

A Decree of Delos Concerning the Jews? (Jos. *AJ* 14.231-232)

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In the middle of his narrative of 47 BCE, Josephus inserts a group of documents concerning the Jews that have puzzled generations of scholars.¹ One strand of the discussion has concerned authenticity — a debate that has largely resolved itself in favour of the documents being authentic.² This is not to say, of course, that Josephus' handling of his dossier is unproblematic. Indeed, several of his documents are not what he claims them to be. At one point, for example, he introduces as a copy of the senate's ratification of Caesar's decisions with regard to Hyrcanus II and Judaea a senate decree that in fact belongs to c. 140 BCE.³ He then follows this with a decree of Athens with an archon date of 106/5 BCE that he assumes honours the Jewish high-priest Hyrcanus II rather than its true recipient, Hyrcanus I; indeed, the honorand's name has been changed in light of this assumption.⁴ There is no need to suppose forgery in either case; it is more likely that Josephus has simply mishandled two genuine documents. Indeed, his bungling argues against the idea that he forged them — if he had possessed the knowledge and skill to compose such documents, he surely would not have manufactured texts with the wrong date.

Sometimes, then, Josephus' documents are not what he presents them to be. Another place where something has gone wrong is *AJ* 14. 231-232:

Ψήφισμα Δηλίων. “ἐπ’ ἀρχοντος Βοιωτοῦ μηνὸς Θαργηλιώνος εἰκοστῆ χρηματισμὸς στρατηγῶν. Μάρκος Πείσιον πρεσβευτῆς 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 περὶ στρατείας, διὰ τὸ τὸν ὑπατον Λούκιον Κορνήλιον Λέντλον δεισιδαιμονίας ἔνεκα ἀπολελυκέναι τοὺς Ἰουδαίους τῆς στρατείας. διὸ πείθεσθαι ἡμᾶς δεῖ τῷ στρατηγῷ.” ὅμοια δὲ τούτοις καὶ Σαρδιανοὶ περὶ ἡμῶν ἐψηφίσαντο.

¹ Krebs 1768; Mendelssohn 1874; Ritschl 1874: 586-614; Mommsen 1875: 281-91; Niese 1876: 466-88; Juster 1914: 132-58; Schürer et al. 1973: i. 272-4; Moehring 1975: 124-58; Smallwood 1976: 558-60; Saulnier 1981: 161-98; Rajak 1984: 107-23 = Rajak 2001: 301-34; Rajak 1985: 19-35; Trebilco 1991: 8-12, 167-72, 193-9, 258; Pucci Ben Zeev 1996b: 71-91; Pucci Ben Zeev 1998; Gruen 2002: 81-104; Eilers 2003: 189-213; Troiani 2003: 469-78.

² The only significant argument against authenticity in the last century was made by Moehring 1975: 124-58 and Moehring 1984: 864-944, whose arguments have not received support: cf. (e.g.) Rajak 1984: 107-23 = Rajak 2001: 301-34; Rajak 1985: 19-35; Pucci Ben Zeev 1998: passim; Gruen 2002: 84-5.

³ Jos. *AJ* 14.145-8; for the date (which depends on the date of *I Macc.* 15.15-24), see Schwartz 1993: esp. 117-26, with earlier bibliography.

⁴ *AJ* 14. 150-55; for the details, see below n. 30.

Decree of the Delians. "In the archonship of Boiotos, on the twentieth of the month of Thargelion; decision of the *strategoí*. While Marcus Piso, legate, was resident in our city, having also been put in charge of the levying of soldiers, he summoned us and certain citizens and ordered (232) that if there are some Jews who are Roman citizens, no one should 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 religious scruple. Therefore, it is necessary that we obey the magistrate." The Sardians also passed a similar decree concerning us.

