Hebrew name was identical to his grandfather's Hebrew name, Yehohanan, since they shared the same Greek name. T. Ilan has, however, shown, convincingly in my view, that this theory should be rejected; see Tal Ilan, "The Greek Names of the Hasmoneans," *JQR* 78 (1987): 8–10, and see further below, pp. 456–57.

3. For the coins from Mount Gerizim, see Yitzhak Magen, "Mount Gerizim: A Temple Mount" [Hebrew], *Qadmoniot* 23 (1990): 90, 96. See also Barag and Qedar, "Beginning"; Kindler, "Hasmonean Coinage," 12–16; Rappaport, "Emergence," esp. 176–78.

with the spelling יִנְתָּן (YNTN) rather than יְהוֹנָתָן (YHNTN), were minted by him.⁴ However, in a recent study of a previously unpublished coin, David Hendin and Ilan Shachar have shown that at least two groups of coins bearing the name יִנְתָּן (YNTN) were minted by Jannaeus.⁵ Hendin and Shachar leave open the possibility that another group of YNTN coins was not minted by Jannaeus. Nevertheless, as long as there is no substantial evidence to the contrary, it is safer to assume that all YNTN coins were minted by the same person, that is, by Jannaeus. At any rate, given our lack of knowledge of Hyrcanus II's Hebrew name, it is unwarranted to attribute any such coins to him.

However, if my analysis of the title ethnarch is correct, and assuming that Hyrcanus II did not have time to mint coins during his very short time as king in 67/66 BCE, then we should, I would suggest, not expect to find any coins minted by him. For if his authority outside of the temple, as ethnarch, was of a nonterritorial nature, as argued in chapter 5, it seems natural that he would not have had the authority to mint coins.⁶ After all, we would not expect to find coins of the Jewish ethnarch in Egypt, nor of the Arab ethnarch in the Syrian desert, nor of the Jewish Nasi, nor of the ethnarch mentioned in 2 Cor 11:32, whoever he may have been.⁷ The fact that we later find Archelaus minting coins, which even bear the title "Herod the Ethnarch,"⁸ is the exceptional fact that needs explaining. As we saw earlier (above, pp. 268, 273), Archelaus's ethnarchy might indeed

4. Meshorer, *Treasury*, 25–27. Kindler ("Hasmonean Coinage," 16–18), assuming that Hasmonean names passed from grandfather to grandson, asserts that Aristobulus II's Hebrew name was Jonathan, because that appears to have been the Hebrew name of his grandson, who was also named Aristobulus (for Jonathan, see *J.W.* 1.437; for Aristobulus, see *Ant.* 15.51). Therefore, he attributes the YNTN coins to Aristobulus II. However, his suggestion forces him to presume that Aristobulus II received his father's, not his grandfather's, Hebrew name. Regardless, the objections to Meshorer's suggestion pertain equally to this one.

5. David Hendin and Ilan Shachar, "The Identity of YNTN on Hasmonean Overstruck Coins and the Chronology of the Alexander Jannaeus Types," *Israel Numismatic Research* 3 (2008): 87–94.

6. See Rappaport, "Emergence," 178–80. As noted above (p. 269 n. 47), Meshorer (*Treasury*, 58) attributes a bulla to Hyrcanus II. This, though, should not have any bearing on the issue of minting coins, since anyone can have a bulla.

7. For these various ethnarchs, see above, pp. 274–75 and nn. 69–72.

8. Meshorer, *Treasury*, 78–79. For Archelaus being called "Herod," see Cassius Dio, *Hist. rom.* 55.27.6 (with Stern's comment in *GLA* 2:365).

have had at least some territorial aspects, and in his case the title may have been used only to denote his less-than-king status. Indeed, even Arche-laous's brothers, who were mere tetrarchs, minted coins.

Appendix C

The Λησται: Bandits or Rebels?

The λησται (lit., “bandits”) appear in two episodes in the thirty-year period discussed in this book: the group led by Ezekias in 47 BCE and those who found refuge in the caves in the Arbel area in the winter of 39–38 BCE. Both were crushed by Herod. In this appendix, I will examine the significance of the term λησται and of its implementation by Josephus. This examination is important for the discussion of the unrest and rebellions in chapter 4, for if they were mere bandits, criminals, then these two episodes should be left out of that discussion. But the understanding of this term also has consequences far wider than just for the two episodes mentioned. Josephus uses the term ληστεία and its derivatives predominantly in his history of early Roman Judea. While there are only six occurrences of the term in Josephus’s rewriting of the Bible, and only one with regard to the Second Temple period prior to the Roman conquest, there are over 140 occurrences subsequent to that event.¹ Therefore, it is a crucial component of discussions of first-century CE Judea and the background of the Great Revolt.

The subject of bandits in general, and of bandits in the Roman world in particular, especially Roman Judea, has generated much scholarly debate. The following discussion will review that debate.

Literally, ληστής means “robber, pirate.”² Robbers and pirates certainly existed in the Roman world. However, since Josephus often appears to use the term in reference to the Judean revolutionary movement (for example, *J.W.* 1.11, 2.425, 434, *Ant.* 18.7, *Life* 21), which he firmly opposed, it is frequently asserted that Josephus usually applied this term to rebels, rather

1. Shaw, “Tyrants, Bandits and Kings,” 184 with a table of its distribution in *Jewish War* and *Jewish Antiquities* on p. 204. Shaw’s table does not refer to the *Life*, where such terms appear several times. There is only one occurrence in *Against Apion* (1.62).

2. LSJ, s.v. “ληστής.”

than bandits, thus branding them “as lawless rebels and criminals.” This was a major component in the hypothesis, whose most prominent proponent was Martin Hengel, of the existence of a unified and organized Judean resistance movement, interchangeably termed “zealots,” “sicarii,” and *λησται*.³ The notion of the unity of the resistance movement was soon challenged. Various scholars convincingly showed that in Josephus’s writings the Zealots and the Sicarii are two distinct, often rival, groups.⁴

The theory’s other component, that Josephus normally used the term *λησται* not in reference to actual bandits but rather as a derogatory term for rebels, was later challenged by Richard Horsley who argued that generally *λησται* in Josephus are actual bandits. They are not, however, ordinary robbers, he asserted, but rather “social bandits.”⁵ In this argument, Horsley is employing the thesis of “social banditry” set forth by Eric Hobsbawm in his 1969 study on bandits in the modern world.⁶ Hobsbawm’s theory soon influenced much scholarship on bandits in the Roman world as well. A subtype of bandits, “social bandits” are akin to the Robin Hoods of popular culture. This type of banditry, according to Hobsbawm’s thesis, is prevalent in preindustrial peasant societies. In Hobsbawm’s words:

Social banditry is universally found, wherever societies are based on agriculture (including pastoral economies), and consist largely of peasants and landless labourers ruled, oppressed and exploited by someone else—lords, towns, governments, lawyers, and even banks.

3. Hengel, *Zealots*, 45; see further, 24–75. See also K. H. Rengstorf, “*ληστής*,” *TDNT* 4:258–59.

4. Zeitlin, “Zealots”; Morton Smith, “Zealots and Sicarii, Their Origins and Relation,” *HTR* 64 (1971): 1–19. In the face of these challenges, Hengel somewhat moderated his earlier theory, admitting in an appendix to the English edition of his book that the various groups were in fact distinct, while maintaining that they all had the same aim and “a certain unified ideological foundation” (Hengel, *Zealots*, 404; see further 380–404).

5. Richard A. Horsley, “Josephus and the Bandits”; Horsley, “Ancient Jewish Banditry and the Revolt against Rome, A.D. 66–70,” *CBQ* 43 (1981): 409–32; Horsley, *Jesus and the Spiral of Violence: Popular Jewish Resistance in Roman Palestine* (San Francisco: Harper & Row, 1987), 37–39. Horsley’s argument was taken up by Peter Richardson (*Herod*, 250–52) and in a more refined form by Goodman (*Ruling Class*, 60–64).

6. Hobsbawm, *Bandits*.

The point about social bandits is that they are peasant outlaws whom the lord and state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any case as men to be admired, helped and supported.⁷

These bands of social bandits represent “an extremely primitive form of social protest,”⁸ “a form of pre-political social protest, which did not furnish a program for peasant society and their [*sic*] discontent with the world, but only offered a form of self-help.”⁹ Essentially, therefore, such bandits are not revolutionaries. However, circumstances, particularly foreign domination, may turn social banditry into a revolutionary movement or into a prominent component in such a movement; this may occur when, for example, social banditry is accompanied by millennial excitement.¹⁰

While admitting that “in a very few passages Josephus does use ‘banditry’ in a general and pejorative sense in polemics against people who were probably not actual bandits,”¹¹ Horsley applies Hobsbawm’s model to most banditry in Josephus and to banditry in the Roman Empire in general as well. According to Horsley, the foreign, Roman, domination, the often-changing ruling classes and socioeconomic arrangements, the heavy taxation, and the generally difficult political and socioeconomic conditions in early Roman Judea are the conditions necessary for the rise of “social banditry,” which is predominantly a phenomenon of the rural, peasant, population. He asserts that the λησται enjoyed the support of the local peasant population within which they operated and lived and whose values and religion they shared. Finally, while he cannot point to cases of these bandits giving to the poor, Horsley points to evidence that they plundered the rich.

Therefore, according to Horsley, while these λησται were not originally rebels or revolutionaries, they were in fact resisting oppression. Moreover, Horsley also recognizes an escalation in Judea from ordinary social banditry into full-fledged national revolt, that is, the Great Revolt. Social

7. Ibid., 15, 13 (respectively).

8. Ibid., 48. See also pp. 19–21.

9. Blumell, “Social Banditry,” 44. For summaries of the theory of social banditry, see *ibid.*, 43–44; Horsley, “Josephus and the Bandits,” 42–47; Horsley, “Ancient Jewish Banditry,” 411.

10. Hobsbawm, *Bandits*, 21–23, 84–93.

11. Horsley, “Josephus and the Bandits,” 38.

banditry, he argues, rarely escalates into such full-scale rebellion, but it can (as Hobsbawm already claimed), and in Judea it did. Horsley writes:

This has happened only in conjunction with two related developments. First, having escalated to widespread proportions, the bandit groups would have to be joined by more massive popular resistance. Second, the prevailing social orientation would have to become intensely “millennarian” or “apocalyptic”.... When this happens—as apparently it did in Palestinian Jewish society in 66 C.E.—then banditry flows into and becomes peasant revolt.¹²

Thus, the argument between Horsley, who sees *λῃσται* as social bandits and thus as “primitive rebels,” and those who see them as rebels, is not as polar as first appears. Both assert that this phenomenon eventually developed into the Great Revolt.

However, Hobsbawm’s model, which he constructed based on modern examples of banditry, has itself been criticized. Critics have primarily pointed to the fact that “Hobsbawm’s chief pieces of evidence ... are mostly derived from oral stories and songs from popular culture that may not accurately portray reality”¹³ and thus that Hobsbawm has not sufficiently proven that his “social bandits” were historical. A. Blok writes:

The “social bandit” as conceptualized and described by Hobsbawm is ... a *construct, stereotype, or figment of human imagination*. Though such constructs may not correspond to actual conditions, they are psychologically real, since they represent fundamental aspirations of people, in this case of the peasants.

The element of social protest is expressed in the myth, which thus builds up around the bandit.

The *myth of the bandit* (Hobsbawm’s social bandit) represents a craving for a different society, a more human [*sic*] world in which people are justly dealt with and in which there is no suffering.¹⁴

12. Horsley, *Jesus and the Spiral of Violence*, 39.

13. Blumell, “Social Banditry,” 50. See also Shaw, “Bandits,” 4–5 n. 7.

14. Anton Blok, “The Peasant and the Brigand: Social Banditry Reconsidered,” *Comparative Studies in Society and History* 14 (1972): 494–503. Quotes from pp. 500, 501 and 502, respectively (emphases mine). See also Hobsbawm’s response: Eric J.

Thus, as Grünewald summarizes, “social bandits are *not historical figures* but products of the imagination. Though they may well be based on historical bandits, these are ones whom legendary tradition has transformed into folk heroes. Their stories are ideal conceptions of freedom and justice.”¹⁵ If this is so for the modern phenomenon, it is probably just as true for antiquity.

Moreover, the employment of Hobsbawm’s model for the λησται in Josephus (and, for that matter, for those of the Roman world in general)¹⁶ is problematic in itself. It has been criticized by L. Blumell and T. Grünewald.¹⁷ Blumell shows that Horsley’s interpretation does not actually establish the case for social banditry in Galilee. Horsley does not show that any of these bandits distributed their plunder to the poor or operated with social motivations. He rather argues that certain preconditions for the phenomenon of social banditry, such as heavy taxation and social tensions, were in place. Even if one concedes that these conditions were in fact in place—and that is arguable—Blumell insists that “it is a *non sequitur* that the banditry arising from such preconditions has to be social in nature.”¹⁸ After all, social tensions and economic hardships are conducive to any type of banditry. The main support for the thesis is that certain bandits were seemingly on good relations with, and even enjoyed the support of, the peasant population. However, once again, this does not prove that their banditry was essentially social. As Blok asserts: “Given the specific conditions of outlawry, bandits have to rely very strongly on other people. It is important to appreciate that all outlaws and robbers require protection in order to operate as bandits and to survive at all. If they lack protection, they remain lonely [sic] wolves to be quickly dispatched.”¹⁹

Whereas social banditry, according to Hobsbawm, is a phenomenon of peasant society, Grünewald argues that the λησται in Josephus appear to be composed of all levels of society; only a small proportion were peasants.

Hobsbawm, “Social Bandits: Reply,” *Comparative Studies in Society and History* 14 (1972): 503–5.

15. Grünewald, *Bandits*, 93 (emphasis mine).

16. See especially Shaw, “Bandits.” As Shaw contends (p. 41), the fact that bandits are often found attacking the wealthy does not prove that they did so out of social motivations, as Robin Hoods.

17. Blumell, “Social Banditry”; Grünewald, *Bandits*, 91–106.

18. Blumell, “Social Banditry,” 49.

19. Blok, “Peasant and Brigand,” 498.

This complexity, in turn, requires a similar complexity of goals. Grünewald asserts that all these various groups, with their assortment of goals, were highly politicized and revolutionary, whereas social banditry is essentially “pre-political.”²⁰

In fact, at least two examples of the usage of the term *λησται* by, the admittedly hostile, Josephus are completely contrary to the social bandit theory: the “bandits” of *Ant.* 15.344–348 and those of *Life* 77–78 are a threat to the entire population of their vicinity, rich and poor alike.²¹

Some scholars suggest that often *λησται* in Josephus are just “pure,” ordinary, bandits. That is, neither social bandits, nor political rebels.²² Josephus indeed sometimes uses this term to denote such regular bandits (for example, *J. W.* 1.398–399, 2.228–229).²³

However, in the Roman period, the terms bandits (*λησται*, *latrones*) and banditry (*ληστέια*, *latrocinium*) were not used solely, or even regularly, to denote ordinary banditry. Rather, they were utilized to express a broad range of concepts, and often they were used metaphorically or polemically in order to delegitimize rebels.²⁴ Grünewald, who in his important and comprehensive study attempted to analyze all available material relating to bandits in the Roman world, concludes that

while Roman writers report run-of-the-mill banditry only in exceptional circumstances, they make very frequent metaphorical use of the concept. This suggests a definite purpose ... that the Roman writers’ *latro* should be regarded not as a social type but as a literary *topos*.²⁵

Thus, bandit terminology is often used for native rebellions and their leaders, who naturally do not have a regular organized army and employ

20. Grünewald, *Bandits*, 93–95.

21. See Blumell, “Social Banditry,” 48.

22. Blumell, “Social Banditry”; Anton J. L. Van Hooff, “Ancient Robbers: Reflections Behind the Facts,” *Ancient Society* 19 (1988): 108 n. 25. See also Smith, “Zealots and Sicarii,” 13–14; Goodman, *Rome and Jerusalem*, 388–89. For ordinary banditry in the Roman world, see Ramsay MacMullen, *Enemies of the Roman Order: Treason, Unrest, and Alienation in the Empire* (Cambridge: Harvard University Press, 1966); van Hooff, “Ancient Robbers”; Shaw, “Bandits”; and Grünewald, *Bandits*, 14–32.

23. See Price, *Jerusalem under Siege*, 48 n. 148.

24. Grünewald, *Bandits*, 2.

25. *Ibid.*, 161, and see his entire conclusion (pp. 161–66). By this, Grünewald does not deny that these various “bandits” in Roman tradition were historical figures.

guerrilla tactics (for example, Livy, *Ab urbe cond.* 21.35.2) and for not dissimilar slave revolts.²⁶ Additionally, beginning with the crisis at the end of the Republic, it was frequently used for one's political opponents, who usually had an army. The first to employ this usage was apparently Cicero, who initially used it for Catiline and his conspiracy (e.g., *Cat.* 1.23, 27, 31; 2.16), and later for others as well (for example, for Clodius [*Quint. frat.* 2.1.3]; for Caesar [*Att.* 7.1]; for Dolabella [*Ep. Brut.* 14.1]; for Anthony [*Phil.* 14.8]). Cicero was soon followed by others (see, e.g., in reference to Caesar [Plutarch, *Caes.* 30.3; Appian, *Bell. civ.* 2.72, 140] and to his murderers [Tacitus, *Ann.* 4.34]).²⁷ Similarly, when local dynasts in areas not yet subjugated by Rome aroused the displeasure of Rome, or at least that of one side of internal Roman conflicts, they are at times termed "bandits" (e.g., Strabo, *Geogr.* 12.1.4; Plutarch, *Ant.* 67.2–3).²⁸

With this account of the Roman usage of the terms *bandit* and *banditry* in mind, we can return to Josephus. As already mentioned these terms appear in Josephus's account of the early Roman period disproportionately more than in his accounts of other eras. I shall first evaluate a few occurrences from the first century CE before returning to our period.

Perhaps the most prominent bandit in Josephus's writings is his archrival, John of Gischala. Josephus's description of John in *J.W.* 2.585–589 seemingly supports Horsley's thesis, for he describes him as a bandit, whose origins were poor, but who was able to muster a band of bandits, and eventually became one of the leaders of the Great Revolt.²⁹ However, elsewhere Josephus conveys contradictory data about John, not only in the *Life*, where

26. *Ibid.*, 33–56, esp. 37–41, and 57–71. See also Hengel, *Zealots*, 31–32, 43. A regular army can also be forced to such bandit tactics (e.g., Livy, *Ab urbe cond.* 28.12.8; 29.6.2–3). Josephus, in fact, apparently uses banditry in this sense when he says that King Herod and his army were once reduced to such bandit tactics (*Ant.* 15.119–120). See Shaw, "Tyrants, Bandits and Kings," 186–87. So too, the people besieged by Herod and Sossius in Jerusalem were reduced to ληστέια tactics (*J.W.* 1.347, 349, *Ant.* 14.471, 472).

27. Shaw, "Bandits," 23–24; Grünewald, *Bandits*, 73–76; Mason in Josephus, *Judean War* 2, 39 n. 342.

28. Grünewald, *Bandits*, 76–80. For the continued history of both usages through late antiquity, see pp. 80–90. See also E. A. Myers, *The Ituraeans and the Roman Near East: Reassessing the Sources* (Cambridge: Cambridge University Press, 2010), which challenges the depiction of the Ituraeans as brigands in modern scholarship, a depiction that is based on ancient literature.

29. Horsley, "Josephus and the Bandits," 59; Horsley, "Ancient Jewish Banditry,"

it is said that he was initially opposed to the revolt (43–45), but also in *Jewish War*, which reports that John fortified Gischala at his own expense (2.575) and found backing from the upper classes because he was a man of rank (4.213). More importantly, as Goodman asserts, the Romans “treated him as a rebellious aristocrat rather than a bandit” in their negotiations with him in Gischala (*J.W.* 4.98–103) and in his punishment after the war—life imprisonment, rather than slavery or crucifixion (*J.W.* 6.434).³⁰

Thus it appears that John of Gischala’s origins were actually from the higher echelons of society and that he was neither a social bandit nor an ordinary bandit.³¹ He was rather one of the rebel leaders, but he also became Josephus’s primary political rival. Josephus loathed him, and it is not surprising that he attempted to denigrate him. Josephus did this by presenting John as a bandit, drawing on the stock features of the common bandit, as Cicero and other Romans had done for their rivals. As Grünewald sharply puts it, “If John had ever had the opportunity to describe the war as he remembered it, one of the participants would no doubt have been a particularly villainous *leistes* called Josephus.”³²

Another prominent rebel leader was Simon bar Giora, and Josephus presents him too as a bandit (*J.W.* 2.652–654, 4.503–513). Again, Grünewald convincingly shows that, in his portrayal of Simon, Josephus is simply employing the stock characteristics of bandit leaders and tyrants of the Roman period. The description of his rise to power and of the development of his band of bandits appears to be “just literary convention. Tales of the rise of bandit gangs always sound like this when the narrator has no precise idea of how things started or has no spectacular events to report.”³³ Moreover, even if Simon’s proclamation of “liberty for

430–32. Blumell views John as a regular bandit (Blumell, “Social Banditry,” 43 and n. 60).

30. Goodman, *Ruling Class*, 202.

31. *Ibid.*, 201–2 and n. 4. For John, see Uriel Rappaport, “John of Gischala in Galilee,” *The Jerusalem Cathedra* 3 (1983): 46–55, esp. 51–52.

32. Grünewald, *Bandits*, 100, and see his entire discussion in pp. 100–104. It is thus also not surprising that Josephus labels another of his bitter foes, named Jesus, as an ἀρχιληστής (*Life* 105).

33. *Ibid.*, 105; see further 104–6. The story of the Jewish brothers, Asinaeus and Anilaeus, in Mesopotamia, though probably taken from a distinct source, presents an excellent model of the rise and development of such a band (*Ant.* 18.310–370), but interestingly in that story Josephus avoids the designation λησται. See Shaw, “Tyrants, Bandits and Kings,” 179–84, and Grünewald, *Bandits*, 98–100, who writes: “This

slaves and rewards for the free" (J.W. 4.508) is accepted as historical, it does not appear to be part of an established social agenda but rather as a means to gain supporters, like other such cynical, seemingly socially motivated, actions during the revolt (for example, burning the public archives in J.W. 2.427). Simon, in fact, soon readily accepted "many men of standing" into his force (J.W. 4.510).³⁴ Following the war, Simon was treated by the Romans as a figure more important than John of Gischala; he was marched in the streets of Rome in the triumph, at the end of which he was ceremonially executed (J.W. 7.153–155; Cassius Dio, *Hist. rom.* 66.7.1). Such treatment was meted out only to enemy leaders of high status. Consequently, it seems that Simon too was neither a social bandit nor an ordinary bandit.³⁵

Unlike John, Simon was not a personal rival of Josephus. Yet, as we have seen above, Rome had a general interest in belittling and delegitimizing its defeated political opponents as mere bandits. This is part of the more general phenomenon of the state's "need" to minimize political challenges. As James C. Scott writes: "It is ... often in the interest of ruling elites to treat guerrillas or insurgents as bandits. By denying rebels the status in public discourse they seek, the authorities choose to assimilate their acts to a category that minimizes its political challenge to the state."³⁶ Thus, in his dismissal of these rebel leaders as mere

[Josephus's avoidance of that term], and the apolitical nature of their bandit origins, distinguishes them from the *leistai* who, as politically motivated rebels, combated the pro-Roman Jewish aristocracy and the Romans as imperial rulers in Judaea. It cannot be over-emphasized that when Josephus speaks of *leistai* he always does so in respect of politically motivated usurpers in Judaea" (pp. 99–100).

34. Goodman, *Ruling Class*, 204.

35. *Ibid.*, 202–6; Grünwald, *Bandits*, 104–6.

36. James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), 206. Scott also writes: "There is little doubt that it often serves elites to label revolutionaries as bandits, dissidents as mentally deranged, opponents as traitors, and so on" (206). Following the above discussion of "social banditry," it is important to again quote Scott from the same page: "This strategy [i.e., of the dominant] meets its mirror image from below when peasants transform some bandits into mythical heroes, taking from the rich to give to the poor and dispensing rude justice on the order of Robin Hood." In pp. 52–55, Scott discusses euphemisms and stigmas as ways in which the dominant beautify and mask aspects of power and domination. Thus, "rebels and revolutionaries are labeled bandits, criminals, hooligans in a way that attempts to divert attention from their political claims" (p. 55). For a modern example of the usage of the label "bandits" for rebels, see the

bandits Josephus is also representing a Roman perspective, a fact which should not surprise us about Josephus's writings, especially the *Jewish War*.³⁷

In addition, despite the fact that Simon was not a personal rival of Josephus, Josephus still had his own axe to grind. First, Josephus had a primary interest in clearing his own class, the elite, "from responsibility for the revolt by imputing lower-class origins to the rebel leaders."³⁸ Furthermore, following Josephus's surrender to the Romans, as he was publicly preaching submission to Rome, the Judean revolt leaders became his ideological rivals. It appears in fact that Josephus attempted to portray any Jewish ideology of rebellion against Rome as illegitimate and as essentially alien to true Judaism, which was represented by the three "legitimate" philosophies (*J.W.* 2.118–119, *Ant.* 18.9–11).³⁹

Accordingly, as mentioned above, Josephus uses such bandit terminology, not only in reference to specific rebel leaders, but often also for the various anti-Roman movements. For example, he does so generally in *J.W.* 1.11, 2.274–275, for the "Fourth Philosophy" in *Ant.* 18.7, and for the Sicarii in *J.W.* 2.254, 425; *Life* 21.⁴⁰ Horsley, however, argues that Josephus uses the term *λῃστές* in reference to the Sicarii only in a "qualified sense," and he also emphasizes that Josephus does not call Menahem, the Sicarii leader in 66, a "brigand chief" and does not use this terminology in the

report of the Nazi general Stroop about the Warsaw Ghetto uprising, which often uses that label for the Warsaw Ghetto rebels; A. Rutkowski, ed., *The Report of Jürgen Stroop Concerning the Uprising in the Ghetto of Warsaw and the Liquidation of the Jewish Residential Area*, trans. D. Dabrowska (Warsaw: Jewish Historical Institute, 1958).

37. Hengel, *Zealots*, xiv, 41–46; Grünewald, *Bandits*, 103–4.

38. Goodman, *Ruling Class*, 206.

39. Josephus takes an additional approach, deleting from his rewriting of the biblical and Hasmonean eras notions that can afford respectability to the anti-Roman rebels. For example, as Louis Feldman shows, Josephus deletes references to—and features of—zeal and zealotry in his accounts of such positive heroes as Phinehas, Elijah, and Mattathiah the Hasmonean (Louis H. Feldman, "Josephus' Portrayal of the Hasmoneans Compared with 1 Maccabees," in Parente and Sievers, *Josephus and the History*, 47–49; Feldman, "The Portrayal of Phinehas by Philo, Pseudo-Philo, and Josephus," *JQR* 92 [2002]: 326–27). Goodblatt suggests a similar motivation for Josephus's avoidance of the term "Zion" (Goodblatt, *Elements*, 187–89).

40. See Price, *Jerusalem under Siege*, 47–48 and n. 146; Grünewald, *Bandits*, 94; Benjamin Isaac, "Bandits in Judaea and Arabia," *HSCP* 88 (1984): 176–77; Isaac, *Limits*, 78–80.

more extensive descriptions of that group.⁴¹ Furthermore, building upon Morton Smith's argument that the roots of the Zealot party were in the Judean peasantry,⁴² Horsley asserts that that party was in fact a coalition of bandit-groups. This indeed appears to be what Josephus says in *J.W.* 4.133–161 (esp 4.135), about the origin of the Zealots (who are first mentioned by that name in 4.160).⁴³

However, I find Horsley's definitions of both Josephus's Sicarii and Zealots problematic. When Josephus says the Sicarii were "a new species of λησται" (*J.W.* 2.254), he is indeed differentiating between them and the λησται mentioned in the previous passage (*J.W.* 2.253), where he might in fact be referring to ordinary bandits.⁴⁴ In the parallel passage in the *Jewish Antiquities* (20.163), Josephus once again uses the term λησται, but he neither qualifies his use of this label nor identifies them as Sicarii. Additionally, as Horsley acknowledges, Josephus refers to them "as 'bandits' in a few passing references (e.g., *J.W.* 2.431; 4.504)."⁴⁵ Thus, they are in fact labeled as λησται and Menahem was their leader, so the lack of consistency does not matter much. On the contrary, it seems to me that consistency should not be expected in such derogatory usage. Indeed, while Josephus called neither Menahem nor Eleazar ben Yair ἀρχιληστής,⁴⁶ he preferred to use another derogatory term for them—"tyrant" (for example, *J.W.* 2.442, 447–448).⁴⁷ Moreover, as Mason suggests, the term Sicarii may itself be a derogatory label, much like λησται.⁴⁸

41. Horsley, "Josephus and the Bandits," 40–41. For Horsley's view of the Sicarii as "terrorists," see Horsley, "Sicarii."

