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The So-called “Decree of Delos”, Again (Jos. *AJ* 14. 231–32)

Claude Eilers

Abstract: This note supplements my article in this journal (2005), where argued that the “Decree of Delos” of 49 BCE quoted by Josephus at *AJ* 14.231–32 is not a decree and cannot be from Delos. Here I point out that the document must be from Ephesus given that its eponym was ‘Boiotos’ and the eponym at Ephesus for this same year can be shown to be ‘Boiotios’.

Keywords: Delos, Ephesus, Josephus, eponymity.

In 49 BCE, while levying legions for the anti-Caesarian war effort, the Roman consul L. Cornelius Lentulus issued an edict in Ephesus that exempted local Jews from military service, a decision that is reflected in six documents quoted in Josephus: three copies of the edict itself (each with a slightly different text),¹ an appeal to Lentulus that apparently led to his decision,² and two documents that show Roman officials moving to prevent or ameliorate a backlash against the Jews for the perceived special treatment. One of these is introduced as a “decree of Delos”:³

(231) ψήφισμα Δηλίων. ἐπ’ ἄρχοντος† Βοιωτίου μηνὸς Θαργηλιῶνος εἰκοστῇ χρηματισμὸς στρατηγῶν. Μάρκος Πείσων πρεσβευτὴς ἐνδημῶν ἐν τῇ πόλει ἡμῶν, ὁ καὶ τεταγμένος ἐπὶ τῆς στρατολογίας, προσκαλεσάμενος ἡμᾶς καὶ ἱκανοὺς τῶν πολιτῶν προσέταξεν (232) ἵνα εἴ τινές εἰσιν Ἰουδαῖοι πολῖται Ῥωμαίων τούτοις μηδεὶς ἐνοχλῆ περι στρατείας, διὰ τὸ τὸν ὑπατον Λούκιον Κορνήλιον Λέντλον δεισδιαιμονίας ἕνεκα ἀπολελυκέναι τοὺς Ἰουδαίους τῆς στρατείας. διὸ πείθεσθαι ἡμᾶς δεῖ τῷ στρατηγῷ.

ὅμοια δὲ τούτοις καὶ Σαρδιανοὶ περὶ ἡμῶν ἐψηφίσαντο.

(231) Decree of the Delians. In the archonship† of Boiotios, on the twentieth of the month of Thargelion; a decision of the *stratēgoi*. While Marcus Piso, legate, was present in our city, having also been put in charge of the levying of soldiers, he summoned us and a quorum of citizens and instructed (232) that, if there are some Jews who are Roman citizens, no one

¹ *AJ* 14.228–29 (= Pucci Ben Zeev (1998), no. 10, henceforward PBZ): edict of Lentulus (version 1); 14.234 (= PBZ no. 13): edict of Lentulus (version 2); 14.237–40 (= PBZ no. 16): edict of Lentulus (version 3).

² *AJ* 14.236 (= PBZ no. 15), with Gruen (2002), 86–87.

³ *AJ* 14.231–32 (= PBZ no. 12). The text follows Marcus’ Loeb, but I obelize ἄρχοντος and print Βοιωτίου instead of Βοιωτοῦ for reasons that will be made clear below. The translation is mine.

harass them concerning military service on account of the fact that the consul L. Cornelius Lentulus has released the Jews from military service on account of piety. Therefore, it is necessary that we obey the magistrate.

The Sardians also decreed similar measures to these concerning us.

This document is introduced as a “Decree of Delos” (ψήφισμα Δηλίων) in the *Antiquities*, but this cannot be correct, as I demonstrated in this journal in 2005.⁴ Three facts are especially salient here. First, in 166 BCE, Delos became a dependency of Athens and from that point ceased to exist institutionally, with the result that it had no constitutional capacity to pass decrees. Second, insofar as official documents are found in Delos, they are dated by the eponymous archons of Athens, and, as it happens, we know that the archons of the relevant years were Demetrios (50/49) and Demarches (49/48).⁵ In the “Decree of Delos”, the eponym is Boiotos. I will have more to say about him below, but he clearly cannot be Athenian. Third, the formulaic structures of Greek city decrees are much studied and well understood, especially for Athens, and this document does not follow the form expected for decrees of any city.⁶ The “Decree of Delos”, then, is neither a decree nor from Delos.