The date must be 49 BCE, as is clear from the references to the consul of that year, L. Cornelius Lentulus (Crus), and to his efforts to recruit legions for the war against Caesar, efforts that produced other documents in Josephus' dossier.⁵ Some scholars, it is true, have preferred the year 48.⁶ Lentulus' original ruling, however, is dated to June of the year in which Lentulus was 'consul' (τὸν ὑπατον),⁷ and *a priori* Piso's order should come very soon thereafter: he is, after all, Lentulus' subordinate and is described as being in the process of levying troops.⁸ It is difficult to see how this could come after Lentulus' departure for Greece no later than the new year.⁹

The document is presented as coming from Delos, but this cannot be correct. Delos had lost its independence in the aftermath of the Third Macedonian War, when Rome gave it to Athens. The Delians were expelled and Athens sent out Athenian colonists to resettle the island.¹⁰ From that point onwards it was governed by an Athenian governor (ἐπιμελητής).¹¹ The Athenian cleruchs, who refer to themselves in surviving inscriptions as the Athenian δῆμος 'resident in Delos',¹² had some civic institutions of their own and did occasionally pass resolutions. It was not *Delians*, however, who passed such measures, but Athenians.¹³ One might be tempted to suppose that 'Delians' here is shorthand for 'Athenians resident in Delos' or some similar formula, but the kinds of

⁵ See Jos. *AJ* 14.228-9, 230, 234, 236-7, 238-40 with the commentary of Pucci Ben Zeev 1998: 150-91, *passim*.

⁶ Mendelssohn 1875: 187-8; Homolle 1884: 151 (not Hausollier, as in the Loeb note on this passage: Marcus 1943: 571 n. 'd'); 48 BCE is allowed as possible by Pucci Ben Zeev 1998: 170-1, although she prefers 49.

⁷ Jos. *AJ* 14.234, 228-9 with Pucci Ben Zeev 1998: 174-5.

⁸ Broughton 1986: 177 (correcting Broughton 1951-2: ii. 269). M. Piso is to be identified as M. Piso Frugi who was moneyer in 61 BCE (Crawford 1974: i. 442-3) and mentioned by Cicero (*Phil.* 3. 25) as one of the *praetorii* available for assignment to a provincial command in 44 (Broughton 1951-2: ii. 319). He is presumably the son of M. Pupius Piso (cos. 61).

⁹ Dio 41.43.2, cf. Lucan 5.16-47.

¹⁰ Habicht 1997: 246-50.

¹¹ Roussel 1916: 42-6.

¹² *I. Délos* 1497-1507. Also, Athenians, Romans, and other Greeks (or foreigners), described as 'inhabitants' and 'sojourners' are the collective dedicators of many inscriptions beginning a little after 126 BCE and ending sometime in the mid-first century. For the variations in these *formulae*, see the list of Hatzfeld 1912: 5-218 at 104-7.

¹³ The sole exception to this comes from the year 88 BCE when Athens decided to back Mithridates and Delos briefly declared independence out of loyalty to Rome: Roussel 1916: 321-2; Baslez 1982. It is only during this brief period that the island's inhabitants ever call themselves 'Delians' (Δήλιοι) (*I. Delos* 1700-1 = Eilers 2002: 213-14, nos. C44-5).

decisions that Athenian cleruchs made for themselves on Delos seem to have been limited to voting on honours for officials and dignitaries; their constitutional ability to make administrative decisions seems to have been seriously constrained.¹⁴ That power lay with the ἐπιμελητής.

It has also been suggested that this document was an Athenian decree sent out to Delos to be implemented there.¹⁵ That would be in keeping with the role of the στρατηγοί, who were Athenian magistrates serving in Athens, and who are known to have sent directives to the ἐπιμελητής of Delos.¹⁶ But the mistake must be more fundamental than this, as the document's dating formula reveals. As an Athenian dependency, Delian documents are regularly dated by reference to the eponymous archon of Athens, and this has sometimes been assumed to be the case here.¹⁷ But the eponymous archons of the years 50/49 — 48/7 are known: they are Demetrios, Demochares, and Philokrates, respectively.¹⁸ There is no room for Boiotos.¹⁹ In theory, one might hypothesize a corruption here in order to save the date — the texts of Josephus' documents are notoriously corrupt — but Βοιωτός is so dissimilar from any of these names that such an approach would hardly be credible.