42. Smith, "Zealots," 15–17.

43. Horsley, "Josephus and the Bandits," 41–42; Horsley, "Ancient Jewish Banditry," 410.

44. See Smith, "Zealots," 14.

45. Horsley, "Josephus and the Bandits," 41.

46. Josephus is the first known author to use the form ἀρχιληστής, instead of the reverse form, found in earlier authors, ληστάρχης; see Mason's note in Josephus, *Judean War* 2 [Mason], 39 n. 342.

47. The fact that he calls Menahem a "sophist" (*J.W.* 2.445) does not contradict the general negative attitude, for Josephus uses this term only for teachers who are inciters; see Mason's note in Josephus, *Judean War* 2 [Mason], 12 n. 71.

48. See Mason's note in Josephus, *Judean War* 2 [Mason], 207–8 n. 1604. For some rebellious figures, Josephus uses other pejorative labels; e.g., *J.W.* 2.261: "pseudoprophet" and "enchanter/sorcerer" (γόης).

As for the Zealots, it must first be noted that many scholars reject the notion that that group's roots were in the peasantry; rather, they identify that group as essentially priestly.⁴⁹ More importantly, I think that the report that they were formed from bandit groups actually proves the rule. That report is part of Josephus's description of the rise of the prowar faction, "the revolutionary and militant party," in Judea and Jerusalem and the internal strife between "the enthusiasts for war and the friends of peace" (see *J.W.* 2.128–134). Reading the entire section of *J.W.* 4.128–207 gives a good impression of the great contempt which Josephus had for the zealots and of his use of pejorative language against them. In addition to "bandits," he calls them "tyrants" and "murderers"; they are insolent to the deity; they defile the temple; they unlawfully appoint a high-priest, who is, moreover, a clown, and so forth. As Horsley acknowledges, *λησται* is used in parallel to the Zealots (e.g., *J.W.* 4.199, 201–202), and the opponents of the zealots often label them as bandits (e.g., *J.W.* 4.242, 244, 261).

This survey of Josephus's portrayal of rebellious individuals and groups of the first century CE illustrates that he often employed bandit terminology as part of a more general pejorative description of them for reasons presented above.⁵⁰ They were neither social bandits nor ordinary bandits.⁵¹ Having established this, it is now appropriate to examine the bandits of Josephus's account of our thirty-year period.

As mentioned, *λησται* appear in two episodes in this period. The first took place following Herod's appointment as *στρατηγός* of Galilee in 47 BCE. In Galilee, Herod found a band of bandits, led by the *ἀρχιληστής* Ezekias, that was ravaging the area of the Syrian frontier. Herod suppressed it, killing Ezekias and many of his band. This action caused an uproar in Jerusalem, particularly in Hyrcanus's court, eventually leading to Herod's trial. The second episode took place less than a decade later, while Herod was struggling to conquer the country from Antigonus. While campaigning in Galilee in the winter of 39/38 BCE, Herod fought against the "cave-dwelling brigands" in the area of Arbel.⁵²

49. Stern, *Studies*, 289–90 and n. 27; Price, *Jerusalem under Siege*, 18; Goodblatt, *Elements*, 99–107.

50. See Ullman in Flavius Josephus, *History of the Jewish War*, 7–8.

51. Another cluster of such bandit leaders was active following Herod's death in 4 BCE; see *J.W.* 2.55–65, *Ant.* 17.271–285. Once again, they all had political goals, and as such they were rebel leaders; Grünewald, *Bandits*, 95–96.

52. For the question whether Galilee was a hotbed for anti-Roman resistance, see

Horsley views these too as cases of social banditry. He explains that the first case of banditry arose in a time of relatively new foreign domination, following much civil strife, and “outside imposition of new social-political arrangements and worsening conditions for the peasantry.” To establish their classification as “social bandits,” Horsley points to the reaction of many Galileans to the brigands’ defeat and death at the hands of Herod, demanding that he stand trial for his actions. This reaction supposedly proves that they were regarded as local heroes who suffered injustice. A similar case cannot be made for the bandits in the Arbel caves, and Horsley mainly asserts that this latter case arose from the heavy taxation of Cassius and its rigorous collection by Herod and that it was “one important part of the widespread opposition to Herod.”⁵³

However, it should be stressed again that the fact that certain preconditions for the phenomenon of social banditry existed cannot prove that this banditry was in fact social, and there is no positive proof that these bandits operated with social motivations. Likewise, even if these bandits indeed enjoyed the support of the local population, that does not prove that they were essentially social bandits; rebels are also likely to enjoy such support. Moreover, the case for the supposed popular support for the first bandits is shaky. Horsley writes that relatives of the murdered bandits came to Jerusalem and demanded that Herod stand trial.⁵⁴ Yet Josephus speaks only of the mothers of the deceased (*Ant.* 14.168), and he is thus not implying any popular support. Additionally, the “pathetic” begging of the mothers is mentioned only in the narrative of *Antiquities*, and, as discussed below in appendix D, that narrative incorporates an additional source—a legendary Jewish tradition. Be that as it may, the real instigators of Herod’s trial actually appear to have been prominent leaders in Jerusalem, who were fearful that Antipater and his sons were becoming too powerful, and they took the opportunity to curb that power.⁵⁵

Therefore, the case for these episodes being social banditry is weak. In contrast, the little data we have seem to support the notion that they

Uriel Rappaport, “How Anti-Roman Was the Galilee?,” in *The Galilee in Late Antiquity*, ed. Lee I. Levine (New York: JTS, 1992), 95–102, and Freyne, *Galilee*, esp. 60–68, 210.

53. Horsley, “Josephus and the Bandits,” 53–56; Horsley, “Ancient Jewish Banditry,” 421–22

54. See esp. Horsley, *Jesus and the Spiral of Violence*, 37–38.

55. Blumell, “Social Banditry,” 46–47. Cf. Horsley, “Josephus and the Bandits,” 54–55; Horsley, “Ancient Jewish Banditry,” 421.

were in fact rebels. The increased attention and involvement of the Roman governor of Syria, Sextus Caesar, in the first episode indicates that, from his Roman standpoint, this was a case of rebellion, not of mere banditry.⁵⁶ Additionally, towards the end of the century, immediately following the death of Herod (4 BCE), Ezekias's son, Judas, is said to be leading some unrest in Galilee (*J.W.* 2.56, and especially *Ant.* 17.271–272). This Judas is identified by many scholars as Judas of Galilee who is one of the founders of the Fourth Philosophy.⁵⁷ That movement was established in the wake of the Roman census taken by Quirinius in 6 CE, is explicitly described as rebellious and anti-Roman (*J.W.* 2.117–118, 433, 7.253; *Ant.* 18.3–10, 23, 20.102; Acts 5:37), and appears to be the seed of the later Sicarii.⁵⁸ True, many other scholars, including Horsley, argue that two the Judases should be distinguished.⁵⁹ Yet, even if the suggestion that it is one and the same Judas is indeed rejected, it is quite clear that Judas son of Ezekias led a political revolt, given that he is said to have had political ambitions, especially in *Jewish Antiquities*, which explicitly says that he wanted to be king.⁶⁰ The son's deeds may serve as indirect evidence for those of the father.

As for the bandits in the Arbel caves, Herod pursued them after he took Sepphoris when he was struggling to conquer the country from Antigonus and claim the throne. It seems very unlikely that, at this crucial time, he would have wasted his time and resources (and all that in the winter) to pursue some mere robbers. The effort makes perfect sense, however, if this was a rebellious group.⁶¹ Josephus, moreover, introduces this Galilean campaign of Herod by saying that “he set out to reduce the

56. Grünewald, *Bandits*, 95; Freyne, *Galilee*, 211–12.

57. In *Ant.* 18.4, he is called “Judas, a Gaulanite, from a city named Gamala,” but everywhere else (*J.W.* 2.118, 433, *Ant.* 20.102, Acts 5:37), including just a few lines later, in *Ant.* 18.23, he is called “the Galilean.” See Hengel, *Zealots*, 331 n. 100; see Mason's note in Josephus, *Judean War* 2 [Mason], 81 n. 724.

58. See above, p. 247 n. 120.

59. In favor of the identification, see Wikgren's n. *a* on *Ant.* 17.271 in LCL; Isaac, *Limits*, 78–79; Stern, *Studies*, 279–80; Ilan, “Pattern,” 359–60; Price, *Jerusalem under Siege*, 21 and n. 69; and recently, Rappaport, “Sicarii.” For the negative view, see Thackeray's n. *e* on *J.W.* 2.118 in LCL; Smallwood, *Jews under Roman Rule*, 153 n. 40; David Goodblatt, “Priestly Ideologies of the Judean Resistance,” *JSQ* 3 (1996): 236–37; and Horsley, “Josephus and the Bandits,” 39–40.

60. Grünewald, *Bandits*, 95. See Mason's note in Josephus, *Judean War* 2 [Mason], 40 nn. 346–347.

61. Cf. Grünewald, *Bandits*, 95, who however erroneously suggests this argument

remaining strongholds of Galilee and to expel the garrisons of Antigonus" (*J.W.* 1.303; cf. *Ant.* 14.413), implying that this was part of his war effort, not a policing operation.⁶²

Furthermore, Josephus's description of Herod's second crackdown against these "cave-dwelling bandits" in the spring (*J.W.* 1.309–313, *Ant.* 14.420–430) certainly gives the impression that they were rebels. This is so not only from the tremendous effort and dangerous methods by which, according to Josephus, Herod destroyed these bandits (*J.W.* 1.310–311, *Ant.* 14.421–428), but also because he says in *J.W.* 1.311 that, even in face of certain death, the bandits would not surrender and that of those who were taken alive "many preferred death to captivity."⁶³ In addition, the massacred were not only the bandits but their families too. This is highlighted by the story of the old man, who, rather than surrender, slew his seven sons and his wife, and then, after bitterly reviling Herod, took his own life, "thus submitting to death rather than to slavery" (*J.W.* 1.312–313, *Ant.* 14.429–430). This notion of the preference for death over slavery is reminiscent of the ideology of the later rebellious Fourth Philosophy and the Sicarii.⁶⁴ Moreover, the similarity of this last story to the martyrdom stories of 2 Macc 7 and 4 Macc 8–18,⁶⁵ which are basically stories of resistance to foreign domination, indicates that this story too, whether historical or legendary, is essentially also a story of resistance, and the fact that Josephus (or his source) set it in the midst of this bandit episode shows that he understood the situation as one of such resistance.⁶⁶ Additionally, immediately after reporting of Herod's purging of those caves and his leaving Galilee, Josephus reports a fresh rebellion in Galilee, led by "the men who had formerly disturbed Galilee" (*J.W.* 1.314–316, *Ant.* 14.431–433). This new rebellion is evidently a case of political resistance, and thus implies that the former disturbance, that of the bandits, was likewise a matter of resistance, not mere banditry.

Regarding this thirty-year period, it is important to note that, at one point, Antipater justifies the Roman execution of Alexander, the son of Aris-

in relation to the bandit leader Ezekias, whom Herod fought almost a decade before he was attempting to claim the throne.

62. Blumell, "Social Banditry," 47.

63. In *Ant.* 14.427, however, the text says that many did surrender.

64. Freyne, *Galilee*, 212–13.

65. See further Loftus, "Martyrdom."

66. See Isaac, *Limits*, 79.

tobulus, by explicitly saying that he had been justly punished for *ληστεία* (*Ant.* 14.142), although, Alexander was certainly no bandit. Thus, this is a good example of the utilization of this label for rebels. Consequently, the use of the label “bandits” in this period, including the two episodes, is clearly compatible with Josephus’s general attitude, demonstrated above—his attempt to belittle, and delegitimize, any Jewish troublemakers of the Roman period. Yet, Josephus did not invent it himself. He rather used a source, most likely Nicolaus of Damascus.⁶⁷ As Herod’s friend, Nicolaus certainly conveyed the Roman and Herodian viewpoint. As shown above, the Romans regularly belittled local rebels as mere bandits. Herod, as a Roman appointee, probably shared that perspective, and he certainly also had his own interest in belittling his opponents.⁶⁸

This said, if the label bandits was indeed used disparagingly, one may ask why, of the many uprisings and episodes of unrest in this thirty-year period, was it used only in the above two cases?

Three, not mutually exclusive, reasons why this label was not used for other affairs in this period may be suggested. First, it may have seemed more logical and conceivable to label anonymous rebels in the Galilee mountains as bandits than to label Hasmoneans or other formerly prominent individuals in the Hasmonean court (that is, Peitholaus, Malichus) as such. Second, whereas the bandits probably engaged in guerrilla warfare, the Hasmoneans and others apparently led more conventional armies, and, as mentioned above, *ληστεία* is often used for guerrilla warfare.⁶⁹ Although such considerations did not always prevent the use of this terminology in Rome (for example, for Clodius, Julius Caesar, and others), Nicolaus may have had such reservations. Third, and most importantly, Nicolaus’s pro-Herodian tendencies may have been at work, namely, emphasizing the unrest and resistance during the rule of Hyrcanus served to justify Herod’s usurpation of power, for it proved that that Hasmonean was unable to rule. In contrast, where Herod himself was involved, Nicolaus’s purpose would have been to belittle any opposition.

In conclusion, it seems that there is virtually no evidence that Josephus’s *λησται* were social bandits, a category whose very existence is disputed. At times, Josephus used this term for real bandits, but more often he used it in a pejorative manner for political rebels, as was frequently

67. Hengel, *Zealots*, 41; Freyne, *Galilee*, 211–12 and n. 10.

68. See Shaw, “Tyrants, Bandits and Kings.”

69. See Grünewald, *Bandits*, 40–41; Hengel, *Zealots*, 316.

done in Rome since the Late Republic. In this usage, he was apparently preceded by his main source for the Herodian period, Nicolaus, who used it to belittle some of Herod's opponents, including in the two episodes of Galilean λησται in 47 and 39/38 BCE.

Appendix D

The Trial of Herod

As recounted in the historical reconstruction above, in 47 BCE Antipater was appointed *epitropos* of Judea by Julius Caesar. In that capacity, Antipater then appointed his two older sons, Phasael and Herod, as *strategoi* of Jerusalem and of Galilee, respectively. Herod was quick to act in his new post. He went after a group of so-called “bandits” (λῃσται)—who, as asserted above (appendix C), should be understood as rebels—who had been ravaging the border area between Galilee and Syria. He had many of them executed, including their leader, Ezekias. For this Herod is said to have been greatly admired and praised by the Syrians and to have come to the attention of the new Roman governor of Syria, Sextus Caesar. His action, however, provided the reason for the first concerted effort to restrain the rise to power of Antipater and his sons. Herod was soon put on trial on the charge of executing those rebels without authority. Josephus’s two parallel accounts, in the *Jewish War* and in the *Jewish Antiquities* diverge significantly, and part of the *Jewish Antiquities* narrative is apparently paralleled in a legend preserved in rabbinic literature. Naturally this affair and its parallel accounts have drawn much scholarly attention,¹ and it is to a brief examination of this issue that I now turn. I begin with a summary of Josephus’s accounts.

According to *J.W.* 1.208–215, Hyrcanus is envious of the success of Antipater’s sons, especially Herod. “A number of malicious persons” in his court arouse his anger even more, accusing him of abandoning his authority to the hands of Antipater and his sons; they particularly accuse Herod of having killed Ezekias and his followers without Hyrcanus’s instructions,

1. See now Tal Ilan, “The Trial of Herod/Jannaeus” [Hebrew], in Ilan and Noam, *Josephus and the Rabbis*, with further bibliography there. I thank Prof. Ilan for sharing her chapter with me prior to its publication.

thus violating Jewish law, and they argue that Herod should stand trial. Gradually Hyrcanus is inflamed, and eventually he summons Herod to stand trial. Upon his father's advice, Herod comes to Jerusalem. However, he comes with an armed escort. Meanwhile Sextus Caesar sent orders to Hyrcanus to acquit (ἀπολύειν) Herod,² and Hyrcanus indeed acquitted him (ἀποψηφίζομαι). Herod thought that his escape was contrary to Hyrcanus's wishes, and therefore he went to Sextus Caesar in Damascus, and he determined to refuse a second summons to trial. Again, the malicious persons in Hyrcanus's court continued to incite him, but, thinking he was outmatched, Hyrcanus did nothing. Sextus Caesar then appointed Herod as στρατηγός of Coele-Syria and Samaria, which made Hyrcanus extremely fearful that Herod would attack him with an army. Herod indeed did just that. He advanced with an army upon Jerusalem with the intent of deposing Hyrcanus, but he was then restrained by his father and brother who argued that he should be content with intimidation and grateful to Hyrcanus, under whom he gained great power, and be thankful for his acquittal/release (ἄφεσις); and they further claimed that Hyrcanus had summoned him to trial only because of evil counselors. Herod yielded, satisfied with his show of force.

The narrative of *Ant.* 14.163–184 differs considerably. “The leading Judeans” become hostile towards Antipater and his sons. Hyrcanus is not said to have been envious; on the contrary, he is satisfied with their actions and his love for them is emphasized. Thus, in an episode not found in the *Jewish War*, we read that when money which Hyrcanus sent to some Roman generals via Antipater was appropriated by the latter and sent to the generals as if it were his own, Hyrcanus, upon hearing of it, was actually pleased. “The chief Judeans,” who see things more clearly, are fearful of Herod's recklessness and that he desires to become a tyrant, and so they try to persuade Hyrcanus to act against Antipater and his sons who are taking over the realm. They further claim that Herod had killed Ezekias and his followers “in violation of our Law,” which forbids the execution of anyone unless he was first condemned by the συνέδριον. Hyrcanus is gradually persuaded, but he is finally convinced to summon Herod to trial only by the continuous appeals of the mothers of those slain by Herod, who demand that Herod stand trial in the συνέδριον. Herod comes to Jerusalem,

2. Gilboa, “Trial of Herod,” argues that Sextus did not demand an acquittal but rather a complete dismissal of charges, without Herod standing trial.

but his father advises him not to come “as a private individual” (ιδιώτης) but rather to come with an armed escort, which he does. As in the *Jewish War*, Sextus Caesar demands an acquittal (ἀπολύω), but in this narrative his letter serves as a pretext for Hyrcanus who loved Herod and wanted to acquit (ἀπολύω) him anyway.

However, expecting the affair to be over, we then surprisingly learn of an actual trial in the συνέδριον. The members of the συνέδριον are intimidated by Herod’s troops, and they remain silent. Then one member, Samaias, delivers a speech in which he condemns Herod’s appearance, but primarily he denounces the members of the συνέδριον and Hyrcanus for not standing up to Herod. He further prophesies that sometime in the future Herod would punish them all, and Josephus informs us that this prophecy was indeed realized—they were all killed except for Samaias (see also *Ant.* 15.3–4).³ This speech moves the members of the συνέδριον, but, before they could convict Herod, Hyrcanus postpones the trial, and then aids Herod’s escape (see also *Ant.* 15.16, 18). Herod escapes to Damascus. The members of the συνέδριον try to persuade Hyrcanus that everything Herod was doing was directed against him. Although aware of this, Hyrcanus is too incapable of doing anything. In return for a bribe, Sextus makes Herod στρατηγός of Coele-Syria. Hyrcanus is then afraid of Herod’s intentions, and Herod indeed comes against him with an army, but the attack is prevented by his father and brother. Their persuasion and the rest of the narrative closely parallel the end of the narrative in the *Jewish War*.

3. But see above, p. 164 n. 170. According to *Ant.* 15.3–4, Samaias was a disciple of “Pollion the Pharisee,” but 15.370 implies that they were colleagues. The former passage also contradicts our narrative, since, according to most variants, it ascribes the speech during Herod’s trial in the συνέδριον to Pollion, not Samaias. Scholars have attempted to identify each of these two Pharisaic leaders with known sages of the time. Namely, they have often been identified with one of the two “couples” (זוגות), Shemaia and Abtalion (שמעיה ואבטליון) or Shammai and Hillel (שמאי והלל) for whom see Mishnah, Avot 1:10–14. For the former view, see Louis H. Feldman, “The Identity of Pollio, the Pharisee, in Josephus,” *JQR* 49 (1958): 53–62; Efron, *Studies*, 195 and n. 227; for the latter view, see Kaminka, “Hillel,” 113–14; Schalit, *King Herod*, 33, 358 n. 151, and esp. 374–75 n. 10. Of course, some scholars have suggested the identification of these two Pharisees with the other possible combinations of the two “pairs”: either Hillel and Shemaiah, or Abtalion and Shammai; see Feldman, “Identity,” 58 and n. 21. For these two Pharisees, see also Gray, *Prophetic Figures*, 148–52.

The discrepancies between the parallel narratives are quite obvious, and I shall emphasize only some of the main differences.⁴ (1) In the *Jewish War*, Hyrcanus is the one envious of Antipater and his sons, and he acts against Herod; in the *Jewish Antiquities*, he is pleased with them, is much more phlegmatic, and acts against them only after major lobbying. (2) In the *Jewish War* Hyrcanus is persuaded by malicious men in his court, but in the *Jewish Antiquities* by “the chief Judeans” and the mothers of the slain. (3) The συνέδριον and the entire scene within it do not appear in the *Jewish War*; in the latter narrative Herod is apparently tried by Hyrcanus himself. (4) In the *Jewish War* Herod is acquitted or, perhaps, released, but in the *Jewish Antiquities* he escapes. This divergence is obviously a consequence of the previous one, because if Herod was tried by the συνέδριον, Hyrcanus would not have had the authority to acquit him but could aid his escape. (5) In the *Jewish War* Herod is appointed as στρατηγός of both Coele-Syria and Samaria, but in the *Jewish Antiquities* he is appointed only over Coele-Syria and even that is gained only by way of a bribe.

Some scholars have accepted the narrative of the *Jewish Antiquities* without too many misgivings,⁵ while others have generally accepted that of the *Jewish War*.⁶ Yet it should be noted that the narrative of the *Jewish Antiquities* itself is very confused, and it incorporates within it many of the contradictions we have found between the two different compositions. To note just a few examples: did Herod escape (as in *Ant.* 14.177), or was he acquitted or released (as in 14.170 and 14.182)? Was there an actual trial?⁷ Did the opposition to Herod come mainly from Hyrcanus (as implied by 14.180) or from other Judean leaders (14.163, 165, 179)?⁸ Therefore, I will first clarify what the sources for Josephus’s narratives were.

As we have repeatedly observed, the *Jewish War* narrative is commonly viewed as originally emanating from the historical work of Herod’s close friend, Nicolaus of Damascus. Indeed, that narrative presents Anti-

4. See Marcus’s various notes on the narrative in *Jewish Antiquities* in LCL; Hugo Mantel, “Herod’s Trial” [Hebrew], *Bar-Ilan* 1 (1963): 167; McLaren, *Power and Politics*, 70–73.

5. Schürer, *History of the Jewish People*, 1:275–76; Schalit, *King Herod*, 31–33; Smallwood, *Jews under Roman Rule*, 45–46; Gilboa, “Trial of Herod,” esp. 106 n. 38.

6. Laqueur, *Der jüdische Historiker*, 171–86; McLaren, *Power and Politics*, 67–79; Richardson, *Herod*, 111–13; Sanders, *Judaism*, 479. Stern (*Hasmonaean Judaea*, 241–42) takes a somewhat harmonizing approach.

7. Marcus’s n. a on *Ant.* 14.170.

8. Mantel, “Herod’s Trial,” 166–67.

pater and his sons in a very favorable light: they do what needs to be done in order to rule the country; they are the victims of Hyrcanus's envy and of malicious courtiers; and yet they remain faithful to Hyrcanus. In contrast, Hyrcanus is an incompetent ruler; he is envious; he is easily persuaded by those malicious courtiers; he acts out of rage, not for the benefit of the state. Daniel Schwartz demonstrates the importance of this episode for Nicolaus's portrayal of Herod. Until this point, Hyrcanus is presented as a good man who needs some help in ruling the country, help which he receives from his right-hand man, Antipater. But once Herod takes center stage, Nicolaus needed some justification for the eventual replacement and killing of Hyrcanus. The story of an envious Hyrcanus persecuting a just Herod, who soon forgives his persecutor for the time being, serves as this justification.⁹

The *Jewish Antiquities* narrative, in contrast, clearly presents Antipater and Herod in a much more negative light, and their rivals quite positively.¹⁰ This includes the following examples: Antipater appropriates money that is not his; the malicious courtiers become "the chief Judeans"; Herod is described as "reckless" and as one who "desired to be a tyrant" (*Ant.* 14.165); and Herod bribes Sextus Caesar. Furthermore, while the framework of the *Jewish Antiquities* narrative is in fact the same as the *Jewish War* narrative, Josephus inserted into that framework additional material from another source or sources.¹¹ The inserted material includes the story of Antipater's appropriation of Hyrcanus's money,¹² and the trial before the συνέδριον. In addition to the various difficulties in the *Jewish Antiquities* narrative themselves, this interlacement of sources is apparent in 14.170. That passage seems to say that Hyrcanus released Herod without trial, whereas the very next words begin the description of Herod's trial in the συνέδριον. Thus, in addition to inserting this new material, Josephus made further changes in the framework narrative whether in order to ease the insertion or because of his new anti-Herodian view.¹³

The similarity of the key insertion in the *Jewish Antiquities*, the trial in the συνέδριον, to a story in the Babylonian Talmud (*Sanh.* 19), has been

9. Schwartz, "Josephus on Hyrcanus," 229–32.

10. See Henten, "Constructing Herod," 207–9.

11. See Laqueur, *Der jüdische Historiker*, 174; Gray, *Prophetic Figures*, 148–50; Ilan, "Trial," between nn. 23–32.

12. See Laqueur, *Der jüdische Historiker*, 176–77.

13. Ilan, "Trial," between nn. 31–32.

long recognized. The talmudic legend, which is adduced to justify the mishnaic halakah that the king may not be put on trial (m. Sanh. 2:2), goes as follows: a slave of King Jannaeus (עבדיה דינאי מלכא) kills a person. The slave stands trial, but the king is also summoned. Jannaeus comes to trial and the proceedings are led by Shimeon ben Shatah. When Shimeon tells Jannaeus to stand and be tried, Jannaeus says that he wants to hear that demand from the other judges; when he turns to them, they bury their faces in the ground. In other words, the other judges are intimidated by the king's might and refuse to speak against him. Shimeon ben Shatah, who is not afraid of the king, tells his fellow judges that they will be punished by God. Immediately the angel Gabriel comes and kills them.¹⁴

Some scholars deny the connection between this talmudic story and the story of Herod's trial as narrated by Josephus in the *Jewish Antiquities*, mainly due to the different names of the figures involved.¹⁵ I shall return to the issue of the names of the figures involved shortly, but for now suffice it to stress that the affinities with Josephus's story are rather striking. Some other scholars indeed assume the connection, but give preference to the talmudic version. Thus, Hugo Mantel suggested that the talmudic account is more reliable than Josephus's,¹⁶ but his suggestion relies on much conjecture and seems improbable given the very legendary character of the talmudic account. Laqueur likewise supposes that the talmudic story is the more original version, which Josephus transferred onto Hyrcanus and Herod.¹⁷ It is, however, difficult to see how and why a story about King Jannaeus standing trial following a murder committed by his slave could end up, in Josephus, as a story about Herod—who was not yet king—standing trial. In this respect, it is noteworthy that a Sanhedrin is not explicitly mentioned in the talmudic story, whereas in Josephus's version the συνέδριον is a crucial element, despite the fact that otherwise it is not important in his writings and seldom appears and it does not appear in the framework narrative. It seems therefore likely that, as has often been asserted, both stories originally emanated from one common Jewish

14. It is important to note, as Tal Ilan does, that the story itself is seemingly opposed to the halakah it is adduced to support, since the judges are apparently punished for their refusal to judge the king. See Ilan, "Trial," between nn. 33–36.

15. Schalit, *King Herod*, 358 nn. 152–53; VanderKam, *Joshua to Caiaphas*, 360 n. 322.

16. Mantel, "Herod's Trial;" Mantel, *Studies*, 110–11.

17. Laqueur, *Der jüdische Historiker*, 175–76.

tradition.¹⁸ This was probably the same source in which the other two mentions of Samaia in the *Jewish Antiquities* originated (15.3–4, 370),¹⁹ and so Josephus's version is probably closer to the original story.

Yet, if they both drew from the same source, the question arises how or why the differences between Josephus's version and the talmudic version came about?