Once the title is set aside as an error, the document’s nature becomes clearer. This is not a civic decree based on a χρηματισμὸς στρατηγῶν, as supposed by Rhodes and Pucci Ben Zeev,⁷ but the χρηματισμὸς itself,⁸ a term that the Loeb translates as their ‘response’, but it might equally be translated ‘act’, ‘provision’, or ‘decision’.⁹ The magistrates and citizenry of some city—clearly not Delos or Athens—had been summoned by the Roman legate Piso and instructed that no one harass the Jews because of the recent ruling in their favour. Their magistrates acknowledged the order and took what was the first step in its implementation by issuing their χρηματισμὸς.

If this is not a decree of Delos, how did it come to be called that? A reasonable guess is available. Our χρηματισμὸς is one of two dozen documents that Josephus has bundled into his narrative of 47 BCE. The last four of these are introduced thus:

- ψήφισμα Περγαμηνῶν (§247 [not in PBZ (see n. 1, above)])
- ψήφισμα Ἀλικαρνασέων (§256 = PBZ no. 19)

⁴ Eilers (2005), 67–68.

⁵ *IG II² 1713 (Syll.³ 733)* lists the eponymous archons of this period thus (col. 3, ll. 21–24): Λυσιάδης [51/50] | Δημήτριος [50/49] | Δημοχάρης [49/48] | Φιλ[ο]κράτης [48/47]. See further Meritt (1977), 231–46, esp. 191, and Eilers (2005), 70 with n. 31.

⁶ As comprehensively reviewed in Rhodes (1997) (with earlier bibliography), a Greek city decree include the following elements in a fixed order: 1. a prescript providing the date, names of officials, nature of the meeting, name and/or title of the proposer, who is described as having ‘said’ (εἶπεν) the motion; 2. an enactment formula (ἔδοξε followed by a dative); 3. a motivation clause explaining the background (ἐπεὶ/ἐπειδὴ) and purpose (ἵνα/ὄπως); 4. a motion formula δεδόχθαι dependent on ‘so-and-so said’ in the prescript; 5. the substance, expressed in accusatives and infinitives, dependent on, or continuing, the motion formula.

⁷ Rhodes (1997), 242, 244; and Pucci Ben Zeev (1998), 169.

⁸ As noticed by Holleaux (1918), 44 n. 3, citing Plassart (1914), 533–34 and Roussel (1916), 380.

⁹ On the term, see Gerhard and Gradenwitz (1904), 517–20; Wilhelm (1909), 291; Welles (1934), 375; Wörrle (1975), 259; and (more succinctly) Boffo and Faraguna (2021), 780.

- ψήφισμα Σαρδιανῶν (§259 = PBZ no. 20)
- ψήφισμα Ἐφεσίων (§262 = PBZ no. 21)

Now, every city had its own formal protocols that are reflected in their decrees, and each of these documents seem consistent with what would be expected,¹⁰ which means that each of them seems to be correctly labelled, probably because (as I have suggested elsewhere) they formed part of a proto-dossier that had been assembled before Josephus (or his source) had acquired any of them.¹¹ Whatever one makes of that theory, the erroneous title ψήφισμα Δηλίων looks very much like it was made in imitation of these labels. It may also be significant that immediately following this document, Josephus steps forward as narrator to observe that Sardis had ‘passed similar decrees’ (ὅμοια ... ἐψηφίσαντο), which is an odd statement given that later in the dossier, Josephus quotes a Sardian decree (14.259–61) about other and different rights. Pucci Ben Zeev observes that ‘either Josephus was mistaken here or another decree existed, which Josephus does not quote’.¹² Whatever the solution to this puzzle, however, it shows that *psephismata* were on Josephus’ mind when he was handling the document and suggests that the erroneous identification of the so-called “Decree of Delos” was made by him.

