

Where Were the Romans and What Did They Know? Military and Intelligence Networks as a Probable Factor in Jesus of Nazareth's Fate

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Abstract: In the wake of the Gospels' accounts, modern scholars do not pay much attention to the role Romans played in Jesus of Nazareth's arrest, and are prone to give credit to manifestly biased sources. Besides, some misconceptions (e.g. that the military in pre-War Judaea was exclusively confined to its largest cities) prevent them from seriously weighing up the possibility that the role of the Romans in Jesus' fate was more decisive than usually recognized. In this article, we reconsider a number of issues in order to shed light on this murky topic. First, the nature and functions of the Roman military in Judaea are surveyed (for instance, Palestine before the Jewish War had a robust network of fortlets and fortresses, which Benjamin Isaac has argued largely served to facilitate communication into the hinterlands). Second, we track some traces of anti-Roman resistance in the prefects' period (6-41 CE), Third, the widely overlooked issue of the intelligence sources available to Roman governors is tackled. Fourth, the extent of the problems of the Passion accounts is seriously taken into account. The insights obtained are then applied to the Gospels' story, thereby rendering it likely that Pilate had some degree of "intelligence" regarding Jesus and his followers before their encounter in Jerusalem that led to the collective execution at Golgotha.

Keywords: Roman Palestine; Gospels; Jesus of Nazareth; Roman Army; Intelligence networks; collective crucifixion

Reading the Christian Gospels, it is not overtly obvious that Eretz Israel was subjected to Roman rule under the Julio-Claudian dynasty. There is no mention in Mark or Matthew of a Roman presence until the one (final) visit to Jerusalem attested for Jesus of Nazareth. Luke 2:1-2 mentions an alleged Roman census at the time of Jesus' birth, and, in his version of the pericope on the payment of tribute, this author asserts that the spies sent to Jesus could catch him in something he said, "as to deliver him up to the authority and jurisdiction of the governor" (Luke 20:20). The only explicit mention of "the Romans" in the Gospels appears in John 11:48. Only at the end of these accounts, within the so-called Synoptic Passion narratives, a Roman governor, some soldiers and (fleeting) a centurion appear; but even there, attention is focused on the Jewish authorities, to the extent that Jesus' arrest is attributed by the Synoptic Gospels to a Jewish throng, and a cursory reading of Luke and John could even make us think that

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the crucifixion was carried out by Jews.² The high priests and their ilk are responsible for the arrest in Gethsemane, attempt to force Pilate's hand, and rile up the Jerusalem civilians in order to end Jesus' life. Indeed, Jewish partisans explicitly conspire to persecute and ultimately kill him from an early point in the canonical gospels (Mark 3:6; Luke 6:6; John 5:16). Romans are conspicuously absent in the bulk of the Gospels, a striking fact which is reflected in scholarly approaches to the subject: in most reconstructions of the "historical Jesus," Romans play at most a secondary and ancillary role.

Although not intrinsically impossible, this scenario is highly unlikely, since among other reasons it assumes that the Roman prefect had to rely upon the information provided by the Jerusalem religious authorities to receive notice of an apocalyptic visionary and his followers. Whatever tensions existed between Jesus and various Jewish partisans, it will be argued that the canonical Gospels greatly overstate the role of such tensions as the impetus of Jesus' arrest. The presumption that this information must have come from the priesthood overlooks essential information about the way empires control their subjects: intelligence gathering, evaluation, and analysis have always been part not only of war, but also of any imperial rule on foreign nations. The present paper surveys what is known about Roman forces in Judaea during the prefects' period, exposes the extent of the incongruities plaguing the Gospel narratives, and applies these insights to the understanding of Jesus' story. By taking into account several aspects which are usually overlooked, it provides a more satisfactory historical reconstruction of the fate of Jesus, the Galilean Jew who lived under Augustus and Tiberius.³

1. Roman Forces in Judaea During the Prefects (6-41 CE)

The study of the military in pre-War Judaea is beset by two common misconceptions. First, in the popular (and often scholarly!) imagination, these soldiers have an emphatically *Roman* character: ethnically Italian, linguistically Latin, ideologically imperial, and socially isolated from the rest of the Judaeian population.⁴ In fact there is little evidence for any aspect of this characterization. Josephus is adamant that the troops of Judaea were recruited foremost from the sister cities of Caesarea Maritima and

² See Luke 23:25-26; John 19:16-18. Some scholars have even set forth the outlandish proposal that Jesus' crucifixion was carried out by Jews; see e.g., Bammel (1984: 439, 445).

³ Although we are highly skeptical about the reliability of the Gospels as historical sources, we think it is still possible to glimpse the physiognomy of a real first-century Jew behind the sources. This conviction has been reinforced after recent methodological reflections on the so-called "recurrent patterns" and the "criterion (or index) of embarrassment"; see respectively Allison (2010: 1-30) and Bermejo-Rubio (2016c). For a recent, detailed explanation of how to overcome a complete skepticism, see Bermejo-Rubio (2019: 65-116). More specifically, we find highly significant that, although one of the axes the Gospel writers had to grind was to portray Jesus as a de-politicized being (see e.g., Zeichmann 2018b: 49-106; Bermejo-Rubio 2019: 422-432), they could not avoid leaving in their texts several convergent traces of Jesus' anti-Roman stance.

⁴ For examples of scholars who see the pre-War Judaeian garrison as emphatically *Roman*, see: Cohen (2010); Cotter (2000); Hamblin (1997). For more on the problems with these assumptions, see Zeichmann (2018b:1-21).

Sebaste (see, e.g., Josephus *A.J.* 15.296, 20.122, 20.176, *J.W.* 1.403, 2.52, 2.58, 2.74, 2.236, 3.66).⁵ Herod the Great founded these cities a few decades earlier and they were largely populated with people of the Syrian *ethnos*. Josephus notes that Syrian Caesareans were proud that their kin comprised the bulk of the auxiliaries (*A.J.* 20.176). Roman military historian Jonathan Roth summarizes:

While there certainly were some changes, the military forces of the region remained basically the same from the reign of Herod, through his successors Archelaus, Antipas, Philip, Agrippa I and II, down to the end of the Jewish War. Even the so-called Roman garrison [i.e., *auxilia*] was in fact only a number of Herodian units put in Roman service. Most, perhaps all, of these soldiers were Aramaic speakers ...⁶

Far from being a foreign or even Roman presence, the low-ranking soldiers serving under the prefects were “local” in every sense of the word.

The second misconception, thanks especially to Josephus, early Christian literature, and its perpetuation in popular culture, is a widespread assumption that the military in pre-War Judaea was exclusively confined to its largest cities, especially Caesarea Maritima and Jerusalem, and that after the War the military presence expanded to rural sites to keep a close eye on a restless population. Josephus overwhelmingly associates the Judaeian garrison with Caesarea and Sebaste, but narrates a number of military incidents in Jerusalem — most of which are related to the Temple and some of which are discussed below. The Gospels and the Acts of the Apostles likewise depict almost every soldier mentioned in association with either of these two cities: the crucifixion and burial of Jesus (Mark 15 and parallels), the conversion of the centurion Cornelius (Acts 10), the arrest of Peter (Acts 12), and Paul’s trial (Acts 21-23).⁷ Josephus’ works, though

⁵ The testimony of Acts of the Apostles, that there was a *cohors Augusta* and a *cohors [II] Italica* [c.R.], is incredible (*pace* the influential study of Speidel (1982-83)). There is no direct evidence for the presence of either unit in pre-War Judaea and such names are entirely consistent with the political ideology of Luke-Acts:

The culmination of Luke-Acts’ two-volume Christian epic is made possible by a *military officer* of the *Augustan* cohort named *Julius* in *Caesarea* escorting Paul to introduce the gospel to *Rome*. The eventual spread of the Christian gospel throughout the empire is one of the major themes of Acts, and these highly meaningful proper names bring this theme to the fore. Analogously, imagine a military officer named George, who serves on a ship called the USS Constitution, escorting an ambitious preacher from the state of Washington to the District of Columbia.

See Zeichmann (2018a: 109-112).

⁶ Roth (2019: forthcoming); cf. Mattern (2010: 173).

⁷ The matter can be pushed even farther. Even though the Healing of the Centurion’s slave (Luke 7:1-10/Matt 8:5-13) occurs in the Galilean village of Capernaum, the evangelists strangely label it a *πόλις* (e.g., Mark 1:33, Luke 4:31, Matt 9:1), despite being a village (*κώμη*; cf. Josephus *Life* 403) by any metric. Though the Gospel of Luke labels every inhabited site a *πόλις*, the Gospels of Mark and Matthew are otherwise consistent in their distinctions between villages and cities. Jonathan Reed calculates a population between 600 and 1500 around the turn of the Era, representative of the range recently articulated by other specialists. By Ze’ev Safrai’s reckoning, the six-hectare size of Capernaum would render it a medium-sized town: Reed (2000: 149-152); Safrai (1994: 40-42, 65-67). Thus, the military

less extreme, exhibit the same tendency. Josephus' most memorable military anecdotes take place in these cities: when Pilate's men brought a "standard" from Caesarea to Jerusalem (*A.J.* 18.55-59; cf. Philo *Legat.* 299-305), when a soldier "flashed" Temple attendees shortly before the War (*A.J.* 20.108, *J.W.* 2.224), and soldiers intervening in inter-ethnic conflict at Caesarea (*A.J.* 20.173-178), among many others.

To be sure, these cities quartered a considerable number of soldiers. The Antonia Fortress, adjacent to the Jerusalem Temple, probably served as barracks for an entire 600-man cohort. The perception that the Roman military was an exclusively *urban* phenomenon before the Jewish War, however, has been discredited. Soldiers' duties on patrol were directly related to geographic questions of garrison and fortification placement. Samuel Rocca estimates that about thirty fortresses were used by the Hasmonaeans on the eve of Pompey's conquest in 63 BCE — twenty-two of them featuring prominently in the war between Hyrcanus II and Aristobulus II.⁸ Strategy for nearly all Judaeian civil wars and insurrections of the Herodian and early Roman eras concentrated on control of fortifications, and in general client kings spent large sums of money fortifying and refounding existing cities.⁹ While the use of major fortresses was significant for urban dwellers, more notable for rural inhabitants were minor forts, watchtowers, and road stations dispersed along the road system. Literary sources rarely remark on their existence, but a number of such structures have been observed by archaeologists. The best documented evidence comes from the Jaffa-Jerusalem roads. Surviving evidence indicates several military structures during the Herodian and post-annexation period. The distribution of these centres was not proportionate to the density of nearby civilian settlements, though governors tended to place military structures within ten kilometers of fortified cities at satellite villages (e.g., three or possibly four were west of Jerusalem, another one or possibly two were near Emmaus).¹⁰ These forts facilitated active policing. The aforementioned proximity to fortified cities suggests these structures were so positioned in order to aid intercommunication in the event of trouble. Egyptian ostraca document two guards of low rank at each watchtower: one spending the day up in the tower and the other down, monitoring the traffic along the road,¹¹ presumably towers in Roman Judaea were manned similarly.