Tal Ilan points to a story that is found in Midrash Tanhuma (Shoftim 7) that is quite similar to our talmudic story. In that story, an unnamed Hasmonean king has a civil dispute with a layman, and the legal proceedings are led by Shimeon ben Shatah. When Shimeon asks the king to stand to be tried, the king questions the legitimacy of putting the king on trial; when he turns to the other judges, they look down. Consequently, an angel comes and kills them. Shocked by what he had just witnessed, the king then agrees to stand trial. Although the Tanhuma is later than the Talmud, Ilan adduces evidence that this specific story has roots in the tannaitic period. Thus, Ilan suggests that at the basis of the talmudic story stands this legend, which is preserved in the Tanhuma. She adds that the Babylonian compiler combined this legend with a pharisaic source about the trial of Herod, which was also used by Josephus, and thus it became a case that had to do with murder involving the "slave of Jannaeus."²⁰

Ilan's suggestion is quite persuasive, as it explains all of the elements in the talmudic legend and the discrepancies between it and Josephus's story. However, I think we should not reject the possibility that the talmudic legend is simply a rabbinic development of the story of Herod's trial alone, rather than a combination of two stories. The main discrepancy between the stories that leads to the suggestion that it is not only a parallel to Josephus, is the different names of the main figures.²¹ However, talmudic stories underwent a long process of oral transmission, and the Talmud is not interested in such stories for their historical value; in other words, it may not accurately preserve historical details, which seem important to us, and it may sometimes change details to fit those stories into a new

18. Marcus n. a on *Ant.* 14.170 in LCL; Efron, *Studies*, 190–97; Stern, *Hasmonaean Judaea*, 241 n. 22; Schwartz, "Josephus on Hyrcanus," 231; Goodblatt, *Monarchic Principle*, 112–13. See further Ilan, "Trial," between nn. 53–66. As argued above (p. 24), it is highly unlikely that the rabbis used Josephus as their source.

19. Ilan, "Trial," between nn. 28–29.

20. *Ibid.*, esp. between nn. 66–71.

21. *Ibid.*, after n. 67.

context and make a halakic point. Accordingly, one can see how the details of Josephus's story could have ended up as they are in the talmudic version without the influence of an additional source. For, elsewhere in talmudic literature, Herod is referred to as a slave of the Hasmoneans (עבדא דבית חשמונאי; b. B. Bat. 3b; b. Qidd. 70b), and Jannaeus seems to be the prototypical Hasmonean king (b. Ber. 29a).²² Thus, if the talmudic author had a source with such a tale about Herod, the slave of the Hasmoneans, but he wanted to use it in relation to the question whether the king could be judged, he could have naturally made Jannaeus the one standing trial, given that he needed a story about a Jewish king standing trial.²³ Once Jannaeus became the leading negative figure, it was quite natural to make Shimeon ben Shatah the opposing leading figure, because he is typically coupled with Jannaeus in talmudic stories.²⁴ The main remaining difficulty is the surprising fact that, in the talmudic version, the Sanhedrin does not appear despite the fact that it was an important institution for the rabbis, whereas the συνέδριον is central in Josephus's story but is not as important elsewhere in his writings. This is in fact quite difficult, but the difficulty is not eliminated if we assume a combination of sources. That suggestion, after all, likewise assumes that the compiler used a story similar to the one we have in Josephus; so, why did the compiler omit the συνέδριον? It seems to me that the Sanhedrin was eliminated from this story precisely because it was so important for the rabbis—given that the συνέδριον and its members are depicted quite negatively in this story. Consequently, I suggest it is nevertheless possible that the talmudic story is a rabbinic development of the same source used by Josephus, and perhaps the story in the Tanhuma is a later development.

Be that as it may, for my current purposes, it is important to note how this insertion, as well as the other additions and changes in the *Jewish Antiquities* narrative, serve Josephus's purposes. First, as already mentioned, it serves his anti-Herodian view. Second, the issue at stake is not

22. Efron, *Studies*, 195–96.

23. In this context, it is important to note that Josephus's story about Herod's scheme to have some leading Judeans murdered on the day of his death so that the Judean populace will mourn on that day (*J.W.* 1.659–660, 666; *Ant.* 17.173–181, 193) is paralleled in the Scholion to Megillat Ta'anit on the second day of Shevat, but it is attributed there to Jannaeus; see Noam, "Did the Rabbis," 378 n. 49, 384–85.

24. Note also the similarity of the two names, Samaia and Shimeon, especially if Samaia was Shemaia: שמעון שמעיה (for that question see above, n. 3).

a personal one, but it is rather of the utmost importance for the state, yet Hyrcanus is too phlegmatic to notice this and fails to do what is politically necessary. Hyrcanus's failure is the cause for the eventual fall of the Hasmonean house and the ascent of Herod.²⁵ At the same time Samaias serves as a contrasting model—he is both righteous and unafraid to act.²⁶ Third, it serves Josephus's later narrative, that is, following Herod's conquest of Jerusalem in 37 (*Ant.* 15.3–4).²⁷ Fourth, the episode in the *συνέδριον* adds a noticeable religious coloring to the narrative, which is one of the hallmarks of the *Jewish Antiquities* vis-à-vis the *Jewish War*.²⁸

Consequently, the narrative of the *Jewish War*, which is more uniform and complete, might a priori be preferred as historically more accurate. However, there are some difficulties, although perhaps subtler, within that narrative as well. First, as I have shown, the whole affair is due to Hyrcanus's envy, particularly of Herod. He is furious at Herod, and therefore he summons him to trial. This is at odds with the subsequent report that Hyrcanus wanted to acquit Herod because he loved him (*J.W.* 1.211).²⁹ Second, Hyrcanus *acquitted* (ἀποψηφίζομαι) Herod, but immediately after this Josephus says that Herod thought “that his *escape* (διαφυγεῖν) was contrary to the king's wishes.” Furthermore, Herod is said to be “ready to refuse compliance to a second summons.” But if he had not escaped but was rather acquitted, why should he fear a second summons? Lastly, in their accusation against Herod (1.209) the malicious courtiers first say that Herod had violated “the Jews' Law” (ὁ Ἰουδαίων νόμος) by putting those men to death *without instructions from Hyrcanus*, but then they say that he should be brought to trial because he violated “the ancestral laws” (οἱ πάτριοι νόμοι), “which do not permit anyone to be put to death *without trial*.”³⁰ These difficulties may not be as significant as those observed in

25. Schwartz, “Josephus on Hyrcanus,” esp. 231–32. See also Sievers, “Herod,” 102–6, esp. 105.

26. Samaias plays this role in a similar fashion to Onias in the story in *Jewish Antiquities* of the siege of Hyrcanus against Aristobulus in 65 BCE; see above, appendix A.

27. McLaren, *Power and Politics*, 76.

28. See Cohen, *Josephus*, 237–38; Schwartz, “Josephus on Pharisees”; see Schwartz's comments in Josephus, *Vita* [Schwartz], 151–55.

29. Ilan suggests that this love-hate relationship in Nicolaus's narrative is influenced by this author's attempt to model his story of Herod's life upon the biblical story of David, and thus this case resembles the love-hate relationship of King Saul and David (Ilan, “David, Herod,” 206).

30. See further Mantel, “Herod's Trial,” 165–66.

the *Jewish Antiquities* and may be solvable, but they are nevertheless suspicious. Nicolaus had his own tendencies and biases as I have demonstrated above, and he may have reworked over a previously existing account of this episode.³¹ Therefore, accepting the *Jewish War* narrative is also problematic, and the obvious tendentiousness and legendary character of the Jewish tradition underlying the *Jewish Antiquities* and the rabbinic tale need not preclude the possibility that it contains some authentic historical kernel.³²

Consequently, a reliable historical reconstruction of this affair may be impossible,³³ and perhaps its importance lies not in its historicity but rather in the illustration of the way it was used by the two authors, Nicolaus and Josephus. As for what may have really happened, we can have some confidence only in the most basic historical details: Herod indeed executed some rebels in Galilee; he later stood trial for those executions; Sextus Caesar apparently intervened on his behalf; he was either acquitted or escaped; Sextus Caesar gave him some official post in Syria and possibly in Samaria as well; and he later made some show of force before Hyrcanus and the Judeans.

Addendum

A little over a decade prior to Herod's trial in Jerusalem, a strikingly similar episode took place in Rome, but to the best of my knowledge this resemblance has gone unnoticed in scholarship. I refer to the trial and exile of Cicero. During his term as consul in 63 BCE, Cicero suppressed the famous Catilinian conspiracy. Five years later, in 58 BCE, as part of political struggles in Rome, the tribune Clodius introduced a law according to which anyone who had executed a Roman citizen without trial

31. See Ilan, "Trial," between nn. 21–23. To explain the discrepancies within the *Jewish War's* narrative itself, Laqueur (*Der jüdische Historiker*, 177–80, 181 n. 61, 185–86) conjectures that since—according to him—Josephus was using the *Jewish War* as his primary source for the *Jewish Antiquities*, but at the same time introduced a new anti-Herodian bias into that later composition, Josephus also made some changes which were compatible with his new-found bias into his earlier composition. Laqueur's view is, however, far from convincing; one may expect that if that were the case Josephus would have amended his earlier narrative to a far greater extent.

32. Contra Goodblatt, *Monarchic Principle*, 111–13. See also Hengel, *The Zealots*, 313–15 and n. 9.

33. See Gray, *Prophetic Figures*, 149–50.

would suffer exile. The *Lex Clodia* did not specifically name Cicero, but it applied retroactively, and it was clear to all that its primary aim was to punish Cicero for his actions in 63. Cicero eventually went into voluntary exile (Velleius Paterculus, *Roman History* 2.45.1–2; Appian, *Bell. civ.* 2.15; Plutarch, *Cic.* 30–31; Cassius Dio, *Hist. rom.* 38.14–17).³⁴ Obviously there are differences between the two cases, but the basic similarity is striking.³⁵ It is impossible to know whether this is just pure coincidence, or if the case of Cicero, which must have been well known in the Roman world, had some influence on the case of Herod—either on the actual charges and trial, or on its literary accounts.³⁶ It does, in any case, appear reasonable that, whatever the official justification for prosecuting Herod, it was, as in the case of Cicero, mainly a pretext to get a political rival out of the way.

34. See Erich S. Gruen, *The Last Generation of the Roman Republic* (Berkeley: University of California Press, 1974), 244–46.

35. Note also that, just like the fact that those whom Herod executed were labeled “bandits,” Cicero had often denigrated Catiline as a bandit (*latro*); e.g., *Cat.* 1.23, 27, 33; 2.7, 16; see also Grünewald, *Bandits*, 73–74. For that label for rebels and political opponents, see above, appendix C.

36. An additional detail in this episode, Herod’s coming to trial with an armed guard, is reminiscent of contemporary Roman phenomena. In the violent atmosphere in Rome in the 60s BCE, various politicians used intimidation in their trial proceedings; see e.g., Cicero, *Vat.* 33–34; *Sest.* 135; Gruen, *Last Generation*, 441–42.

Appendix E

In What Year Did Herod and Sossius Conquer Jerusalem?

The question of the year in which Jerusalem was taken by Herod and Sossius has elicited extensive scholarly discussion. It is often assumed, on the basis of Josephus, that it was taken in 37 BCE. But Cassius Dio (*Hist. rom.* 49.22.3–23.2) appears to date it to the consular year 38 BCE. However, as we have seen (above, pp. 18–19) Dio’s narrative of this era is often faulty; moreover, the relative chronology of events does not accord with a conquest in 38. In the summer of 38, Anthony was besieging Antiochus of Commagene in Samosata; Herod joined Anthony there; that siege was prolonged (Plutarch, *Ant.* 34.2–4); only after it ended did Herod make his way to Judea; and it is quite clear that a winter went by before the five-month siege of Jerusalem began.¹ Therefore, Josephus’s dating should be preferred.² There is, however, a discrepancy in Josephus’s own statement: the consular year he mentions (*Ant.* 14.487) is the year 37 BCE, but his statement that this happened twenty-seven years after (μετὰ εἴκοσι ἑπτὰ) Pompey’s conquest (14.488) leads us to 36.³

This discrepancy in Josephus between 37 and 36 has led to numerous discussions, for the year to which we date the beginning of Herod’s reign

1. Schürer, *History of the Jewish People*, 1:284–85 n. 11; Stern, “Chronology,” 66; Baumann, *Rom und die Juden*, 159–61. See also J. van Bruggen, “The Year of the Death of Herod the Great,” in vol. 2 of *Miscellanea Neotestamentica: Studia ad Novum Testamentum praesertim pertinentia a sociis Sodalicii Batavi C.N. Studiosorum Novi Testamenti Conventus anno MCMLXXVI quintum lustrum feliciter complentis suscepta*, ed. T. Baarda, A. F. J. Klijn, and W. C. van Unnik, NovTSup 48 (Leiden: Brill, 1978), 13–14.

2. See now also Mahieu, *Between Rome and Jerusalem*, 60–61.

3. According to Niese’s edition, manuscripts A, M, V, W as well as Syncelus have the numerals $\chi\zeta' = 27$, and Scaliger amended the text to $\chi\zeta' = 26$.

affects the year to which we would date his death, and the latter was vital for many scholars due to its putative implications for the date of Jesus's birth. The common view accepts the consular dating here as well as with regard to Herod's nomination in Rome (40 BCE; *Ant.* 14.389), and it assumes that when Josephus says that Herod reigned for thirty-four years from the time Antigonus was executed and thirty-seven years from the time he was nominated in Rome (*J.W.* 1.665, *Ant.* 17.191), he is counting inclusively, in the non-accession year method. That is, the first year counted is the year within which he was nominated or Antigonus was killed, and so the lengths given are longer than the factual length of his reign. Therefore, these data allow for Herod's death to have taken place in 4 BCE, which accords with the lunar eclipse that occurred not long before his death (*Ant.* 17.167). The eclipse is claimed to have been either the partial eclipse of March 13, 4 BCE or the total eclipse of September 15, 5 BCE, and Herod died between then and the following Passover (*J.W.* 2.10, *Ant.* 17.213). According to this view, the statement that twenty-seven years passed from 63 is either erroneous or was also counted inclusively.⁴

This commonly accepted view has been rejected by W. E. Filmer, and more recently by Andrew Steinmann.⁵ In short, they reject the notion of inclusive reckoning and assume that Josephus always counted factually. They also prefer to adopt the twenty-seven-year datum, and they reject Josephus's consular datings. Thus, they conclude that Herod was nominated in Rome in 39,⁶ that he conquered Jerusalem in 36, and that the

4. For this consensus view, see Schürer, *History of the Jewish People*, 1:281 n. 3, 284–86 n. 11, 326–28 n. 165; Stern, "Chronology," 66–68; P. M. Bernegger, "Affirmation of Herod's Death in 4 B.C.," *JTS* 34 (1983): 526–31. See also Bruggen, "Year of the Death." For a preference for the September eclipse, see Timothy D. Barnes, "The Date of Herod's Death," *JTS* 19 (1968): 204–9, and Schwartz, *Studies*, 157–66, who, though, has a somewhat different view concerning this eclipse.

5. W. E. Filmer, "The Chronology of the Reign of Herod the Great," *JTS* 17 (1966): 283–98; Andrew E. Steinmann, "When Did Herod the Great Reign?," *NovT* 51 (2009): 1–29. Filmer's conclusions have also been adopted in the revised edition of Jack Finegan's *Handbook of Biblical Chronology: Principles of Time Reckoning in the Ancient World and Problems of Chronology in the Bible*, rev. ed. (Peabody, MA: Hendrickson, 1998), 291–301.

6. This is in accordance with Appian (*Bell. Civ.* 5.75), but Appian refers to Anthony's appointments of kings when he was in the East, not in Rome, and he also refers only to Idumea and Samaria as Herod's kingdom; he does not mention Judea. Therefore, Appian must be explained otherwise; see above, p. 155 n. 134. See also

first years counted for his reign were only his first full years, that is, the year which began only after each of those events, 38 and 35, respectively. This leads to the conclusion that Herod died in 2/1 BCE, and since there was a full lunar eclipse on January 10, 1 BCE, he must have died sometime between that date and the following Passover.

Since I accept the consensus view in this respect, I will not delve into the lengthy arguments of the two sides, but I will only summarize the issue. It seems to me that the rebuttals of Filmer by Timothy D. Barnes and P. M. Bernegger were sufficient to put the issue to rest and that Steinmann's argument does not change much.⁷ In short, both sides of the argument show that most of the chronological details associated with Herod can fit in their respective systems of reckoning. But Filmer and Steinmann must assume that Josephus made two independent errors in his consular datings. It is more economical to assume that Josephus erred in the one chronological detail, writing 27 instead of 26, a mistake that could easily happen to anyone, than to assume that he erred twice in his consular datings.⁸ Moreover, since irrefutable evidence proves that Herod's children

the discussion of Appian's passage in Udoh, *To Caesar*, 137–43, who concludes that Appian's text is too inaccurate and that Appian "is vague, or outright wrong" about the time of appointment of most of the kings he lists there (138).

7. Bernegger, "Herod's Death"; Barnes, "Date of Herod's Death." See also Baumann, *Rom und die Juden*, 159–63.

8. Recently, B. Mahieu reasserted the suggestion that the siege ended in 36 BCE, and she does so without disregarding any of Josephus's chronological data as erroneous. She rather accepts all of the data and solves the discrepancy by suggesting that the consular year Josephus mentions refers to the beginning of the siege, just like the mention of the third year after his appointment in Rome, and the 27 years relate to the end of the siege. Accordingly, the siege took place in the winter of 37/36, beginning in 37 and ending in 36 (Mahieu, *Between Rome and Jerusalem*, 62–64). She specifically dates the end of the siege to March 5, 36, for which see further below, p. 430. Yet, Mahieu's suggestion is difficult to accept for several reasons, mainly: (1) Whereas the mention of the third year since Herod's appointment in Rome explicitly dates the beginning of the siege (*J.W.* 1.343, *Ant.* 14.465), the consular year explicitly dates the end of the siege. Thus, her suggestion assumes a different kind of error on the part of Josephus, namely that he mistakenly understood a datum that originally referred to the beginning of the siege as referring to its end (similar to Mahieu's suggestion elsewhere, see below, p. 405 n. 24). It is difficult to understand how such a mistake could have come about, and, in contrast, it is more reasonable that such a ceremonious dating formula was given to the retaking of Jerusalem and the de facto beginning of Herod's reign than to the beginning of the siege. (2) Mahieu's suggestion causes difficulties with

began their terms of rule ca. 4 BCE, Filmer and Steinmann are forced to posit the virtually unattested notion that they began reckoning their rule while Herod was still alive. Steinmann postulates that, although Herod's children were probably not *de jure* coregents with their father, they may yet have antedated their reign to when he was still alive.⁹ However, that argument is speculative in nature.¹⁰ Another important counter-argument was made by Stern. He notes that a large part of the Roman army took part in the siege of Jerusalem (*Ant.* 14.469), and we know that Anthony set out with a huge army on a campaign against the Parthians in the spring of 36. It is hard to believe that Anthony would have left behind such a large army for the siege in Judea when setting out for such an important campaign, and even if he would have wanted to, it is doubtful that he would have had enough manpower for both.¹¹

other chronological data that she accepts as part of her argument. Namely, she points out, as I do immediately below, that the twenty-seven years accord with the twenty-four years of Hyrcanus's rule and three years and three months of Antigonus's reign given in *Ant.* 20.245–246, and she accepts all of these numbers as accurate. However, twenty-four years of Hyrcanus's rule from her dating of Pompey's conquest brings us to the spring of 39, while, as Mahieu agrees, Antigonus and the Parthians took Jerusalem in the summer of 40. Likewise, three years and three months of Antigonus's rule, beginning in that summer of 40, brings us to autumn of 37, several months before March 36. Mahieu suggests a resolution to this latter difficulty (86–87), which itself is not persuasive. She suggests that Antigonus's rule was reckoned not from when he took the throne but rather from the time of the appointment of Herod(!) in Rome, thus making his rule equal that of his father, three years and three months, according to *Ant.* 20.244. However, there is no basis for such a suggestion. Moreover, the usual understanding of the report of the length of Aristobulus's reign in *Ant.* 20.244 is: *two years* and three months, whereas *Ant.* 14.97—which Mahieu neglects to mention here—says that he reigned for *three years and six months* (for this see further immediately below).

9. Steinmann, "When Did Herod Reign," 20–25; see also Filmer, "Chronology," 296–98.

10. For a rebuttal of the notion that they reckoned their rule from when Herod was still alive, see Barnes, "Date of Herod's Death," 205–6. Above (pp. 57–58), I raised the possibility that Alexandra named Hyrcanus II king alongside of her, but note that Josephus clearly reckons Hyrcanus's kingship from Alexandra's death. Moreover, in Hyrcanus's case there is explicit evidence supporting that possibility, whereas Herod only designated his sons as his heirs, not as coregents. In addition, they still needed Augustus's confirmation, and Augustus did not fully confirm Herod's wishes but rather made them ethnarch and tetrarchs.

11. Stern, "Chronology," 66–67. See also Baumann, *Rom und die Juden*, 161.

An additional point, which I have not found in these extensive discussions, further supports the consensus view. The foundation of Filmer's and Steinmann's arguments is Josephus's statement about twenty-seven years. They also note that the twenty-seven years accord with Josephus's statement in the "High Priestly chronicle" of book 20 of the *Jewish Antiquities* that the duration of Hyrcanus's rule following Pompey's conquest was twenty-four years, while the subsequent reign of Antigonus was three years and three months (*Ant.* 20.245–246), thus adding up to twenty-seven years and three months. But if this detail is the basis for the statement about twenty-seven years, then we should examine it to see if it is credible. It is quite certain that Antigonus's reign lasted approximately three years (*Ant.* 14.465). But what about the twenty-four years attributed to Hyrcanus? Just a few lines above that statement, in the same chronicle, Josephus attributes two years and three months to Aristobulus II's reign (20.244; literally "in the third year of his kingship and after as many months"). But it is commonly accepted that Alexandra died in 67, and it is obvious that Aristobulus ousted his brother from the throne and the priesthood not long after her death (*J. W.* 1.120–122, *Ant.* 14.4–7); three months according to *Ant.* 15.180. If so, the two years and three months of Aristobulus would only bring us to mid-64 at the latest, while it is commonly agreed—and certainly necessary for Filmer's and Steinmann's argument—that Pompey's conquest was in 63. Indeed *Ant.* 14.97 gives three years and six months for Aristobulus's reign. This would seem closer to the truth. I propose, therefore, that since, as we see, Josephus's priestly source erred (for whatever reason) about the length of Aristobulus's reign, and since it also failed to mention (or perhaps deliberately ignored at the instigation of Aristobulus) Hyrcanus's short reign following Alexandra's death, it was missing up to a year and a half. Hence, it is likely that this error caused the priestly chronicler to add an extra year to Hyrcanus's term following Pompey's conquest. Consequently, it is possible that this chronological error caused Josephus to write twenty-seven years, instead of twenty-six, in *Ant.* 14.488. Thus, Josephus's consular datings, which are most probably due to a Roman source, should be preferred to his statement about the twenty-seven years, which—if not only a slip of the pen—was probably calculated on the basis of an erroneous priestly source.¹²

12. In the present context, we should note one other matter that is utilized by those who argue that Herod's conquest was in 36 BCE. Namely, Josephus's reference to the sabbatical year close to the end of the siege is said to conform to a sabbatical

year in Tishri 37–Tishri 36, not 38/37 (*Ant.* 14.475; see Filmer, “Chronology,” 289–91; Steinmann, “When Did Herod Reign,” 11). This is, however, part of an extensive disagreement about the sabbatical years in the Second Temple period. According to some reconstructions, 38/37 was a sabbatical year, and Josephus’s reference to a sabbatical year following the conquest in *Ant.* 15.7 actually refers to the shortage in the year following the sabbatical year (Don Blosser, “The Sabbath Year Cycle in Josephus,” *HUCA* 52 [1981]: 134–35); Wacholder, on the other hand, concludes that 37/36 was the sabbatical year and the earlier mention during the siege (*Ant.* 14.475) refers to the period just prior to the sabbatical year, in which Pharisaic halakah already required abstention from agricultural work (Ben Zion Wacholder, “The Calendar of Sabbath Years during the Second Temple Era: A Response,” *HUCA* 54 [1983]: 127–28). For a summary of the disagreement including a table of sabbatical years according to each view, see Finegan, *Handbook*, 118–23. It is extremely difficult to reach one consistent system of sabbatical years from the scattered statements in Josephus, and therefore, neither argument can carry much weight (see Marcus’s n. a on *Ant.* 14.475, and n. e. on *Ant.* 15.7 in LCL; Smallwood, *Jews under Roman Rule*, 566–67; Stern, “Chronology,” 67–68). It should be noted that if the conquest took place on Yom Kippur of 37, as is suggested below, then even if 37/36 was the sabbatical year the assault still took place during that year, and both references would refer to the sabbatical year itself, not to the following year. In this case, we would only have to assume that Josephus used some literary freedom when speaking of the lack of necessities already in *Ant.* 14.475, which is still some time before the assault.

Appendix F

The Conquests on “the Day of the Fast”

In his *Jewish Antiquities*, Josephus dates both the conquest of Jerusalem by Pompey and its conquest by Herod and Sossius to “the day of the fast” and also emphasizes that both occurred on the same day, twenty-seven years apart—which, as I just concluded in the previous appendix, should have been twenty-six years. The natural understanding of the phrase “the day of the fast” is that it refers to Yom Kippur (the Day of Atonement; 10 Tishri; September/October). However, due mostly to chronological considerations, the overwhelming scholarly consensus has rejected the possibility that the city was indeed taken on Yom Kippur.¹ Instead, it is claimed that

An early version of the following was presented in the “Sabbath in Text, Tradition, and Theology” section of the 2011 Annual Meeting of the Society of Biblical Literature in San Francisco. I thank the organizers of that section, Professors Edward Allen and Aaron D. Panken, for the opportunity to present my thoughts, and the audience that provided helpful comments. It was also previously published as an article in *JSQ*: “The Conquests of Jerusalem by Pompey and Herod: On Sabbath or ‘Sabbath of Sabbaths’?” *JSQ* 21 (2014): 193–220.

1. Some scholars have simply accepted Yom Kippur as the day of one or both conquest, without taking account of the considerations adduced to reject it; e.g., Filmer, “Chronology,” 285–86; Steinmann, “When Did Herod Reign,” 9; Finegan, *Handbook*, 122–23, 298. Dupont-Sommer accepted this date for Pompey’s conquest and argued that the Qumran Peshier Habakkuk’s passage about the attack upon the Teacher of Righteousness on Yom Kippur (1QpHab XI, 4–8) is a description of this conquest. However, Dupont-Sommer’s argument (A. Dupont-Sommer, “Le ‘Commentaire d’Habacuc’, découvert près de la Mer Morte: Traduction et notes,” *Revue de l’histoire des religions* 137 [1950]: 129–71) has been shown to be somewhat circular (see M. B. Dagut, “The Habbakuk [*sic*] Scroll and Pompey’s Capture of Jerusalem,” *Biblica* 32 [1951]: 545), and his interpretation of the peshier is unfounded (Shemaryahu Talmon, “Yom Hak-kippurim in the Habakkuk Scroll,” *Biblica* 32 [1951]: 549–51). Josef Morr also accepts Josephus’s statement that it took place on Yom Kippur, but he does not deal with the conquest of Herod and Sossius, and he mainly focuses on the relationship between

the conquest occurred both times during the summer (July/August). The reason that Josephus used the phrase “the day of the fast,” according to this consensus, derives from his use of a non-Jewish source, presumably Strabo,² considering that in non-Jewish sources one often finds the mistaken perception that the Sabbath is a fast day. Thus, the consensus holds that the conquests occurred on the Sabbath, not on Yom Kippur and not on the same date.³

This commonly accepted conclusion has led at least one scholar to suggest that the city and temple were taken on the Sabbath because the besieged held a particularly stringent halakic view that forbade fighting on the Sabbath under any circumstances, and therefore they made almost no defense. Thus, the halakic view that Josephus attributes to the besieged—according to which fighting on the Sabbath is allowed in direct self-defense but any manual labor is forbidden, which allowed Pompey to build the siege works (*J.W.* 1.145–147, *Ant.* 14.63–64, *J.W.* 2.392)—is discarded as mere invention. It is therefore crucial to evaluate the consensus view and examine the considerations that have led scholars to reject Yom Kippur as the possible date of the conquests, on the one hand, and to uphold the Sabbath, on the other hand.

First, I will deal with two general considerations equally pertinent to both conquests. These have to do with the accounts of these conquests in Josephus’s *Jewish War* and in Cassius Dio’s *Historiae romanae*. Then I will turn to examine each conquest individually. For both conquests, scholars

Josephus’s and Strabo’s statements as well as on Strabo’s source; see Josef Morr, “Die Landeskunde von Palästina bei Strabon und Josephos,” *Philologus* 81 (1926): 267–69.