If this document did not come from Delos, where did it come from? When I wrote on this question in 2005, I missed a decisive piece of evidence that shows that this document comes from Ephesus. That is, this χρηματισμός of 49 BCE was made in the year that Βοιωτός was the local eponym. As it happens, the eponyms of Ephesus are known for this period: a monumental inscription surviving in the theatre of Ephesus records the annual celebration of the *Dionysia*,¹³ listing in order the presiding *agonothetēs* for each year and dating the celebration according to the eponymous *prytanis*. As it happens, the thirteenth celebration listed was presided over by Aratos, son of Aratos, grandson of Artemon, who in that year acted as both *agonothetēs* and *prytanis*. (From this point onwards in the list, all *agonothetai* were also eponymous *prytaneis*.) We know from elsewhere that the prytany of this Aratos coincided with the tenth year of the era of Pharsalus, which dates not only his year to 39/38 BCE,¹⁴ but the rest of the series, too. Thus, this entry can be assigned to the year 50/49:¹⁵

Σεῖμος Ἀπολλοδώρου τ[οῦ Μητροδ]ώρο[υ]? 5
 Πάπαρος, γενόμενος [ι]ε[ρεὺς] Ῥώμης ἐν
 τῶι ἐπὶ Βοιωτίου ἐνι[α]υ[τ]ῶ[ι] καὶ ἀγνοθε-
 {θε}τήσας τὰ Διονύ[σια ἐκ] τῶν ἰδίων.

Seimos Papparos, son of Apollodoros, grandson of Metrodoros (?), who became priest of Rome in the year of Boiotios and as agonothele held the Dionysia at his own expense.

¹⁰ Cf. Rhodes (1997), 419 (Pergamum), 332 (Halicarnassus), 402 (Sardis), 360 (Ephesus).

¹¹ Eilers (2003).

¹² Pucci Ben Zeev (1998), 172.

¹³ Heberdey, et al. (1912), 2.151–55 no. 30 and 99–202 (*I. Eph.* 9); cf. Sherk (1991), 250.

¹⁴ *I. Eph.* 1387 (*SEG* 26.1241; *AE* 1975, 797), ll. 1–3: ἔτους δεκάτου τῆς Γαίου Ἰουλίου Καίσαρος νίκης, ἐπὶ πρυτάνεως Ἀράτου | τοῦ Ἀράτου τοῦ Ἀρτέμωνος, κτλ.

¹⁵ *I. Eph.* 9, ll. 5–8.

The upshot, then, is that the Ephesian eponym of 50/49 BCE was Βοιώτιος, and the eponym of our χρηματισμός of 49 BCE was Βοιωτός. These are, of course, either different spellings of the same name—both are attested as personal names formed from the ethnic ‘Boeotian’—or the Josephan name has dropped an *iota*, a textual corruption that is almost proverbial for its triviality.¹⁶ The coincidence is too close to ignore. Each city had a single eponymous official in any given year, and the name Boiotos/Boiotios is not very common.¹⁷ The chances that two cities where Lentulus was recruiting soldiers might have eponyms of the same name in the same year are vanishingly small. The “decree of Delos” must have been an Ephesian document.

An Ephesian provenance makes good sense. The χρηματισμός is reacting to the intervention of the legate Piso as an official ‘in charge of the levying of soldiers’ (τεταγμένος ἐπὶ τῆς στρατολογίας)—Ephesus was the center of that recruitment.