One might expect further increases in patrolling and fortifications after the Jewish War: the influx of soldiers, new roads, and escalated tensions could have led to a greater density of village patrols that kept civilians from considering further revolt (one thinks of Bentham's panopticon). In fact, though, most rural towers and forts were abandoned around the time of the War. On the Jaffa-Jerusalem roads, Kiryat Ye'arim, Emmaus, and Giv'at Ram were the only ones known to have been used in the War's wake, and seem

remains a phenomenon of the πόλις in early Christian literature (cf. "Legion" near the πόλις of Gerasa in Mark 5:1-20/parallels).

⁸ Rocca (2008: 17).

⁹ Isaac (1990); Roller (1998).

¹⁰ For example, the only evidence of military presence from the early Roman period on the densely populated Nahmat al Hadali-Khirbit el Hawanit portion of the northern Lydda-Jerusalem road is at Rujum Abu Hashabe. By contrast, the sparser Emmaus-Jerusalem road has five sites (excluding both of those fortified cities with larger garrisons).

¹¹ Alston (1995: 81-82), citing *O.Amst.* 8-14.

to have functioned as satellites of the Jerusalem garrison.¹² Israel Shatzman makes a persuasive case for the systematic abandonment of military sites after the Jewish War along the southern Judaea-Nabataea border in Idumaea: most likely Beersheba, Tel ‘Ira, Tel Sharuhen, Tel ‘Arad, and Tel ‘Arorer were empty after the War, leaving only a handful of isolated sites along Judaea’s southern border.¹³ Near the Judaeo-Galilean border with Syria, almost every military site was empty after the War as well. Many other military sites appear to have been abandoned after the Jewish War, as argued forcefully by Shatzman and others. Even those post-War rural sites with a military presence both before and after the War tended to see a reduction in number of soldiers (e.g., Masada, Jericho). This policy was overhauled once more after the Bar Kokhba War, though that is another matter entirely.

With the loss of rural patrolling came a much heavier concentration of single units at specific sites, often urban. While the exact size of the pre-War Jerusalem garrison is not certain, the presence of *legio X Fretensis* alone was sufficient to double the size of the entire pre-War Judaeo army. Similarly, most of *legio VI Ferrata* was located at Caparcotna/Legio and its environs. Two auxiliary units and a vexillation of *legio VI Ferrata* garrisoned near Beth Guvrin at Khirbet ‘Arak Hala, probably *cohors I Thracum milliaria* and *ala Antiana Gallorum et Thracum sagittaria*.¹⁴ Other examples could be cited. This concentration was neither useful nor feasible in the pre-War period, given the wider distribution of military outposts throughout the region.

Benjamin Isaac suggests that this is because the pre-War distribution of soldiers in small villages to aid civilian communities could thin out forces in a potentially disastrous manner, as we will see happened in Germania under Varus’s command.¹⁵ Legionaries were instead concentrated in Palestinian cities in massive garrisons, the subsequent Roman policy in hostile territory; should another revolt break out, Rome would control access to financial resources and strategic sites. To be sure, soldiers remained at a number of smaller sites, but they were much fewer in number than they had been before the War. It is worth noting as a caveat that soldiers probably also billeted in less archaeologically conspicuous buildings. No specifically military structures have been found in post-War Emmaus and the existing fortifications were abandoned after the War’s conclusion.¹⁶ Nevertheless, inscriptional evidence renders an

¹² Fischer, Isaac, and Roll (1996).

¹³ Israel Shatzman (1983; 1991: 233-246) offers a devastating critique of Mordechai Gichon’s arguments to the contrary (e.g., Applebaum and Gichon (1967); Gichon (1967; 1971; 1974; 1980; 1991; 2002)). Gichon developed the earlier thesis of Alt (1930) that after the Jewish War (Gichon: under Vespasian; Alt: under Trajan), a defensive perimeter was developed on the southern Judaea-Nabataea border — that is, a *limes Palaestinae*. Gichon contends that this system had its origins in a highly developed fortification system created by Herod the Great. There are significant problems with Gichon’s dating of numerous sites, inference of a road connecting Raphia to the Dead Sea, and the extent of Judaea’s southern limits. See the similar critiques of Gichon’s thesis in Gracey (1986: 311-318); Pažout (2015); Tsafir (1982).

¹⁴ Zissu and Ecker (2014). On *legio VI Ferrata*, see *CIIP* 3476.

¹⁵ Isaac (1986: 389-390; 1992: 107); he cites Cassius Dio 56.19.1-5 on Varus.

¹⁶ Similarly, no watchtower remains have been found in the Nile Valley, despite the abundant attestation of their presence through textual finds; see Alston (1995: 81-83). Presumably

Emmaus garrison beyond doubt: Moshe Fischer and his co-authors contend that the epigraphic evidence indicates a sufficient stability of military presence for a stone mason to set up shop.¹⁷

It should be noted that it is often difficult to date the occupation of specific military sites with great precision — in this case, to the decades comprising the period of the prefects. That said, coinage at a given archaeological site is generally consistent in the pre-War Roman period (i.e., 6-66 CE), indicating a continuous presence over that time. Numerous examples could be cited across Palestine: Tel Far'ah,¹⁸ Masada, Khirbet 'Urmeh,¹⁹ Ya'ad,²⁰ Yuvalim, among many others.



Map of Palestinian military sites during the prefecture (6-41 CE). Starred sites (★) indicate major urban garrisons. Circles (○) indicate smaller or rural military presence (e.g., fortlets, watchtowers, fortified villages).

many Palestinian watchtowers have either been lost to time or are archaeologically indiscernible.

¹⁷ Fischer, Isaac, and Roll (1996: 151-160).

¹⁸ Petrie (1930: 15-22).

¹⁹ Eshel and Erlich (2002).

²⁰ Abu Raya (2011; 2013) on both Ya'ad and Yuvalim.

2. What Did the Roman Soldiers Do in Judaea?

From the time of the prefects until the outbreak of the Jewish War, there were no significant battles or wars in Judaea, meaning few of its soldiers ever participated in combat operations. Soldiers in peaceful provinces were instead assigned to other duties, such as policing, patrolling, provincial construction efforts (e.g., road paving), administrative labour, and intelligence gathering. There is ample evidence that soldiers in pre-War Judaea performed these duties. Consider, for instance, one anecdote related in a handful of rabbinic sources:

Once the (Roman) government sent two soldiers and said to them, “Go and make yourselves Jews, and see what is the nature of their Torah.” They went to Rabbi Gamaliel in Usha, and they read Scripture, and they studied the Mishnah, midrash, laws, and narratives. When the time came for them to leave, they (the soldiers) said to them (the school of Rabbi Gamaliel), “All of the Torah is fine and praiseworthy, except for this one matter which you say, ‘An object stolen from a gentile is permitted (to be used), but (an object stolen) from a Jew is prohibited,’ but this matter we shall not report to the government.”²¹

At least in this version of the narrative, a number of features might strike us: the use of soldiers for Roman spying, not to mention the apparent ability of those soldiers to both successfully infiltrate Jewish social circles and understand their teachings, despite little prior experience with Judaism itself. Even if the narrative is fantastical, similar military duties are recounted elsewhere. Josephus, for instance, says that Pilate had his soldiers act as undercover agents during the aqueduct episode (*A.J.* 18.30-62; *J.W.* 2.175-177). Patrols after the War also monitored road traffic during festivals, but given the influx of soldiers to deter unrest among the Judaeans pilgrims during festivals while the Temple still stood, this was likely practiced before the War as well (see, e.g., Josephus *J.W.* 2.224-227, *A.J.* 20.105-112).²²

This variety of policing was understandably unwelcome among the local population. Rabbinic sources understand army patrols as systematic, unwanted bands of foreigners interrupting daily life. In their view, soldiers sexually assaulted Jewish women whenever an opportunity arose. Consequently, the rabbis reinterpreted the Torah so as to permit apparent abrogation of standard practices, should the army arrive unexpectedly and the well-being of Jewish villagers needed to be preserved.²³ Benjamin Isaac points to a story related by Simeon Hatemani, a source from the second century: “A patrol of gentiles came into town and [the townspeople] were afraid that [the soldiers] might harm them and therefore we prepared them a calf and we fed them and gave them drink and rubbed

²¹ Sifre Deuteronomy 344; cf. y. Bava Qam. 4:3-4b; b. Bava Qam. 38a. See the discussion of its complex tradition-history in Cohen (1993: 11), whence the translation above. For more extensive discussion of the topic, see Zeichmann (2018b: 23-48).

²² Rab. (Lam.) 1.52; Fischer, Isaac, and Roll (1996: 15-16): “Vespasian Caesar placed guards at eighteen miles from Pomais [=Emmaus?] and they would ask pilgrims and say, ‘To whom do you belong?’ and they would say, ‘To Vespasian, to Trajan, to Hadrian.’”

²³ Cf. Isaac (1991; 1992: 115-118). Similar interactions are related in m. ‘Abod. Zar. 5.6; ‘Eruv. 3.5. Eusebius *Hist. eccl.* 8.12.3 reports similarly on Antioch. On policing the Roman provinces, see Fuhrmann (2012: 171-200).

them with oil so that they would not harm the townspeople.”²⁴ Here the author describes an exception to the rule that no food is to be prepared for gentiles on festival days; evidently the soldiers had presented a sufficient threat to the welfare of Jewish residents that halakhic norms did not necessarily apply.

