

Greek and Roman Documents from Republican Times in the *Antiquities*: What Was Josephus' Source?*

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In the fourteenth book of his *Antiquities*, Josephus presents a number of documents from the Republican age. We find Roman decrees, which Josephus presents as *senatus consulta*, one of which dates from the second century BCE and is quoted in a Greek decree (*AJ* 14.247-255), the others from the First Century BCE, from the time of the consulship of Lucius Lentulus and Gaius Marcellus (*AJ* 14.228-230; 234; 237-240), through Caesar's time (*AJ* 14.185-212) to the time of Marcus Antonius and Publius Dolabella (*AJ* 14.217-222). We also find letters, written by Roman magistrates to subordinate Roman officials (*AJ* 14.225-227) and to councils of Greek cities such as Parium (Paros?) (*AJ* 14.213-216), Ephesus (*AJ* 14.230), Cos (*AJ* 14.233), Sardis (*AJ* 14.235) and Miletus (*AJ* 14.244-246). Besides a correspondence between Dolabella and Hyrcanus II (*AJ* 14.223-227), Greek documents are quoted, namely, resolutions passed on Jewish subjects by Greek cities such as Delos (*AJ* 14.231-232), Halicarnassus (*AJ* 14.256-258), Sardis (*AJ* 14.259-261) and Ephesus (*AJ* 14.262-264). There is also a letter of reply written by the city of Laodicea to a Roman provincial governor (*AJ* 14.241-243).

One of the main problems arising from these texts concerns their authenticity. If they are to be regarded as copies of genuine Roman and Greek documents, how can we account for corruptions and mistakes which appear in basic information such as names and dates? Obviously the problem has to be dealt with individually in each case, but each time the same question arises. Where did Josephus get his documents from?

Two theories are most commonly found in contemporary scholarship. The first holds that Josephus found his documents already collected by others. The second maintains that Josephus himself, or his assistant(s), consulted the documents in the Roman archives. In the 1970s, a third hypothesis has been suggested, namely that Josephus got his documents from the local archives of Jewish Diaspora communities.

Let us examine the first theory, according to which Josephus would have found his material already compiled by others. It has been suggested that Agrip-

* I would like to express my sincere gratitude to Prof. Asheri for reading my manuscript and making many valuable suggestions. I alone am responsible for mistakes and wrong interpretations.

pas I had this collection of documents prepared for his defense of the Jews of Alexandria before Caligula.¹ This theory seems to be based on Philo, *Leg.* 179, where we read: "We determined to give Gaius a document presenting in a summarized form the story of our sufferings and our claims. This document was practically an epitome of a longer supplication which we had sent to him a short time before through the hands of king Agrippa". Nevertheless, Philo's testimony does not seem to support the notion that Agrippa was responsible for the collection of documents which we find in Josephus. First of all, it mentions one document only, not a collection. Secondly, this document deals with the story of the sufferings and claims of Alexandrian Jews, not with the rights given to the Jews by the Romans. Moreover, it was sent to Rome "through the hands of King Agrippa", which means that Agrippa's role was only one of delivering the document and of supporting its cause. Philo does not say or imply that the document had been prepared by Agrippa. The theory that the collection of Josephus' documents was made by Agrippa I is therefore untenable. Additional proof is the fact that most of the documents quoted by Josephus deal with Jewish communities, not of Egypt but of Asia Minor, and therefore could not have been relevant to Alexandrian Jews.²

The other hypothesis, which has gained much more popularity, is that Josephus took his documents from the lost books 123-4 of the History written by Nicolaus of Damascus. Nicolaus would have collected the documents on occasion of his defense of the Asian Jews before Agrippas, in the year 14 BCE. This is actually "the" hypothesis, and since Niese's and Viereck's days it is shared by most scholars.³ It is however difficult to accept, as Mendelssohn and Judeich al-

¹ H. Willrich, *Judaica-Forschungen zur hellenistisch-jüdischen Geschichte und Literatur* (Göttingen 1900), pp.40-48.

² Against this theory, see A. Momigliano, "Ricerche sull'organizzazione della Giudea sotto il dominio romano", *Annali della Reale Scuola Normale Superiore di Pisa*, ser. I, vol. 3 (1934), 193 (reprinted in Amsterdam in 1967, p. 11) and E. Schürer, *The History of the Jewish People in the Age of Jesus Christ I*, edd. G. Vermes and F. Millar (Edinburgh 1973), 52-53 n. 19.