Our 'decree of the Delians' (ψήφισμα Δηλίων), then, cannot come from Delos. It is also not a ψήφισμα. We have thousands of civic decrees surviving in Greek inscriptions. Although great variation exists within surviving documents of this genre, certain features are typical in inscribed decrees:²⁰

- A prescript, providing the date (normally by means of eponymous officials, e.g., ἐπ' ἀρχοντος δεινός), as well as sometimes giving details about the meeting such as its location and/or presiding officials;
- An enactment formula, ἔδοξε (‘it is resolved’) typically by the δῆμος with or without the βουλή, which formally identifies what follows as a decree. This is often followed by the formula ‘so-and-so said’ (εἶπεν) or its equivalent;

¹⁴ Roussel 1916: 43-44; Habicht 1997: 249.

¹⁵ So Plassart 1914: 533-4.

¹⁶ Sherk 1969: no. 5, where the Athenian στρατηγοί instruct the ἐπιμελητής of Delos not to interfere with a Serapeion there.

¹⁷ Mendelssohn 1875: 187-8; Homolle 1884: 150-51; Marcus 1943: 571 n. ‘d’; Pucci Ben Zeev 1998: 169.

¹⁸ *IG* ii². 1713 = *Syll.*³ 733, col. 3, lists a series of eponymous archons: [Ἄρ]ιστος | [Ζήνων] | Διόδωρος | Λύσανδρος | Λυσιάδης | Δημήτριος | Δημοχάρης | Φιλ[ο]κράτης; the first three of these names overlap with the last three archons mentioned in *IG* ii². 1716, col. 2, lines 26-29, a list that is anchored by Diod. Sic. 1.4.7, where the archonship of Herodes is equated with Ol. 180/1 (60/59); cf. also Castor of Rhodes, *FGrHist.* 250 F 5 apud Euseb. *Chron.* (Armen.), 143 (Karst), who dates the archonship of Theophemos (who immediately preceded Herodes as archon) to the consulship of M. Valerius Messala and M. Piso (61 BCE). For a summary of the whole period, see Meritt 1977: 231-46, esp. 191.

¹⁹ The attempt made by Roussel 1916: 379-80 to insert Boiotos in these years was abandoned by him as impossible (in *BE* 1921, 426) in light of the objections of Kirchner 1920: 836-40, esp. 838-40; cf. Roussel 1928: 8 n. 2.

²⁰ For a fuller explanation, consult (e.g.) Larfeld 1907: 460-542; Larfeld 1914: 346-9; Rhodes 1997: 1-7; McLean 2002: 215-25.

- A motivation clause introduced by ἐπεὶ or ἐπειδὴ ('since/whereas'), which provides a justification for the motion;
- A motion formula with δεδόχθαι ('that it should be resolved'), again often by the responsible body (δῆμος, etc.);
- The substance of the motion, in which a series of accusatives and infinitives represent the content of the motion.

Although many Greek decrees lack one or more of these features, it is worth emphasizing how few of them are found in Josephus' so-called ψήφισμα Δηλίων. Missing are the ἔδοξεν, εἶπεν (or an equivalent), ἐπειδὴ, δεδόχθαι, and the series of infinitives. In some cities, of course, the εἶπεν-formula is replaced by a reference to boards of magistrates such as the common formula γνώμη στρατηγῶν, and some seem to have assumed that this is the case here with the formula χρηματισμὸς στρατηγῶν.²¹ But the term χρηματισμός is unparalleled in such contexts, and given its basic meaning, we should be surprised to find it here anyway. Welles has provided the best discussion of its semantic range:²²

χρηματισμός, which originally meant a business 'transaction' (this is its only Attic meaning), came in the Koine to mean the 'document' in which the transaction was incorporated. ... In a similar way, the use of χρηματισμός to mean 'audience', 'hearing' as in Polyb. 28.16.10; Diodor. 1.64.9, led to the meaning 'substance of an audience', 'decision', or 'decree'.

Liddell-Scott-Jones offered a similar range of meanings, but added 'business introduced by the generals', citing this passage of Josephus.²³ This is the only example adduced for such a meaning, however, and the translation seems intended to find an English phrase that would be suitable for a ψήφισμα. But why believe that this document is one? It has none of the formal features that would identify it as such, and only the heading ψήφισμα Δηλίων would lead anyone to suppose it is one.