These surveillance duties served several purposes, three of which are interrelated and worth highlighting for present purposes: 1) to maintain peace in the province, 2) control of the nascent threat of the “Fourth Philosophy,” and (possibly) 3) policy changes that might have occurred after Varus’ disaster in the Battle of the Teutoburg Forest. The maintenance of peace in a given province was the primary duty of its garrison. This generally entailed a greater focus on preventing threats *within* the region than any foreign threats from *without*. In Judaea and its environs, this tended to take the form of addressing banditry and quelling insurrectionist impulses, both of which are extensively discussed by Josephus and mentioned by other sources. Indeed, Strabo implies that Hasmonaean tolerance of brigandage was the impetus for Rome’s (temporary) annexation of Judaea in the first place: “the tyrannies [of the Hasmonaeans] were the cause of brigandage, for some rebelled and harassed the countryside, both their own and neighbouring lands, while others collaborated with the rulers and seized the possessions of others and subdued much of Syria and Phoenicia.” (16.2.28) This might be understood alongside the nascent anti-Roman politics informing those comprising the “Fourth Philosophy.” Even leaving aside that the Roman authorities would not have forgotten the serious troubles arisen after Herod’s death, which compelled the governor of Syria to intervene with his legions, there had been in Judaea a more recent threat to the *disciplina publica*, at the very beginning of the prefects’ period (6-41 CE). We refer to the new doctrine of Judas the Galilean and the emergence of the Fourth Philosophy.²⁵ According to Josephus’ account, it took place when Archelaus was deposed by Augustus, thereby putting an end to the Herodian vassal state and incorporating Judaea directly into the empire. With the imposition of a Roman governor, Judaeans were subject to *direct* foreign imperial rule, a situation made evident to everyone by the assessment for taxation, which seems to have fostered or reinforced religiously-inspired nationalistic feelings. The disintegration of Jewish statehood — an aspect that in 6 CE must have been most clearly experienced — triggered Judas the Galilean (along with supporters like Sadok the Pharisee) to replace the notion of a traditional theocracy with a radical form of theocracy.²⁶ The circumstances which took place after Archelaus’ deposition — namely, that a Roman census took place and that Judaea was now under direct Roman rule and tributary, with its clear implication that the land now belonged to Rome — seem to have been deemed by some religiously-inspired nationalistic Jews as

²⁴ T.Beṣah 2.6, translation from Isaac (1991: 458).

²⁵ It has been argued that both Judas and the Fourth Philosophy were not historical realities, but merely inventions of Josephus: they would have been created by the apologetic interests of the historian, who moved backward in time sixty years the ideology of resistance to Roman rule which caused the Jewish War in 66 CE (with the active involvement of Josephus himself) as a means of exonerating himself and the priesthood of any responsibility; see McLaren (2004). That this contention is unwarranted and ultimately unconvincing has been thoroughly argued by Bermejo-Rubio (2016a).

²⁶ See Piotrkowski (2008).

unbearable, since they could be easily seen as going against the Jewish Law and God's will, thereby leading to resistance.²⁷

Perhaps because Acts 5:37 states that Judas perished, and that all his followers were scattered (κάκεινος ἀπόλετο, καὶ πάντες ὅσοι ἐπέθοντο αὐτῷ διεσκοπίσθησαν), many scholars have inferred the complete failure of the movement, and assert that the Fourth Philosophy was an ephemeral or marginal phenomenon which suddenly disappeared.²⁸ Nevertheless, we disagree with this widespread assumption, since Judas' influence does not seem to have vanished as if by magic. Several arguments support this claim. First, if — as Martin Hengel argued²⁹ — the statement of faith that Josephus ascribes to Judas and his supporters was no more than an ultimate conclusion drawn from a view which was broadly shared by Jews (namely, that God was the sovereign ruler of the world, and the Lord of Israel in particular), if his revolutionary demand had grown out of the heart of Jewish faith itself, it is unlikely that it vanished so easily; in fact, Josephus refers to the wide echo found by Judas' doctrine (*A.J.* 18.6). Second, Josephus does not restrict his references to Judas to 6 CE, but establishes genealogical links between this σοφιστὴς δεινότητος (*J.W.* 2.433) and several other people who lived much nearer to his own times; he asserts that two men crucified by Tiberius Julius Alexander circa 46 CE were “sons of Judas” (παῖδες; *A.J.* 20.102), and that Menahem and Eleazar were also his descendants.³⁰ Third, several elements of ideological continuity between the Fourth Philosophy and later anti-Roman trends surfacing in the Jewish War can be detected: for instance, the motto “There is no Lord but God,” typical of Judas, surfaces in Eleazar and some sicarii (*J.W.* 7.323, 7.410-419); longing for freedom, a hallmark of the Fourth Philosophy according to Josephus, reemerges in the numismatic epigraphy of the Jewish War, as proved by the coins minted in Jerusalem.³¹ Fourth, the fact itself that Josephus dared to describe the movement as a “philosophy” along with the Pharisees, the Sadducees, and the Essenes — as a constituent of the main Jewish sects — means that it was not short-lived, but that it had some temporal durability.

The former arguments are supported by intimations that the prefects' period was not as quiet as often assumed, a view rejected by those who uncritically resort to Tacitus' sentence *sub Tiberio quies*.³² To begin with, such an interpretation of Tacitus' sentence is simplistic and misleading,³³ in fact, Martin Hengel rightly suggested that the eventual

²⁷ See Udoh (2005: 157).

²⁸ See e.g., Goodman (1987: 93-96); Rhoads (1976: 51-52).

²⁹ Hengel (2011: 102-103).

³⁰ Menahem is presented as son (υἱός) of Judas (*J.W.* 2.433), whilst Eleazar is described as his ἀπόγονος (*J.W.* 7.253).

³¹ See Hengel (2011: 120-123); Deines (2011: 433-434); Price (1992: 68-69); Gabba (2001: 133-134).

³² *Hist.* 5.9.2. See e.g., Giblet (1974); Barnett (1975); Brown (1994: 1.678).

³³ When read in context, the sentence does not seem to mean what it does at first glance: “Under Tiberius [all] was quiet; when then ordered by Gaius Caesar to set up a statue of him in the Temple they rather resorted to arms (*arma potius sumpsere*) — to which uprising the death of the emperor put an end.” The readiness of Jews to resort to arms does not denote a particularly peaceful stance. Moreover, it has been recently argued that *sub Tiberio quies* may have had the rhetorical function of using Tiberius as a foil for Gaius Caligula. See Schwartz (2013: 134-136).

non-urban resistance is not included in Tacitus' statement.³⁴ When a contextualizing reading of Tacitus' statement is carried out, which takes into account its generalizing and rhetorical nature, the claim that under the Roman prefects all was peaceful appears as unfounded and naive. Moreover, the fact that Valerius Gratus deposed four high priests in a relatively short period might indicate a lack of calm already before Pilate's arrival.³⁵ As remarked by Eduard Norden a century ago, Josephus portrays the Judean governorship of Pilate as a series of intense clashes between the prefect and the Jews; each one of the episodes of this narrative is depicted through the term *θόρυβος* (tumult), and he calls the aqueduct episode a *στάσις* (*A.J.* 18.62).³⁶ The last incident of the account deals with a violent conflict between Pilate and his Samaritan subjects, and we are told that the Samaritans were armed (*ἐν ὅπλοις*; *A.J.* 18.85-86). In fact, it has been suggested that some of the incidents portrayed as "peaceful" might have involved some bloodshed, and that this aspect could have been silenced by Josephus: his presentation of the violence as one-sided may reflect his desire to present the Jews as generally peaceable.³⁷ Besides the traces in Josephus' works which enable us to suspect that under the prefects something must have not been in order, some significant evidence of resistance and bloodshed is provided by the Gospels: for instance, the mention in Luke 13:1-3 of "the Galileans whose blood Pilate mingled with their sacrifices,"³⁸ and the references in Mark 15:7 and Luke 23:19 to an uprising (*στάσις*) in Jerusalem about the time of Jesus' arrival (or shortly before it), in which rebels (*στασιασταί*) had been involved in violent action with murderous result (*φόνος*), and had been jailed awaiting adjudication and execution.

The presence of anti-Roman resistance seems to be confirmed by the survey of patterns of material culture. Although the conclusions drawn from studies focused on archaeological materials are always provisional, a significant change seems to have occurred in the Galilean archaeological record around the end of the first century BCE and the beginning of the first century CE, towards the end or just after the rule of Herod the Great. Whereas the people living at Gentile and mixed sites continued to import red-slipped table vessels and mould-made lamps of early Roman style, Galilean Jews set their tables exclusively with locally manufactured saucers and bowls, and lit their homes with local lamps.³⁹ This sudden and consistent rejection of formerly unobjectionable objects can hardly be explained away by economic or functional causes. Danny Syon has argued that the strict observance of coinage zones — Jewish coinage in Palestine, with only rare incursions of Syrian imperial coinage in the pre-War period — is attributable to similar motives.⁴⁰ It has been suggested that the rejection of these items was the result of individual choice, and that it implied an anti-Roman statement. In this

³⁴ "Das taciteische 'sub Tiberio quies' wird den Kleinkrieg in der Wüste kaum miteinbezogen haben"; see Hengel (2011: 344).

³⁵ Price (1992: 6).

³⁶ Norden (1913: 644-645).

³⁷ See Marcus (2009: 1029-1030); Krieger (1994: 26-27).

³⁸ Several scholars have reasonably surmised that those Galileans must have been involved in revolutionary activity. See e.g., Blinzler (1957: 39, 43-49); Bultmann (1970: 57); Vermes (2001: 30).

³⁹ Berlin (2002); Chancey (2005: 41).

⁴⁰ Syon (2015).

light, the fierce resistance of many Jews in 66 CE to Vespasian's legions, far from being a novel and unheard-of event, goes back to a defiant anti-Roman response which had begun several generations earlier.⁴¹

Although there were differences between, on the one hand, the extremely turbulent periods 4 BCE–6 CE and 44–66 CE, and, on the other, the period in which Judaea was under Roman prefects (6–41 CE), to then draw the inference that this last phase was idyllically peaceful and without any anti-Roman turmoil is an obvious non sequitur. In these circumstances, a provincial governor in Judaea should have been wary, and would have been extremely interested in having an effective (i.e. proactive) intelligence network.