³ B. Niese, "Bemerkungen über die Urkunden bei Josephus, Archaeol. B. XIII, XIV, XVI", *Hermes* 11 (1876), 477-483; P. Viereck, *Sermo graecus quo senatus populusque Romanus magistratusque populi Romani usque ad Tiberii Caesaris aetatem in scriptis publicis usi sunt examinatur* (Göttingen 1888), 91, 96-97 and 102; Momigliano, "Ricerche" (above, n. 2), p. 193 = p. 11; R.K. Sherk, *Roman Documents from the Greek East* (Baltimore 1969) (henceforth *RDGE*), 6 n. 7; H.R. Moehring, "The *Acta pro Judaeis* in the *Antiquities* of Flavius Josephus", in *Christianity, Judaism and other Greco-Roman Cults*, part 3, ed. J. Neusner (Leiden 1975), 130 n. 22 and 147-148; E.M. Smallwood, *The Jews under Roman Rule* (Leiden 1976), 558; T. Rajak, "Was There a Roman Charter for the Jews?", *JRS* 74, 1984, 110-111; M. Hadas-Label, "L'évolution de l'image de Rome auprès des Juifs en deux siècles de relations judeo-romaines -164 à +70", *ANRW* II, 20(2) (1987),

ready saw.⁴ Josephus also quotes documents which have nothing to do with the conflict in question, such as those concerning the release from Roman military service (14.223-240) and those documents dealing with Caesar's regulation of the internal affairs in Judaea in 48-44 BCE (14.190-222), which could hardly have been relevant to the defense of the rights of the Diaspora thirty years later. Similarly unconcerned with the situation in Asia Minor is the document concerning the Jews in Cyrene (16.169). Moreover, two documents, 16.162-5 and 172-173, did not exist at the time of the conflict but are of a later date. It is also strange that Nicolaus did not utilize any documents when he wrote the story of the year 49 and the period following. Momigliano explains this silence by Nicolaus' apologetic purposes, which intended to stress the importance of Antipater over that of Hyrcanus.⁵ But the omission remains puzzling. The hypothesis that Josephus took his documents from Nicolaus is rejected by Vermes and Millar.⁶ This is also the impression we get from Nicolaus' defense of Asian Jews as it appears in *AJ* 16.31-57. Although it was not Nicolaus' but Josephus' work,⁷ it was presumably written on the basis of what Josephus found in Nicolaus' historical work. It therefore appears strange that the defense, as it appears in Josephus, lacks any historical reference to what had happened in a previous period. It does not deal with any detail of the case which he is supposed to present to Agrippa, and it does not even give the names of the cities involved in the case. It also fails to mention the recognition of the legitimacy of the Jewish cult in Caesar's times, which would have been the basis for the whole defense. What we find here is an acclaim on the one hand of Roman power, of Agrippa and of Herod's merits (which take up at least half of the narrative) and on the other an *apologia* for the

785-6 n. 291. Stern dealt with the problem of the use of Nicolaus by Josephus (see M. Stern, "Nicolaus of Damascus as a Source for Jewish History in the Herodian and Hasmonean Periods", *Studies in Bible and Jewish History Dedicated to the Memory of Jacob Liver*, ed. B. Uffenheimer [Tel Aviv 1971], 375-394 and *Greek and Latin Authors on Jews and Judaism I* [Jerusalem 1972], 228-230) but more specifically with the Hasmoneans' and Herod's reigns.

⁴ L. Mendelssohn, "Zu den Urkunden bei Josephus", *Rh. Mus.*, 32 (1877), 252 and W. Judeich, *Caesar im Orient* (Leipzig 1885), 137 (*non vidi*).

⁵ "Ricerche" (above, n. 2), p. 193 = p. 11.

⁶ *The History* (above, n. 2), 52 n. 19. Niese himself expressed his views somewhat more cautiously in his later article "Der jüdische Historiker Josephus", *HZ* 40 (1896), 222.

⁷ Sometimes it seems to be Nicolaus who is speaking: the Jews, for example, are defined as "they" in the first part of the speech (*AJ* 16.31-40), but elsewhere it seems to be Josephus, and the same Jews are spoken of as "we" some paragraphs later (41-57). Stern does not include this passage among Nicolaus' texts, "not only because they do not constitute the *ipsissima verba* of Nicolaus, but also because we cannot even be sure how far they are true to the general ideas expressed by Nicolaus on these occasions": Stern, *Greek and Latin Authors* etc. (above, n. 3), 231-2.