Also, nothing about this document is inconsistent with an Ephesian provenance: quite the opposite. The *strategoí* (whose decision is communicated in it) are known to have played an important role in Ephesian affairs,¹⁸ and so their involvement here is unsurprising. Thargelion was a month of the Ephesian calendar, apparently the ninth in their year, which ended with the autumnal equinox.¹⁹ This would place Piso’s intervention soon after Lentulus’ edict of mid-September (pre-Julian) or mid-June (Julian).²⁰ The date is formatted appropriately for Ephesus. Every Greek city had its own calendar and dating style: in Ephesian inscriptions, a date is typically presented as μηνός (the genitive of μείς, ‘month’) followed by the month name (also genitive), then the day of the month in the dative—‘μηνός MD’ in the shorthand of Rhodes,²¹ which is consistent with the date found at *AJ* 14. 230, μηνός Θαρρηλιῶνος εἰκοστῆ. (In other cities, the word μηνός might follow the month name or be omitted, and the day number might precede the month or be presented as digits. The standard ordering of these details in Ephesus is very common, but not the only possibility.) Assigning the document to Ephesus also brings a significant advantage. In his meeting with the *strategoí*, Piso expresses a concern that Lentulus’ ruling might lead to their mistreatment. If there was to be such a backlash, or official concern that there might be one, Ephesus would be the obvious locale, especially given the Ephesian track record in that regard.²² Why Lentulus’ ruling in Ephesus would create a backlash in some *other* city is not obvious.

There is, however, one impediment, and a significant one: in Ephesus, years were dated by reference to an eponymous *prytanis*,²³ and our χρηματισμός is dated by an

¹⁶ Cf. Matthew 5: 18: ἰῶτα ἓν ἢ μία κεραία οὐ μὴ παρέλθῃ ἀπὸ τοῦ νόμου (‘neither a single iota nor one dot will pass from the law’).

¹⁷ The names of 100,000 Athenians are known from ancient sources, mostly epigraphical. Only 12 of them are named Boiotos or Boiotios. See Traill (1995), 196–98. Similarly, only a single Ephesian Boiotios is attested among roughly 4000 named Ephesians.

¹⁸ Kirbihler (2016), 110, 119–23, commenting on *I. Eph.* 1387 (40–39 BCE).

¹⁹ Samuel (1972), 124, 126; Merkelbach (1979).

²⁰ For the chronology, see Forni (1982) with Pucci Ben Zeev (1998), 154, 174–75. An Ephesian provenance for the so-called Decree of Delos removes the need to date it to 48 BCE.

²¹ Rhodes (1997), 66.

²² Cf. Ritter (2015), 198–200.

²³ Sherk (1991), 249–51.

eponymous archon. Normally, of course, such a difference would be sufficient to rule out an Ephesian provenance. In this case, however, the extraordinary coincidence of a Boiotos and Boiotios being eponyms in the same year, and the consistency of the document with Ephesian formulary, must take precedence and justifies emending the text of the document from ἐπ' ἄρχοντος† Βοιωτοῦ to either ἐπ' πρυτάνεως Βοιωτίου or ἐπ' Βοιωτίου, since eponymous formulae in Ephesus sometimes elide the specific title of the eponym's magistracy.²⁴

How did πρυτάνεως get changed to ἄρχοντος? It is surely significant that 'archon' follows immediately after the label "decree of Delos" (also an error) and that calling the eponym an archon would have been correct for Delos. The two mistakes should probably be taken together as an attempt by Josephus to make the document's date consistent with what he believed its provenance would be. Given that he believed that the document had come from Delos, he concluded—logically but erroneously—that its eponymous official must have been an archon and changed the text to reflect that. This kind of correction is something that he did in at least one other place in the *Antiquities*. While describing the rewards that Caesar bestowed on Antipater and Hyrcanus in return for their military help in Egypt, Josephus notes that other cities, too, had honoured Hyrcanus and as an illustration, cites a decree of Athens (*AJ* 14. 150–155). That decree, however, is securely dated by the eponymous archon to 105 BCE and therefore was meant to honour John Hyrcanus I. Josephus clearly mistook homonyms. The text of the decree calls its honorand 'Hyrcanus, son of Alexander', which is the name and patronymic of Hyrcanus II. (Hyrcanus I was a son of Simon.) In this case, it seems, Josephus has in an attempt to correct the decree inserted the erroneous patronymic. I suggest that ἄρχοντος was introduced as a similar mis-correction.

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²⁴ See, e.g., *I. Eph.* 1387 quoted above in n. 14.

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