The question of how a governor might best address such unrest can be understood by reference to the pan-imperial response to the Battle of the Teutoburg Forest, when Germanic tribes united under Arminius in rebellion against Rome in 9 CE. This led to the destruction of three legions and several auxiliary units, not to mention the death of the Roman governor Varus, and was largely attributed to failures of intelligence gathering and military-civilian interactions within Germania. The shock that reverberated from the Teutoburg disaster could have a bearing on the improvement of intelligence systems for *all* provincial governors. Since the outcome of Arminius's great victory had profound effects on Rome and its policies — losing three out of its total 28 legions was a very serious blow to the Empire, both logistically and psychologically⁴² — it is reasonable to surmise that it worked as a warning against excessive confidence in the capacity of Roman *presence* alone to quell the longing for freedom in subjected populations, and that, in its wake, provincial governors must have done their best to enhance their intelligence networks. It would be odd, not to say almost unthinkable, that among the greater powers granted to the governors in the provinces to control the provincial populations, some form of intelligence operation was not envisaged. If the *clades Variana* can best be understood as an intelligence failure — and there is every indication that it could, all the more so because Segestes had warned Varus of the impending attack⁴³ — it must have had some consequences in the gathering and processing of information in provinces identified as potentially troublesome. Roman historian and contemporary of Tiberius and Pontius Pilate, Velleius Paterculus, wrote that Arminius made use of Varus' negligence, “sagaciously seeing that no one could be

⁴¹ Berlin (2002: 69-70).

⁴² It is well known that the Teutoburg disaster had both immediate and far-reaching consequences: on the one hand, Augustus ordered guards posted in Rome to discourage any sympathetic uprisings among foreign residents in the city, and he dismissed his German cavalry guard; on the other, “there is compelling historical evidence that plans for imperial expansion were rapidly winding down” Wells (2003: 129). That the memory of Teutoburg plagued the Roman consciousness for years is perceptible in many ways; for instance, the paragraphs devoted by Tacitus to that battle (*Ann.* 1.61-62) “is the most extended, self-contained flashback in the *Annales*, and it reaches across the greatest length of time, six years” Pagán (1999: 303).

⁴³ Sheldon (2005: 175, 191-192).

more quickly overpowered than the man who feared nothing, and that the most common beginning of disaster is a sense of security.”⁴⁴

The incident prompted reflection among military men and administrators across the Empire. There is a widespread tendency among Roman writers to reflect upon the battle and imply that Varus made crucial errors in his underestimation of Germania and that military commanders would do well to learn from his mistakes.⁴⁵ Strabo, for instance, generalizes about German deviousness and warns against trusting them in any capacity (7.1.4), Tacitus chastises Varus for ignoring the warnings about Arminius’ treachery (*Ann.* 1.55), and Suetonius depicts wise commanders learning from Varus’ mistakes (e.g., *Tib.* 18). Indeed, surveying the ample number of fortlets and watchtowers throughout pre-War Palestine, Benjamin Isaac concludes that “the Romans in Judaea, it seems, intended to avoid the mistakes attributed to Varus in Germany.”⁴⁶ That is, as we have seen, ample networks of military surveillance and communication are attested along the various roads of the pre-War period — including the Jaffa-Jerusalem road, Jaffa-Shechem, Jerusalem-Philadelphia, etc. This may not be a coincidence, given that Varus governed Syria (of which Judaea was a part) before the revolt at Teutoburg — subsequent Syrian and Judaeian governors may have seen their own provincial charge as vulnerable in light of Varus’ rash policies. To be sure, this was hardly the only instance of intelligence failure by the Roman military (one thinks of the many native revolts, like that of Boudicca), though it was certainly remembered as one of the most disastrous and seems to have prompted considerable reflection on military strategy.

3. What Did the Romans Know?

The former remarks about the presence of Roman troops in Judaea, along with the fact that they performed duties of policing, patrolling, and intelligence gathering, allow us to infer that the Roman prefects in Judaea must have been informed about any actual or potential troublemakers. After all, the matter concerned not only the Empire’s security, but also the security of the prefect’s post itself. According to imperial jurists, a fundamental priority of Roman rule was that “a good and serious governor should see to

⁴⁴ “Haud imprudenter speculatus neminem celeres opprimi, quam qui nihil timeret, et frequentissimum initium esse calamitatis securitatem” (Velleius Paterculus 2.118, translation by F. W. Stapley, LCL). Citing Tacitus, *Ann.* 2.20, Rose Mary Sheldon observes that “Later Roman commanders in Germany are described as being aware of German ‘secret arrangements’” (2005: 191).

⁴⁵ Note, however, that Jewish sources from Josephus through the Rabbis seem not only to lack interest in, but also apparently have no knowledge of, the Battle of the Teutoburg Forest; see Eshel (2008).

⁴⁶ Isaac (1992: 107) especially contrasts post-War Palestine with the problems Cassius Dio attributed to Varus’ planning: “He did not keep his legions together as was proper in a hostile country, but distributed many of the soldiers to helpless communities, which asked for them for the alleged purpose of guarding various points, arresting robbers or escorting provision trains.” (56.19.1). This concentration of forces at a limited number of sites is more applicable to the post-War period. In the pre-War period, it would seem distrust of locals, a robust intelligence network, and preventing inter-ethnic alliances were the primary lessons learned from Varus’ mistakes.

it that the province he rules remains pacified and quiet.” And other sources reiterated the importance of this public order: “The emperors’ *mandata* state that he who commands the province must take care to purge the province of evil men”,⁴⁷ of course, “evil” means here “contrary to the interests of the Roman empire.”

The present argument, however, extends beyond general and almost common-sense reasoning. A sound starting-point is a series of reports in which Flavius Josephus narrates how several Roman governors counteracted problems arising both in Jerusalem and other regions. These reports refer to popular prophets in first century Judaea who were not brought to trial, but were done away *manu militari* by a division of soldiers. Such are the cases (under Pontius Pilate) of the Samaritan prophet whom the masses followed to Mount Gerizim to find the holy artifacts ostensibly buried there by Moses, and the preemptive strikes leveled against the large multitude under the leadership of Theudas (during Fadus’ procuratorship) and the Egyptian (under Felix).⁴⁸

But before they could ascend, Pilate blocked their projected route up the mountain with a detachment of cavalry and heavy-armed infantry (φθάνει δὲ Πιλάτος τὴν ἄνοδον αὐτῶν προκαταλαμβάνων ἰππέων τε πομπῇ καὶ ὀπλιτῶν, οἱ συμβαλόντες), who in an encounter with the first comers in the village slew some in a pitched battle and put the others to flight (*A.J.* 18.85-87)

Fadus, however, did not permit them to reap the fruit of their folly, but sent against them a squadron of cavalry. These fell upon them unexpectedly, slew many of them and took many prisoners (οὐ μὲν εἶασεν αὐτοὺς τῆς ἀφροσύνης ὄνασθαι Φᾶδος, ἀλλ’ ἐξέπεμψεν ἕλην ἰππέων ἐπ’ αὐτούς, ἧτις ἀπροσδόκητος ἐπιτεσοῦσα πολλοὺς μὲν ἀνείλεν, πολλοὺς δὲ ζῶντας ἔλαβεν; *A.J.* 20.97-98)

But Felix anticipated his attack, having gone out to meet him with Roman heavy infantry (φθάνει δ’ αὐτοῦ τὴν ὁρμὴν Φῆλιξ ὑπαντήσας μετὰ τῶν Ῥωμαϊκῶν ὀπλιτῶν; *J.W.* 2.263)

In none of these cases does Josephus describe how the Roman governors found out about the men, but all these episodes took place outside Jerusalem, and some of them at a considerable distance (Samaria, the Judaeian desert), others closer (the Mount of Olives). The use of the verbs προκαταλαμβάνω and ὑπαντάω expresses the element of anticipation and surprise of the actions undertaken by the Roman governors. As is typical of Graeco-Roman literature, agency is assigned to the commander who issues orders and not his subordinates. In every case, the effectiveness proves that the governor had obviously heard about what was happening and sent heavily-armed troops in time to prevent those movements from gaining momentum and to nip them in the bud.⁴⁹ The

⁴⁷ “*Congruit bono et gravi praesidi curare, ut pacata atque quieta provincia sit quam regit*” (Ulpian, *Dig.* 1.18.13.Pr.). “*In mandatis principum est, ut curet is, qui provinciae praeest, malis hominibus provinciam purgare*” (Paulus, *Dig.* 1.18.3).

⁴⁸ See also MacMullen (1966: 147).

⁴⁹ The fact that the episode of the Egyptian prophet took place on the Mount of Olives (*J.W.* 2.262) is further relevant for our argument. Regarding Jesus of Nazareth’s arrest, one could argue that it is more likely that a local police force, and not a detachment of Roman auxiliaries from outside Judaea, would be familiar with the layout of an area so close to Jerusalem. But, according to Josephus, the Egyptian’s attack was anticipated by the procurator Felix, who went to meet him with infantry.

pre-emptive character of these strikes betrays the existence of some information networks.

There is some evidence that such reconnaissance missions were performed by Judaeen auxiliaries. Josephus recounts:

But there was a centurion whose name was Gallus, who, during this disorder, being encompassed about, he and ten other soldiers privately crept into the house of a certain person, where he heard them talking at supper, what the people intended to do against the Romans, or about themselves (for both the man himself and those with him were Syrians). So he got up in the night time, and cut all their throats, and escaped, together with his soldiers, to the Romans. (*J.W.* 4.37-38)

Though the anecdote occurs during the exceptional events of the Jewish War, there is reason to suppose it reveals something about the Caesarean and Sebastene auxiliaries of the pre-War period as well. First, Josephus labels the soldiers “Syrian,” which is his preferred designation for the Judaeen auxiliaries recruited from Caesarea and Sebaste from the time of Herod the Great until the War’s end (e.g., *A.J.* 15.296, 20.122, 20.176, *J.W.* 1.403, 2.52, 2.58, 2.74, 2.236, 3.66) — this would explain their fluency in the Aramaic tongue of the Jewish rebels. Second, it is clear that these soldiers had experience with infiltration and spying, apparently able to survey the rebels and remain hidden. Indeed, we know that at least some soldiers in the neighbouring Nabataean kingdom preferred communication in Aramaic (see e.g., *CIS* 2.217; cf. *CIL* 8.2515). Third, the story makes clear that execution of suspected parties would have been expected, even without trial, depending on the apparent threat and war situation. Thus, even though these events occurred *during* the Jewish War, we can infer that this story depicts the auxiliaries of *pre*-War Judaea, as it seems that the auxiliaries used during the War were drawn from all over the Empire (e.g., *ala Gaetulorum* from Mauretania in *CIL* 5.7007) and thus unlikely to be competent in Aramaic.⁵⁰

Admittedly, we know very little about the intelligence sources of the Roman governors in this early Imperial period (not surprisingly, given the secret nature of such procedures). Nevertheless, it is obvious that, once installed in their provinces, these magistrates would need to become acquainted with the nature of any potential threat which faced them, particularly in those regions which had a long history of rebellion against foreign occupation. There are three different methods through which governors might acquire sensitive information. First are the routine tours of inspection. Second, he could also count on the information provided by the neighboring client rulers and kings; literary and epigraphic evidence attests contact between provincial governors and clients, particularly with those kings with the closest connections with Rome and those whose territory was surrounded by territory directly administered by Rome.⁵¹ Third, a

⁵⁰ To be sure, *legio X Fretensis* was drawn from Syria. Epigraphic and papyrological evidence of the legion suggests that their soldiers’ preferred languages were Greek and Latin. There are no Aramaic inscriptions or papyri of legionaries or post-War auxiliaries of Judaea. Cf. Zeichmann (2017: 63).