Jewish people and the Jewish religion, but it supports the case of the Jews in a dispassionate manner.⁸ It seems rather strange that Josephus would have got this impression, if Nicolaus' defense had really been based on alleged documents.

The other possibility which appears in contemporary research is that Josephus himself compiled the collection. But is it credible, as Laqueur suggests, that he himself, or his assistant(s), actually consulted the documents in the Roman archives?⁹

Josephus mentions the fact that the Roman decrees "are kept in the public places of the cities and are still found engraved on bronze tablets in the Capitol" (AJ 14.188). In AJ 14.266, too, Josephus speaks of "decrees engraved on bronze pillars and tablets which remain to this day and will continue to remain in the Capitol". These statements have often been interpreted in contemporary research as meaning that Josephus himself consulted the bronze tablets of the Capitol.¹⁰ Moehring is the only scholar who rejects this possibility. According to Suetonius, eight thousand bronze tablets were destroyed in the Capitol during the fire of 69. We do not know if any of the documents actually survived. The impression we get from the sources is one of total destruction, but no specific mention appears of the documents contained in the Capitol.¹¹ It is true that Vespasian replaced more than a third of these tablets (Suetonius, *Vesp.* 8.4), but Moehring wonders whether Vespasian would have cared to restore documents concerning the Jews, against whom he had to fight a long and expensive war.¹² Moreover,

⁸ Speaking of the Jewish festivals, for example, a puzzling ignorance of Jewish monotheism is shown: "(their) festivals they observe in honour of the gods in whom they believe" (AJ 16.35).

⁹ See R. Laqueur, *Der jüdische Historiker Flavius Josephus. Ein biographischer Versuch auf neuer quellenkritischer Grundlage* (Giessen 1920), 221-30. The entire chapter "Die Aktenstücke bei Josephus", is published again in *Zur Josephus-Forschung*, ed. A. Schalit (Darmstadt 1973), 104-113. That Josephus' assistant(s) consulted the Roman archives has also been maintained by H.St.J. Thackeray, *Josephus — the Man and the Historian* (1929, repr. New York 1967), 100.

¹⁰ J. Juster, *Les Juifs dans l'Empire romain I* (Paris 1914), 154; Smallwood (above, n. 3), 558; C. Saulnier, "Lois romaines sur les Juifs", *RB* 88 (1981), 163; T. Rajak, "Jewish Rights in the Greek Cities under Roman Rule: A New Approach", *Approaches to Ancient Judaism* V, ed. W.S. Green (Atlanta 1985), 33 n. 11.

¹¹ Tacitus, *Hist.* 3.71-2: *Sic Capitolium clausis foribus indefensum et indereptum conflagravit...Ea tunc aedes cremabatur.* Suet., *Vitell.*, 15: *...vi sublata in Capitolium compulsi succensoque templo Iovis Optimi Maximi oppressit, cum et proelium et incendium e Tiberiana prospiceret domo inter epulas.* Dio, 64.17.1-3: ἐμπρησθέντων δὲ τῶν περὶ τὸ Καπιτώλιον ἀνεκόπησαν ὑπὸ τοῦ πυρός. καὶ οὕτως ... οἱ τοῦ Οὐιτελλίου στρατιῶται ... διαρπάσαντες πάντα τὰ ἀνακείμενα κατέπρησαν ἄλλα τε καὶ τὸν ναὸν τὸν μέγαν 18.2: τότε δ' ἰδόντες τὸ πῦρ τὸ ἐκ τοῦ Καπιτωλίου ὥσπερ ἐκ φρυκτωρίας αἰρόμενον...

¹² H.R. Moehring, "The *Acta pro Judaeis*..." (above, n. 3), 131.

recent research has shown how difficult it must have been to find the decrees in the Roman archives. To find a particular decree one had to know “the year in which it had been passed, the month in which it was registered, and the tablet number”.¹³ In other words, it would have been imperative for anyone wishing to consult a given document to know all the data necessary for locating that document in the storerooms, and this knowledge of the relevant data had to be precise. That being the case, Moehring observes, it is rather curious that Josephus should have possessed sufficiently precise information for gaining access to the documents, and in spite of that he would have not proved himself capable of recording these data correctly in his copies of the decrees. If Josephus had obtained his documents from the archives, would he simply have included them in his narrative in as inconsistent a manner as we find them to-day? Moehring concludes that Josephus’ claim that his documents had to be authentic because any one could go and check the veracity of his contention simply by examining the official copies in the Capitol is only a literary device.¹⁴