2. Morr (“Die Landeskunde,” 268–69), and Regev (*Sadducees*, 78) conclude that Strabo’s source was Posidonius. For the question of Strabo’s sources, see *GLA* 1:264–67, which concludes that “it is only reasonable to presume that Theophanes of Mytilene” was Strabo’s source for Pompey’s conquest.

3. For the consensus view, see the notes in LCL ad loc.; Dagut, “Habbakuk Scroll”; Stern, “Chronology,” 64–66; Stern, *GLA* 1:276–77, 307; Schürer, *History of the Jewish People*, 1:285; Baumann, *Rom und die Juden*, 42–48, 161–62; Regev, “Temple Mount.” Smallwood (*Jews under Roman Rule*, 565–67) accepts this view as well, but she thinks that “there is no reason to doubt that the tradition that the city fell in 37 on the anniversary of its fall in 63 is substantially correct, even if the Jewish love of anniversaries eventually turned an approximate coincidence of date into an exact one” (565). Similarly, Bruggen, “Year of the Death,” 8–9 and n. 35 accepts Josephus’s statement that both times the city was captured on the same day, but he dates both conquests as early as June.

have argued that parts of Josephus's own dating formula actually point to earlier in the year and that his narratives necessitate that both sieges began too early in the year to have ended on Yom Kippur. For Pompey's conquest, two additional considerations, unrelated to Josephus, have been presented. These have to do with the chronology of Pompey's movements and with the interpretation of Strabo's description of the siege. I will show, however, that these considerations are based on errors and unnecessary assumptions and interpretations. Consequently, Josephus's explicit datings should not be rejected on such grounds.

The discussion of Strabo's description will lead to an examination of the pagan perception of the Sabbath as a day of fast. I will demonstrate that that perception was not as widespread as often suggested, and there is no reason to assume that the phrase "the day of the fast" refers to the Sabbath; it is rather more easily understood as referring to Yom Kippur.

Finally, I will assert that other independent chronological data indicate that both sieges ended at least close to Yom Kippur, and I will suggest that such a date may best explain evidence for a lack of Judean resistance to the assaults.

It is a natural inclination for us modern commentators to doubt such synchronizations, especially in a case such as this when two similar catastrophic events are not only said to have occurred on the same date but that date is the holiest day of the Jewish calendar. Indeed, it may easily appear to be a theological theme. I shall return to this issue towards the end of this appendix, but at the present it will suffice to note that, statistically, such historical coincidences can and do occur. It is therefore appropriate to first examine the considerations that have led to the scholarly consensus.

I begin with two considerations that are equally relevant to both conquests.⁴ The first is the evidence from Cassius Dio's narratives of the two

4. Mary Smallwood raises another general consideration: that the Jews fighting on Pompey's side and those in Herod's army "will hardly have taken part in an assault on the holiest day of the year" (Smallwood, *Jews under Roman Rule*, 565). This consideration is based on an assumption that is far from certain. We may equally surmise that, considering Yom Kippur as an opportunity to surprise the besieged, the Jews on Pompey's and Herod's side would not have refused to attack. We may also doubt the possibility that any Jew may have been able to refuse such an order even had he wanted to. Furthermore, we should note that, although one can make the case for a differentiation between Sabbath and Yom Kippur (see below, pp. 422–23), basically the same case could be made for the conquest on the Sabbath; and it seems to me very unconvincing to argue that Jews who would have no problem attacking on the Sabbath

conquests (*Hist. rom.* 37.15.2–37.16.5 and 49.22.3–49.23.1). Dio does not mention a fast day. Rather, in reference to both conquests, he says the city was taken on the “day of Kronos” (that is, Saturn), that is, the Sabbath.⁵ In my view, Dio’s testimony could provide additional weight to the argument that the conquest occurred on a Sabbath only if that argument is securely based on other evidence. It could not, however, serve as decisive evidence on its own. For Dio not only lived long after these events, but his narrative of the events in Judea during this period is often faulty (see above, pp. 18–19),⁶ and his descriptions of the conquests are not very detailed. Moreover, based on these descriptions, Stern emphasizes that Dio did not make the mistake of other pagan authors who regarded the Sabbath as a fast day.⁷ This is based, though, on the assumption that these conquests did not take place on Yom Kippur but rather on the Sabbath. But, disregarding this assumption, we might just as well suggest an opposite development: perhaps Dio (or an intermediate source) read “the day of the fast” in his sources, but, not understanding this phrase and “knowing” that the Sabbath was a fast day, he assumed that it referred to the Sabbath.⁸ It is easy to imagine how Dio may have reached such a conclusion, given his particular interest in the Sabbath⁹—he even dates the destruction in 70 CE to

would be so reluctant to do so on Yom Kippur. (This should be distinguished from the suggestion, which will be tentatively made below, that Jews who are already attested as having a more stringent halakic view in regards to fighting on the Sabbath may hold an even more stringent view pertaining to fighting on Yom Kippur, or at least they may be more reluctant to do so, especially when there is substantial evidence to that effect.)

5. *GLA* 2:349–53, 359–62.

6. For one example, see below, pp. 409–10, regarding Pompey’s supposed campaign against the Nabateans. See also Stern’s note on Cassius Dio, *Hist. rom.* 37.16.4 in *GLA* 2:352–53. Although I am not suggesting that Dio’s testimony for this period should be totally rejected, I think (contra Regev, “Temple Mount,” 278) that we should be wary of basing arguments solely on it. Fergus Millar, *Study of Cassius Dio*, 178–79, claims that Dio made use of the episode of the conquest of the temple by Pompey in order to introduce a description of Jewish practices, and Dio was particularly interested in the Sabbath observance. That description of Jewish practices, according to Millar, is accurate, but, as Millar notes, it is in present tense (211). Apparently, Dio’s historical account of this early era is not as accurate. See Rich, “Cassius Dio.”

7. *GLA* 2:348, 353.

8. This assumption would have been even more natural if in fact Roman Jews traditionally fasted on the Sabbaths, as suggested by Margaret Williams; see further below, n. 51. See also Mahieu, *Between Rome and Jerusalem*, 84–86.

9. See Millar, *Study*, 178–79.

the Sabbath (*Hist. rom.* 66.7.2)—and given the various non-Jewish tales of battles in which the Judeans were defeated because they supposedly did not bear arms on the Sabbath even for self-defense (see Agatharchides apud Josephus *Ag. Ap.* 1.208–211; Plutarch, *Superst.* 8 [169C] [*GLA* 1:549, no. 256]). Be that as it may, Dio, who does not say at what time of the year the conquests occurred and obviously had a special interest in the Sabbath, should certainly not be used as evidence that they did not occur on Yom Kippur.

Second, it is emphasized that in his *Jewish War* Josephus did not mention "the day of the fast."¹⁰ This, however, should not be taken as reason enough to reject Josephus's explicit dating in the *Jewish Antiquities*. The *Jewish War* does not provide a specific date, and the omission may be a consequence of Josephus's use of his sources. It is commonly accepted that Josephus's main source for this era in the *Jewish War* was Nicolaus of Damascus. However, seeing that he was Herod's friend, we may assume that Nicolaus's narrative reflected Herod's interests. Herod would definitely not have wanted to remind his Jewish subjects that he, or his Roman patrons, took the temple on Yom Kippur, or, for that matter, on the Sabbath. In contrast, for the *Jewish Antiquities*, where "the day of the fast" is mentioned, Josephus used additional sources, such as Strabo, who did not have such interests.

The Date of Pompey's Conquest

In *Ant.* 14.66, Josephus writes of Pompey's conquest:

The city was taken, in the third month, on the Fast Day [τῇ τῆς νηστείας ἡμέρᾳ], in the hundred and seventy-ninth Olympiad, in the consulship of Gaius Antonius and Marcus Tullius Cicero.

The 179th Olympiad ran from July 1, 64 BCE to June 30, 60 BCE, and the consuls mentioned held office in 63 BCE. Therefore, it is commonly accepted that Pompey's conquest took place in 63.

10. Laqueur, *Der jüdische Historiker*, 162; D. L. Drew, "Pompey's Capture of Jerusalem on Tenth Tishri?," *Bulletin of the Faculty of Arts, Fouad I University* (Cairo) 13 (1951): 87.

Despite attempts to interpret “the day of the fast” as a day of a public fast declared to avert the impending doom of the city¹¹ or as the fast of the 17th of Tammuz,¹² “the day of the Fast” literally denotes Yom Kippur (for ἡ νηστεία as a reference to Yom Kippur, see, for example, *J.W.* 5.236, *Ant.* 18.94, Acts 27:9, Philo, *Spec.* 1.186, *Mos.* 2.23; similarly the Damascus Document refers to Yom Kippur as יום התענית, the day of the fast [CD VI, 19]).¹³ If the phrase “the third month” refers to the Jewish calendar, then obviously this datum contradicts the notion of Yom Kippur; but it has long been acknowledged that the third month of the siege is meant, as is proven by *J.W.* 1.149 and 5.397.¹⁴

11. Thus Schalit (*King Herod*, 510), who accepted the consensus view according to which the conquests could not have occurred on Yom Kippur, but did not accept the view that it actually refers to the Sabbath, and yet apparently did not want to completely reject Josephus’s statement. This suggestion is, however, based on conjecture—that there was such a declared public fast. Additionally, unless Schalit assumes pure coincidence in the capture of the city on a presumed public fast day both times, his suggestion necessitates that we assume that the besieging force was aware of the call for a public fast. Finally, although Josephus mentions in his writings some incidents in which a public fast was called (e.g., *Ant.* 5.166, *Life* 290), in those instances νηστεία is not introduced with a definite article or even as “day of fast.” Therefore, this is an unnatural interpretation of the phrase “the day of the νηστεία.”

12. Bruggen, “Year of the Death,” 9 n. 35. Again, such an understanding of the term is unattested. Interestingly, however, already the medieval Josippon took “the day of the fast” of both conquests as referring to the fast of the 17th of Tammuz (36:129–130, 43:267–269; pages 1:157, 196–97 in *The Josippon* [Flusser]). But as Flusser notes *ad loc.*, the origin of this understanding seems to be Josippon’s mistaken understanding of the “third month” as meaning the third month of the Jewish calendar, which he then corrected to “the fourth month,” because there is no fast day in the third month (Sivan), but there is in the fourth (Tammuz).

13. As Noah Hacham has shown, it seems that all fasts in the Qumran Scrolls designate Yom Kippur; Noah Hacham, “Communal Fasts in the Judean Desert Scrolls,” in *Historical Perspectives: From the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls; Proceedings of the Fourth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature*, 27–31 January, 1999, ed. David Goodblatt, Avital Pinnick, and Daniel R. Schwartz, STDJ 37 (Leiden: Brill, 2001), 127–45. For fasts in Qumran, see Jodi Magness, “Did the Qumran Sectarrians Fast on Weekdays or on the Sabbath?,” in Geiger, Cotton, and Stiebel, *Israel’s Land*, 1*–12*.

14. E.g., Schürer, *History of the Jewish People*, 1:239 n. 23; Baumann, *Rom und die Juden*, 43. The fourth-century historian Eutropius too says that Jerusalem was captured “in the third month” (6.14.2; *GLA* 2:575–76).

As most scholars have assumed, Josephus's direct source for this datum was probably Strabo, whom Josephus often used in *Ant.* 14 (e.g., 14.35–36, 14.111–118, and so forth) and whom he explicitly lists as one of his sources for the conquest (14.68), while the surrounding description probably came from Nicolaus.¹⁵ This is indicated, not only by the fact that it is not found in the parallel *Jewish War* narrative, which has a very brief chronological note ("the third month of the siege") in a different place in the narrative (*J.W.* 1.149),¹⁶ but mainly by the different specification of the place which Pompey took: While the *Jewish War* speaks of the "hour when the temple was taken" (1.148), the equivalent passage in the *Jewish Antiquities*, which includes the dating formula, speaks of the taking of the "city" (14.66). Yet, as both narratives report, the city had already been handed over peacefully to Pompey, and the siege was only of the temple compound (*J.W.* 1.143, *Ant.* 14.58–59). This seemingly minor deviation is likely to be the work of an author who was not well acquainted with or not very interested in Judea and the specific details of its history; therefore he may not have been so precise in his terminology as to differentiate between the temple and the city as a whole. Presumably, such an author would be a foreigner. Nicolaus, though not a native Judean, was certainly well acquainted with—and very interested in—Judean history, and we may assume that he was the source for the statement that the siege was only of the temple.¹⁷ Consequently, it is significant that in his *Geography* Strabo writes that Pompey "in particular took Jerusalem itself by force" (16.2.40), and in reading his entire description one can hardly ascertain that the siege was only of the temple. Finally, and most importantly, as we shall see below, Strabo too dates the conquest to the "day of the fast."¹⁸

15. For Nicolaus as Josephus's main source for this period, see above, pp. 24–27.

16. See also Joseph Sievers, "Josephus' Rendering of Latin Terminology in Greek," *JJS* 64 (2013): 6.

17. For a similar inaccuracy by a foreigner, see Livy, *Perichoe* 102, who correctly writes that Pompey conquered the temple, but he calls the temple "Jerusalem" (see also Polybius apud Josephus, *Ant.* 12.136).

18. Joseph Sievers noted the uniqueness of the synchronization of the Olympiad with the consular year, as well as the latter's form (ὑπατεύοντων). Both features are found in three other Josephan passages, all in book 14 of the *Jewish Antiquities* (§§4; 389; 487), and three of the four passages deal with events related to Roman history. Thus they all likely originated in the same Greco-Roman source. Yet Sievers notes that no such synchronizations are found in Strabo, and he suggests that they originated in some "chronological handbook." I am grateful to Prof. Sievers for his assistance and

But, how did Josephus understand this phrase, which he took from Strabo? Josephus, who reports the calamity of the entrance of Pompey and his men into the sanctuary and their viewing of the holy utensils (*J.W.* 1.152, *Ant.* 14.71–72), says the conquest occurred on “the day of the fast,” without emphasizing that date. One might suggest that this lack of emphasis implies that Josephus did not understand the phrase as referring to Yom Kippur, for we might expect that he would say something further about that most holy day. However, Josephus would have had a pro-Roman apologetic purpose in not stressing such a date of the conquest, just as he immediately softens the impression of the mentioned calamity by stressing that Pompey did not touch any of the temple treasures and that he ordered its cleansing and the resumption of its rites. I propose, in contrast, that the fact that Josephus kept the wording of Strabo and did not change it to “Sabbath” indicates that he indeed understood the phrase as referring to Yom Kippur, in accordance with his own terminology elsewhere.

I will now, therefore, deal with the considerations brought forth to deny the possibility that Pompey took the city on Yom Kippur:

(1) It has been noted that the first year of the 179th Olympiad ended in June 63, while the consular year corresponds to 63, in its entirety. The combination of these chronological data supposedly leads to the conclusion that the city must have been taken during the first half of 63, months before Yom Kippur.¹⁹ In thus arguing, one assumes that when Josephus referred to an Olympiad without explicitly pointing to a specific year within it, he meant the first year. However, an examination of Josephus’s other Olympiad datings proves this assumption to be unjustified. Of the fourteen occurrences of Olympiad dating in all of Josephus’s works, only twice does he state the specific year in the Olympiad to which he is referring: the first is in *Ant.* 14.4, in itself a problematic dating (see above, pp. 57–58); the second is in *Ag. Ap.* 2.17, stating Apion’s dating of the exodus, and in that case the specified year is actually the first. In at least some of

for sharing his thoughts on this issue with me; see now also Sievers, “Josephus’ Rendering,” 3–9. If this was the case, then Josephus’s insertion consisted of two sources: the synchronized date for the year of the conquest taken from such a handbook and the date to “the day of the fast,” apparently taken from Strabo.

19. Marcus’s n. c. on *Ant.* 14.66 in LCL; Robert Goldenberg, “The Jewish Sabbath in the Roman World up to the Time of Constantine the Great,” *ANRW* 19.1:431 n. 68; Bellemore, “Josephus, Pompey,” 112 n. 62.

the remaining twelve Olympiad datings, it is impossible that the first year is meant (for example, *Ant.* 12.248, 14.389, 14.487).²⁰

Moreover, even if the first year were meant, that should not categorically lead to the conclusion that only the first half of 63 is denoted. The synchronization of the Olympiad method of chronography with other methods, such as consular years, inevitably poses a problem in that every Olympic year overlaps parts of two consular years, and vice versa. Thus, Bickerman shows that the first year of the 180th Olympiad (July 60–June 59) "is equated in Diodorus with the consular year 59 BC, in Dionysius of Halicarnassus with the consular year 60 BC."²¹ We should not exclude the possibility that Josephus, or his source, did just the same here, or anywhere else.²² In fact, this seems to be the case later on in the same book. In *Ant.* 14.389, Josephus dates Herod's reception of royal power in Rome to the 184th Olympiad (July 44–July 40) and to the consular year 40. Not only does this show Josephus's failure to specify the year within that Olympiad, when obviously the fourth is meant, but it is also certain that Herod received the kingship only towards the end of the year 40.²³ The two chronological data can, thus, only be reconciled if we assume that Josephus, or his source, did the same as Diodorus and Dionysius of Halicarnassus.²⁴

(2) A more substantial argument is based on the assumption that the siege began in the spring, so that the three-month siege would have

20. See also Dagut, "Habbakuk Scroll," 542; see Baumann, *Rom und die Juden*, 42–43.

21. Bickerman, *Chronology*, 76. See now also Mahieu, *Between Rome and Jerusalem*, 41–42. For similar modern-day phenomena, we may point, for example, to the synchronization of the Jewish calendar year with the Gregorian calendar year in Israeli institutions and to the US government's fiscal year which actually runs from October of the previous calendar year to September (e.g., the fiscal year 2011 runs from October 1, 2010 to September 30, 2011).

22. This is precisely what is argued by Jonathan A. Goldstein, "Hasmonean Revolt," 349 n. 1.

23. Stern, "Chronology," 63; see also Marcus's n. a in LCL.

24. Mahieu (*Between Rome and Jerusalem*, 53–54) proposes another solution: that the Olympiad mentioned there was originally intended to date Herod's departure from Alexandria, and Josephus misinterpreted it as dating his appointment. However, it is hard to see how Josephus could have made that mistake, and it seems more reasonable that he would have found such a ceremonial dating for the appointment of Herod as King than for his departure.

ended in midsummer, much earlier than Yom Kippur.²⁵ However, what is the basis for that assumption? The sequence of events that Josephus narrates (in more detail in the *Jewish Antiquities*) seems, *prima facie*, to point rather to the autumn as the time of the end of the siege. At the beginning of spring, Pompey is said to have left his winter quarters in northern Syria and made his way to Damascus (*Ant.* 14.38). On his way to Damascus, Pompey accomplished many things: He demolished the citadel at Apamea, devastated the territory of Ptolemy, son of Mannaëus, and of Dionysius of Tripolis, and destroyed the fortress of Lysias (14.38–40).²⁶ When he reached Damascus, he heard the petitions of the various Judean delegations (14.41–47). As he was preparing to march against the Nabateans, Pompey heard that Aristobulus had defied him, he changed course, and he marched upon Judea. Then, when Aristobulus was in the Alexandrion stronghold, there were some negotiations, which must have taken some time. Eventually, Aristobulus surrendered Alexandrion but only to retire to Jerusalem and prepare for war. Pompey then came to Jericho, and from there he made his way to Jerusalem. Under the threat of war, Aristobulus capitulated and promised to hand over the city and some money. Pompey sent Gabinius to Jerusalem, but Aristobulus's army did not comply, and Gabinius was not allowed into the city. Then Pompey came to the city and, while he took a considerable length of time contemplating what is the best method to attack the city (*J.W.* 1.142), dissension broke out inside the city between the supporters of Aristobulus and those of Hyrcanus. Consequently, the former entrenched in the temple, while the latter let Pompey's army into the city (*Ant.* 14.47–59, *J.W.* 1.132–143). Only then did the siege commence. This long sequence of events, in addition to the three months of the actual siege, seems to make a midsummer dating for the end of the siege unlikely. An autumn date is much more reasonable, as Schürer maintains.²⁷

25. Marcus's n. c on *Ant.* 14.66 in LCL; Dagut, "Habbakuk Scroll"; Smallwood, *Jews under Roman Rule*, 565; Stern, "Chronology," 65; Stern, *GLA* 1:277.

26. See also Strabo, *Geogr.* 16.2.18. Some scholars have suggested that Dionysius of Tripolis is to be identified with "Bacchius Iudaeus" from a coin struck by Aulus Plautius as aedile in 54 BCE. See above, p. 97 n. 129 and fig. 4 (p. 98).

27. Schürer, *History of the Jewish People*, 1:239–40 n. 23. M. O. Wise (*Thunder in Gemini*, 211–18) too argues that the conquest took place in the autumn. His conclusion is based upon his interpretation of the historical texts from cave 4 in Qumran, mainly 4Q333, which twice mentions some killings by one "Aemilius," who is identified as Aemilius Scaurus, a general in Pompey's army. Nevertheless, according to his

What, then, is the reasoning behind the assumption that the siege itself began in the spring? The case was laid out most elaborately by M. B. Dagut. As to the long series of events he writes:

But the series is not really all that long. The conquests mentioned were evidently small affairs which *could have* been accomplished by detachments of Pompey's army, without hindering the process of the main body. The hearing of the rival claims and the subsequent maneuverings of Aristobulus *need not have required* more than a few days. Altogether, two months would *seem quite long enough* for Pompey's march from northern Syria to Jerusalem. It is, therefore, *reasonable enough to suppose* that he began the siege in April/May. In that case, Jerusalem fell in July/August 63 B. C.—the third month of the siege.²⁸

Although this suggestion is possible, it is no more than mere conjecture. The mentioned conquests could have been accomplished by detachments, but we cannot know that this was the case; taken at face value, Josephus ascribes them to Pompey himself. Pompey's stay in Damascus may have been very short, but it is more likely that he lingered there longer. According to *Ant.* 14.34, probably based on Strabo, upon his arrival in Damascus Pompey was approached by "envoys from all of Syria and Egypt," in addition to the Judean envoys.²⁹ These meetings, negotiations, and settlements must have taken some time; more than "a few days." Pompey's preparation for the intended march against the Nabateans probably took some time, and Josephus's narratives imply that the subsequent maneuvering and negotiations—in the Jordan Valley and until the siege finally began—were quite lengthy. In short, it seems to me to be methodologically wrong to attribute to Josephus a discrepancy between his narrative and his formal dating, when this discrepancy is merely based on a possible, but unnecessary, interpretation of his narrative. It seems sounder to assume that the long series of events took a correspondingly long time, thus allowing Josephus's narrative to conform to his dating.

interpretation the conquest was certainly not on Yom Kippur. However, that text is too fragmentary for any definite interpretation; see further above, p. 75 n. 53 and pp. 192–93.

28. Dagut, "Habbakuk Scroll," 544, emphasis added.

29. For Josephus's error in fixing Strabo's description of the encounter in Damascus out of its proper place in the chronological sequence, see above, p. 66.

Dagut notes, in fact, that his reconstruction may seem subjective, and therefore he confirms it by a purportedly objective chronological datum in Josephus: Josephus's statement that Pompey learned of the death of Mithridates of Pontus when he was near Jericho, just prior to the beginning of the siege (*J.W.* 1.138, *Ant.* 14.53). He argues: "This is an important chronological landmark, for we know that the King of Pontus was assassinated before the end of March. Such important news would hardly take more than a month to reach Pompey in Judaea."³⁰

The second part of this passage is certainly true. The death of Mithridates, Rome's greatest enemy at the time, was very important news, and it is reasonable to assume that it was brought to Pompey in haste.³¹ But what about the first part? What is the source of the assumption that Mithridates died before the end of March? As far as I have been able to discover, the only source is Cassius Dio, whom Dagut in fact quotes in his third note:

For when Marcus Cicero had become consul with Gaius Antonius [τοῦ γὰρ δὴ ... ὑπατεύσαντος], and [ὅτε] Mithridates no longer caused any injury to the Romans, but had destroyed himself [αὐτὸς ἑαυτὸν διέφθειρεν], he [i.e., Catiline] undertook [ἐπεχείρησεν ἐκεῖνος] to set up a new government.... Now these two events came about as follows... (*Hist. rom.* 37.10.4)

Dagut's interpretation of this passage seems to be based on an understanding of the conjunction ὅτε as meaning literally that this happened as the consuls were taking office. However, it seems possible, and perhaps even preferable, to understand that conjunction as meaning that Mithridates died during the year of this consulship and not specifically as the consuls took office. The fact that these passages are an introduction to Dio's long narration of both Mithridates's downfall and Catiline's conspiracy seems to support such an interpretation.

30. Dagut, "Habbakuk Scroll," 544. See also Marcus's n. c on *Ant.* 14.66 in LCL; Smallwood, *Jews under Roman Rule*, 565.

31. For the Roman fear of Mithridates even very close to his death, see Cicero, *Agr.* 2.52. Pompey would have been especially interested in the news because he had led the war against Mithridates since 66 BCE, when he was commissioned to do so by the *Lex Manilia* in place of Lucullus. Plutarch says that, upon learning of Mithridates's death, "the [Roman] army, filled with joy, as was natural, gave itself up to sacrifices and entertainments, feeling that in the person of Mithridates ten thousand enemies had died" (Plutarch, *Pomp.* 42.1).

In fact, in a recent study of Mithridates, Adrienne Mayor writes that he "was thought to be alive in January 63 BC, but by November word of his death reached Rome. His suicide appears to have been late spring or early summer of 63."³²

Moreover, it seems to me that, other than the problem of basing an argument on the relatively late Cassius Dio, there is some further difficulty with Dagut's reasoning. He assumes that the consular year began in March, when, in fact, since 153 BCE, it apparently began on the first of January.³³ This would, of course, take us yet further from Yom Kippur, if we accept Dagut's analysis. But since Dagut accepts Josephus's testimony that Pompey learned of Mithridates's death only when he was in Judea no earlier than midspring, it should rather cast some doubt on some points of his analysis (for example, maybe it took the news longer than assumed to reach Pompey; or maybe—and, as suggested above, this seems to me more

32. Adrienne Mayor, *The Poison King: The Life and Legend of Mithradates, Rome's Deadliest Enemy* (Princeton: Princeton University, 2010), 417–18 n. 1. I am grateful to Prof. Mayor for referring me to this note. Her specified range is an estimation, but there is no clearcut evidence. Baumann, *Rom und die Juden*, 44–45 and esp. n. 178, follows both of Dagut's arguments (i.e., that Pompey's march from northern Syria was not very long and that Mithridates died in early spring). However, he does not accept Cassius Dio as proof for the date of Mithridates's death, and he arrives at that conclusion by way of other considerations; namely, that the news of Mithridates's death had arrived at Rome before November 63, as implied by Cicero, *Mur.* 34, which was delivered between November 8 and December 3, and in consideration of Mithridates's plan to attack Rome, which was prevented by his son's revolt and his own death (Appian, *Mithr.* 109–111). Such an expedition was supposedly intended to begin in the spring. However, Baumann's reasoning seems to me as further conjecture; this chronology for Mithridates's death is possible, but it is certainly not compelling. Furthermore, Baumann's chronological suggestion is unnecessary even if we assume that the news reached Rome well before Cicero's speech and also that it was sent to Rome only after it had reached Pompey in Judea. It would still have arrived at Rome well before November, even if, as Mayor concludes, Mithridates died in late spring of even early summer; such important news should not have taken more than a month and a half to make its way from Judea to Rome; see Lionel Casson, "Speed under Sail of Ancient Ships," *TAPA* 82 (1951): 144–46. In this context, it is important to note that calculations have shown that, at the end of 63 BCE, the Republican calendar was off by no more than a few days from the solar calendar; see A. W. Lintott, "Nundinae and the Chronology of the Late Roman Republic," *CQ* 18 (1968): 190; Chris Bennett, "Two Notes on the Chronology of the Late Republic," *ZPE* 147 (2004): 174.

33. Elias J. Bickerman, *Chronology of the Ancient World*, rev. ed. (London: Thames & Hudson, 1980), 76; Finegan, *Handbook*, 81, 93.

likely—Dio's introductory statement should not, in fact, be taken to mean that Mithridates died as the consuls took office).

Note, furthermore, that the whole argument is founded upon Josephus's statement that Pompey learned of Mithridates's death when he was near Jericho, just prior to the beginning of the siege. Yet the sources are far from agreement on this point. Dio himself implies that the news reached Pompey prior to his campaign against the Nabateans, which, according to Dio, Pompey did not abandon (as Josephus reports) but rather pursued to victory; only following that did he proceed against Judea (*Hist. rom.* 37.14.3–37.15.2; so also Orosius, *Hist. adv. pag.* 6.6). Plutarch too places the arrival of the news while Pompey was marching towards Petra, although he claims that, after the news reached him, Pompey abandoned this expedition. True, Plutarch places this expedition only after Pompey had already subdued Judea (*Pomp.* 39; 41), but this incongruity between the sources should make us wary of constructing a case upon the occasion of Pompey's learning of Mithridates's death.³⁴

To sum up this argument, it seems that the case for a spring beginning of the siege is based on several problematic inferences: a possible but unnecessary interpretation of Josephus; and confidence in Josephus's statement about the occasion of Pompey's hearing of Mithridates's death—the timing of which is contradicted by other sources—coupled with a far from certain understanding of, and reliance upon, Cassius Dio. Thus, it seems to me to be methodologically doubtful to reject Josephus's explicit dating on these grounds.