Josephus' ψήφισμα Δηλίων, then, cannot be from Delos and is clearly not a ψήφισμα. What is going on here? Two possibilities come to mind. First, perhaps this document is what those who believe Josephus' documents are inauthentic have been looking for — a well-meaning forgery, based on the genuine edict of Lentulus, aiming to demonstrate Roman disapproval of anti-Semitic harassment. The forgery, on this line of reasoning, would be betrayed by the forger's ignorance of the constitutional, chronological, and formulaic requirements of the context in which he tried to place his document. That possibility cannot be ruled out completely. It is worth emphasizing, however, that most of the problems with Josephus' documents can be attributed to their poorly preserved state and his mishandling of them.²⁴ And what of M. Piso? The rest of his career seems consistent with the service that he is portrayed as performing,²⁵ and it is difficult

²¹ Rhodes 1997: 242, 244.

²² Welles 1934: 375.

²³ Liddell et al. 1940: 2005 s.v. χρηματισμός §2.

²⁴ Pucci Ben Zeev 1996a; Pucci Ben Zeev 1998: 6-9, 359-68.

²⁵ See above, n. 8.

to see why our notional forger would have attributed this decision to him, since his presence in the east is not otherwise attested. It is probably better to suppose that this detail — and the document — is genuine.

The second possibility lies with Josephus' handling of the document. The only reason for supposing that this text is either a decree or from Delos is that it is prefaced with the words ψήφισμα Δηλίων. These words, it should be noted, are not part of the original decree, but a header, added to help with the organization of the dossier in which this document appears.²⁶ Why was this added here? Similar headers are found with other documents in this dossier: decrees from Pergamum, Halicarnassus, Sardis, and Ephesus, are introduced (respectively) as ψήφισμα Περγαμηνῶν (§247), ψήφισμα Ἀλικαρνασέων (§256), ψήφισμα Σαρδιανῶν (§259), and ψήφισμα Ἐφεσίων (§262). In these cases, too, the headers were not part of the original documents, and I have recently argued that these were added at some later point to help organize a dossier that Josephus subsequently acquired and reused and are therefore vestiges of processes through which the dossier (or its antecedent) passed before it came into Josephus' hands.²⁷

How do they compare with the ψήφισμα Δηλίων? Most importantly, they seem to be correct — that is, the ψηφίσματα of the cities mentioned above are consistent with the local formulae that we would expect in civic decrees.²⁸ But if ψήφισμα Δηλίων is erroneous, how did it come to be included there? Presumably it was done on the analogy of the similar headings for the decrees of Pergamum, Sardis, Halicarnassus and Ephesus mentioned above. The likeliest explanation is that Josephus recognized the value of such headers as an organizational device and tried to imitate them here, not realizing that his document was not a ψήφισμα and wrongly assuming that it was from Delos.

Once the heading is ignored, the document's nature becomes clearer. This is not a civic decree based on a χρηματισμὸς στρατηγῶν, but the χρηματισμὸς στρατηγῶν itself.²⁹ The στρατηγοί of some city — which we know from the archon date was not Delos or Athens — were instructed by the Roman legate Piso that no one should harass the Jews. They in turn issued a memorandum that they concurred.

But how did this document come to be ascribed to Delos? That is unclear and probably unknowable. Perhaps it is relevant that Delos appears in another document in Josephus' dossier (at *AJ* 14. 213), but that would only be a guess. Nor are our chances very good of correctly guessing its true city of origin, and they might be even further diminished if the misattribution to Delos had further effects: that is, did the eponymous magistracy in fact originally read 'archon'? or might it have been 'corrected' to conform with the erroneous locale?³⁰

²⁶ See the discussion of Pucci Ben Zeev 1998: 169.

²⁷ See Eilers 2003: 208-10.

²⁸ See the commentary of Pucci Ben Zeev 1998: ad loc.

²⁹ As noticed by Holleaux 1918: 44 n. 3, citing Plassart 1914: 533-4, and Roussel 1916: 94 n. 4.

³⁰ There are other places in the dossier where a 'correcting' hand (probably belonging to Josephus) has inserted error into the dossier: at 14.151, for example, the name and title of John Hyrcanus I (high-priest 135-104 BCE) have been doctored to make him seem to be Hyrcanus II, who was high-priest in Caesarian times (see *AJ* 14. 150-5 with Eilers 2003: 191-4).