Moehring’s views have been rejected by scholars as extreme,¹⁵ but a conclusion is difficult to reach. Even if a number of bronze tablets had survived the fire of the year 69, as Tessa Rajak suggests,¹⁶ they could have included only a very small part of Josephus’ documents, inasmuch as the letters of Roman magistrates written both to subordinate provincial officials and to the councils of Greek cities were obviously not preserved in the Capitol. Also the resolutions of Greek cities quoted by Josephus could not have been deposited in the Capitol. As for Roman decrees, *senatus consulta* of public interest, namely, those concerning alliances with foreign peoples, were engraved in bronze and deposited in the Capitol.¹⁷ Sometimes, rights and privileges bestowed upon countries, cities and private individuals could also be engraved on bronze tablets, at the expense of the interested parties, and be deposited in the Capitol, if and when explicit permission was given to the envoys by the Romans.¹⁸ If we look at the Roman decrees quoted by Josephus (of course, those which can reasonably be regarded as

¹³ R.K. Sherk, *RDGE* (above, n. 3), 9.

¹⁴ Moehring (above, n. 3), 133, 145-6 and 151.

¹⁵ C. Saulnier (above, n. 10), 163 n. 4; Rajak (above, n. 3), 111 n. 13.

¹⁶ T. Rajak (above, n. 10), 33 n. 11.

¹⁷ Sherk, *RDGE* (above, n. 3), 11.

¹⁸ See for example the *senatus consultum de Asclepiade*, where we read: “...that they be permitted to set up on the Capitolium a bronze tablet of friendship and to perform a sacrifice there...”: *RDGE* no. 22, l. 25 = *RGE* no. 66, l. 25. This kind of document is mentioned also by Suetonius: *ipse restitutionem Capitolii aggressus... aerarumque tabularum tria milia quae simul conflagraverant restituenda suscipit, undique investigatis exemplaribus...senatus consulta, plebiscita de societate et foedere ac privilegio cuicumque concessis* (*Vesp.* 8.4).

copies of genuine Roman documents),¹⁹ we can try to find out which of them may possibly have been copied from the bronze tablets preserved in the Capitol. It appears that one of them, from Caesar's time, does in effect mention the Roman provision "that a bronze tablet containing these decrees shall be set up in the Capitol and at Sidon and Tyre and Ascalon and in the temples, engraved in Latin and Greek characters" (*AJ* 14.197). This means that at least one bronze tablet concerning the Jews did in all probability exist in the Capitol. Nevertheless, Josephus did not copy his decree from there, inasmuch as the text itself explicitly states that the decree is the copy sent to the city of Sidon: "Gaius Julius Caesar...to the magistrates, council and people of Sidon, greeting. ...I am sending you a copy of the decree, inscribed on a tablet, concerning Hyrcanus..." (*AJ* 14.191, which was probably a part of the same document).²⁰ This was the usual procedure. Whenever a decree was passed in the interest of, or at the request of, a foreign community, a copy was usually sent to it (*exemplum*, *antigraphon*, which could be a *tabula cerata* or, more probably, a papyrus volumen) with a cover letter.²¹ Another decree concerning the Jews which we can assume was engraved on bronze tablets was the one dealing with the alliance between Rome and the Hasmonean state in 161 BCE (*AJ* 12.416-419). The text says: "When the envoys sent by Judas came to Rome, the senate received them, and ... agreed to the alliance. It also made a decree concerning this, and sent a copy to Judaea, while the original was engraved on bronze tablets and deposited in the Capitol" (par. 416). In this case, it is not impossible that Josephus copied his text from the bronze tablet in the Capitol. As for two other documents from Republican times, which reflect genuine Roman *senatus consulta*, one originated from the Diaspora, this being the copy sent to Pergamum (*AJ* 14.247-255), while in the other case (*AJ* 14.219-222) the notation which appears in the beginning makes us realize that this was a copy made later, and not the original one.²² Documents from Imperial times quoted by Josephus also reveal that they came from the Diaspora. Augustus' decree (*diatagma*) in favour of Asian Jews was published in Asia, as we learn from the text itself: "Caesar Augustus, Pontifex Maximus with tribunician power, decrees as follows. ... I order that the present edict be set up in the most conspicuous (part of the temple) assigned to me by the federation of Asia in Ancyra. ... This was inscribed upon a pillar in the temple of Caesar" (*AJ* 16.165). Claudius' edict "to the rest of the world" (*AJ* 19.287-291), too, prescribes the way in which it should be published "and keep it posted for not less

¹⁹ They have been taken into account in my essay "*AJ* 14.185-267: Roman *Senatus Consulta* or Josephus forgeries?" (forthcoming).