(3) David Magie rejects Yom Kippur as the date of the fall of Jerusalem due to the fact that Pompey must have reached Amisus in Asia Minor before winter began, since he needed to cross the Taurus before snow would have blocked the Cilician Gates. Therefore, it is claimed, he had to leave Judea before Yom Kippur.³⁵ Seemingly, this is quite convincing.

34. See Sartre, *Middle East under Rome*, 391 n. 75.

35. Magie, *Roman Rule*, 2:1229, followed by Stern, *GLA* 1:277. Baumann, *Rom und die Juden*, 47, follows this reasoning too, and he adds the argument that Pompey's reorganization of the country must have taken some time and that Pompey must have at least been present at the beginning of the rebuilding of Gadara. However, the decision to reorganize the country need not have taken much time. Additionally, Pompey may have already taken some practical steps before or during the siege. Gadara, as other cities, may have been rebuilt before the siege, rather than after. Moreover, it seems that actual building in the "liberated" cities was minimal (Safrai, "Gentile Cities"; see also Jones, *Cities*, 258–59); in any case, I see no reason to suppose that

The foundation of this argument is, however, that Yom Kippur of 63 was observed in October. Scholars reach this date by using Richard A. Parker and Waldo H. Dubberstein's *Babylonian Chronology*, which indeed dates the beginning of Tashritu to October 14;³⁶ consequently, Yom Kippur should have been close to the end of October (on the 23rd). However, as Daniel Schwartz has argued in another context, it would have been quite exceptional for Rosh Hashanah (1 Tishri) to be celebrated so late, and Judeans did not necessarily use the same names as the Babylonians for the same months.³⁷ Thus, it seems likely that (at least in years such as 63) the Judean Tishri would have been equivalent to the Babylonian Ululu, which began in mid-September, and therefore Yom Kippur would have been between September 21 and 24.³⁸ Such a date would likely have left enough time for Pompey's army to cross the Taurus before the gates were blocked. Being of an altitude of just over 1,000 meters, I highly doubt the Cilician Gates would have been blocked by snow early enough to hinder a rapidly advancing army that had left Jerusalem before the end of September, or, at the latest, in early October. The distance between Jerusalem and the Cilician Gates is around 950 km, and the normal speed of a marching Roman army would have been around 30 kilometers a day, and at times

Pompey would have lingered in the country while such building was taking place. After all, he was in a hurry to get to Cilicia (J.W. 1.157, *Ant.* 14.79).

36. Richard A. Parker and Waldo H. Dubberstein, *Babylonian Chronology: 626 B.C.–A.D. 75* (Providence, RI: Brown University Press, 1956), 44.

37. Schwartz, *Studies*, 164 n. 24. See also Sacha Stern, *Calendar and Community: A History of the Jewish Calendar, Second Century BCE–Tenth Century CE* (Oxford: Oxford University Press, 2001), 30–31. Nevertheless, Stern suggests that, at the end of the Second Temple period, festivals were celebrated considerably late. Thus, he suggests that the first day of Sukkot of 41 BCE may have been celebrated on October 26 and that of 66 CE on October 24 (Stern, *Calendar and Community*, 58–62, 121–22), meaning that in those years Yom Kippur would have been on October 21 and October 19, respectively. However, even if Stern is correct regarding the possibility of the festivals being celebrated so late, there is still no reason to assume that such was the case in 63 BCE.

38. According to Parker and Dubberstein, *Babylonian Chronology*, 44, the first day of the Babylonian Ululu in 63 was September 15. The online astronomical Catalog of Phases of the Moon, compiled by the astrophysicist Fred Espenak, dates those new moons to September 12 and October 12, respectively; see <http://tinyurl.com/SBL3547g>.

even faster.³⁹ Thus, we can assume it would have taken Pompey's army a little over a month, at most, to reach the gates.

(4) In his *Geography* Strabo also describes Pompey's siege and conquest of the temple, and he too speaks of "the day of the νηστεία" (16.2.40): Κατελάβετο δ', ὥς φασι, τηρήσας τὴν τῆς νηστείας ἡμέραν, ἥνικα ἀπείχοντο οἱ Ἰουδαῖοι παντὸς ἔργου, πληρώσας τὴν τάφρον καὶ ἐπιβαλὼν τὰς διαβάθρας.

Dagut sees in Strabo's description further evidence that the term should not be taken to refer to Yom Kippur, but rather to the Sabbath. He emphasizes the use of the imperfect ἀπείχοντο ("abstain, refrain"), and says:

Giving this its obvious repetitive force, we translate: "Pompey captured (the city), by waiting for the day of the fast, when the Jews regularly refrained from all work, and then filling the trench and throwing ladders across it." Strabo is describing a tactic repeatedly employed by Pompey which eventually enabled him to take the city. It is impossible to translate his words in any other way, without depriving the imperfect of its force and making nonsense of the last clause: for the Romans cannot have filled the deep trench which protected the temple, and thrown ladders across it in a single day. Nor can Strabo have meant to depict Pompey as waiting especially for the Day of Atonement, when in fact ἥνικα ἀπείχοντο οἱ Ἰουδαῖοι παντὸς ἔργου applied equally to any sabbath. Moreover, the whole point of waiting for the day of rest was that only then could the Romans make their siege-preparations without interference from the defenders. But, when the actual assault was delivered, the Jews fought desperately, whatever the day. Thus Strabo's remark, which explains Pompey's success when applied to successive sabbaths, becomes absurd if applied to the Day of Atonement.⁴⁰

According to this understanding, when writing of "the day of the fast," Strabo was not referring to the final assault on the temple, but to the construction of the siege-works in the previous months, and thus this description by Strabo corresponds to Josephus's description of the construction of the siege-works. Josephus explains that Pompey took

39. See Herbert W. Benario, "Legionary Speed of March before the Battle with Boudicca," *Britannia* 17 (1986): 358–62. For Pompey's haste in leaving the area and rapid march to Asia Minor, see *J.W.* 1.157, *Ant.* 14.79, Plutarch, *Pomp.* 42.1–2. For a description of the Cilician Gates, see W. M. Ramsay, "Cilicia, Tarsus, and the Great Taurus Pass," *Geographical Journal* 22 (1903): 357–410, esp. 378–83.

40. Dagut, "Habbakuk Scroll," 545–46. Baumann, *Rom und die Juden*, 45–46, argues similarly. See also Drew, "Pompey's Capture."

advantage of the Jewish Sabbaths to build the siege-works, for on those days Jews fight only in direct self-defense but refrain from manual work, such as would be required for the disruption of construction of siege-works (*J.W.* 1.146, *Ant.* 14.63–64).

Dagut's interpretation of Strabo is of utmost importance. For if, as is assumed, Strabo was Josephus's source for the date, and Strabo's statement has to be understood as referring to the Sabbath, then, as Dagut and others claim,⁴¹ Josephus must have misunderstood him. Consequently, even if all chronological considerations against Yom Kippur as the day of the conquest are rejected—as I think they should be—there remains no source for Yom Kippur. Thus, it is crucial to examine Dagut's interpretation of Strabo.

Before I turn to analyze Strabo's statement, it is important to note the following regarding Dagut's line of argument. As mentioned, Dagut's understanding that Strabo's "day of the fast" referred to the Sabbath derives from his interpretation of Strabo's statement as describing the process of the construction of the siege-works, not the final assault. But, if this is the case, then neither Strabo nor Josephus can be used as evidence that the conquest itself actually took place on the Sabbath; we are left only with the much later Cassius Dio as evidence for that. Yet, immediately following his interpretation of Strabo, Dagut still appears to assume that—like Dio's "day of Kronos"—"the day of the fast" of both Strabo and Josephus refers to the fall of Jerusalem!⁴² Likewise, Eyal Regev, for whom, as we shall see, the determination that the conquest took place on the Sabbath is key, appears to understand Strabo's statement as describing the construction of the siege-works.⁴³

41. E.g., Bellemore, "Josephus, Pompey," 111–12; Galimberti, "Josephus and Strabo," 163.

42. Dagut, "Habbakuk Scroll," 546.

43. Regev, "Temple Mount," 285; Regev, *Sadducees*, 81–82. For Regev, this understanding is part of his attempt to explain the supposed invention of the halakic view which Josephus attributes to the party of Aristobulus, according to which only direct self-defense is allowed on the Sabbath but labors that are needed to hinder construction of siege-works are forbidden. According to Regev, Strabo merely meant that their refraining from all work on the Sabbath "influenced their defence and enabled Pompey to erect the siege engines"; he did not mean that they would have engaged in actual battle; that halakic distinction was invented by Nicolaus/Josephus, who misinterpreted Strabo. Yet, as stated here, if one concludes that Strabo only referred to the construction of the siege-works, one cannot at the same time take him—or Josephus—

Indeed, in a superficial reading of Strabo's statement in the *Geography*, one can be fairly confused whether his phrase "the day of the fast" referred to the construction of the siege-works or to the conquest itself. Strabo's description appears rather condensed.⁴⁴ Such condensation might be expected of historical narratives in a work whose main focus is geography, not history. We should recall, however, that Josephus most probably used Strabo's now lost historical work, not his *Geography*.⁴⁵ Naturally, that work was probably more detailed and less confusing in this regard, and it is obvious that Josephus understood it as referring to the final conquest itself.⁴⁶

Nevertheless, I would like to suggest that a careful reading of the passage from Strabo's *Geography* actually leads to the conclusion that it probably referred to the conquest itself, and, furthermore, that it in fact referred to Yom Kippur. As we saw, Dagut highlights the use of the imperfect ἀπέχοντο ("abstain, refrain"). However, the imperfect is naturally used because this verb is describing a custom, the Judeans' custom of abstaining from work on "the day of the fast," whether that phrase denotes the Sabbath or Yom Kippur. It does not shed any light on the question whether the described tactic of Pompey was a one-time event or a repetitive action. In contrast, as Dagut acknowledges, the fact that Strabo speaks of "the day of the fast," in the singular, points towards a single, not a repetitive, action.⁴⁷

Yet, the other verbs in the sentence, pertaining to Pompey, should also be examined. After the first verb in the sentence in the aorist (κατελάβετο, "to seize, occupy"), the sentence has a series of participles pertaining to

as evidence that the conquest took place on the Sabbath. But that is exactly what Regev appears to do. On Regev's view, see further below.

It should be clarified that while Regev and Dagut interpret Strabo as referring to the construction of the siege-works, they do so with opposing viewpoints. Dagut, taking the halakah recorded by Josephus for granted, assumes that the Jews would have defended themselves in the face of a direct assault, whatever the day, including Yom Kippur; Regev (apparently unaware of Dagut's earlier paper), on the other hand, assumes that the besieged Jews would not have defended themselves on the Sabbath even against a direct assault, and that Josephus's halakah was an erroneous inference from Strabo.

44. Morr, "Die Landeskunde," 267–68. See also Stern, *GLA* 1:307.

45. Galimberti, "Josephus and Strabo," 150–51; cf. Laqueur, *Der jüdische Historiker*, 162.

46. Contra Baumann, *Rom und die Juden*, 46 n. 185.

47. Dagut, "Habbakuk Scroll," 546 n. 3.

Pompey, all of which are in the aorist as well (τηρήσας, πληρώσας, ἐπιβαλὼν). For the current discussion, the first participle, τηρήσας ("having watched for"), is the most important. If Strabo were describing Pompey's tactic of constructing the siege-works on consecutive Sabbaths, it is this verb that we would expect to be in the imperfect. The fact that it is not, but is rather in the aorist, speaks against Dagut's interpretation. It appears to me that the very description of Pompey as watching for or awaiting "the day of the fast" gives the impression of a specific, unique day, not of one that comes around once every seven days.

Furthermore, Dagut understands and translates Strabo as though he says that Pompey repeatedly waited for "the day of the fast" for the construction of the siege-works ("waiting for the day of the fast ... *and then* filling the trench..." [emphasis added]). He then rightly claims that the Romans could not have done all the siege-works in a single day, and therefore he concludes that Strabo must be referring to consecutive Sabbaths. However, taken plainly Strabo does not say that Pompey's tactic of waiting for the day when the Judeans abstain from work was intended for the construction of the siege-works. The series of participles seem to imply three distinct actions by which Pompey took the city (waiting for the day of the fast, filling the trench, throwing the ladders), not one action that enabled another.

Consequently, I propose the following translation for Strabo: "He (Pompey) seized [the city], it is said, after having waited for the day of the fast, when the Judeans regularly abstained [or were accustomed to abstain] from all work; [already] having filled up the trench and having thrown the ladders." Thus, we may understand Strabo as saying that for the final assault Pompey waited for the day when the Judeans refrained from all work, after he had already filled up the trench and thrown the ladders.

If Strabo indeed meant that the conquest took place on "the day of the fast," it is now critical to examine this last phrase. What did Strabo mean by it, the Sabbath or Yom Kippur? Thus, it is necessary to scrutinize the hypothesis that the phrase "the day of the fast" denotes the Sabbath in non-Jewish literature.⁴⁸ It is definitely true that some pagan authors

48. Note the discrepancy between the evidence assembled below and the oft-found perception that "the view of the Sabbath as a day of fast seems to have been widespread among Greek and Latin authors" (Peter Schäfer, *Judeophobia: Attitudes toward the Jews in the Ancient World* [Cambridge: Harvard University Press, 1997], 89 [emphases mine]).

believed, for some reason, that Jews fasted on the Sabbath.⁴⁹ We find this notion in the writings of Pompeius Trogus (apud Justinus, *Hist. Phil.* 36.2.14), Petronius (*Frag.* 37), Martial (*Epigr.* 4.4), and Suetonius (*Aug.* 76:2, in Augustus's letter to Tiberius).⁵⁰ It is important to note, however, not only that all of these sources are in Latin,⁵¹ but also that all of them

49. Most scholars agree that this was a mistaken conception of those pagan authors. Some suggest that the mistake arose from the Jewish prohibition against cooking on the Sabbath, but Joshua Ezra Burns has recently made a convincing case (in "Fasting on the Sabbath: An Ancient Jewish Stereotype Deconstructed," a paper presented at the forty-seventh conference of the Association for Jewish Studies in Boston in December 2015) that it resulted from the absence of the Jews from the marketplace on the Sabbath; that is, they inferred that if Jews did not shop for food on the Sabbath it must be because they fasted. For suggestions that some Jews, or at least Roman Jews, did indeed fast on the Sabbaths, see the next two footnotes.

50. These are nos. 137, 195, 239, and 303 in Stern's *GLA* (1:334–42, 444, 523–24, 2:110). See also Goldenberg, "Jewish Sabbath," 439–41. Yitzhak Gilat argues that these pagan authors attest to an actual Jewish practice of fasting on the Sabbath, and he adduces support for this conclusion from rabbinic literature; see Yitzhak D. Gilat, *Studies in the Development of Halakha* [Hebrew] (Ramat-Gan: Bar-Ilan University, 1992), 109–18; followed by Regev, "Temple Mount," 277, and Magness, "Qumran Fasts." For the Sabbath being a day on which one should *not* fast, see Jdt 8:6, which says that Judith fasted "all the days of her widowhood, apart from pre-sabbaths and sabbaths and pre-new moons and new moons and feasts and rejoicings of the house of Israel" [*NETS*]. For Jubilees's view, see below, n. 58.

Contra Smallwood (*Jews under Roman Rule*, 565), I see no reason to understand either Tacitus, *Hist.* 5.4.3 (*GLA* 2:17–63) or Fronto, *Ep. Ad M. Caesarem et invicem*, 2.9 (*GLA* 2:176) as referring to the Sabbath when they refer to fasts; Tacitus actually seems to differentiate between the "frequent fasts" and the "rest on the seventh day," inserting a reference to Passover in between. In any case, we should note that, again, both are in Latin, and neither uses the idiom "the day of the fast." Likewise, there is also no reason to take Lysimachus (apud Josephus, *Ag. Ap.* 1.308) as referring to the Sabbath (contra Schäfer, *Judeophobia*, 89).

51. Margaret H. Williams ("Being a Jew in Rome: Sabbath Fasting as an Expression of Romano-Jewish Identity," in *Negotiating Diaspora: Jewish Strategies in the Roman Empire*, ed. John M. G. Barclay, *LSTS* 45 [London: T&T Clark International, 2004], 8–18) stresses the range of Latin authors who attest to the Jewish practice of fasting on the Sabbath, and she objects to its off-hand rejection by most scholars. She rather posits that at least some of these Latin authors likely had good knowledge of Jewish Sabbath practices, and she concludes that fasting was a unique Sabbath practice of the Jewish community of Rome at the time. She explains this practice as the Roman Jewish community's somber commemoration of the conquests of Jerusalem in 63 and 37 BCE, conquests which took place on Sabbaths, because that community was largely

explicitly designate this day as the Sabbath. In pagan literature referring to Jews, the Sabbath was a relatively popular subject, being referred to either by its name, as the seventh day, or as the day of Saturn.⁵² But, as far as I have found, nowhere is it referred to as "the day of the fast." On the other hand, Plutarch appears to refer to Yom Kippur when he writes about the Jews' "so-called Fast [νηστεία]" (*Quaest. Conv.* 4.6.2).⁵³ It therefore strikes me as rather dubious to so confidently understand "the day of the fast" in our episode as referring to the Sabbath. Indeed, one suspects that, had it not been for the chronological considerations mentioned (and rejected) above, this phrase, with its definite articles, would not have been understood as referring to anything other than Yom Kippur both in Josephus and in Strabo.

To conclude this point, the interpretation of Strabo's "day of the fast" as referring to the time of the construction of the siege-works, and hence to consecutive Sabbaths, is problematic. It seems preferable to understand it, as Josephus did, as referring to the final assault on the temple. The hypothesis that the phrase "the day of the fast" designates the Sabbath does not have much to recommend it. There is no evidence that Strabo, or any other Greek author for that matter, thought that Jews fast on the Sabbath, and likewise there is no evidence for such a designation of the Sabbath. On the

comprised of prisoners of those conquests (pp. 15–17). While I think that her conclusion that Roman Jews may have had a practice of fasting on Sabbaths is possible, her explanation for the emergence of this unique practice within Roman Jewry is not convincing. Commemorations of such catastrophes would likely not have been on the day of the week but rather on the yearly dates on which they occurred (like most traditional Jewish fasts, such as the 9th of Av, 17th of Tammuz, etc.). Moreover, her argumentation is somewhat circular. For, as we saw, except for the later Cassius Dio, neither Josephus nor Strabo writes that Jerusalem was taken on the Sabbath. This is rather the scholarly perception based to a large degree on the assumption that pagan authors believed that Jews fasted on the Sabbath, an assumption based on those same Latin authors. Nevertheless, her discussion may bolster the suggestion made above (pp. 400–401): if Roman Jews customarily fasted on Sabbaths, that practice may have led Cassius Dio (or an intermediate source) to interpret "the day of the fast" of his sources as the Sabbath.

52. For the Sabbath in pagan literature, see Goldenberg, "Jewish Sabbath," 430–42.

53. *GLA* 1:550–62. See Daniel Stökl Ben Ezra, *The Impact of Yom Kippur on Early Christianity*, WUNT 163 (Tübingen: Mohr Siebeck, 2003), 68–69. Note also that, a few lines later in the same section, Plutarch refers separately to the Sabbath. In addition, we have seen above that in Jewish sources ἡ νηστεία, or its Hebrew equivalent יום הכיפורים regularly refers to Yom Kippur.

contrary, this (more or less) same phrase designates Yom Kippur in Josephus and other Jewish literature, and apparently also in Plutarch, whereas the Sabbath is always designated either by its name, as the seventh day, or as the day of Saturn. Thus, having rejected the chronological considerations, as well as other considerations often employed to deny the possibility of Yom Kippur as the date of the final assault, it is appropriate to take Strabo as referring to Yom Kippur, as Josephus apparently understood him.

(5) I would like to note one further consideration, which may be presented to reject Yom Kippur as the date of Pompey's conquest, although I have not seen it mentioned in any of the studies: namely, the fact that both the Psalms of Solomon (Pss. Sol. 2, 8, and 17) and the Qumran pesharim on Habbakuk and Nahum, which refer to this event, do not mention this most holy day.⁵⁴ It would certainly be expected that they would mention it if in fact the temple was taken on this day. Of course, this is an *argumentum ex silentio* and should be treated as such.⁵⁵

In sum, it seems that all of the considerations set forth to reject the possibility that Pompey took Jerusalem on Yom Kippur are either erroneous or are, at least, not compelling. In fact, the long series of events from the time Pompey left his winter quarters in northern Syria until he began the siege, in addition to three months of the actual siege, seems to be in line with an autumnal date for the conquest, and Strabo's description makes perfect sense if his "the day of the fast" referred to Yom Kippur.

54. Of course, the Qumran sectarians probably observed Yom Kippur on a day other than that observed in Jerusalem (Peshar Habakkuk XI, 4–8), but we might yet expect that they would not have neglected to mention had such an event occurred on the day observed as Yom Kippur in Jerusalem.

55. Note, however, that the Syriac version of the Psalms of Solomon, pertaining to Pompey's conquest, reads: "In his arrogance the lawless one cast down strong walls *on the feast day*" (Ps. Sol. 2:1; translation by Trafton, *Syriac Version*, 29; the Greek version reads: "with a battering-ram"). The Syriac word used here takes the meanings of "feast," "feast day," "holyday," "festival." In the Peshitta, that word translates both מוֹעֵד and חַג (see especially Lev 23:2, 4, 37, 44). As will be noted below (p. 427), the Greek word *ἐορτή* (festival), which is the equivalent of this Syriac word, is sometimes used in relation to Yom Kippur. It was traditionally held that the Syriac version is a translation from the Greek. But in his comprehensive study, Trafton concludes that "overall, the case for a Hb Vorlage [of the Syriac version] is stronger" (Trafton, *Syriac Version*, 207). So, perhaps the Syriac version does, after all, preserve a trace of a tradition by which the conquest took place on Yom Kippur. Trafton himself, however, favors the Greek version for this specific passage (212). Scott (*Bacchius Iudaeus*, 110–17) suggests that the Greek text of Pss. Sol. 2 may contain a hint that the conquest took place on Yom Kippur.

Another line of argument may provide further support for the notion that the city was taken on Yom Kippur, but it first requires a temporary digression from the main subject. Regev points out the fact that, in all the sources describing Pompey's conquest, we barely hear of any resistance to this final assault. Cassius Dio says explicitly that the besieged made no defense (*Hist. rom.* 37.16.4); Strabo does not mention any defense; and Josephus says that only some brief resistance was offered, and this statement is only found in the *Jewish War* (1.149). Regev accepts Dio's version, and he claims that, without any basis, Josephus or Nicolaus added the notion that there was some defense, because it seemed natural that some resistance was offered. Regev further argues that Josephus's description of the priests being busy with the sacrificial rites and therefore not defending themselves (*J.W.* 1.148–151, *Ant.* 14.65) is an unreasonable explanation for the lack of resistance. He claims that only a few priests were enough to carry on the rites and that in other similar instances, such as Titus's conquest, the priests indeed fought to the bitter end. He therefore asserts that this description was invented by Josephus's source, Strabo (using Posidonius⁵⁶), in order to explain the lack of resistance, but that the real explanation should be sought elsewhere.

Regev, assuming that indeed there was next to no resistance to the final assault, suggests a different explanation. He accepts the consensus view that "the day of the fast" refers to the Sabbath and that the conquest took place on the Sabbath. He argues that there was virtually no resistance precisely because it was the Sabbath. Regev posits that the followers of Aristobulus, who were presumably Sadducees, held a stringent halakic view, which did not allow fighting on the Sabbath under any circumstances. This is suggested by Cassius Dio, who, as mentioned, says that the conquest took place on the Sabbath and explicitly writes that the besieged did not defend themselves. However, Regev's suggestion creates a contradiction between the halakic view he attributes to the besieged and the halakic view attributed to them by Josephus, according to whom on the Sabbath direct self-defense was in fact permitted and only such labors as are necessary to

56. As explained above, pp. 402–3, my conclusion is that the source of the main pericope, paralleled in both the *Jewish War* and the *Jewish Antiquities*, was Nicolaus, and that Strabo was Josephus's direct source mainly for the date of the conquest. One can imagine, however, that Josephus himself, being a proud priest, may have invented this description of the priests busy with the temple rites or, perhaps, that he found it in some priestly source.

hinder construction of siege-works were not. Therefore, Regev rejects that halakic view as emanating from Josephus's or Nicolaus's mistaken understanding of Strabo, and as "a purely theoretical halakhah."⁵⁷ He bases his argument on the grounds that no such halakic stance is known. According to Regev, only two halakic views are known: on the one hand, there is the enactment of Mattathias the Hasmonean (1 Macc 2:40–41), which, Regev claims, accords with the Pharisaic view, which he understands as permitting fighting on the Sabbath in any situation that can be remotely defined as self-defense; and, on the other hand, there is the view found in Jub. 50.12 forbidding fighting on the Sabbath in any case. It is this latter view that he attributes to the followers of Aristobulus, the Sadducees.⁵⁸

I find Regev's argument unconvincing. His suggestion stands on three pillars: (1) the assumption that the followers of Aristobulus were (mainly) Sadducees; (2) he takes for granted the scholarly consensus that Pompey's conquest occurred on the Sabbath; and (3) the halakic view that Josephus attributes to the besieged is unattested and therefore unlikely. The first pillar, that Aristobulus's followers were Sadducees is indeed reasonable and commonly accepted.⁵⁹ But the other two are very problematic in my view. First, as Regev himself writes, "the key" to his analysis "is the very fact that the Temple Mount was taken specifically on the Sabbath."⁶⁰ As I have shown above, I think the consensus that the conquest occurred on the Sabbath is ill-founded.⁶¹

57. Regev, "Temple Mount," 285–86.

58. Ibid.; Regev, *Sadducees*, 70–82. Regev supports his conclusion that they held this stringent halakic view of *Jubilees* by saying that "the extreme nature of this approach was exceptional, and seems to have something in common with the practice of fasting on the Sabbath," which he accepts as authentic (Regev, "Temple Mount," 280). However, *Jubilees* itself actually commands its readers to eat and drink on the Sabbath (2.21, 50.9–10). The Qumranites too are unlikely to have allowed fasting on the Sabbaths; see Magness, "Qumran Fasts."

59. E.g., Abel, "Le siège," 246; Berrin, "*Pesher Nahum*," 72, with additional references there in n. 9.

60. Regev, *Sadducees*, 75 (my translation); see also Regev, "Temple Mount," 279.

61. In fact, as noted above (p. 413 and n. 43), Regev appears to understand Strabo's "day of the fast" as referring to successive Sabbaths which Pompey exploited in order to construct the siege-works. If this is the case, Strabo cannot be used as evidence that the conquest took place on the Sabbath and, since Strabo is assumed to have been Josephus's source, neither can Josephus. Yet, Regev still uses them both as evidence for the Sabbath as the day of the conquest.

As for the third pillar—rejecting the halakic view that Josephus attributes to the besieged—its foundation is the assumption that, if we know from other sources of only the two extreme halakic views—the view that permits fighting on the Sabbath in almost any case and the view which prohibits it in any case—then those were the only existing views. However, halakic views do not always represent only such extremes, and often when there are two extreme views, there would also be an intermediate view(s), at least until the halakah is finally decided. It is perfectly reasonable that this was also the case pertaining to the issue of fighting on the Sabbath and that Josephus preserves one such intermediate view. In the words of Goodman and Holladay: "It seems preferable to accept that there existed a genuine uncertainty about the correct way to keep the Sabbath in wartime."⁶² Indeed, the enactment of Mattathias the Hasmonean is quite ambiguous on the question of indirect defense on the Sabbath. It reads: "Every person who comes against us in battle on the day of the sabbaths, let us fight against them" (1 Macc 2:41 [*NETS*]; see also *Ant.* 12.276–277). Taking into account that this enactment is a reaction to the massacre of pious Judeans who did not defend themselves against a direct attack on the Sabbath (1 Macc 2:29–38), it would have made perfect halakic sense to interpret it as permitting only direct self-defense; subsequent reported fighting on the Sabbath is clearly such direct self-defense (1 Macc 9:43–49; *Ant.* 13.12–14). It appears to me more reasonable to assume that the followers of Aristobulus, the descendant of Mattathias, the Hasmonean dynasty's founder, would thus interpret his enactment than to assume they would so bluntly disregard one of his most important and famous deeds.⁶³

Furthermore, given that the speech that Josephus places in the mouth of Agrippa II recounts the same scenario pertaining to Pompey's siege (*J.W.* 2.392), it appears that Josephus, at least, really thought that this was a genuine halakic view. Additionally, one may wonder, if the besieged would not have defended themselves at all on the Sabbaths and if Pompey was aware of that, why did he need to go to such lengths to build an entire siege, a task that took up three months? The mighty Roman army should

62. M. D. Goodman and A. J. Holladay, "Religious Scruples in Ancient Warfare," *CQ* 36 (1986): 169. See also the full discussion on pp. 165–71. See also Herold Weiss, "The Sabbath in the Writings of Josephus," *JSJ* 29 (1998): 374–80.