Immediately following the document quoted, Josephus mentions that Sardis had passed a similar decree, though he does not include it. It might be possible that he knows that a ψήφισμα Σαρδιανῶν is coming later (14.259-61) but does not know its contents — that is, at the moment when he was copying this document into his narrative he knew that he had a Sardinian decree, but he had not yet read it — but that level of incompetence is difficult to imagine even for Josephus. (Most of the errors that he makes in the handling of his documents are attributable to logical missteps rather than ignorance.³¹) One might be tempted to consider whether this is in fact the document from Sardis that Josephus refers to at the very end of §232 when he says that the city of Sardis passed similar measures, thus in effect comparing the document to itself. Sardis did, after all, have a large and important Jewish population,³² other documents from there are found in Josephus,³³ and *strategoï* (whose ruling is published here) were important magistrates there.³⁴ Against such a theory are two points: Thargelion was not part of the Sardinian calendar,³⁵ and the eponymous official in Sardis was not an *archon*, as in our document, but a *stephanephoros*.³⁶

Similarly, one might consider the possibility that the city in question is one of those represented elsewhere in Josephus' dossier such as Pergamum, Miletus, or Ephesus, all of which had Jewish communities,³⁷ used the month Thargelion in their calendars,³⁸ and had *strategoï*.³⁹ Among these, Ephesus is especially attractive, since the original ruling of Lentulus that Piso mentions at *AJ* 14.232 is also included among Josephus' documents, and it makes clear that the measure only was relevant to the Jews of Ephesus.⁴⁰ If there was to be a backlash because of the ruling — as Piso's intervention seems to imply — that is where we would expect it. This would also remove the awkward question of how Lentulus' ruling created a backlash in some *other* city. Again, however, there are problems: documents at Ephesus were dated by an eponymous prytanis,⁴¹ not by an *archon* (as here). (The problem also exists for Pergamum and Miletus where the

³¹ The clearest example of this, of course, is the name and title of John Hyrcanus I at *AJ* 14.152, mentioned in the previous note. In this case, however, Josephus' mistake seems clear — he thought that this was Hyrcanus II and emended the name accordingly.

³² Mitchell 1993: 33; for their synagogue, see Seager and Kraabel 1983: 425-35; Robert 1964: 54-57 nos. 13-19.

³³ *AJ* 14.235; 14.259-61; 16.171; cf. 12.148-53.

³⁴ *Sardis* vii/1. 4, 44 (= *JGR* iv. 44), 48, etc.

³⁵ Samuel 1972: 132-3.

³⁶ Sherk 1992: 244.

³⁷ Pergamum: Cic. *Flacc.* 68; Jos. *AJ* 14.247-55 with Eilers 2003: 209-10; Miletus: Jos. *AJ* 14.244-6; Ephesus: Jos. *AJ* 14.14.223-7, 228-9, 230, 234, 236-7, 238-240; 16.167-8, 172-3; *Acts* 18.19.

³⁸ Samuel 1972: 115-17, 124, 126.

³⁹ *Pergamon* viii/1. 167 (etc.); *I. Ephesos* 1024 (etc.); *Milet* i/7. 204 (etc.).

⁴⁰ *AJ* 14.228: πολίτας Ῥωμαίων Ἰουδαίους ἱερά Ἰουδαϊκὰ ἔχοντας καὶ ποιῶντας ἐν Ἐφέσῳ πρὸ τοῦ βήματος δεισιδαιμονίας ἕνεκα στρατείας ἀπέλυσα ('Those Jews who are citizens of Rome and observe and practice Jewish rites in Ephesus I released from military service before the tribunal on account of religious scruple'). Cf. 14.234, 240.

⁴¹ Sherk 1991: 249-51.

eponyms are ‘prytanis and priest’⁴² and ‘stephanephoroi’⁴³ respectively.) It is always possible that this element is corrupt — perhaps even ‘corrected’ to make it consistent with the erroneous header ψήφισμα Δηλίων — but that possibility is far from certain, and it is best to leave the city of origin unidentified.

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⁴² In some documents the formula is shortened to ἐπὶ ἱερέως or ἐπὶ πρυτάνεως (Sherk 1992: 238-39). See also the comments of Allen 1983: 161-65 and Wörle 2000: 550-51.

⁴³ Sherk 1991: 229-32.

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