⁵¹ “This was especially true of the various tetrarchs and kings of Judaea” Austin and Rankov (1995: 145). For instance, a Safaitic inscription discovered near al-Namārah east of the Hawran — where a small Roman fortress was located — honours a man who served as “lookout for the Queen of the Jews,” (*OCLIANA* #0027104) likely referring to Agrippa II’s

most important source of reliable information would have been provided by his own staff or *officium*, which assisted each governor in both administrative/civil and military levels,⁵² in this staff there must have been someone responsible for internal security of the province, who would have at his disposal a body of informants — both military and civilian — who must have kept the governor informed about what they thought he needed to know.⁵³

It is important to realize that several sources attest the existence of an *officium* or *consilium* in the period of the prefects and procurators of Judaea. Josephus reports that, when a Jewish crowd confronted Ventidius Cumanus at Caesarea Maritima and beseeched him to punish a soldier who had defaced a Torah scroll, the procurator ordered that the soldier should be beheaded; Josephus specifies that Cumanus took his decision after taking counsel with his friends (συμβουλευσάντων καὶ τῶν φίλων), which is a clear reference to his *comites* or *cohors amicorum* (*A.J.* 20.117). According to Acts, Porcius Festus, finding himself in a quandary, decides to send Paul to Rome after having conferred with his council (συλλαλήσας μετὰ τοῦ συμβουλίου; Acts 25:12); irrespective of the historical value of the account, the significant point is that the author of Acts assumes that the procurator has at his disposal an advisory body of *adssessores*.

To sum up, the Roman prefects in Judaea must have known what they needed to know in order to keep the region still and quiet. In fact, despite the traces of resistance to Rome in the available sources, this period can be considered — with all the above-mentioned caveats — as relatively peaceful. The occupying power had resources to get informed, to the extent that it could nip the anti-Roman activities in the bud.

4. Jesus of Nazareth's Arrest and Execution as a Conundrum: Incongruities, Anachronisms, and Fictions in the Gospels' Passion Accounts

Although hosts of scholars still treat the Gospels as reliable sources, critical historians cannot help but recognize the tendentious character of these texts. Uncritical acceptance of the story of Jesus embedded in the Gospels not only has had deeply tragic effects insofar as it has become the occasion for generating anti-Semitism, but — what is even more relevant in a scholarly context — it is epistemologically untenable. Those scholars prone to grant the historicity to these texts often commit the logical fallacy *possibilititer*

sister Berenice (thus *AE* 2006.1578: “[r]egina Berenice”). The location of the inscription only makes sense if there was intelligence sharing between a Roman desert outpost and a nearby client kingdom. On the close relationships of the Herodian dynasty with Rome, see e.g., Wilker (2007). On Roman use of client kingdoms for intelligence, see Sheldon (2005: 268-269).

⁵² Austin and Rankov (1995: 147-155); Haensch (1997: 227-237 and 710-726).

⁵³ Let us notice that most auxiliary soldiers in the Roman East, significantly less Romanized than legionaries, would have been Aramaic speakers, as discussed above. Therefore, they would have been in a good situation to carry out spying activities. “Like most Roman administrators Pilate probably served as his own intelligence chief, delegating the tasks of building up a spy network, paying informers, and generally seeing to it that he had eyes and ears in all places where rebellion might be hatching. How many people he had at his disposal to do these tasks, or who they were, will forever remain a mystery” Sheldon (1998: 5-6).

ergo probabiliter; but “it is possible, therefore it is probable” is not a sound argumentative procedure in historical research.⁵⁴

To begin with, Jesus’ story, such as it has been told in the Gospels, has an overarching structure which neatly matches what has been called “the Tale of the Persecution and Vindication of the Innocent One,” a pattern found in Jewish literature of the Second Temple period which can be summarized as follows: the actions and claims of a just person provoke their (evil) opponents to conspire against them,⁵⁵ to the extent that this leads to an accusation, trial, condemnation, and ordeal, usually resulting in their shameful death. But either at the brink of death or in death itself the innocent one is rescued and vindicated.⁵⁶ This story pattern, which seems to have arisen in response to the issues of persecution suffered under Antiochus Epiphanes IV and is reflected in several Bible accounts (e.g., Joseph in Gen 37-50, Esther, Susanna in Dan 13, and the episodes in Dan 3 and 6), has also been used in the Gospel Passion narratives in order to make sense of Jesus’ unexpected death.⁵⁷

The fictitious character of such a tale, concocted to find meaning in the death of some people, is made plain in the fact that the prolegomena to the Passion accounts — the several passages in which Jesus predicts his death (Mark 8:31; 9:30-32; 10:32-34) — neatly reflect the concerns of the later Markan community: they provide a *post factum* explanation to the developing Jesus communities for the execution of the revered teacher on a cross. Although the passion predictions point to an earlier layer of material, insofar as their two-step formulations of dying and rising reflect the tradition found in 1 Cor 15:3-4, they do not go all the way back to the historical Jesus. Such “predictions” are merely *vaticinia ex eventu*, to which the hope of a divine vindication has been added. But this is just the starting-point for a realization of the amount and breadth of the fabricated material in the main sources for the Galilean preacher’s life and death. From the accounts of the arrest to the narratives concerning the crucifixion at Golgotha, there is no shortage of inconsistencies, anachronisms, and implausible statements, even when the texts seem to attest an episode with a basis in history. Since quite a few scholars coming from very different ideological backgrounds have carefully surveyed and deconstructed the Gospels’ Passion accounts, in the following we summarize their results, focusing on aspects that might at first glance support the traditional explanation of the Jewish leadership’s responsibility for Jesus’ arrest and execution.⁵⁸ Such will form the basis for our argument that Pilate and his intelligence networks were far more likely responsible for Jesus’ arrest and execution.

⁵⁴ This was perceptively remarked by Baur (1847: 21).

⁵⁵ This is seen in the fact that in Mark 3 and Matt 12 a plot to put Jesus to death starts after the healing of a man on the Sabbath, although such an extreme hostility has neither rhyme nor reason. This portrayal makes sense only within a mythic framework, according to which Light and Goodness is diametrically and essentially opposed by Darkness and Evil. As an historical explanation, this is untenable. In fact, although Pharisees are portrayed as sworn enemies of Jesus who plot his death, they do not play any role in the Passion accounts.

⁵⁶ See e.g., Nickelsburg (1980).

⁵⁷ See also Dewey (2017: 71-73); Mack (1988: 265-270).

⁵⁸ See e.g., Crossan (1996); Helms (1988); Kautsky (1908: 384-392, 418-431); Winter (1974).

Apart from the obviously legendary material contained in these accounts,⁵⁹ many episodes defy plausibility even apart from the occurrence of the supernatural. For instance, the depiction of Jesus — found in all four canonical Gospels — as going alone into the Temple and driving out those who sold and bought contains several manifest improbabilities, not the least being its denouement. How was it possible for a single person to carry out what the evangelists attribute to Jesus? How did those people disturbed by Jesus react? Was no opposition offered to this arbitrary interruption of a brisk trade? What did the Temple guards (and eventually the Romans) do? Not a single word is said about this, thereby depriving the account of both intelligibility and credibility.⁶⁰

The evangelists did their best to portray Jesus as an innocuous and peaceful man, but the fact is that they do not explain either the violence involved in the Temple incident nor what Jesus was doing in the Mount of Olives at night with an entourage of armed men. All four Gospels record that armed resistance was offered in Gethsemane,⁶¹ and three of them identify the one who struck off the servant's ear as a disciple of Jesus. Several converging passages (Luke 22:38, 22:49; Mark 14:47 and par.) indicate that — at least in the final phase of Jesus' ministry — Jesus' disciples were armed, and ready to use the weapons they carried. This is particularly clear in Luke 22:49, where the disciples ask Jesus: "Lord, shall we strike with the sword?"⁶² In fact, even the brief account of the crucial episode of Jesus' arrest is fraught with problems. Why was a

⁵⁹ See Mark 15:33 (and parallels: Matt 27:45; Luke 23:44); Matt 27:51-54 (see Luke 23:45); Matt 27:19; Luke 22:3 (see John 13:27); Luke 22:43, 51; John 18:6.

⁶⁰ These incongruities have led several reflective scholars to deny the historicity of the pericope. See e.g., Mack (1988: 291-292); Buchanan (1991); Miller (1992); Seeley (1993). Other scholars, like Brandon (1967: 332-334), have surmised that an underlying story involving major violence must have been carefully edited in the Gospel tradition.

⁶¹ Mark 14:47; Matt 26:51; Luke 22:38, 49-50; John 18:10-11. The act portrayed in Mark 14:47 was not a minor one: "Der Schwertzieher begeht kein Kavaliersdelikt, wenn er das Ohr eines anderen abschlägt. Hätte der Schlag nur geringfügig anders getroffen, so wären Kopf oder Hals verletzt worden. Dieser Schwertschlag ist Gewaltanwendung mit möglicher Todesfolge" Theissen (1989: 198). This means that at least some of Jesus' disciples had war-related expertise (ἐμπειρία πολεμική, to render it with Josephus' words: *Life* 17; *J.W.* 1.305; *A.J.* 17.270).