63. In this context, it is important to note that many scholars classify 1 Maccabees as a Sadducean text or as a text whose views are close to those of the Sadducees. See Flusser, "Roman Empire," 182–83; see Rappaport, *1 Maccabees*, 54–55.

have been able to take the defenderless Temple Mount quite easily with an attack on any Sabbath.

Nevertheless, Regev does direct our attention to an intriguing point: the evidence indeed speaks of next-to-no defensive measures taken by the besieged during the final assault.⁶⁴ If we reject Regev's explanation, as I think we should, then we must look for another explanation. It seems to me that if the assault had in fact taken place on Yom Kippur, as both Strabo and Josephus apparently report, that might precisely be the explanation. First, we may assume that an attack in the midst of such a day caught the defenders by surprise and when they were weakened by the fast. Second, on Yom Kippur the priests may very well have been busy performing the temple rites, and they might not have engaged in fighting. As we have seen, in fact, both of Josephus's narratives emphasize that the priests piously carried on their duties as the assault was taking place (*J.W.* 1.148–150, *Ant.* 14.65–68).

Moreover, although we do not know of halakic views about fighting on Yom Kippur, we may yet assume that there would have been great reluctance to fight on this most holy of days.⁶⁵ This may especially be suggested in the case of people whose halakic view about the question of fighting on the Sabbath was relatively stringent, as Josephus says of the besieged. One can easily imagine that such people would have greater qualms about

64. The Psalms of Solomon also do not mention any active opposition to the Roman assault. See Atkinson, *I Cried*, 26–27 n. 26. In *J.W.* 1.151 and *Ant.* 14.71, Josephus reports that 12,000 Judeans perished but only a few Romans (the version in the *Jewish War* adds that the number of wounded Romans was considerable). If taken at face value, this outcome indicates the almost complete lack of resistance, in accordance with the brief resistance mentioned in *J.W.* 1.149. Additionally, these numbers may refer to the entire siege, not just to the final assault, thus implying that the resistance to that assault was even more insignificant.

65. Goodman and Holladay, "Religious Scruples," 167. See also 1QpHab XI, 4–8. For the great zeal in the observance of Yom Kippur, see Philo, *Spec.* 1.186: "On the tenth day is the fast, which is carefully observed not only by the zealous for piety and holiness but also by those who never act religiously in the rest of their life. For all stand in awe, overcome by the sanctity of the day." In the present context, it is intriguing that in *Mos.* 2.23–24 Philo compares Yom Kippur to the Greek *επουρημία*, on which hostilities and legal processes were suspended; see LCL n. *b* ad loc. In addition, according to Lev 16:11–20, 33, the high priest's rites on Yom Kippur are intended, among other purposes, to atone for the temple and to purify it from its defilements. Thus, the thought of fighting and killing on the Temple Mount on that day might have seemed particularly absurd.

fighting on the holiest day of the Jewish year, the "Sabbath of Sabbaths" (Lev 16:31, 23:32; Philo, *Spec.* 2.194). Indeed, while it is difficult to believe that a party in power and in charge of protecting the temple, like Aristobulus's followers, would entirely forbid self-defense one day a week—in contrast to a marginal group, distanced from the national power centers and the temple, such as the Qumran sect, which can afford to stay purely pious without encountering potential dangers to temple and state—it is yet possible that such a party would hold such a stringent view concerning one day a year.

Thus, a Yom Kippur date for the assault may perhaps best explain the way in which the events unfolded. Such an explanation is bolstered by Strabo's *Geography*, since, according to my interpretation offered above, it explicitly says that Pompey waited for "the day of the fast"—that is, Yom Kippur—for the final assault because on that day "the Judeans regularly abstained from all work."⁶⁶

The Date of the Conquest by Herod and Sossius

Josephus gives the following chronological description of the conquest by Herod and Sossius (*Ant.* 14.487–488):

This calamity befell the city of Jerusalem during the consulship at Rome of Marcus Agrippa and Caninius Gallus, in the hundred and eighty-fifth Olympiad, in the third month, on the festival of the fast [τῇ ἐορτῇ τῆς νηστείας], as if it were a recurrence of the misfortune which came upon the Jews in the time of Pompey, for they were captured by him [Sossius] on the very same day, twenty-seven years later.⁶⁷

66. Recently James Scott has suggested that Pompey may have intentionally postponed the final assault until Yom Kippur, so that the conquest of the temple would occur on or near his birthday (September 29), since Pompey often had important events coincide with his birthday (e.g., his third triumph in 61; the dedication of his theatre in 55). In addition, Scott notes that by doing so Pompey could enter the Holy of Holies on the one day in the year in which only the high priest could enter it, and it would almost coincide with the festival of Sukkot (Tabernacles), which was one of the main factors for the association of the Jewish cult with the cult of Dionysus, the god with whom Pompey strongly identified and imitated (see above, p. 68 n. 33 and p. 97 n. 129). See Scott, *Bacchius Iudaeus*, 100–25.

67. Based on the LCL translation.

As in the case of Pompey's conquest, it is usually assumed that the "third month" refers to the siege. But this detail should probably be rejected as a mechanical transfer of the statement about Pompey's conquest, due to the synchronization with that event. It seems preferable to accept the evidence of *J. W.* 1.351 that the siege lasted five months (*J. W.* 5.398 says six months).⁶⁸

The considerations set forth to reject this conquest's date to Yom Kippur are as follows. (1) While the consular year corresponds to 37 BCE, it is assumed that the 185th Olympiad ended on June 30, 37. Therefore, the conquest must have taken place no later than the end of June.⁶⁹ Stern emphasizes this point and even notes the problem that arises; namely, the siege supposedly began at the end of winter, but since it lasted five

68. Stern, "Chronology," 66. See Momigliano, "Josephus as a Source," 885–86. Other explanations for the discrepancy between the five and three months are that one relates to the full duration of the siege and the other to only part of it (Schürer, *History of the Jewish People*, 1:285; Smallwood, *Jews under Roman Rule*, 566; Dagut, "Habbakuk Scroll," 547; Richardson, *Herod*, 160 n. 31), or that the third month refers to the Greek calendar (Steinmann, "When Did Herod Reign," 9), but this last suggestion hardly seems likely (see Schürer, *History of the Jewish People*, 1:285). Laqueur (*Der jüdische Historiker*, 211–12) views the contrasting information as resulting from two different sources: the *Jewish War* places the beginning of the siege after the "end of winter," says that the siege lasted five months, and does not know of "the day of the fast." In the *Jewish Antiquities*, Josephus used the *Jewish War* narrative, but he inserted a contrasting source and therefore deleted the chronological details found in the *Jewish War*. According to this inserted source, the siege began in the summer (*Ant.* 14.473), and it ended in its third month on Yom Kippur. Laqueur favors this inserted source. Laqueur, however, fails to note the resemblance of Josephus's statement regarding the third month and "the day of the fast" to that regarding Pompey's siege, and he does not remark on the parallelism that is made between the two conquests. We should also recall that, regarding that earlier siege, Laqueur rejected the notion that it ended on Yom Kippur (see above, n. 10). Moreover, Laqueur himself notes that in *Ant.* 14.465 Josephus says that the siege began "after the end of winter," but he views this as a blunder on Josephus's part, for mistakenly taking this piece of information from the *Jewish War* despite his intentional deletion of *Jewish War*'s chronology. Lastly, it seems to me that the reference to the summer in *Ant.* 14.473 refers to some point in the middle of the siege, not to its beginning. My point is not to refute the notion of different sources, which is generally accepted, but rather to challenge the notion that these two sources convey such contrasting chronologies. Be that as it may, even accepting Laqueur's view, we should note that, if the analysis below regarding the *χειμών* is correct, then the *Jewish War*'s chronology does not contradict the possibility that the siege ended on Yom Kippur.

69. Marcus's n. c ad loc. in LCL; Richardson, *Herod*, 160 and n. 31.

months, the data cannot be reconciled with the end of June.⁷⁰ The revisers of Schürer's monumental work note this point as well, but they claim that this should not necessarily mean that the conquest took place in the first half of the year.⁷¹ This last point accords with what we saw above (p. 405) regarding the synchronization of Olympic dating with consular dating. However, it seems that this entire problem is rooted in some basic mistake, for the 185th Olympiad began in 40 and ended in 36, as is found in various lists of Olympiads, *including in the revised version of Schürer*.⁷² I have not been able to discover how this mistake came about.

(2) As with Pompey's siege, it is assumed that Herod's siege began in early spring. This assumption is based upon the indication that the siege began immediately after the χειμών, which Josephus says delayed Herod's march on Jerusalem (*J.W.* 1.339, 343, *Ant.* 14.461, 465). The assumption seems to be that χειμών here means "winter."⁷³ This has led scholars to date the beginning of the siege to February, or March at the latest, and thus the five-month siege is thought to have ended in July/August.⁷⁴

However, as Daniel Schwartz has demonstrated, χειμών here more likely means "storm."⁷⁵ It seems, in fact, that the number of occurrences of χειμών in Josephus that should be rendered "winter" and the number of those that should be rendered "storm" are approximately equal. Furthermore, in many cases (but admittedly not all) when Josephus refers to the winter season, the word χειμών is accompanied by the word ὥρα, "season" (for example, *J.W.* 3.64, *Ant.* 2.305). In our case, "readers of Josephus' narrative on the interruption caused by the *cheimōn* hardly gain the impression that a season went by; a day or two is more likely."⁷⁶ The impression of the passage is more of an unexpected storm that delayed him. Indeed, only if speaking of a storm, not of the entire winter season,

70. Stern, "Chronology," 64, 66.

71. Schürer, *History of the Jewish People*, 1:285. See also Baumann, *Rom und die Juden*, 159.

72. Schürer, *History of the Jewish People*, 1:609; Bickerman, *Chronology*, 120; Finigan, *Handbook*, 96–97. Steinmann ("When Did Herod Reign," 2) plainly lists the year 36 as the end of this Olympiad.

73. See Schalit's Hebrew translation of the *Antiquities*, which has "storm" in *Ant.* 14.461, but "winter" in 14.465.

74. Schürer, *History of the Jewish People*, 1:285; Stern, "Chronology," 66. See also Smallwood, *Jews under Roman Rule*, 566.

75. Schwartz, *Studies*, 178.

76. *Ibid.*, 178.

does the use of the adjective, “most violent” (σφοδρός) (*J.W.* 1.339) make sense in the explanation of Herod’s delay (compare *Ant.* 9.209, 14.377). If the cause was the winter season, the delay would have been anticipated and would have taken place regardless of the severity of the winter. Moreover, given the climate of Judea, the weather would certainly not have been severe throughout the entire season, so that if Herod had intended to march on the city during the winter he should have been able to find the opportunity to do so. Furthermore, earlier in the campaign Herod was not deterred by the winter (*J.W.* 1.297–304, *Ant.* 14.406–414), and it is unlikely that now, so close to achieving his goal, he would be deterred because of the season; a few days’ delay due to a storm is, of course, a different story. In fact, Herod had already been delayed by a severe storm earlier that year (*J.W.* 1.330, *Ant.* 14.453).

Consequently, if the cause of the delay was actually a storm, then we need not date the beginning of the siege to the end of winter or even to the very beginning of spring.⁷⁷ Although most precipitation in the land of Israel comes in the winter, a storm, and even a heavy one, is not all that uncommon in the spring.⁷⁸ It would seem sensible, then, to reconstruct the sequence of events as follows: sometime after the end of the winter season Herod intended to march on Jerusalem; an unexpected spring storm caused him to put it off by a few days; after the storm he made his way to Jerusalem and immediately began siege-works; the entire siege lasted five months. We should note, moreover, that it is not all that clear what the starting point is for the calculation of the duration of the siege, whether the beginning of siege-works, or perhaps only sometime later with Herod’s return to camp after his marriage to Mariamme in Samaria and the arrival of Sossius. Additionally, according to Josephus, three lines of earthworks were raised during the summer (*Ant.* 14.473), and their completion was apparently still two to three months before the end of the siege, thus implying that the siege ended in the autumn.⁷⁹

77. One may suggest that this storm is not a historical detail but rather a literary motif, thus nullifying any chronological argument that is based upon it.

78. Schwartz, *Studies*, 178 and n. 47. For a description of spring weather in the land of Israel, including a list of some occasions of extremely rainy weather in the spring since 1950, see the webpage of the *Israel Weather* site: <http://tinyurl.com/SBL3547h>.

79. Smallwood (*Jews under Roman Rule*, 566) gives it three months. Josephus writes that the first wall was taken in forty days, the second in fifteen (*Ant.* 14.476),

In 37 BCE Yom Kippur fell on circa October 6, if the Hebrew month Tishri was identical to the Babylonian Tashritu. But if in that year Tishri was equivalent to the Babylonian Ululu, then Yom Kippur was as early as circa September 7, although such an early date seems to be unlikely.⁸⁰ In any case, both dates are possible for the end of the conquest five months after a spring storm (not to mention the six months mentioned in *J. W.* 5.398).

Given this evaluation, it seems that there are no chronological considerations that force—or even seriously urge—us to reject the date given by Josephus. As we have seen above, an exploitation of Jewish practices on Yom Kippur in order to ease the final assault would make much sense, and once again there is no evidence that the final assault was met with much resistance (*J. W.* 1.351–352, *Ant.* 14.478–480).⁸¹ Moreover, unlike his description of Pompey's siege, Josephus here uses the phrase "the *ἑορτή* [festival] of the fast," not "the day of the fast." The use of this word would seem to imply that it refers to a special day, such as Yom Kippur (compare Philo, *Spec.* 1.186–187, 2.193–194, 1QpHab XI, 6–7; see also Plutarch, *Quaest. Conv.* 4.6.2).⁸²

One additional argument supports a date at least close to Yom Kippur: The only length given for Antigonus's reign is three years and three months (*Ant.* 20.246)—a rather precise length, which would help us conclude at least an approximate date for Herod's conquest if we were able to determine when Antigonus's reign began. Josephus does not date its beginning

and another unspecified period of time went by before the end of the siege. Three months seems reasonable.

80. Finegan, *Handbook*, 122–23, dates Yom Kippur of 37 to October 6, which is in line with Parker and Dubberstein's date of the first day of Tashritu of 37 to September 27 (*Babylonian Chronology*, 44). The online astronomical Catalog of Phases of the Moon, compiled by the astrophysicist Fred Espenak, dates the new moon to September 24; see <http://tinyurl.com/SBL3547g>. For the likely equivalence of Tishri with the Babylonian Ululu in some years, see above, p. 411.

81. See Regev, "Temple Mount," 283.

82. For *מועד התענית* (lit., "festival of the fast") in the Dead Sea Scrolls (4Q171 [Peshier Psalms] 1–10 II, 8–11; III 2–5; 4Q508 2 2–3) as meaning Yom Kippur, see Hacham, "Communal Fasts," 129–35. Admittedly, in reference to the Sabbath *ἑορτή* is used in the above-mentioned passage of Plutarch and *מועד* is found in 4Q512 IV, 2, no doubt on the basis of that usage in Lev 23:2. But that usage is quite out of place as evidenced by the rabbis' bewilderment over it; see e.g., Sifra Emor 9:7; also Jacob Milgrom, *Leviticus* 23–27, AB (New York: Doubleday, 2001), 1954–56. In *Ant.* 7.305, Josephus comes close to such usage.

explicitly. However, he does mention the feast of Pentecost (May/June) that was celebrated a short time before Antigonos and the Parthians took Jerusalem in 40 BCE (*J.W.* 1.253, *Ant.* 14.337). It seems sensible that the events narrated by Josephus between that Pentecost and Herod's withdrawal from Jerusalem and its taking by Antigonos and the Parthians thereafter—events which included some fighting, some negotiations, and the embassy of Hyrcanus and Phasael to the Parthians in Galilee, until they were bound (*J.W.* 1.253–263, *Ant.* 14.337–352)—took approximately a month; they certainly could not have taken much less time. The additional three months of Antigonos's reign take us very close to Yom Kippur (in the Hebrew calendar there are four months and four days between Pentecost and Yom Kippur). Consequently, Antigonos's reign, which apparently began in midsummer 40, would have continued until just around Yom Kippur of 37. This reckoning should, in any case, certainly negate July/August as the time of Herod's conquest.

Conclusion

As I mentioned at the beginning of this appendix, it is our natural bias to doubt synchronizations such as presented by Josephus in this case. However, we should not be enslaved by such preconceived notions. Rather, we should methodically examine the evidence unbiased. I have shown that the considerations brought forth in order to reject Josephus's dating of both conquests to Yom Kippur are based on errors and unnecessary assumptions and interpretations. It seems, therefore, that there is no sufficient justification to categorically deny Josephus's explicit datings. Indeed, an examination of Josephus's detailed narratives of both conquests plainly leads to the conclusion that they both could have, and probably did, end sometime around Yom Kippur.

Moreover, the hypothesis that the phrase "the day/festival of the fast" denotes the Sabbath in Strabo (and therefore in Josephus too) is unwarranted. The evidence of Jewish literature of the Second Temple period, including Josephus, and of pagan literature, unequivocally attests that this phrase denotes Yom Kippur. Therefore, it is reasonable, and even preferable, to understand the statement in Strabo's *Geography* about Pompey's conquest as meaning that it took place on Yom Kippur, and thus it seems that Josephus did not err in understanding his source. There is, furthermore, no apparent reason for Strabo to invent such a datum; in his narrative it merely explains Pompey's strategy in taking the Temple Mount. Addition-

ally, the possibility that the conquests, and especially Pompey's, occurred on Yom Kippur may best explain the lack of evidence for any resistance by the besieged. Not only were they weakened by the fast and busy with the day's holy rites, but, given that they are attested as holding a stringent view about fighting on the Sabbath, it is possible that they held an even more stringent view about fighting on Yom Kippur, the "Sabbath of Sabbaths," as Strabo apparently asserts. Even if there was no such formal halakah, such Jews may have been very reluctant to fight, even in direct self-defense, on the most holy day of the year.

Josephus's statement that these two conquests occurred on the exact same day some years apart is often taken to be only either his own interpretation or as part of Jewish popular tradition with its "love of anniversaries."⁸³ However, this is not necessarily so. Such synchronizations are found also in Greek and especially in Roman literature.⁸⁴ In our case, it may very well be that the source of the synchronization is the same Roman source from which Josephus took the consular and Olympiad datings mentioned immediately above.

Be that as it may, the fact that there is some literary tradition does not negate its truthfulness. On the contrary, it seems to me that such synchronization has to be based at least on one of the two events actually occurring on the given date. Thus, it would make sense that either both

83. Dagut, "Habbakuk Scroll," 547–48; Smallwood, *Jews under Roman Rule*, 565. See also Schalit, *King Herod*, 509–10. A well-known case of such Jewish synchronization is, of course, the tradition that both temples were destroyed on the same day (*J.W.* 6.250, 268; *m. Ta'an.* 4:6). Such is also the tradition that the Second Temple was purified by the Hasmoneans on exactly the same day that it had been contaminated (1 Macc 4:52–54; 2 Macc 10:5, and see the comment by Schwartz [*2 Maccabees*, 377] on this last verse). See also Isaiah Gafni, "Concepts of Periodization and Causality in Talmudic Literature," *Jewish History* 10 (1996): 28–29.

84. An illuminating example is Tacitus's statement that Augustus's death took place exactly on the day on which he received his first *imperium* (*Ann.* 1.9.1). For this and for the Roman perception of anniversaries, see Denis Feeney, *Caesar's Calendar: Ancient Time and the Beginnings of History* (Berkeley: University of California Press, 2007), 158–60. Another Roman example pertaining to the period of this study is the tradition that Ventidius defeated the Parthians and killed Pacorus, the Parthian king's son, on the exact same day that the Parthians had defeated the Romans and killed Crassus (Cassius Dio, *Hist. rom.* 49.21.2; Eutropius, *Brev. hist. Rom.* 7.5; see also Plutarch, *Ant.* 34.1–2). For a Greek example see David Asheri, "The Art of Synchronization in Greek Historiography: The Case of Timaeus of Tauromenium," *SCI* 11 (1991/1992): 52–89.

conquests actually occurred on Yom Kippur (or very close to it⁸⁵), or at least one did and influenced the narrative of the other, as we have already seen in relation to the “third month” datum.

In the premodern world, the occurrence of an important event on the anniversary of an earlier one was perceived as much more than mere coincidence. It had its own moral or religious significance.⁸⁶ Therefore, a tradition according to which the two conquests discussed here took place on the same date, and especially on such an important date, would likely have had some significant theological bearings—such as “proving” that the conquests were divine punishment and perhaps undermining views of the temple’s sanctity and efficacy—and such a tradition would be more readily accepted if it were true.

Addendum: Bieke Mahieu’s New Suggestion

In a recent study devoted to the chronology of the Herodians, published only after the current section was completed, Bieke Mahieu examines the question of the dates of Pompey’s and Herod’s conquests of Jerusalem and offers a new suggestion,⁸⁷ which is quite innovative. Namely, she suggests that both conquests took place on March 5, 63 and 36 BCE respectively. In the Hebrew calendar, she further asserts, that date in both years was the 13th of Adar, which is the fast day known as Ta’anit Esther (the Fast of Esther). Thus, both conquests occurred on the same day that was a fast day, twenty-seven years apart, and the “third month” refers to the Julian calendar. Seemingly, the only problem is that the consular year Josephus gives for Herod’s conquest is 37, but Mahieu suggests that the consular year originally referred to the beginning of the siege, which indeed took place in 37 according to her reckoning. Her argument is such that it requires a unified treatment of both conquests, and thus could not be incorporated into my discussion above.

85. Memory, and especially religious memory, could very well overlook a few days. See Schwartz, *Studies*, 165.

86. Asheri, “Art of Synchronization.” For a modern example, note the way in which the coincidence of the date of the surrender of Italy on September 8, 1943, three years after the Italian airstrike on Tel-Aviv (September 9, 1940), was perceived by people in Tel-Aviv; see Uri Keisari, “The Irony of the Dates” [Hebrew], *Haaretz*, September 9, 1943.

87. Mahieu, *Between Rome and Jerusalem*, 60–117.

Mahieu's is a brilliant and valiant effort to accommodate all of the chronological data, rather than reject some data as mistaken as most previous studies (including the current one) have, and to also point to very specific dates. Nevertheless, ultimately, her interpretation remains, in my view, unconvincing. Without delving into all of the points of her very detailed study, I will briefly point to some flaws I find in her interpretation.

Although Mahieu indeed upholds all of the bare chronological data, she is, nonetheless, forced to assume various mistakes—no less than those suggested in previous studies—not in the chronological data, but in the authors' (Josephus and Strabo) understanding of their sources. First, as noted above, Mahieu asserts that in Josephus's source for Herod's conquest the consular year referred to the beginning of the siege, but Josephus misunderstood it as referring to its end.⁸⁸ But it is difficult to understand how such a mistake would have come about, and it certainly seems more reasonable that such a ceremonious dating formula would have been given to the retaking of Jerusalem and the *de facto* beginning of Herod's reign—as Josephus has it and as is found for Pompey's conquest—than to the beginning of the siege. Second, she asserts that Strabo first mistook the "fast day" of Pompey's conquest as referring to the Sabbath (as did Cassius Dio) and therefore added the notion that on that day the Jews "were abstaining from all work." The combination of the "fast day" with the notion of abstention from work was then misinterpreted by Josephus as referring to Yom Kippur. That further caused Josephus to set Herod's conquest to Yom Kippur as well.⁸⁹ Thus, she suggests a string of mistakes and misunderstandings. Third, in trying to explain how an early March date could be compatible with Josephus's report that Pompey only left Northern Syria for Damascus at the beginning of the spring of 63 she attributes another misunderstanding to Josephus. Namely, she points to the fact that a couple of passages before that information Josephus mistakenly places his first report of the summit in Damascus (*Ant.* 14.34–6; see also above, p. 66), she suggests that Josephus was also mistaken here; his source(s) actually referred to Pompey's departure from Armenia to Antioch in the spring of 64, and Pompey left Antioch for Damascus in the following autumn (64).⁹⁰ However, aside from proximity in Josephus's text, I see no connection between his mistaken positioning of his first report of the summit in

88. *Ibid.*, 62–64; see above, pp. 393–94 n. 8.

89. Mahieu, *Between Rome and Jerusalem*, 87–88.

90. *Ibid.*, 106–8.

Damascus and the report about Pompey's march to Damascus; the former mistake does not suggest that the latter was one as well, nor does suggesting the latter was a mistake explain the former mistake. On the contrary, while the former mistake (which is unanimously seen as such in scholarship) is quite logically understood as a result of multiple reports of the same event in multiple sources used by Josephus, how the mistake suggested by Mahieu could have come about is not so easily understood. Lastly, in explaining how a March date for Pompey's conquest can be possible given Josephus's report that already prior to the beginning of the siege Pompey learned of Mithridates's death, which was later than January 63, Mahieu again attributes a mistake to Josephus, preferring the relative chronology of Plutarch whereby Pompey learned of Mithridates' death only after the conquest of Jerusalem.⁹¹ Thus, to uphold her suggestion and the bare chronological data, Mahieu assumes a multitude of other mistakes and her suggestion makes Josephus a rather incompetent author who repeatedly did not understand his sources, much more incompetent, I believe, than most current scholars would maintain.

Moreover, Mahieu has to assume several unsubstantiated notions. Most notably, her argument that the 13th of Adar was commemorated as a fast day in the first century BCE is unpersuasive. Ta'anit Esther is first attested as being a fast day only in the eighth century CE(!), and, as Mahieu acknowledges, since the Maccabean Revolt in the second century BCE the 13th of Adar was celebrated as the festival of Nicanor's Day, a day celebrating the victory over the Seleucid general, Nicanor, on which fasting was forbidden and which is attested as still being celebrated at the end of the Second Temple period (see, e.g., Megillat Ta'anit, 13th of Adar; Josephus, *Ant.* 12.412; see also y. Meg. 70c; b. Ta'an 18b). Mahieu's solution is to suggest that perhaps in Herod's day some Jews celebrated Nicanor's day on 13th Adar while others fasted and that originally that day became a fast day not as the Fast of Esther but rather to commemorate the conquests of Jerusalem by Pompey and Herod.⁹² However, according to this theory, the fast did not yet exist when Pompey captured the temple. Moreover, it is quite astounding that though knowing that the capture occurred on a fast day neither Josephus nor his sources knew that that capture itself was the reason for the establishment of the fast, a notion that is not found in any

91. *Ibid.*, 112–15. For this issue, see further above, pp. 409–10.

92. *Ibid.*, 88–99.

text since antiquity. More importantly, if the 13th of Adar was observed as a fast day by Jews (whether to commemorate those captures or for Esther) already in the first century BCE, it remains very odd that there is no trace of its existence in the vast rabbinic literature until the eighth century, including in the late rabbinic text that lists fast days, the *Megillat Ta'anit* Batra, whereas until talmudic times that day continued to be known as Nicanor's Day.

Lastly, I will just briefly note three chronological difficulties in Mahieu's thesis. Attempting to uphold the report of twenty-seven years between the two conquests, she points to Josephus's statement that Hyrcanus ruled for twenty-four years from Pompey's conquest and Antigonus ruled for three years and three months. Thus, she accepts those chronological figures too as accurate.⁹³ However, Antigonus took the throne in the summer of 40, so three years and three months brings us only to the autumn of 37, long before March 36. As noted above, Mahieu suggests a rather unlikely solution—that Antigonus's rule was reckoned not from his own enthronement but rather from the appointment of Herod in Rome (see further above, pp. 393–94 n. 8). In addition, twenty-four years of Hyrcanus's rule from Pompey's conquest bring us to March of 39, according to her reckoning, many months after Hyrcanus was ousted by Antigonus and the Parthians (again, in the summer of 40). Lastly, Mahieu points to April 37 as the time of Herod's arrival in Jerusalem, given that it took place immediately after the winter of 38/37 or after a spring storm in 37.⁹⁴ However, it seems very unlikely that Herod, who was anxious to take Jerusalem and the throne, would have stood dormant at the gates of the Jerusalem (apart from quickly constructing the earthworks during the summer) for five or six months (April to October) only to begin laying the siege just prior to the onset of winter, on Yom Kippur (!) of 37 according to her suggestion, nor is it likely that the besieged would have allowed him to do so.⁹⁵

Consequently, it seems to me that Occam's razor urges us to reject Mahieu's elaborate and convoluted argument, which relies on presuming many mistakes and unproven assumptions and interpretations. It is much more economical and reasonable to assume the one mistake, twenty-seven years instead of twenty-six years between the two conquests—a mistake which is not unimaginable, even for a very competent author, and for

93. *Ibid.*, 63.