²⁰ See below.

²¹ See M.W. Frederiksen, "The Republican Municipal Laws: Errors and Drafts", *JRS* 55 (1965), 188 and Sherck, *RDGE* (above, n. 3), 12-13.

²² See below.

than thirty days in a place where it can plainly be read from the ground", but does not mention bronze tablets to be deposited in the Capitol.

A personal consultation of the documents on the Capitol by Josephus is therefore possible in a single case, namely, that of the alliance between Rome and Judah in 161 BCE (*AJ* 12.416-419). All the other documents examined contain details which reveal that the copy quoted by Josephus came from the Diaspora.

This of course does not mean that Josephus' statement about the bronze tablets deposited in the Capitol was a device, meant to deceive his readers. If he had wanted to prove the scientific precision of his documents, like a modern scholar, he would have probably mentioned the wooden tablets preserved in the *aerarium Saturni*, which was the real Roman archive of state, where *all* the documents were deposited, rather than the bronze tablets in the Capitol.²³ Josephus' position, however, was very different from that of a modern scholar, and it seems that his statement, far from being a lie, had rather a general meaning, meant only to strengthen his point: "Since many persons, out of enmity to us, refuse to believe what has been written about us by Persians and by Macedonians because these writings are not found everywhere and are not deposited even in public places but are found only among us and some other barbarian peoples, while against the decrees of the Romans nothing can be said, for they are kept in the public places of the cities and are still to be found engraved in bronze tablets in the Capitol ... from these same documents I will furnish proof of my statements" (*AJ* 14.187-188).²⁴ Moreover, we have to take into account that this kind of statement could well have been a common standard expression in Rome, and we also find it in Polybius.²⁵

The question remains: from where did Josephus take his documents? The third theory, and the latest to appear in contemporary scholarship, seems to give an adequate answer, since it deals with the possible origin of all the documents quoted by Josephus. The hypothesis that Josephus used the local archives of the Jewish Diaspora has been put forward by Vermes and Millar in their revision of Schürer's work: "The documents quoted by Josephus were doubtless assembled from various places: Rome, Asia Minor and perhaps Palestine. Due to the lively contacts that existed between Jewish congregations, Josephus could easily have

²³ SHERK, *RDGE* (above, n. 3), 8.

²⁴ Josephus' purposes in quoting his documents are dealt with, from different and complementary points of view, by H.R. MOHRING, "Joseph Ben Matthia and Flavius Josephus: The Jewish Prophet and Roman Historian", *ANRW* 21(2) (1984), 894-897; by T. RAJAK (above, n. 10), 20-21; and by L. TROIANI, "I lettori delle *Antichità Giudaiche* di Giuseppe: prospettive e problemi", *Athenaeum* 64 (1986), 344 and 350.

²⁵ See my essay "Polybius, Josephus and the Personal Consultation of Roman Archives" (forthcoming).

obtained from foreign communities the official documents concerning them".²⁶ Also Tessa Rajak, in her brilliant article on Jewish rights, stresses the importance of the natural ties between Diaspora communities, which facilitated the effective diffusion of texts. Rajak suggests that Josephus may well have visited Jews in and around the Greek world during the time he was writing his *Antiquitates*, for his life in Rome spanned some twenty years. Therefore local archives could also have assisted him.²⁷