⁶² Note that Jesus' words in Luke 22:51 as a reaction to the violent action of one of his followers are ἔατε ἕως τούτου. The Greek phrase is usually translated as "No more of this," "It is enough," and the like. This kind of translation, however, hides the fact that ἔατε is a second person plural of the present imperative. The striking thing is (unlike Matt 26:52 and John 18:11) the use of a plural form in a passage in which the action of a single disciple has been described. Therefore, both Luke 22:49 and 22:51 suggest the violent disposition of a group of disciples. It is also intriguing that in Matt 26:52 some manuscripts contain the variant ἀποτοῖς instead of ἀποτῷ; see Aland (2001: 459), though the variant is discussed in neither Nestle-Aland NTG28 nor in Metzger (1994). Referring to the attack of one of Jesus' disciples against a member of the arresting group, George Aichele wonders: "Would this happen if Jesus and his followers were not already a violent group?" (1998: 83). Besides, if the story of Judas' betrayal deserves any credibility, it makes sense if a coup had been prearranged: "Da gab es etwas zu verraten, da gab es ein Geheimnis, das zu erkaufen lohnte" Kautsky (1908: 388).

heavily armed party sent to seize Jesus secretly, if he was indeed a harmless preacher? Why is Mark 14:47 (see also Matt 26:51) silent over the identity of the attacker taking a sword? Did the attacked person not defend himself? Did the arresting party not react to this bloodletting attack, presumably carried out with homicidal intentions? These unanswered questions indicate that the whole scene is too schematic in its construction, internally inconsistent, and thus hardly credible as a factual report.

According to Matthew, Luke, and John, Jesus opposes the use of violence, being the only one in his group to adopt such a “pacifist” stance (Matt 26:52-54; Luke 22:51; John 18:11). On the one hand, however, this does not match the Lukan account wherein Jesus exhorts his disciples lacking swords to buy one (22:35); on the other hand, in the oldest evangelist, Mark, such alleged opposition to violence is conspicuous by its absence. Even more strikingly, Jesus, who is portrayed as claiming a pacific attitude, is the only member of his group who is arrested (and later crucified), whilst people using a sword or wishing to do so are left unmolested. That Jesus, portrayed as the least dangerous man, is precisely the target, and the only target for that matter, is, from a historical and a psychological standpoint, exceedingly counterintuitive.⁶³ Even more unreliable episodes are those portraying members of the Sanhedrin as spitting at Jesus and striking him (Mark 14:65; Matt 26:67-68), and particularly that in which Jesus is mocked at the cross by “the high priests and the scribes” (Mark 15:31-32) and challenged to “come down now from the cross, in order that we may see and believe.” The presence of Jewish passers-by mocking a crucified Jew is hard to believe, all the more so because the description of the scene strongly evokes Ps 21:8-9 LXX and 108:25 LXX, and could have been concocted out of those texts. But the portrayal of high priests and scribes showing up before the crosses to mercilessly mock a crucified countryman defies imagination. The sordidness itself of the scene betrays its lack of credibility and its slanderous character.⁶⁴

The untrustworthiness of the Passion accounts, however, reaches its climax in the trial before Pilate. First, the portrayal of Pontius Pilate as a single-handed prefect unaware of Jesus’ group betrays ignorance (or conscious erasure) of the true circumstances in which a Roman prefect carried out his duties, having a *consilium* at his disposal.⁶⁵ Second, the depiction of a prefect who could be easily intimidated by the pressure of the Jewish religious authorities or a mob is blatantly contradicted by what we know about him through Josephus and Philo. Third, and more importantly, the main notion guiding this section is in fact intrinsically meaningless: a man declared as politically innocuous by the prefect is,⁶⁶ nevertheless, scourged and mocked by the soldiers at the service of Rome as a royal pretender and executed along with other men

⁶³ Kautsky perceptively remarked how pointless is this story: “Gerade er wird verhaftet, der den friedlichen Weg predigt, dagegen behelligt man nicht im mindesten die Apostel, die ihre Schwerter zogen und dreinhieben [...] Ein ganz unbegreiflicher und sinnloser Vorgang” (1908: 389).

⁶⁴ See Collins (2007: 751); Maccoby (1973).

⁶⁵ See supra, section 3.

⁶⁶ Mark 15:14 (ὁ δὲ Πιλάτος ἔλεγεν αὐτοῖς: τί γὰρ ἐποίησεν κακόν;). As is well-known, this feature is strongly emphasized by the later evangelists. See Luke 23:4, 14, 22; John 19:4, 6, 12-18.

with the punishment reserved for people guilty of sedition, with a *titulus crucis* which marks him as a usurper or guilty of *adfectatio regni*.⁶⁷

The implausible nature of the scene before Pilate is further adduced when the report about the so-called *privilegium paschale* (the alleged custom of the Passover or paschal pardon) is considered. On the one hand, there is no evidence of the existence of such an alleged custom in the Roman Empire or in Judaea. On the other, everything related to this aspect is untenable. As Paul Winter perceptively realized, the Gospels' depiction is self-contradictory.⁶⁸ What is even worse, such a procedure does not make sense in the thorny political situation of Judaea, to the extent that the custom would be, from the perspective of Roman rule, blatantly self-defeating.⁶⁹

Contradictory claims surface elsewhere. The Jerusalem religious authorities are said to present Jesus as a seditionist, but at the same time they incite the crowds to ask for the release of Barabbas (Mark 15:13-14; Matt 27:22-23, 25; Luke 23:23), who is, however, presented as guilty of taking part in some kind of revolt. Whilst all the Gospels keep several traces of a deep enmity between Jesus and the tetrarch Herod Antipas — to the extent that Jesus flees the tetrarch, who, according to Luke 13:31, wanted to kill Jesus — the Lukan account depicts Antipas as someone who sends Jesus back to Pilate, and when the prefect resumes the interrupted “trial,” he gathers that Antipas considered Jesus innocent (Luke 23:14).

Moreover, the notion that the Jewish authorities were responsible for the arrest and death of Jesus becomes more understandable as an anachronistic projection to the prefects' period of later conflicts and animosities between Nazorean communities and other Jewish trends. This contention has been fleshed out by Jonathan Bourgel, who has argued that several elements in Mark's Passion account reflect circumstances which took place in the procurators' period (44-66 CE). For instance, the mention of a “crowd armed with swords and clubs, sent from the chief priests” (Mark 14:43 and parallels) is redolent of the descriptions of some arbitrary actions carried out by the high priest's camp followers provided by Josephus and the Tosefta.⁷⁰ The existence of this and other interesting parallels between events occurring on the eve of the Great Revolt and some

⁶⁷ In fact, as it has been argued, “even if we allow that just one of the charges against [Jesus] was accepted, there will have been a strong case” Rutledge (2001: 75).

⁶⁸ Winter (1974: 134, emphasis in original):

Whilst the evangelists state explicitly that the crowd was *free to demand* from Pilate *the pardon of any prisoner*, yet at the same time *they imply that the choice was limited* to two individuals. The offer to choose between two persons only in fact denies the free exercise of the prerogative of the people's will. On this point the Gospels are self-contradictory in their reports.

⁶⁹ Brandon (1967: 4):

Mark presents Pilate, a Roman governor, not only as criminally weak in his failure to do justice, but as a fool beyond belief. For, if he had truly sought to save Jesus, he could surely have done nothing worse to defeat his purpose than to offer the Jewish crowd a choice between Jesus and Barabbas. To them Barabbas was a patriot who had risked his life against their hated Roman rulers, whereas Jesus, according to Mark, had advised them to pay tribute to these Romans. To have offered the people such a choice, with the intention of saving Jesus, was the act of an idiot.

⁷⁰ Bourgel (2012: 506-513).

items of the Passion accounts (Jesus' trial before the Sanhedrin and Barabbas' liberation) further increases the probability that those accounts are anachronistic and hardly trustworthy from a historical standpoint.

These remarks — just a sample of the numerous problems of the Gospels as historical sources — attest to the untrustworthy nature of the overwhelming majority of the elements of the Passion accounts, thereby making Jesus' story ultimately unintelligible.⁷¹ Although some scholars have concluded that those accounts are pure fiction and Jesus himself nothing but a pure concoction of some imaginative minds,⁷² there is a simpler solution to the available evidence. That solution is an underlying story, one in which a failed Galilean visionary was arrested and executed. That account was tampered with and significantly altered, because of ideological purposes and survival needs of his followers, thereby generating a confusing outcome, lacking logical consistency and historical reliability.⁷³ Indeed, the problems with the Passion narrative cast significant doubt on causes of Jesus' arrest and crucifixion. If this conclusion is correct, it makes a critical assessment of the evidence imperative.

5. Making Sense of Jesus' Arrest and Execution in the Light of the Roman Domination of Judaea

The former sections about the Roman presence in Palestine and its intelligence networks might inform our understanding of Jesus of Nazareth's story. If, as everything indicates, the Roman governors were more-or-less well informed of the potential threats posed by visionary preachers having gathered some following, the scenario of the Gospels can be further assessed. As we have remarked, these works do indeed portray Pontius Pilate as a single-handed governor who knew nothing about Jesus and who had to rely upon the information provided by the Jerusalem religious authorities to get notice of the preacher and his group; moreover, it further contends that he deemed the Galilean an innocuous person.

The untenable nature of that portrayal is made plain not only because it overlooks elementary information about Roman intelligence sources and is riddled with incongruities, but also because it depends on a distorted and depoliticized view of Jesus as a purely religious teacher whose message did not concern in the least the Roman empire. Nevertheless, Roman interest in surveilling Jesus becomes more plausible upon considering the specifics of Jesus' activity and arrest in the Gospels, irrespective of what one thinks about the hypothesis concerning Jesus' involvement in anti-Roman

⁷¹ This is why Jesus' death is usually presented as a "riddle" or a "puzzle": "The starkest, most disturbing and most central of all the enigmas that Jesus posed and was" Meier (2001: 646); Green (2001: 88-89), among many others.

⁷² For a recent and sophisticated restatement of the "mythicist" thesis, see Carrier (2014). For a rebuttal, see e.g., Gullotta (2017).