94. *Ibid.*, 73.

95. *Ibid.*, 68–72.

which we could easily identify the source (the priestly source used in *Ant.* 20 which gave twenty-four years instead of twenty-three to Hyrcanus, as suggested above);⁹⁶ and “the day of the fast” is best understood as simply referring to Yom Kippur, as suggested above.

96. See p. 395.

Appendix G

A Qumran Text about Herod's Conquest?

Introduction

In this appendix I will suggest that a Qumran text, Peshar Isaiah^a (4Q161), describes Herod's failed first attempt to capture Jerusalem in 39/38 BCE. In order to do so, I shall first introduce this scroll and the text of the relevant fragments of that scroll, fragments 5–6, which seem to describe an enemy threat upon Jerusalem. I will then present and evaluate previous scholarly interpretations of this peshar, following which I will argue for the identification with Herod's first conquest.

4Q161 is one of five scrolls from cave 4 in Qumran entitled Peshar Isaiah (4Q161–165). These scrolls appear to represent more than one composition, but it is impossible to determine exactly how many.¹ Of the five scrolls, Peshar Isaiah^a has received the most scholarly attention, due to the messianic description in fragments 8–10, which interpret the first few verses of Isa 11.

The manuscript is dated paleographically to the Herodian period, that is, between 30 BCE and 30 CE.² The ten surviving fragments attest to a peshar on Isa 10:22–11:5. Fragments 5–6 interpret Isa 10:28–32, and

A slightly more detailed version of this appendix was published as: "The Enemy in *Peshar Isaiah*^a (4Q161) frgs. 5–6: An Overlooked Identification" [Hebrew], *Cathedra* 159 (2016): 7–24.

1. Brooke, "Isaiah," 618–19; Alex P. Jassen, "Re-reading 4QPeshar Isaiah A (4Q161) Forty Years after DJD V," in Brooke and Høgenhaven, *The Mermaid and the Partridge*, 57 n. 1. One scroll from Cave 3 (3Q4) has also been classified as a peshar on Isaiah, but from its very little surviving text it is impossible to determine whether it is indeed a peshar.

2. Jassen, "Re-reading," 58; Maurya P. Horgan, "Pesharim," in Charlesworth, *The Dead Sea Scrolls*, 6B:83.

fragments 8–10 interpret Isa 10:33–11:5. The first part of the latter fragments, which interprets Isa 10:33–34, deals with the fall of the “Kittim,” followed by the messianic description based on Isa 11:1–5. My focus will be on fragments 5–6, which appear to describe a military campaign in Judea.

The Text of Fragments 5–6

The surviving text is quite fragmentary. Lines 5–9 consist of the biblical lemma, and thus restorations where the text breaks off are quite certain. Restorations in lines 10–13 are, however, more uncertain, given that those lines consist of the peshet itself. Nevertheless, I will present the text with my suggested restorations and briefly explain the restorations in accompanying footnotes.³

[	]	oo	o[	]	1
[	בְּשׁוּבָם מִמְּדַבֵּר הָעַמִּים	]			2
[	נְשִׂיא הָעֵדָה וְאַחֲרֵי יוֹם מַעֲלָהּ]				3
	<i>vacat</i>	[			4
	[בָּא אֶל עֵיטָה עֶבֶר [בְּמַגְרוֹן] לְמַכְמָשׁ]				5
	[יִפְקִיד כָּלֵיו עֲבָרוּ] מַעֲבֵרָה גִבְעָ מְלוֹן לְמוֹ חָרָה הָרְמָה גִּבְעָתָ]				6
	[שְׂאוֹל נֹסֶה צָהֳלִי] קֹולְכִי בֵּת גָּלִים הַקְּשִׁיבִי לִישָׁה עֲנִיָּה עֲנֹתוֹת]				7
	[נִדְדָה] מִדְּמֵנָה יֹשְׁבֵי הַגְּבִים הָעִיזוּ עוֹד [הַיּוֹם בְּנוֹב לְעֵמֶד]				8
	[יִנְפֹף] יָדוֹ הָרָה בֵּת צִיּוֹן גִּבְעָתָ יְרוּשָׁלַיִם [				9
[	פֶּשֶׁר הַפְּתָגָם לְאַחֲרִית הַיָּמִים לְבּוֹא חָרָב ⁴	]			10

3. For a full discussion of the various suggested restorations and explanations of my suggestions, see my “The Enemy.” The line numbers used here refer to the lines of these fragments alone, as in *DSSR* 2:52, as opposed to a continuous numbering of the lines of all fragments, as in Horgan, “Pesharim,” 84–97, and Qimron, *The Dead Sea Scrolls*, 2:262–64, in which these are lines 17–29. Qimron (*The Dead Sea Scrolls*, 263) also attaches fragment 1 to the left of lines 10–13, which accordingly impacts his reading. He bases this attachment on what he asserts are the remains of a ψ at the end of the remains of line 11 here and at the beginning of line 2 of frag. 1, and thus he reads here ψ רָאֵל (“Israel”). While the remains of line 2 in frag. 1 indeed look to be ψ רָאֵל, the end of line 11 in frags. 5–6 has only a trace of a letter, and a close examination of new high-resolution images taken by the Israel Antiquities Authority reveals that this trace looks to be rounded in a way that does not accord with the upper-right edge of a ψ ; rather, it is possibly the right-side rounded edge of a λ or a κ . Therefore, frag. 1 should probably not be attached here.

4. Qimron (*The Dead Sea Scrolls*) reconstructs ψ רָאֵל לְבּוֹא (“concerning the

- [חר]דה⁵ בעלותו מבקעת עכו ללחם בפל[יטת בית יעקב?]⁶ 11
 [(ו) היא עת צ]ה⁷ ואין כמוה ובכול ערי ה[] 12
 [] ועד גבול ירושלים] 13
- 2 []when they return from the Desert of the Peo[ples]
 3 []Prince of the Congregation, and afterwards he will depart from [them]
 4 [] *vacat*
 5 [] "he has come to Aiath; he has passed [through Migron], at Michma[sh]
 6 [he stores his baggage; they have crossed over] the pass, at Geba is their lodging; [Ramah] tre[mbles, Gibeah of]
 7 [Saul has fled. Cry] aloud, O daughter of Gallim! Hearken, [O Laishah! Answer her, O Anathoth!]
 8 Madmenah [is in flight], the inhabitants of Gebim flee for safety. This very [day he will halt at Nob,]

coming of P[haraoh]). That suggestion, however, is rooted in the suggested historical identification of the enemy, which Qimron accepts and which I will discuss below. In the fragment itself, there is barely a trace of a letter, and that letter cannot be identified. Given the context and biblical precedents, I suggest לבוא חרב (see Ezek 21:24, 25). Another possibility could be לבוא גוג ("concerning the coming of Gog"; see Ezek 38:18)—a possibility that may be reinforced by the mention of Magog later in the pesher (8–10, 20).

5. The first remaining letter in this line is either a ד or a ר, followed by a ה. One possible reconstruction is דה[יה], as suggested by Qimron. I prefer the reconstruction חרדה ("trouble, distress"), as suggested in *DSSR* 2:52, since this word is found in the biblical lemma (v. 29; line 6 in the pesher).

6. Only three letters at the end of line 11 are somewhat visible. The first letter is clearly a ב, followed by the remains of either a י or a פ, and then by the trace of what Qimron (*The Dead Sea Scrolls*) identifies as a ש, which, though, is more likely to be either a ל or a ק (see above, n. 3). Some have, therefore, suggested reading בפלישת ("against Philistia"; see Eshel, *Dead Sea Scrolls*, 97–98). However, this is rather difficult given that both the biblical verses and the pesher itself are describing a military campaign against Jerusalem. Therefore, I tentatively suggest reading בפיטת בית יעקב on the basis of the appearance of that phrase earlier in the chapter in Isaiah (10:20). Another possibility is בפיטת בית יהודה ("against the remnant of the house of Judah"), on the basis of Isa 37:31 // 2 Kgs 19:30.

7. Again, the first remaining letter is either a ד or a ר, followed by a ה. Here I accept the restoration of Qimron (*The Dead Sea Scrolls*) as צרה (ו) היא עת צרה, due to its proximity to the phrase ואין כמוה and on the basis of Jer 30:7 and 1QM I, 11–12 (cf. Dan 12:1), as argued in more detail in Sharon, "The Enemy."

- 9 [he will shake] his fist (at the) mount of the daughter of Zion, the hill of Jerusalem.” []
- 10 [The Interpretation of the] saying for the end of days concerns the coming of [(the) sword?⁴]
- 11 [tre]mbles⁵ when he goes up from the Valley of Acco to fight against the re[mnant of the house of Jacob?⁶]
- 12 [(and) it is a time of di]stress⁷ and there is none like it, and among all the cities of the []
- 13 [] and unto the boundary of Jerusalem[]⁸

Previous Scholarly Suggestions

The verses of Isaiah that are interpreted here describe the advance of an enemy army against Jerusalem. The enemy comes from the northeast, taking various Judean towns on its way. But the campaign stops when it gets close to and threatens Jerusalem (“waving his hand at it”). The verses that follow, 33–34, describe the enemy’s fall at the hands of God, which is followed by the arrival of the messiah in Isa 11. In the finalized form of Isaiah, these verses are clearly meant to allude to the famous unsuccessful siege of Sennacherib, the king of Assyria, against Jerusalem in 701 BCE, which ended miraculously, according to the Bible, when God’s angel killed 185,000 Assyrian soldiers at night (2 Kgs 18:13–19:37 // Isa 36–37).⁹

Scholars have suggested various interpretations of the campaign alluded to in the pesher, but given the very fragmented state of the text, no proposed interpretation can be certain. Suggestions can be categorized as falling in one of two general types: some view the described campaign as an eschatological campaign that the author envisaged at some point in the future, whereas others suggest that, from the author’s perspective, the campaign had already taken place.

8. The translation of lines 2–9 is based on *DSSR* 2:53 and that of lines 10–13 is modified in accordance with my suggested readings.

9. Some scholars have suggested that these verses in Isa 10 originally alluded to the campaign of Rezin, king of Aram, and Pekah, king of Israel, against Judah (2 Kgs 16:5; Isa 7:1–9) and that they were later reworked and integrated within the prophecy against Assyria; see J. J. M. Roberts, “The Importance of Isaiah at Qumran,” in *Scripture and the Scrolls*, vol. 1 of *The Bible and the Dead Sea Scrolls*, ed. James H. Charlesworth (Waco, TX: Baylor University Press, 2006), 282–86. For my purposes, however, this is irrelevant, because in the current text, which is most likely very close to the text that the Qumran authors had before them, these verses allude to Sennacherib’s campaign, and that is how those authors would have understood them as well (cf. Ben Sira 48:18).

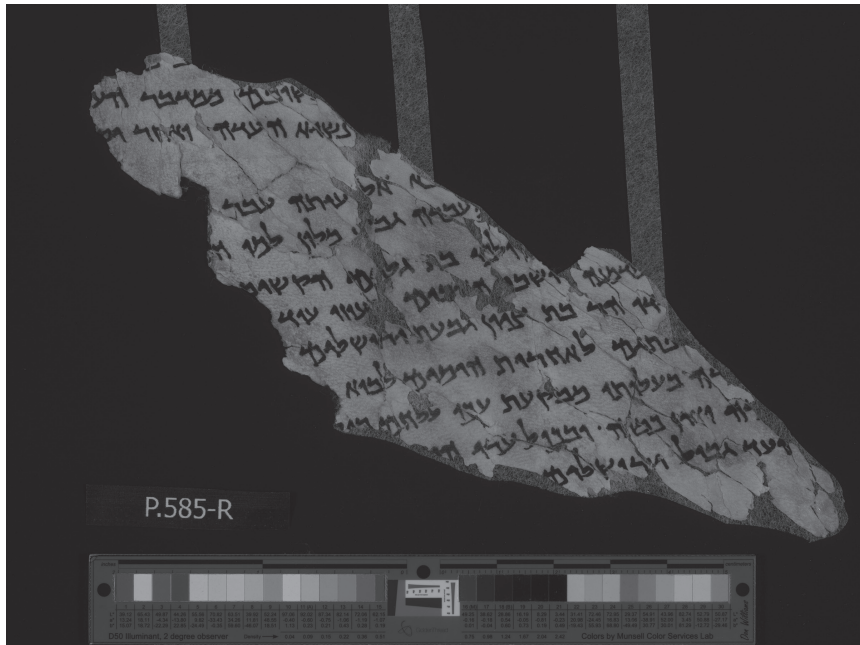


Fig. 9. Peshier Isaiah^a (4Q161) frags. 5–6. Courtesy of The Leon Levy Dead Sea Scrolls Digital Library; IAA, photo: Shai Halevi.

A Future Eschatological Campaign?

Scholars have proposed three different interpretations presuming that the author envisaged a future eschatological campaign. John M. Allegro suggested that it is the triumphal march of the messiah—who is mentioned later in the peshier—from the Galilee to Jerusalem following the apocalyptic war, which is supposed to take place in the Valley of Megiddo.¹⁰ However, as emphasized by several scholars, the base text from Isaiah describes the march of an enemy, Sennacherib, against Jerusalem, and therefore it is unlikely that the author would ascribe it to the messiah. It is rather more likely that he too alluded to an enemy invasion.¹¹

10. John M. Allegro, "Further Messianic References in Qumran Literature," *JBL* 75 (1956): 177–82; Allegro, "Addendum to Professor Millar Burrows' Notes on the Ascent from Acco in 4QpIsa^a," *VT* 7 (1957): 183; followed by Richard Bauckham, "The Messianic Interpretation of Isa. 10:34 in the Dead Sea Scrolls, 2 Baruch and the Preaching of John the Baptist," *DSD* 2 (1995): 204.

11. See, e.g., Amusin, "Reflection," 126 and see nn. 5–8 for additional scholars

Millar Burrows suggested that it is a description of a future march of an eschatological enemy, Gog or Magog—who is mentioned later in the pesher (8–10 20)—against Jerusalem.¹² However, this suggestion too has not carried the day. It seems that the geographical indicator “Valley of Acco” (l. 11)¹³ is most significant for a proper understanding of the campaign to which the author alluded, because neither Acco nor a valley are mentioned in the verses in Isaiah. Furthermore, Acco (Ptolemais in the Hellenistic period) is mentioned only once in the Hebrew Bible (Judg 1:31), and although it was an important city in the Second Temple period and some important historical events took place there, such as the capture of Jonathan the Maccabee (1 Macc 12:48), it does not appear to have held any special, symbolic, or eschatological, significance.¹⁴

Adam van der Woude suggested that the pesher is a prediction of a future military campaign by the Romans, given that Acco was supposedly the natural landing port for Roman forces coming to Judea.¹⁵ More recently Alex Jassen echoed this notion, writing that “the specific choice of Ptolemais was likely guided by the memory of Ptolemais as a common port for Roman entry into Israel.”¹⁶ Yet, in spite of the hostility of the people of Acco toward the Judeans,¹⁷ in the relevant period there were only one, possibly two, known military campaigns against Jerusalem that departed from Acco. Furthermore, at that time there were two or three seaports

who rejected Allegro’s suggestion; and also Brooke, “Isaiah,” 621; Eshel, *Dead Sea Scrolls*, 99.

12. Millar Burrows, “The Ascent from Acco in 4QpIsa^a,” *VT* 7 (1957): 104–5.

13. For this phrase, compare Josephus, *J.W.* 2.188–192, and esp. 2.192: “the plain of Ptolemais” (τὸ πεδῖον τὸ πρὸς Πτολεμαῖς).

14. For the importance of Acco-Ptolemais in the Hellenistic period, see Uriel Rappaport, “Akko-Ptolemais and the Jews in the Hellenistic Period” [Hebrew], *Cathedra* 50 (1988): 31–48.

15. Adam S. van der Woude, *Die messianischen Vorstellungen der Gemeinde von Qumran* (Assen: Van Gorcum, 1957), 180–81. Van der Woude points to Acts 21:7 for support. However, in that story, Acco is just one of three stops of Paul and his entourage along the coast. Those stops are Tyre, Acco, and Caesarea, and they go up to Jerusalem from Caesarea. Thus, that story does not prove that Acco was the natural landing place for people going to Jerusalem. Indeed, in Paul’s days, Caesarea was certainly the natural port for those wanting to come to Judea.

16. Jassen, “Re-reading,” 81. Jassen emphasizes (in n. 94) that it is possible that the author of the pesher was thinking of the Greeks as the enemy and not necessarily the Romans. For the possibility of identifying the *Kittim* as the Greeks see further below.

17. Rappaport, “Akko-Ptolemais.”

closer to Judea that could have been used by invading Greek or Roman forces—Jaffa (see *Ant.* 11.78, 14.205–206) and Dora, and later, after Herod built Caesarea's seaport, which was then the largest in the country,¹⁸ it certainly became the “natural” landing place for Roman forces. Moreover, most invasions of Judea by Roman and Seleucid forces came not from the sea but from Syria in the North. Therefore, Acco is unlikely to have been viewed by the pesher's author (or other contemporaneous authors) as the natural port of landing for invading forces, Roman or otherwise.

Not only is Acco not mentioned in the verses of Isaiah, nor did it hold any eschatological significance, nor was it the natural landing place of invading forces, its mention in the pesher also caused a significant shift in the geographical orientation of the pesher in comparison to the biblical base text. According to the Bible, the Assyrians came to Jerusalem from the northeast, whereas in the pesher the enemy is coming from the northwest.¹⁹ It is difficult to understand why the author would have changed the orientation in this manner if he had a future invasion in mind. He could have easily kept the general geographical orientation of the biblical text and described an enemy army coming from the north, given that, as mentioned, Seleucid and Roman invasions usually came—like Senacherib's invasion—from the north, from Syria. That the pesher makes this geographic change implies that it is not really envisioning the future, but rather it is alluding to an actual historical event, likely an event that occurred in the recent past.²⁰

The Suggestion of Amusin and Eshel: The Campaign of Ptolemy Lathyrus against Jannaeus

Other scholarly suggestions have been that the pesher's author thought of Pompey's conquest of Judea in 63 BCE, or that it was composed with

18. According to *J.W.* 1.408–409, Herod built Caesarea as a seaport because the entire coast between Dora and Jaffa lacked a port (see also *Ant.* 15.333–334).

19. See Jassen, “Re-reading,” 80–81.

20. See the quotation of Phillip Davies, who downplays the extent of historical references in the pesharim, above (p. 196 n. 57). In its own self-perception, the Qumran group exists in “the end of days,” and therefore this phrase (in l. 10 of our pesher) could refer to events that occurred already in their very recent past, as well as in their present and immediate future. See Annette Steudel, “אחרית הימים in the Texts from Qumran,” *RevQ* 16 (1993): 225–46; for Pesher Isaiah^a, in particular, see Brooke, “Isaiah,” 621–23.

the events of the Great Revolt of 66–73 CE in mind. However, the latter suggestion should certainly be rejected, not least because the scroll's date precludes it, and the former should be rejected because Pompey invaded Judea from Syria, not from Acco, marching through the Jordan Valley, and because he was able to take Jerusalem and was not overcome, as in the continuation of the pesher.²¹

Joseph Amusin, followed by Eshel, suggested that the pesher is referring to the war between Ptolemy Lathyrus and Alexander Jannaeus in 103/102 BCE.²² In the *Jewish War*, Josephus refers to this war very briefly, and its details remain mostly unclear (*J.W.* 1.86), but in the *Jewish Antiquities* Josephus reports it in much detail (*Ant.* 13.324–355). This report states that, after stabilizing his realm, Jannaeus went to war against Acco (Ptolemais) and besieged it. The people of Acco called on Ptolemy Lathyrus, who was then ruling Cyprus after being deposed by his mother, Cleopatra III, from the Ptolemaic throne, for help. Lathyrus responded positively and embarked from Cyprus with his army. They landed at Shikmona, which is near Mount Carmel, but in the meantime the people of Acco had changed their minds and decided to reject his assistance. Zoilus, the ruler of Strato's Tower (later Caesarea) and Dora, and the people of Gaza then asked Lathyrus for his assistance against Jannaeus. This caused Jannaeus to retreat his army. Following some maneuvering and negotiations between the two sides, Lathyrus besieged Acco. Leaving a part of his army to carry on the siege, Lathyrus set out with the rest of his army against Jannaeus. After some fighting in the Galilee, the armies clashed in the Jordan Valley. Lathyrus's army had the upper hand, driving away much

21. See Amusin, "Reflection," 127–29, which includes a survey of these proposals and their rejections. For the opinion that the author thought of Pompey, see recently, Kenneth Atkinson, "The Militant Davidic Messiah and Violence against Rome: The Influence of Pompey in the Development of Jewish and Christian Messianism," *Scripta Judaica Cracoviensia* 9 (2011): 14–15. Another military event, which is related to Acco, is the siege of that city by Tigranes, the king of Armenia, in the time of Salome Alexandra (69 BCE). Yet, although the Judean Queen feared that Tigranes would invade Judea, he never actually did so and was soon forced to abandon the area (see *J.W.* 1.116, *Ant.* 13.419–421).

22. Amusin, "Reflection," 123–34; Eshel, *Dead Sea Scrolls*, 91–100. It seems that many recent scholars have accepted this suggestion; see Stern, *Hasmonaean Judaea*, 181 n. 12; Charlesworth, *Pesharim*, 101–3; Qimron, *The Dead Sea Scrolls*, 2:262–63, who for this reason restores "Pharaoh" in line 10 (as mentioned above, n. 4). For the war between Lathyrus and Jannaeus, see further Bar-Kochva, "The Battle."

of Jannaeus's army and massacring those fleeing. Josephus reports tens of thousands of dead from Jannaeus's army. Next, Lathyrus attacked villages in Judea and massacred their inhabitants. Learning of Lathyrus's military success, his mother and rival, Cleopatra, set out with her army to Judea against him. Lathyrus then took advantage of his mother's absence from Egypt, left Judea and hastened to Egypt, in an attempt to take control of the Ptolemaic kingdom. Thus, Judea was saved.

Given that the beginning of Lathyrus's campaign is tied with Acco, and that, like Sennacherib's campaign, it later turned into a serious threat against Judea but the threat was soon thwarted without battle, Amusin and Eshel suggest that the Peshier alludes to his campaign.²³

This suggestion has two important implications: (1) As mentioned, the continuation of the peshier deals with the fall of the *Kittim* and the arrival of the messiah (frags. 8–10). Thus, if the campaign was that of Lathyrus, the *Kittim* of this scroll are the Greeks, Lathyrus's army. In addition, in light of the similarity between fragments 8–10 of this peshier and fragment 7 of Sefer Hamilhamah (4Q285), which too is based upon the verses at the end of Isaiah 10 and the beginning of 11, Eshel concluded that in that text too the *Kittim* are the Greeks. Thus, this scroll is a significant building block in Eshel's assertion opposing the views of scholars that assumed that the *Kittim* in the scrolls are always the Romans. He asserts that in the Qumran scrolls the Greeks were actually first identified as the *Kittim*—in the War Scroll (1QM), Peshier Isaiah^a, and in Sefer Hamilhamah—and that only after the Roman conquest of 63 were the Romans identified as the *Kittim*, in Peshier Nahum and Peshier Habakkuk.²⁴ (2) The ascription of the verses of Isaiah to this event from the days of Jannaeus and especially its accompanied messianic expectation suggest a very favorable approach of

23. Eshel, who accepts the reading ללחם בִּפְלִשְׁתִּים ("to fight against Philistia") in line 11, suggests that this phrase refers to the first stage in Lathyrus's campaign, when Zoilus and the people of Gaza—thus, Philistia—asked for his aid (Eshel, *Dead Sea Scrolls*, 98). However, aside from the difficulty of the very mention of Philistia in a text whose focus is a threat upon Judea or Jerusalem (see above, n. 6), this suggestion should be doubted because from Josephus's narrative it is unclear whether Lathyrus actually fought there. Josephus reports that Jannaeus retreated from the area, apparently before any battle could have taken place (see *Ant.* 13.334). Moreover, following whatever occurred in Philistia Lathyrus returned to Acco and besieged it, and from Acco he set to fight Jannaeus, in Galilee and in Judea, whereas according to this suggestion the Peshier's order of events is: Acco, Philistia, Judea.

24. Eshel, *Dead Sea Scrolls*, 163–79. See further above, chapter 3.

the Qumran group towards that Hasmonean king, at least at the beginning of his reign.²⁵

However, the proposal that the pesher refers to the campaign of Lathyrus presents some substantial difficulties. First, as mentioned, the scroll is dated paleographically to the Herodian period, between 30 BCE and 30 CE. Thus, the suggestion that it refers to Lathyrus's campaign necessitates that we assume that it is a copy of a text that was composed at least some seventy years earlier. While that is certainly not impossible, I am not aware of any evidence that this scroll is a copy and not an autograph. More importantly, this presumed copy would have been made at a time when the event was no longer relevant—Jannaeus was long gone, as was the entire Hasmonean state, and Jerusalem had since been captured. Second, Lathyrus began his journey not in Acco, but rather in Shikmona, by the Carmel, and given the almost complete absence of Acco from the Bible, it is quite peculiar that in referring to this event the author would chose to designate Acco rather than the Carmel. But the greatest difficulty with this proposal is the fact that in Josephus's entire detailed report of Lathyrus's campaign there is no mention of any threat, let alone an actual siege, against Jerusalem. Josephus reports battles in the Galilee and in the Jordan Valley, as well as the massacres in some Judean villages, but he never mentions Jerusalem in his report. While there is no doubt that Lathyrus's destination was Jerusalem, it seems that he posed no real threat to the city. It is unthinkable that Josephus, or his sources, would have failed to report a significant threat upon Jerusalem. Yet Sennacherib besieged Jerusalem, and, likewise, in the interpreted text of Isaiah and in the pesher interpretation itself, the threat to Jerusalem is clear and present.²⁶

An Overlooked Possibility

After surveying the various scholarly proposals to identify the campaign referred to in the pesher, and after explaining his own proposal that it is Lathyrus's campaign, Amusin writes:

From all the known events connected with Acco-Ptolemais that were important for Judea's fate only the march of Ptolemy from Acco to Judea, so dangerous at the beginning but which ended so auspiciously, could be

25. Charlesworth, *Pesharim*, 103.

26. See Atkinson, "Militant Davidic Messiah," 15.

considered by the Qumran Commentator as the "coded" message in the narrative of Isaiah about the miraculously happy ending of the march of Sennacherib. No other events known to us which are connected with the march towards Judea from Acco stand in such a close and precise correlation with the commented lemma.

He continues: "No other more or less important historical events connected with Acco-Ptolemais in the 2nd–1st centuries B.C. appear in any extant sources."²⁷ It seems to me, though, that another possible historical identification has been completely overlooked by Amusin and other scholars; that is, the march of Herod against Jerusalem in 39 BCE.²⁸

As recounted above,²⁹ in 40 BCE the Parthians invaded Syria and defeated the Romans. In Judea, they ousted Hyrcanus, Herod and his brother, Phasaël, and enthroned Antigonus, of the rival Hasmonean branch. Herod left for Rome where he was declared "King of Judea." Herod soon left Rome and sailed to Judea, landing at Acco-Ptolemais, probably in the spring of 39 BCE. Having gathered soldiers in Acco, Herod marched in Galilee, took Jaffa, rescued his relatives at Masada, and finally laid siege on Jerusalem with his Roman allies, led by Silo. Some skirmishes immediately ensued. After some time, with the coming of the winter of 39/38 and because the Roman soldiers became disgruntled, Herod was forced, against his will, to suspend the siege.³⁰ Herod's road to the throne was thus significantly prolonged, and only after approximately another year and a half, during which he encountered many hardships, was he once again able to lay siege on Jerusalem; that siege lasted about five months until he finally took Jerusalem and the temple.

Thus, Herod's first unsuccessful campaign against Jerusalem fits both the biblical story of Sennacherib's conquest and the pesher itself quite well. Herod's conquest of Judea began at Acco, where he landed, and, unlike Lathyrus, he indeed laid at least partial siege on Jerusalem, posing a serious threat to the city, as Sennacherib had done and as both Isaiah and the

27. Amusin, "Reflection," 132 and n. 25.

28. Of all of the scholarly literature about the pesher that I have found, only Jassen mentions this event (Jassen, "Re-reading," 81). However, he does so only in order to illustrate his assertion that Acco was the natural landing place for forces invading Judea, for which see above, pp. 440–41.