Three probably authentic *senatus consulta* quoted by Josephus seem to confirm this possibility. We also have, in two cases, the name of the city where the document was probably preserved. The first decree quoted by Josephus, chronologically speaking, belongs to the time of Hyrcanus I. It deals with a Jewish delegation to Rome, seeking Roman support in the struggle against the Seleucids. The Romans agreed, in theory at any rate (*AJ* 14.247-255).²⁸ What appears in Josephus is not the copy of the Roman decree sent to Judaea, but a decree by which the people of Pergamum would take upon themselves the task of carrying out the Roman decision: "Decree of the people of Pergamum. ... As the Romans ... have accepted dangerous risks for the common safety of all mankind ... the Jewish nation and their high priest Hyrcanus have sent envoys to them ... whereupon the senate passed a decree concerning the matters on which they spoke And one of our council, Lucius Pettius ... has given orders that we shall take care that these things are done as the senate has decreed, and that we shall see to the safe return of the envoys to their homes. We have also admitted Theodorus to the council and assembly, accepting from him the letter and the decree of the senate; and ... we deposited the documents in our public archives and passed a decree that we on our part ... would do everything possible on behalf of the Jews in accordance with the decree of the senate". Seeing that the Roman decree concerning the Jews had been deposited in the archives of Pergamum, it is possible that the local Jewish community could have made its own copy, and this could have been the copy which reached Josephus.

²⁶ E. Schürer (above, n. 2), 52 n. 19.

²⁷ T. Rajak (above, n. 10), *ibid.*; *eadem* (above, n. 3), 111, 118.

²⁸ Historical treatment of this text can be found in Juster (above, n. 10), 134-5; Smallwood, *The Jews* (above, n. 3), 10 n. 23 and 559; M. Stern, "The Relations between Judaea and Rome during the Rule of John Hyrcanus", *Zion* 26 (1961), 3-6 (Hebrew); E. Schürer (above, n. 2), 204-206; T. Rajak, "Roman Intervention in a Seleucid Siege of Jerusalem?", *GRBS* 22(1) (1981), 65-81, esp. 79 and *eadem* (above, n. 3), 111. For a view against authenticity see Moehring, (above, n. 24), 896. The formal features of the text are dealt with in my essay "AJ 14.185-267: Roman *Senatus Consulta* or Josephus forgeries?" (forthcoming).

The second is a decree of Gaius Caesar regulating Judaea's political situation (AJ 14.190-6).²⁹ In the first paragraph, we find the usual accompanying letter, from which we learn that the text quoted by Josephus is not the copy of the decree deposited in Rome, nor is it the copy sent to Judaea, as we would expect.³⁰ Instead, the accompanying letter was sent to the city of Sidon: "Gaius Julius Caesar, Imperator and Pontifex Maximus, Dictator for the second time, to the magistrates, council and people of Sidon, greeting" (AJ 14.190). Sidon is also mentioned some paragraphs later, where the decree prescribes that "a bronze tablet containing these decrees shall be set up in the Capitol and at Sidon and Tyre and Ascalon and in the temples, engraved in Latin and Greek characters" (AJ 14.197). Apparently, the Roman senate was interested in making its decisions concerning the Jews known to towns and states nearby. Sidon was relatively close to Jerusalem. Apparently it had to take Caesar's decisions about Hyrcanus II and the Jews into account. Greek inscriptions show that the case mentioned by Josephus was not an isolated one. Often a copy of Roman decrees was sent to interested people, with the order to send an additional copy to neighbouring towns for their information. In his letter to the magistrates of Rhosos, which accompanies the decree concerning Seleukos, Octavian invites the Greek council to deposit the alleged documents in their public archives and to "send a copy [of them] to the Boule and People of Tarsus, the Boule and People of Antioch, the Boule and People [of Seleukia] that they might enter it (into their archives)".³¹ Therefore, it is not surprising that Sidon received the decree about the Jews.

The third decree quoted by Josephus concerns the Roman legalization by Antonius and Dolabella of the rights given to the Jews by Caesar (AJ 14.219-222).³² Here the text which appears in Josephus is not the original one, but a copy. This is indicated by the fact that in the prescript we find an addition, an opening clause which precedes the prescript itself. The text opens with the words: "Decree of the senate, copied from the Treasury, from the public tablets of the quaestors, Quintus Rutilius and Quintus Cornelius being quaestors of the city, second tablet, first column" (AJ 14.219). This phrase does not belong to the de-

²⁹ The problems connected with the authenticity of this text have been dealt with in my essay "Seleukos of Rhosos and Hyrcanus II" (forthcoming in *Journal for the Study of Judaism* [1995]).

³⁰ When a decree contained political regulations concerning a state or a city, the Roman senate always sent a copy of this decree to the interested party. See Sherk, *RDGE* (above, n. 3), 12-13.

³¹ *Rome and the Greek East to the Death of Augustus*, ed. R.K. Sherk (Cambridge-Sydney 1984) (hence *RGE*), no. 86, Letter I, written between 42 and 30 BCE, ll. 5-8. Another example of this kind of Roman circular letters is found in I Macc. 15:15-24.