⁷³ Just as the Marxist historian Karl Kautsky put it, "Das ist in der Form, wie es hier steht, eine ganz sonderbare Geschichte, voll von Widersprüchen, die ursprünglich ganz anders gelautet haben muß" (1908: 387). Nevertheless, quite a few modern scholars reproduce the Gospels' story as history; see e.g., Smallwood (1976: 169-170).

resistance.⁷⁴ First, Jesus' preaching of the imminent arrival of God's kingdom had unmistakable political consequences, not only because that kingdom had — as expected in other movements harboring millenarian hopes — material and earthly aspects,⁷⁵ but also because it implied an approaching national deliverance and the passing of the Empire.⁷⁶ Second, there are enough traces of some Messianic claim by Jesus, which is also brought to the fore by the title “king of the Jews” in the Passion accounts; several indexes (contextual plausibility, recurrent patterns, embarrassment, and coherence)⁷⁷ seem to support the historicity of that material, as scholars coming from different intellectual backgrounds have argued.⁷⁸ Third, there are traces of evidence that Jesus' entourage was armed with swords, most famously at Gethsemane, and that its members knew how to use them, whether or not they did.⁷⁹ Fourth, irrespective of whether or not some disciples participated in a resistance movement (scholars have toyed with the names Ἰσκαριώτης, βαριωνᾶ and Καναναῖος/Ζηλωτής), there are some traces that at least the core members of Jesus' group were truly bellicose men.⁸⁰ Fifth, several episodes in the Gospels indicate that Jesus or his group caused some trouble in Jerusalem, perhaps during Passover (Mark 11:1-11, 11:15-19). Sixth, one should note that there are clear redactional tendencies by the evangelists to distance Jesus and his followers from any activities that might imply revolutionary impulses.⁸¹ It is precisely

⁷⁴ It should be clear, anyway, that such a hypothesis is anything but idiosyncratic. It was set forth long before Reimarus, as early as the sixteenth century, in a long-overlooked work written by the Silesian proto-Deist Martin Seidel (Socas and Toribio 2017).

⁷⁵ These material aspects are to be seen in, e.g., Matt 5:5 (the hope to inherit the earth), Mark 10:29-30 (promise of material rewards), Luke 22:29-30/Matt 19:28 (promise to the disciples that they would judge the tribes), Luke 24:21 and Acts 1:6 (Jesus as Israel's deliverer).

⁷⁶ This was already clearly recognized by Weiss (1892: 123): “Es erscheint mir einfach selbstverständlich, dass unter den Gütern, die das Reich Gottes bringen soll, die Befreiung von der Fremdherrschaft mit obenan steht.”

⁷⁷ Since the “criteria of authenticity” are not alone sufficient to establish historicity, but rather what tends to make historicity more likely than non-historicity, we follow the suggestion of Ben Meyer that the term “criterion” should be dropped altogether in favor of the more modest “index” (2002: 86).

⁷⁸ For detailed treatments of this aspect, see Allison (2010: 233-240, 246-251); Bermejo-Rubio (2015); Buchanan (1984); Maccoby (1973). Even scholars by no means prone to tackle the political implications of Jesus' message recognize that “What he claimed for himself was tantamount to claiming kingship” Sanders (1985: 322).

⁷⁹ See, e.g., Martin (2014; 2015).

⁸⁰ The violent disposition of at least some of them is well attested in the tradition. The rowdy reputation and hot temper betrayed by the title Βοανηργής (Mark 3:17) are significantly displayed in Mark 9:38, and more harshly by their desire to resort to violence against a village of uncooperative Samaritans (Luke 9:51-56). See e.g., Rook (1981). In this respect, an ironical remark has been made: “If Jesus had been leading a nonviolent revolution he apparently selected a non-cooperative group” Buchanan (1984: 247). “Jesus' colleagues appear to have been the sort of people likely to alarm the Roman authorities” Elliott (1982: 57). This point is significant because part of the image the Roman authorities may have had of Jesus “came from the people with whom he chose to surround himself” Sheldon (1998: 5).

⁸¹ E.g., contrast Luke 22:35-38 and Matt 26:52-54 with Mark 14:47.

these things that might have been potentially disruptive that are explained away by the evangelists as apolitical — activities necessary for scriptural fulfilment or other peaceful reasons.

In the light of all this material, and in opposition to the Gospel depiction of Pilate as a single-handed prefect, a fuller portrait of the military and administrative situation of Palestine renders it likely that Pilate had some degree of “intelligence” regarding Jesus before their encounter in Jerusalem. This conclusion is further reinforced by the fact that, as we have hinted at, Roman administration partially relied on reports from allies for intelligence on enemies and troublemakers beyond their borders. Herodian rulers are a case in point, because of their close relationships with Rome and the emperors. In the case of Herod Antipas, tetrarch of Galilee and Peraea under Augustus and Tiberius for more than four decades (4 BCE–39 CE), his collaboration must have been crucial — and taken for granted — for the prefects of Judaea. The interesting thing is that the Synoptic Gospels provide information on the relation between Herod Antipas and Jesus which point to the existence of an active enmity of the tetrarch towards his subject, as well as of a very disparaging and critical stance of Jesus towards Antipas, who warned his disciples to watch out for the yeast of Herod and called him ἀλώπηξ.⁸² These pieces of information have a high probability of historicity, because a) they are consistent with what we know about Antipas and Jesus, b) they form a convergent pattern,⁸³ and c) there seems to be little reason for Christians to invent such material. It was seemingly in the territory of Antipas (in Peraea) that John the Baptist’s movement began, and that Jesus carried out a similar work (in Galilee). And — as confirmed by Josephus — Antipas was responsible for the death of John.⁸⁴ Moreover, after the Baptist’s execution, the Markan outline of Jesus’ itinerary can be accounted for as a flight from Antipas.⁸⁵ The traces betraying that Antipas knew about Jesus and about his relationship with the Baptist — whom he beheaded due to fear of στάσις⁸⁶ — means that, after Jesus having escaped from Antipas, the tetrarch’s informants would have probably kept the prefect informed about him and his hotheaded followers.

⁸² Maurice Casey (1999: 188-189; 2010: 114) has argued that the Aramaic underlying term would be תליל, which also means “jackal”:

The jackal was a noisy, unclean nuisance of an animal, a predator which hunted in packs. This is a beautiful description of the pack of Herods, none of them genuinely observant Jews, some of them ruthless rulers who worked with packs of supporters to hunt down their opponents and kill them, as Antipas had hunted down and killed John the Baptist and was now hunting own Jesus himself. Thus the recovery of Jesus’ original word *ta’alā* helps to fit this saying more accurately into its original cultural context.

⁸³ On this method, see Allison (2010: 1-30). The existence of a reciprocal enmity is hinted in Mark 6:14-16; 8:15; Luke 13:31-33; Matt 11:7-8 (according with the interpretation which sees in the reference to the “reed swayed by the wind” a veiled mention of Antipas) and Luke 23:9-11, along with the passages referring to Jesus’ wish of going unnoticed in Galilee (Mark 7:24, 9:30) and fleeing from Antipas (see *infra*).

⁸⁴ See Mark 6:17-29; Josephus *A.J.* 18.118-119.

⁸⁵ See Hoehner (1972: 197-202, 317-330); Tyson (1960).

⁸⁶ Several scholars have remarked that the Baptist’s preaching can have had political, even anti-Roman, implications. See Taylor (1997: 213-222); Wilker (2007: 105).

Given the potentially threatening nature of Jesus and his group, it is indeed probable that the intelligence sources of Pilate had some awareness of him.⁸⁷ Moreover, this probability increases when the reports about Jesus' fame and infamy are considered. Of course, a good deal of the Gospel depiction of such fame should be attributed to the evangelists' creativity and their wish to enhance the figure of the Galilean preacher. But it is hard to deny that he must have enjoyed some popularity, both in Galilee and Judaea. As it has been argued,

The popularity of Jesus' arrival in Jerusalem like his success in the Galilee is likely to represent the historical situation. However congenial such reports would be to the evangelists it is evident that the reaction of the Romans to Jesus, his death and the subsequent continuation of his movement demanded a figure of significance and stature. Jesus' authority is a recurring feature of the gospels. This and his self-consciousness brand him as a man of influence. His [...] popularity and charisma are the starting points for subsequent elaboration of his role.⁸⁸

It is accordingly very unlikely that this group of apocalyptic visionaries went unnoticed. On the contrary, it is reasonable to suppose that the authorities were already monitoring their movements.⁸⁹ Besides, unlike the other prophetic movements recorded by Josephus, Jesus and his followers arrived in Jerusalem itself.

Another fact allows us to underpin our reasoning. As the French Protestant exegete Maurice Goguel argued more than a century ago, the fact that the Fourth Gospel mentions a cohort and a tribune is just the most obvious detail hinting at a Roman arrest, since several passages in the Synoptic Gospels and Acts betray the underlying presence of an alternative and more original version, according to which the Romans were not passive spectators; far from it, in the primitive tradition the arrest leading to the crucifixion was carried out entirely on the initiative of the Romans.⁹⁰ Since such a story of Roman involvement contradicts the tendency of the Gospels to exonerate the Romans

⁸⁷ "Jesus had already been the focus of enough public attention in Galilee to warrant surveillance by the authorities ... in the capital" Sheldon (1998: 7).

⁸⁸ Elliott (1982: 51).

⁸⁹ Of course, it is not impossible that "The essential role that the chief priests played was as intelligence gatherers; it was they who first perceived Jesus, because of his Temple behaviour, to be a messianic claimant" Sheldon (1998: 23). Considering, however, that the Roman prefect had several potential intelligence sources at his disposal (including his own men and the client rulers' troops), this is not the most probable option. In fact, Sheldon herself writes that previous knowledge about Jesus "must have reached the ears of the Romans ... through the Jewish authorities *or paid informants*" (1998: 24, emphasis added).