29. Pp. 149–64.

30. For this sequence of events, see *J.W.* 1.290–302, *Ant.* 14.394–411.

pesher imply.³¹ Although Herod's siege was not thwarted in miraculous fashion as was Sennacherib's siege, for the besieged, the unexpected suspension of the siege, not due to defeat on the battlefield, could have been viewed as a miraculous rescue and reminiscent of the biblical precedent.³² This was certainly no less so than the deliverance from the threat posed by Lathyrus. The peshet's author may have viewed the secession of the siege of Herod and the Romans without human involvement as a stage in the eventual downfall of Rome and of a divine plan for "the end of days" and the coming of the messiah, the description of which immediately follows.

Perhaps this possibility has been overlooked because this salvation was short-lived. Indeed, my suggestion would require dating the peshet to the brief period between the suspension of the siege and the beginning of Herod's later siege, that is, between the winter of 39/38 and the spring of 37.

If indeed the campaign referred to here is that first campaign of Herod, then the *Kittim* mentioned immediately afterwards, in fragments 8–10, are the Romans, since Herod had been appointed to the throne by Rome and because a large part of the military force at his side was Roman. If so, there is also no reason to suggest that the *Kittim* mentioned in Sefer Hamillaham (4Q285) are the Greeks and not the Romans. This identification of the *Kittim* fits the definite identification of the *Kittim* as Romans in Dan 11:30, as well as in Peshet Nahum and Peshet Habakkuk, while there is no clear evidence that *Kittim* is the designation of the Ptolemies or the Seleucids in any contemporaneous text.³³

Furthermore, the continuation of the peshet, I assert, also supports the proposals that it deals with Herod's campaign (not with Lathyrus's campaign) and that the *Kittim* should be identified as the Romans. It is hard to believe that the Qumranites would have equated Lathyrus with Sennacherib and Lathyrus's army with the Assyrian army and that they would have viewed Lathyrus as the terrible enemy whose fall is supposed

31. Note that even the suggested reading "to fight against Philistia" in line 11 (see above, n. 6) could seemingly fit Herod's conquest, since he first went along the coast and fought in Jaffa.

32. This is the case particularly given the special significance that the story of Sennacherib's siege held for the people of Jerusalem, especially because that was the only biblical case in which God himself saved Jerusalem, the temple, and the people from a foreign empire; see Kister, "Legends," 513.

33. For this see, further above, chapter 3.

to usher in the messianic era. Lathyrus was merely a claimant to the Ptolemaic throne, in a struggle with his mother; he did not even control the center of the Ptolemaic kingdom (Egypt), and he was far from being the head of an empire. He also conquered only minimal territory in Judea. The Romans, in contrast, were ruling much of the known world by 39 BCE, and they had already taken Jerusalem and the temple. Thus, to equate the Romans with the Assyrians and view them as that terrible enemy whose fall would bring the messianic era would have been natural,³⁴ and Herod would have certainly been perceived as part of the Roman force.

An additional advantage of this proposal is that it brings the composition of this pesher closer both to the paleographical date of the scroll and to the time of composition of most of the other continuous pesharim. It is currently virtually a consensus that both Pesher Habakkuk and Pesher Nahum were composed shortly after the Roman conquest of 63 BCE, and, although the date of composition of the other continuous pesharim is not as clear, it is likely that they too were composed around the time of the Roman conquest.³⁵ This proposal, in fact, extends the end date of the composition of pesher texts at Qumran by several years, at least until 39/38 BCE.³⁶

An Additional Parallel between Herod's Campaign and Sennacherib's Campaign

There is one further interesting parallel between the biblical story of the Assyrian siege of Jerusalem and Josephus's story of the siege of Jerusalem by Herod and the Romans in 39/38 BCE. Both 2 Kgs 18:28–36 and Isa 36:13–21 describe how the Assyrian Rabshakeh came up to the walls of Jerusalem and, talking in Hebrew to the besieged, urged them to surren-

34. For the equation of Rome with Assyria, see further above, pp. 185–87.

35. For Pesher Hosea (4Q166), Pesher Isaiah^b (4Q162), and Pesher Psalms (4Q171), see Eshel, *Dead Sea Scrolls*, 144–49; for the latter two see also above, pp. 193–97. It seems that Pesher Habakkuk was not composed before the mid-fifties BCE, since it speaks of several rulers of the *Kittim*, the Romans, who come “one after another” (IV, 10–13); see further above, p. 200 and n. 68.

36. Note, however, that this is only around ten years later than the assumed composition of 4Q386 (which is not a pesher) according to Eshel's suggestion that it refers to Pompey's murder in 48 BCE (see above, p. 117). Without the current proposal, it may appear that the group ceased to compose pesharim shortly after the Roman conquest, as suggested by Eshel (*Dead Sea Scrolls*, 178–79).

der, proclaiming that those who will do so will not be harmed. However, the besieged did not answer him, because King Hezekiah forbade them to reply. Josephus's report of Herod's siege includes a similar story. Josephus writes that Herod proclaimed to the people of Jerusalem that he had come for their own good and he would forgive those who will surrender, and, according to the *Jewish War*, Antigonus forbade the people to listen to these proclamations (*J.W.* 1.296).

Admittedly, the report in the *Jewish Antiquities* diverges at the latter point. Rather than report that Antigonus forbade the people to listen to the proclamations, it reports that he answered Silo and the Romans—not Herod—saying “that it would be contrary to their own notion of right if they gave the kingship to Herod who was a commoner and an Idumean, that is, a half-Jew (ἡμιουδαῖος), when they ought to offer it to those who were of the (royal) family, as was their custom.” He further argued that if they did not want to give him the kingship because he had collaborated with the Parthians, they could give it to others of the Hasmonean family, “for they had committed no offence against the Romans, and were priests; and thus they would be unworthily treated if they were deprived of this rank” (14.403–404). It is important to note that the assumption that it was the Roman custom to give the kingship to an heir of the royal family is found also in *Ant.* 14.386–387, and this entire statement is also reminiscent of *Ant.* 14.489, but all three passages are without parallel in the *Jewish War*. As already suggested by Laqueur, all three cases appear to be anti-Herodian additions by Josephus.³⁷ In addition to the negative reflection on Herod, the emphasis on the Hasmoneans' priestly descent, suggesting that they were worthy of being kings, would have been especially attractive for Josephus (see also *Ant.* 14.78), who claims to be a priest and a descendant of the Hasmoneans (*Life* 1–2).³⁸ Consequently, the version of the story in the *Jewish War* should apparently be given precedence.

37. Laqueur, *Der jüdische Historiker*, 197–99. See also Eckhardt, “An Idumean.”

38. Some studies have suggested that Josephus may have actually been trying to present himself as a suitable candidate for the leadership of the Jewish people after the destruction; in such an attempt his priestly Hasmonean lineage would have been significant; see Michael Tuval, *From Jerusalem Priest to Roman Jew: On Josephus and the Paradigms of Ancient Judaism*, WUNT 2/357 (Tübingen: Mohr Siebeck, 2013), esp. 256–57, 260–74, and Tuval, “A Jewish Priest in Rome,” in Pastor, Stern, and Mor, *Flavius Josephus: Interpretation and History*, 397–411.

If this report in the *Jewish War* about Herod's call to the people to surrender and about the reaction of Antigonus and his people reflects actual events, that parallel with Sennacherib's siege could have reinforced the linkage between the two events. Alternatively, if the report in the *Jewish War* is merely a literary creation, it is possible that its author borrowed the motif from Sennacherib's siege, thus indicating that in that period people linked the two events.

The Qumranites as Supporters of Antigonus?

This proposal could meet opposition because it would seem to imply that the Qumranites supported Antigonus. Moreover, according to this proposal, following the failure of the siege of Jerusalem by Herod and the Romans, the Qumranites expected the final downfall of the Romans at the hands of Israel and the coming of the messiah (frags. 8–10). Such a view may be surprising given the common understanding that the group was decisively opposed to the Hasmoneans.

Yet, these considerations are equally applicable to the proposal that the peshar refers to Lathyrus's campaign against Jannaeus. In addition, opposition to Herod and Rome does not necessarily lead to support of Antigonus; even without being Antigonus's supporters, the Qumranites could have opposed Rome and interpreted what seemed like a phase in the fall of the Romans as a step toward salvation. As argued above (chapter 3), the Roman conquest of 63 BCE was of prime significance for the Qumran group, leading to its profound detestation of Rome. This hostility is reflected in the negative view of the Romans in Peshar Nahum, Peshar Habakkuk, and in the War Scroll, in which the *Kittim* are the primary enemy. Moreover, the Roman conquest could have certainly caused shifts in political stances in Judea, and consequently the Qumranites' opposition to the Hasmonean house may have dwindled, especially in regard to the branch of the Hasmonean family that opposed Rome. Furthermore, we should recall that this "salvation" began with the aid of the Parthians, who could have naturally been identified with the biblical Persians, who brought about the salvation after the Babylonian exile.³⁹

39. See above, p. 111. The recent suggestion of John Collins to identify Hyrcanus II, Antigonus's rival and the ally of the Romans, with "the wicked priest" of the Dead Sea Scrolls (Collins, *Beyond the Qumran Community*, 103–21), also fits with the pos-

The fact that Antigonus appears to have internally claimed only the priesthood—striking inscriptions on his coins that mention his kingship only in Greek, and in Hebrew mention the high priesthood alone—may have also contributed to the Qumranites' positive attitude towards him.⁴⁰ Such a distinction could have made it easier for those opposed to the Hasmoneans' union of the two “crowns”—and phrases such as “the Messiahs of Aaron and Israel” (1QS IX, 11) indicate that the Qumranites held such an opposing view—to differentiate between Antigonus's high priesthood and his kingship, the former relating to the Jews and the latter to the non-Jews in Judea.⁴¹

Conclusion

In this appendix I have discussed the identification of the military campaign alluded to in a Qumran pesher interpreting the description of Sennacherib's campaign to Jerusalem in Isa 10:28–32. The fragmentary state of the text, fragments 5–6 of Pesher Isaiah^a (4Q161), precludes any certainty in its understanding, but it does not exempt us from attempting to interpret it. Some scholars suggested that it refers to some future eschatological event, but the argument of Amusin and Eshel, that the specific geographical indicator of the Valley of Acco indicates that it refers to an actual historical event—albeit, with eschatological significance—from the author's recent past, is more persuasive. Acco is not mentioned in the Isaiah text, it appears only once in the Hebrew Bible, and it has no known eschatological significance in the Bible or in the Second Temple period. In addition, its mention caused the author to deviate from the geographical orientation of the Isaianic base text, which would have been unnecessary and unreasonable if he referred to some future event, because most invasions of Judea in the Seleucid and Roman periods came from the North, as in the biblical text. Amusin and Eshel rather suggested that the text

sibility that the Qumranites supported Antigonus (see also Wise, *Thunder in Gemini*, 209–11), though I do not find that suggestion entirely convincing.

40. See Meshorer, *Treasury*, 52–53, who is skeptical regarding this interpretation of the choice of the different languages used on Antigonus's coins; see further above, p. 315 n. 205.

41. For the Qumran opposition to this union, see, e.g., Martin Hengel, James H. Charlesworth, and Doron Mendels, “The Polemical Character of ‘On Kingship’ in the Temple Scroll: An Attempt at Dating 11QTemple,” *JJS* 37 (1986): 28–38.

referred to the campaign of Ptolemy Lathyrus against Alexander Jannaeus in 103/102 BCE. However, this suggestion presents some significant difficulties, the most crucial of which is that it seems that Lathyrus did not pose any serious threat to Jerusalem, whereas Sennacherib besieged the city, and the threat against Jerusalem is explicitly mentioned in both the verses of Isaiah and in their interpretation in the pesher.

The possibility that the pesher actually alludes to Herod's first attempt to capture Jerusalem in 39 BCE has apparently been overlooked until now. That campaign started off at Acco and reached the walls of Jerusalem, but Herod, who had been enthroned by Rome and who was now fighting to claim his kingdom with substantial Roman assistance, was unable to take Jerusalem then and was forced to suspend the siege. In spite of some differences between this campaign and that of Sennacherib, it is understandable why Judeans would have equated the two.

Aside from its closer correspondence to the text of the pesher, this proposal has three advantages. First, it identifies the *Kittim* in this text as the Romans, in accordance with the *Kittim* of Daniel and Pesher Habakkuk and Pesher Nahum. In contrast, there is no clear evidence for the use of this epithet for the Seleucids or the Ptolemies, as would be necessary according to the suggestion of Amusin and Eshel. Second, it is difficult to see how Lathyrus's weak and very unstable rule and the minimal threat he posed could have been equated with the Assyrian empire and the major threat that it posed to Jerusalem, and how Lathyrus's downfall could have been seen as the herald of the messianic era. In contrast, it is certainly reasonable that the Roman Empire would have been viewed in this way. Third, according to this proposal, the text was composed between the end of 39 BCE and the beginning of 37 BCE, and thus it is closer to the paleographical date of the actual scroll as well as to the assumed date of most other continuous pesharim.

Appendix H

Is the Giv'at Hamivtar Ossuary Antigonus's Burial?

In 1971, an ancient burial cave was incidentally discovered in Giv'at Hamivtar in East Jerusalem and was subsequently excavated. It was initially suggested that this cave was the burial place of the last Hasmonean King, Mattathias Antigonus (ruled 40–37 BCE). This suggestion was later rejected, but it has recently been revived. In this appendix, I intend to review the reasons adduced for the thesis's revival and reaffirm that it cannot be maintained.

The cave consisted of two burial chambers and contained a very ornate ossuary and an extraordinary Aramaic inscription, written in paleo-Hebrew script. The seven-line inscription reads:

I, Abba, son of the priest Eleaz(ar) son of Aaron the Great [or: the high (priest)]; I Abba, the oppressed, the persecuted, who was born in Jerusalem, and went to exile into Babylonia, and carried up (for interment) Mattathi[ah] son of Jud[ah], and I buried him in the cave which I purchased by the writ.¹

The initial suggestion that this was the burial place of Antigonus was based, to a large extent, on the name of the individual whom Abba brought

1. English translation based on Joseph Naveh, "An Aramaic Tomb Inscription Written in Paleo-Hebrew Script," *IEJ* 23 (1973): 82–83, and E. S. Rosenthal, "The Giv'at ha-Mivtar Inscription," *IEJ* 23 (1973): 72–73; see also Yoel Elitzur, "The Abba Cave: Unpublished Findings and a New Proposal Regarding Abba's Identity," *IEJ* 63 (2013): 84. For the inscription, its script, and date see now also, inscription no. 55 in Hannah M. Cotton et al., eds., *Jerusalem*, vol. 1 of *Corpus Inscriptionum Iudaeae/Palaestinae: A Multi-lingual Corpus of the Inscriptions from Alexander to Muhammad* (Berlin: de Gruyter, 2010), 98–101, which too rejects the identification with Antigonus. The original Aramaic text, which is not crucial for my current purposes, can be found in all of the above publications.

to burial and on the skeletal remains contained in the ossuary, which belonged to two or three individuals, one of whom was first thought to be a young adult male and appeared to have been decapitated and crucified (three nails were found close to the remains, two of which had human remains on them). However, that suggestion was soon discarded, mainly due to the findings of Patricia Smith, who analyzed the skeletal remains. Smith concluded that the decapitated skeleton belonged to a relatively old and small individual, who was probably female. Smith's conclusions were confirmed independently by another anthropologist, B. Arensberg. Therefore, these remains could not belong to Antigonus, who was not very old at his execution. In addition, Smith concluded that the associated nails did not penetrate the bone, and thus could not be evidence of crucifixion.²

The resulting consensus rejecting the identification with Antigonus has been recently challenged. Yoel Elitzur has emphasized the significant discrepancy between the initial evaluation of the skeletal remains by the first anthropologist who analyzed them, Nicu Haas, and the findings of Smith, who completed the study after Haas was seriously injured in an accident and never regained consciousness. Haas never had a chance to publish his views of the remains, but he did present his findings in a television program about the cave that aired in Israel in December 1974. According to Elitzur, Haas said in the program that the ossuary contained the remains of two individuals, one of whom was a tall male, approximately twenty-five years old at his death, and who appears to have been tortured and decapitated. Taking this, seemingly unbridgeable, discrepancy as his point of departure, Elitzur argues that the evaluation of the first anthropologist who examined the remains should be preferred, and he suggests that perhaps there was some mixing of different skeletal remains in Haas's office that resulted in Smith actually receiving the remains of a different individual.³ Yet, if this were the case, how is it that both anthropologists

2. Patricia Smith, "The Human Skeletal Remains from the Abba Cave," *IEJ* 27 (1977): 121–24. See also, more recently, Joe Zias, "A Jerusalem Tomb, 'Blind Leading the Blind' or Just Another Day in Paradise?," *The Bible and Interpretation*, April 2014, <http://tinyurl.com/SBL3547e>.

3. Elitzur, "The Abba Cave," 84–93. In n. 15, Elitzur offers another speculative explanation for the discrepancy regarding the gender of the individual: the remains did not include any bones that could indicate the gender of the individual with any scientific certainty. Smith's tentative identification of the individual as female was based on the comparatively smaller size and gracility of the bones. Based on Josephus's report that upon Antigonus's surrender Sossius mockingly called him by the feminine

concluded that the remains they each examined belong to a person who was decapitated, and that precisely these sets of remains were mixed-up? How likely a coincidence is it that both the young man examined by Haas and the old woman examined by Smith had been decapitated, if these were separate sets of remains of different individuals?

After reading Elitzur's paper, Israel HersHKovitz, a Tel-Aviv University anthropologist, reexamined some of the remains, which had lain untouched in his lab for years (most of the remains were reburied in the seventies). These included the nails, the jaw bone, and vertebrae. HersHKovitz concluded that the nails did penetrate the bones—thus indicating crucifixion—and doubted Smith's conclusion that the bones belonged to a female.⁴ Yet Smith, like HersHKovitz, conceded that the remains do not allow any certainty about the gender of the individual. In addition, the remains examined by HersHKovitz could not indicate whether the individual was young or old.⁵ Thus, this recent reexamination cannot help determine whether it is Antigonus or not.

Nevertheless, Elitzur rightfully points to a sharp discrepancy between the evaluations of two expert anthropologists. It is indeed difficult to understand how the same set of skeletal remains could be attributed by one expert to a tall young male and by another to a short old female. Regrettably, finding the solution to this question seems currently impossible. However, even if we indeed give preference to Haas's initial assessment, I assert that the identification with Antigonus should remain in doubt, and I will briefly make that case here by discussing a few points that are key to the theory that it is Antigonus.⁶

"Antigone" (*J.W.* 1.353, *Ant.* 14.481), Elitzur speculates that Antigonus may have "possessed a delicate physique and a feminine appearance." However, this seems more like a case of rhetorical ridicule and belittling than evidence of Antigonus's appearance and physique.

4. Ariel David, "Cold Case: Did Archaeologists Find the Last Maccabean King, After All?," *Haaretz*, April 29, 2014, and see now also James D. Tabor, "The Abba Cave, Crucifixion Nails, and the Last Hasmonean King," *TaborBlog*, April 3, 2016, <http://tinyurl.com/SBL3547f>.

5. Private correspondence, April–May 2014. I am grateful to Prof. HersHKovitz for taking the time to correspond with me about his findings.

6. I have previously published my reservations concerning Elitzur's paper in a response to its Hebrew version: "Three Notes on the Life and Death of Mattathias Antigonus and the Names of the Last Hasmoneans: A Response to Yoel Elitzur, 'The

(1) From the beginning, and also in its recent revival, the assertion that this cave was the burial place of Antigonos relies heavily on the name of the individual whom, according to the inscription, Abba brought to burial—Mattathiah son of Judah. Yet, while we know from the numismatic evidence that Antigonos's Hebrew name was indeed Mattathias, we have no knowledge what his father's Hebrew name was. The identification is based on the assumption that the Hebrew name of Antigonos's father, Aristobulus II, was Judah. That is based on a theory that is often employed in the study of the Hasmoneans that there was a fixed pairing of Hebrew and Greek names. According to this theory, Aristobulus II's Hebrew name would have been Judah, as was the name of his namesake, his uncle (Jannaeus's brother) Aristobulus I (*Ant.* 20.240).

However, while the inscription explicitly identifies Abba as a son of a priest, Mattathiah is significantly not said to be a priest. Neither is he identified as a king or a Hasmonean. In addition, both Mattathias and Judah were very common names during the Second Temple period.⁷ More importantly, it has been persuasively shown by Tal Ilan that there is no basis for this theory of fixed pairing of names in the Hasmonean dynasty, and therefore there is no basis for the assertion that Mattathiah son of Judah is Mattathias Antigonos son of Aristobulus II.⁸ Moreover, our sources suggest that the sons of Jannaeus, Hyrcanus II and Aristobulus II, may not have even had Hebrew names, or at least that they were not known by their Hebrew names. As Ilan illustrates, in rabbinic literature earlier Hasmoneans are always called by their Hebrew names (for example, "Johannan the high priest" in reference to John Hyrcanus; "King Yannai" in reference to Jannaeus; "Shelamztu" in reference to Salome Alexandra). However, in the story of the siege of Hyrcanus II against Aristobulus II, which is recorded in three different places in the Babylonian Talmud, they are referred to only by their non-Jewish names.⁹ Admittedly, this case may be explained if we assume that the rabbis drew this story from some distinct ancient source—after all, a similar, parallel, version of the story appears in Josephus (*Ant.* 14.25–28)¹⁰—and the non-Jewish names already appeared in

Abba Cave: Unpublished Findings and a Proposed Identification' " [Hebrew], *Zion* 79 (2014): 93–97.

7. See Ilan, "Greek Names," esp. 12–13.

8. *Ibid.*

9. *Ibid.*, 6–8. For this story, see above, appendix A.

10. See above, appendix A.

that source and the rabbis merely copied them from there. However, the evidence of a few fragmentary scrolls from Qumran, that had not been published yet when Ilan's paper appeared, reinforces her conclusion and proves that the lack of Hebrew names is not merely a result of the sources from which the rabbis drew.

As in rabbinic literature, in the Qumran scrolls too the Hasmoneans are referred to by their Hebrew names (see, for example, the so-called "Prayer for the Welfare of King Jonathan," 4Q448). Yet a small fragment of one scroll reads: "Hyrcanus rebelled [...]" (4Q332 2 6) and the end of the sentence is often reconstructed: "[against Aristobulus.]" Although this reconstruction is uncertain, from the context, including two mentions of "Shelamzion" (Queen Alexandra; 4Q332 2 4; 4Q331 1 II, 7), one of which appears just two lines above the mention of Hyrcanus, it is clear that this line refers to Hyrcanus II.¹¹ The fact that Hyrcanus is referred to by his non-Jewish name in this Qumran text, in which his mother Alexandra is mentioned by her Hebrew name, strongly supports the possibility that he had no Hebrew name or, at least, that he was not known by his Hebrew name. And if this was the case for Hyrcanus, we may assume it was also the case for his brother, Aristobulus, the father of Mattathias Antigonus.

(2) The revival of the theory that the individual buried in the Abba Cave ossuary is Antigonus is based on the supposed correspondence between the circumstances of the death of the buried individual according to Haas's examination and the descriptions of the execution of Antigonus.¹² According to Haas, the buried individual was tortured and was then crucified and decapitated.

We should note, however, the multiplicity of the descriptions of the execution of Antigonus, which probably derived from different sources. In *J.W.* 1.357, Josephus only reports that "this prisoner ... fell beneath the axe." The account in *Ant.* 14.489–490 implies that Anthony first intended to take Antigonus with him back to Rome but that Herod bribed him and convinced him to kill Antigonus; the manner of his execution is not reported. Surprisingly, only a few paragraphs later, in *Ant.* 15.8–10, Josephus reports that Anthony first intended to bring Antigonus to Rome and march him in his triumph. But when he learned that the people of Judea remained faithful to Antigonus and hated Herod, he decided to behead

11. For these fragmentary texts, see further above, pp. 192–93.

12. Elitzur, "The Abba Cave," 90–91.

Antigonus in Antioch; there is no mention of Herodian intervention. Josephus supports this report with a quote from Strabo, who says that when Antigonus was brought to Antioch Anthony beheaded him. Strabo adds that, by doing so, Anthony became “the first Roman who decided to behead a king” and that he did so in order to silence the Judeans and force them to accept Herod. Plutarch likewise writes that Anthony beheaded Antigonus, “though no other king before him had been so punished” (*Ant.* 36.2). Lastly, Cassius Dio (*Hist. rom.* 49.22.6) writes that Anthony crucified Antigonus and flogged him—“a punishment no other king had suffered at the hands of the Romans”—and then slew him (ἀποσφάζω; lit., “cut his throat”).

Thus, the execution of King Antigonus appears to have been an exceptional case. But the multiplicity of divergent accounts makes it difficult to arrive at a clear account of his execution. All that can be said with any amount of certainty is that Anthony executed him in Antioch. It seems also likely that he was beheaded, but, as Elitzur notes,¹³ beheading was not an uncommon punishment for rebels (see, for example, *J. W.* 1.154, 185, *Ant.* 14.73, 125). Thus, it cannot be indicative of Antigonus. Hence, the identification of the Abba cave remains with Antigonus is especially founded upon the correspondence with Dio’s account, given that only he mentions torture (flogging) and crucifixion. Yet, even if we ignore the fact that Dio does not explicitly mention beheading, we should recall that the credibility of Dio’s account of this early period is particularly questionable.¹⁴ Therefore, although it is certainly likely that Antigonus was tortured before his execution, it is virtually impossible to reconstruct his execution with any confidence in order to identify a specific skeleton.

Lastly, we should note that the inscription implies that Abba brought Mattathiah for burial from Babylon, whereas Antigonus was executed in Antioch in northern Syria and presumably it is from there that he would have been brought for burial.¹⁵

13. *Ibid.*, 90.

14. See above, pp. 18–19.

15. I will briefly note one further reservation concerning the recent revival of the Antigonus theory. According to Elitzur, Haas estimated that the buried individual was approximately twenty-five years old at his death, and Elitzur asserts that Antigonus was just slightly over that age at his execution, thus the two elements are close enough (Elitzur, “The Abba Cave,” 90). However, there is no indication that that was his age, and there are various indications that he was significantly older. First, according to this

In conclusion, even if we accept the preliminary findings of the first anthropologist to examine the remains, Nicu Haas, there is no sufficient basis to conclude that this was the burial place of Antigonus. Lacking evidence that Judah was the Hebrew name of Aristobulus, Antigonus's father, we should not assume that the inscription is speaking of Antigonus; the supposed correspondence between the circumstances of the death of the buried individual, according to Haas, and the descriptions of the execution of Antigonus, are based on a conflation of multiple divergent descriptions, and, to a large extent, on the latest and most problematic of them all, that of Cassius Dio; and whereas Antigonus was executed in Antioch the inscription implies that Abba brought the remains of Mattathiah son of Judah from Babylon. Therefore, the identity of the individual found in the ossuary in the Abba Cave remains a mystery.

suggestion Antigonus would have been a mere infant when his family was exiled to Rome in 63. However, as argued above (p. 96 n. 127 and p. 114), there is good reason to conclude that his mother was not exiled with the rest of her family. But, if he were just an infant, it would not have made sense to separate mother and child. Second, in 42 BCE Herod betrothed Mariamme, the daughter of Alexander, Antigonus's older brother, and married her in 37. Adiel Schremer shows that the standard age of marriage for males in Judea at the time was older than often assumed—late twenties or early thirties; see Adiel Schremer, *Male and Female He Created Them: Jewish Marriage in Late Second Temple, Mishnah and Talmud Periods* [Hebrew] (Jerusalem: Shazar, 2003), 85–91. So, if Mariamme was at a marriageable age in 42 or 37, even if that age was quite young (for standard marriage age of women see Schremer, *Male and Female*, 102–25), Alexander was probably not born later than 80 BCE; recall also that on the way to exile in Rome in 63, he escaped and led a revolt soon thereafter. Thus, to assume Antigonus was only around twenty-five years old in 37 necessitates a very large time-gap between his birth and his brother's birth. Third, and more compelling, Josephus reports that in 56 BCE Aristobulus and Antigonus fled Rome and then led a revolt in Judea (*J.W.* 1.171–174, *Ant.* 14.92–97; see also Plutarch, *Ant.* 3.2–3; and see above, pp. 105–7). It is certainly unlikely that Antigonus was only seven or eight years old at the time. Rather, Antigonus must have been at least a teenager in 56, and therefore probably no younger than thirty-five at his execution in 37 BCE.

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* Josephus's *Jewish War* 1.120–357 and *Jewish Antiquities* 14, which are the primary sources for the period that is the focus of this book, are naturally treated abundantly throughout the book. Therefore, this index lists only the primary or most significant discussions of passages within those sections.

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