³² About the authenticity of this text, see my essay "Marcus Antonius, Publius Dolabella and the Jews" (forthcoming in *Athenaeum* 1994).

creed proper. It is a notation which was written by the *scriba* who copied the decree. Actually, it represented the final part of the process. After the decree had been written, it was deposited and registered in the state archives. This was the original copy, and was never allowed to be removed from the building. Whenever an official copy was requested, the *scriba* would locate it and make the copy, on which he would also indicate the location of the original in the archives. At a later date, when the copy was published, for example in the Greek East, this notation was sometimes engraved along with the decree, but it was not part of the decree at all: it merely served to vouch for the authenticity and accuracy of the copy.³³ This notation, which appears in our text, makes it clear that the one quoted by Josephus was not the copy sent to the interested party, namely, Jerusalem, at the time in which the decree was passed, because in this case the notation would not have appeared. This was an additional copy, which had been requested later. This means that Sherk is right. The texts quoted by Josephus are not original documents, but copies of copies.³⁴

Also the date preserved in *AJ* 14.225 could be another case in point. It signifies the entry of the document in the city's archives.³⁵

These texts show that Josephus might definitely have used local archives, inasmuch as all the different kind of documents quoted by Josephus could have been preserved in the local archives of the Greek cities: Roman *senatus consulta*, Greek decrees and letters written by Roman magistrates. This was the natural place to deposit the decrees passed by the local councils.³⁶ As for Roman decrees, we know that they, too, were deposited in the Greek archives. The best known example is the case of alliances between Rome and foreign peoples, as we find, for example, in a decree of Epidauros (*RGE* no. 51, 112/111 BCE): "... the decree passed and handed over to the (Roman) treasury and the alliance put up on a bronze plaque on the Capitolium — of (both) these (documents) copies have been delivered by him to our public archives ..." (ll. 1-9). Not only alliances were deposited in Greek archives. Inscriptions also mention documents of other kinds. They confirm Josephus' testimony about a letter written by the Laodiceans to a Roman magistrate, where we read: "Sopatrus ... has delivered to us a letter from you We, therefore, in obedience to your instructions, have accepted the letter delivered to us and have deposited it among our public archives" (*AJ* 14.241-3). Sometimes the Greek cities themselves felt that a certain Roman document was useful to them, as in the case mentioned in *RGE* no. 5

³³ A notation of this kind also appears in *RDGE* (above, n. 3), no. 22 ll. 1-3 (78 BCE) from Rome and in no. 29 ll. 1-3 (35 BCE) from Geyre (Aphrodisias). See Sherk's comment on p. 10.

³⁴ Sherk, *RDGE* (above, n. 3), 5.

³⁵ For a parallel, see Sherk, *RGE* (above, n. 20), no. 86, l. 1 and the comment on p. 109 n. 1.

³⁶ *AJ* 14. 231-2; 256-8; 259-61; 262-4.

(196/195 BCE): “Hegesias, the envoy of the city Lampsakos in the Troad, after having met the Roman commander ... met the quaestor and received from him too a letter to [our] People, [which our People decided] was useful and deposited in [our public archives]” (Il. 39-40). Often, it was an explicit Roman order to the Greek city to deposit a certain document into its archives. In the letter which a Roman official sent to several cities of the province of Asia, and specifically to the Koinon of the Greeks, to Miletus, to Ephesus, Tralles, Alabanda, Mylasa, Smyrna, Pergamum, Sardis and Adramyttium, he orders them “... that they may deposit (a copy of this letter) in the archives of the *Nomophylakia* and the *Chrematisteria*” (*RGE*, no. 77, ll. 53-54, 51/50 BCE (?) or c. 29 BCE (?)). Also in the letter of Octavian to the magistrates of Rhosos concerning Seleukos, mentioned above (*RGE*, no. 86, Letter I, ll. 5-8), the request to deposit the document in public records comes from Rome: “The documents written below were extracted from a stele from the Capitolium in Rome, [documents which I ask you] to enter into your public archives”. There is also a letter written by Octavian to Plarasa-Aphrodisias in the fall of 39 BCE or 38 BCE, concerning documents relevant to the city’s status, which states: “Copies of the privileges granted to you are affixed below. I wish you to register them in your public records” (*RGE*, no. 87, ll. 49-50).