⁹⁰ Goguel (1910: 181-182):

Dans les récits actuels ce sont les Juifs qui interviennent, et les fragments de l'autre tradition n'apparaissent que mutilés et encadrés d'une manière qui en fausse les sens; ce fait donne à penser que les auteurs des évangiles ont corrigé une tradition ancienne où les Romains seuls intervenaient, en la combinant avec une tradition plus récente qui faisait aussi jouer un rôle aux Juifs. Cette hypothèse est plus vraisemblable que l'hypothèse inverse, car si les évangélistes avaient introduit dans un récit antérieur l'idée que les Romains seuls poursuivaient Jésus, cette idée apparaîtrait nettement dans leur rédaction et n'aurait pas besoin d'être dédagée par un examen minutieux des différents récits.

and blame the Jews (fitting all-too-neatly within the nascent Christian supersessionism), its historicity is extremely probable.⁹¹

This means that there are compelling reasons not only to distrust but also to rule out the version of the tendentious accounts provided by the Gospels, according to which the Jewish authorities were those responsible for Jesus' arrest,⁹² the prefect heard about Jesus only at the last minute, and Pilate was at pains to release him; in fact, the stories of Pilate's reluctance to get rid of Jesus and weakness of will are best understood as subsequently produced Christian propaganda.⁹³ The tendentious and unreliable character of the Gospels prevents one from taking its account at face-value.

Admittedly, the idea that the Jewish religious authorities may have been hostile to Jesus and thus played some significant role in his fate is entirely plausible and should not be hastily ruled out: the actions of a group around a messianic pretender would have been seen by those authorities as a dangerous phenomenon, all the more so because they were responsible for maintaining public order and peace in Jerusalem, and had therefore the obligation to cooperate with the Roman rule. This possibility, however, does not represent an endorsement for the biased Gospel accounts. Far from it, the most plausible reason for some kind of collaboration of those authorities with the Roman prefect to neutralize a Jewish man (or group) would have been the actual dangerousness of that man (or group) for the security and public order, which in turn reinforces the view of Jesus and his group as somehow involved in insurgent activities. In these circumstances, the intervention of Jewish authorities — which implied a harsh decision against fellow co-religionists — would have been morally admissible and even advisable, since Jesus' moves could easily have led to the killing of innocent people by the Romans.⁹⁴

A further aspect is significant for a critical reassessment of Jesus' story. The execution at Golgotha was not the punishment of a single man, but a *collective* crucifixion.⁹⁵ The report that Jesus was crucified along with other men deserves close scrutiny. Although it has been occasionally suggested that Isa 53:12 LXX (ἐν τοῖς ἀνόμοις ἐλογίσθη) may have played a role in the elaboration of the scene by Mark, one should be wary of *Parallelenfreudigkeit*: the notion of a person surrounded by — or classified along with — evildoers is vague and general, and in fact there is no verbal similarity between the passage in Isaiah and the Markan description of the co-

⁹¹ For an extended argument supporting this contention, see Bermejo-Rubio (2016b).

⁹² Even an otherwise critical scholar as E. P. Sanders asserts: "I do not doubt that Jesus was arrested on the orders of the high priest" (1985: 299) and that Jesus "was executed by Pilate at the behest of the Jewish leadership" (1985: 318). Although it is often contended that the *Testimonium Flavianum* implies that the Jewish leadership played a role in Jesus' death, we cannot confidently use Josephus' text in this respect; see the arguments offered in Bermejo-Rubio (2016b: 330 n. 76). Regarding Caiaphas, it has been asserted: "In the end there is no clear evidence for his direct or even indirect involvement in the events leading to Jesus' death" Reinhartz (2013: 179).

⁹³ See e.g., Sheldon (1998: 22).

⁹⁴ For a detailed argument, see Bermejo-Rubio (2016b: 330-335).

⁹⁵ It is a sobering fact that most scholars overlook the significance of this elementary but crucial piece of information. Books and lengthy articles devoted to Jesus' death simply omit it.

crucified.⁹⁶ Regardless, it is unlikely that the episode is a freely composed fiction, insofar as it runs directly against the Christian all-pervasive tendency to render Jesus a unique being — this applies especially to his death, with its exceptional power (whether its salvific character or ostensive role in the destruction of the Temple). There are accordingly no compelling reasons to question the historicity of the report of the collective crucifixion. But if those crucified alongside Jesus were almost certainly arrested by the Romans, there is little reason to doubt that so also were the Romans responsible for the capture and arrest of Jesus. Covering up this fact in a clandestine way would have been easy to do, and this is precisely what the Christian tradition seems to have done.⁹⁷

In fact, one should carefully weigh up the possibility that the other men crucified with Jesus — called *ληστᾶί* by Mark and Matthew — were somehow associated with him.⁹⁸ Such a scenario, which is regularly ruled out in standard scholarship, is supported by several reasons. First, the most simple and probable motive for the Romans to crucify a group of men is that there was indeed a connection (social or ideological) among them. Second, Roman crucifixion had a mimetic and parodic nature;⁹⁹ whilst Jesus' execution as “king of the Jews” between two other “brigands” amounts to a parody of a royal retinue and makes sense if a relationship among those crucified was an actual fact and was known as such, its parodic meaning would have been lost for any onlookers if such relationship had not existed. Third, the Gospel authors displayed elusiveness concerning those men crucified along with Jesus, and at the same time they showed great interest in effacing any relationship among them, thereby producing further incongruities and contradictions; for instance, according to Mark 15:32 those men heaped insults on him, whereas according to Luke 23:39-43 only one of them did it; the episode in which some crucified Jewish men mock another crucified man is highly unlikely, but if — as the Gospels assume — those men were unrelated to the vilified person the scene verges on the absurd.¹⁰⁰

Once the incongruities of the Gospel accounts are exposed, the traces of Jesus' political significance — of which only some *disiecta membra* are available in the extant narratives¹⁰¹ — are seriously considered, and a fuller portrait of the military and administrative situation of Palestine is depicted, the story of Jesus of Nazareth can be glimpsed. This is definitely not the tale of a righteous man persecuted by malevolent

⁹⁶ See Brown (1994: 2.969 n. 84).

⁹⁷ “Si la mention de la crucifixion de Jésus ... était inévitable, celle de son arrestation par une troupe romaine pouvait être omise” Bourgel (2012: 505).

⁹⁸ For an extended argument, see Bermejo-Rubio (2013).

⁹⁹ Marcus (2006).

¹⁰⁰ For the exposure of more striking incongruities in this respect, see Bermejo-Rubio (2013: 139-140); Eisler (1929-30: 2.526). Significantly, the possibility of “residual historicity” in the Gospels' accounts of the co-crucified mocking Jesus is that they were his followers and felt “betrayed” when the promise of political freedom made by Jesus failed, so they could have given voice to their disappointment. Nevertheless, it seems to be more likely that this mockery was manufactured by Mark in order to make Jesus appear as isolated at the cross, and, in this way, to further enhance his figure.

¹⁰¹ That the Gospel tradition has undergone a process of depoliticization has been recognized even by conservative scholars; see e.g., Davies (1994: 344).

Pharisees, scribes, or priests out of blind hatred or envy, but a very different one. It is the quite understandable story of a Jewish visionary (similar in several points to other popular Palestinian prophets, like Theudas or Judas the Galilean)¹⁰² who, longing for Israel's restoration and thinking of himself as God's spokesman, and having surrounded himself with an enthusiastic entourage, saw his way interrupted by the power of Rome. Since Jesus' movement was directly or indirectly threatening for the Roman imperial order, irrespective of whether Pilate found out what he knew about the Galilean from his own informers, Jewish collaborationists, or Herod Antipas (or from some or all of them), the most likely surmise is that he must have been kept informed in advance about him and must have taken the initiative to counter the danger.¹⁰³ As in all other cases of millenarian prophets having a utopian view of the imminent future, the Land without Evil (the Kingdom of God) did not arrive. Soldiers in the service of Rome did.

6. Conclusion

Although scholars coming from very different ideological backgrounds have long recognized the desperately unrealistic nature of the canonical Passion narratives and their anti-Jewish slant, the overwhelming majority has yet to see this through to its implications. In the last centuries, some have surmised that the Romans must have played a far more important role in Jesus' fate than that attributed to them by the Gospels' authors, but this conjecture has usually been set forth in a rather timid way. Our survey, however, suggests that important elements of Roman involvement have been omitted from the Passion narratives. To take the points in order: 1) after the Battle of the Teutoburg Forest in 9 CE, Rome might have developed clear policies of intelligence gathering to prevent similar revolts in the provinces — these policies would have been concerned primarily with communication and surveillance; 2) such policies are demonstrable in Roman pre-War Palestine, evident literarily, archaeologically, and epigraphically; 3) there is reason to suspect that Jesus would have been perceived as a political threat by the Roman administration, especially given Pilate's propensity for military intervention; 4) the Passion narratives are clearly tendentious, preoccupied with blaming the arrest and crucifixion of Jesus on Jewish leadership, and generally mitigating Roman involvement; 5) despite the overwhelming efforts of the evangelists to assuage Roman guilt for Jesus' death, there are elements suggestive of an earlier tradition wherein Jesus' crucifixion was a political execution at the hands of the

¹⁰² “There seems to be nothing in the principles . . . enunciated by Judas of Galilee, that we have definite evidence for knowing that Jesus would have repudiated” Brandon (1967: 354-355).

¹⁰³ This does not imply that some kind of participation of the Jewish authorities in Jesus' fate is unthinkable. After all, the Jewish leaders were responsible for maintaining public order and peace in Jerusalem, and had therefore the obligation to cooperate in its maintenance, does not represent an endorsement for the Gospel accounts. As Maurice Goguel argued, the Jewish presence in the tradition becomes understandable if, for instance, Pilate consulted the Sanhedrin just as a precautionary measure, in order to make sure that his action against Jesus and his group would not arouse opposition (1910: 321). Moreover, any move of the Jewish authorities against their own co-religionists in a context of imperial dominion must have been carried out under compulsion; this aspect can be drawn from John 11:47-50 and was convincingly argued by Winter (1974: 57).

Romans. Given what we know about the social and military situation of pre-War Palestine, and about Jesus and his movement, a scenario in which the Romans were involved in his fate from the beginning to the end makes the most sense.

In this way, the recovery of an underlying story behind the Gospels' mythical account is possible. In the light of the above discussion, we could reiterate about the Gospels what Polonius in *Hamlet* observes after attentively hearing at the Prince of Denmark's words, namely, that "though this be madness, yet there is method in 't." Unlike the tendentious version offered in Christian canonical texts — and in so many scholarly reconstructions heavily relying on them — a critical investigation reveals a very different scenario in which Jesus of Nazareth and his early followers become truly intelligible historical actors in an Eretz Israel subjected to Roman rule.

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