The letters quoted by Josephus, written by Roman magistrates³⁷ were therefore in all probability also deposited in the archives of the Greek cities.

All these documents — Roman *senatus consulta*, Greek decrees and letters written by Roman magistrates — were of utmost importance to the Jews where their rights were concerned, rights so frequently violated by their non-Jewish neighbors. In their struggle for the recognition of their religious freedom, these documents could have been very useful.³⁸ It is therefore reasonable to imagine that the leaders of the Jewish communities made their own copies of the documents they found deposited in the Greek archives, whenever they happened to be relevant to their cause. We learn from two texts that the Jewish communities — at least the larger ones — definitely possessed a local archive, i.e. a record-office. The first, chronologically speaking, is a papyrus from 13 BCE, which deals with the will of a certain Theodorus, which was made διὰ τοῦ τῶν Ἰουδαίων ἀρχαίου in Alexandria. The second text is an inscription from Hierapolis, in Phrygia, written in the second or third century CE. It deals with the right of a certain Aurelia Augusta to be buried in a sarcophagus and on a piece of land specially bought for this purpose. A copy of this document, the text informs us, was deposited ἐν τῷ ἀρχίῳ τῶν Ἰουδαίων.³⁹

³⁷ *AJ* 14.225-7; 213-6; 230; 233; 235; 244-6.

³⁸ See Rajak (above, n. 3), 120-123.

³⁹ *CPJ* II, 143, ll. 7-8 and *CPJ* II, 775.

The fact that Josephus made use of local Jewish archives does not necessarily mean that Josephus himself directly consulted the Jewish archives of the Diaspora. Moehring rightly observes that if Josephus had personally consulted his documents in an archive, any archive, it would be difficult for us to explain corruptions and mistakes which appear in his documents.⁴⁰ It was not considered necessary for a historian, in Josephus' times, to make direct use of documentary sources. Sherk goes so far as to maintain that most ancient historians who quote Roman *senatus consulta*, such as Dionysius of Halicarnassus, Appian or Diodorus, may never have consulted the originals at all. They contented themselves with the second-hand information found in the works of their predecessors.⁴¹ That is why we may well consider the possibility that Josephus could have organized his collection indirectly, through the help of friends and acquaintances who lived in various Jewish communities. They could have sent him copies of documents favourable to the Jews which were deposited in the archives of the cities in which they lived. In this respect, Josephus would have an eminent precursor in Timaeus of Tauromenium, who tells us that he spent a great deal of money and effort collecting "records" from the Tyrians (from the so-called "Tyrian archives" or "Phoenician chronicles"), admittedly by purchasing scrolls and then by having a bilingual Phoenician translate them for his personal use. There was no shortage of Hellenized and educated Tyrians living in the thriving community at Piraeus in the fourth century BCE and later. Timaeus could easily have obtained what he needed without leaving Athens. Asheri observes that it is much more reasonable to assume that this was what he actually did, rather than to suppose that he studied Punic, went personally to Carthage or Panormus and read the so-called "Punic" or "Carthaginian Annals" himself.⁴²

The theory that Josephus made indirect use of local archives could answer some of the puzzling questions arising from his documents, as for example why the texts in question do not deal with Diaspora Judaism in a uniform way, but with some specific communities only, i.e., chiefly Asian communities. Only one document deals with Alexandrian Judaism (*AJ* 19.280-285) and one with the Jewish community of Cyrene (*AJ* 16.169-170). This could well be explained by the fact that the collection of the material had been made in an accidental manner, which depended on Josephus' personal connections. It is also reasonable to imagine that the person charged with copying the documents in the archives did not always copy documents in full, but possibly extracted what in his own opinion constituted the main points. Some documents could have been shortened either at the beginning or at the end, and others could have been summarized. This would explain the fragmentary state of some of the *senatus consulta* quoted by

⁴⁰ Moehring (above, n. 12), 152.

⁴¹ Sherk, *RDGE* (above, n. 3), 5-6.

⁴² D. Asheri, "The Art of Synchronization in Greek Historiography: The Case of Timaeus of Tauromenium", *SCI* 11 (1991/2), 62-64 and 87.

Josephus. For instance, why do we sometimes find only a part of the decree, and only the final part of the decree proper in some others. A case also appears in which we have only a portion of the prescript.⁴³ If the documents were copied at least three times (the first being the official copy sent to the Greek city, the second, the copy made by the Jewish community, and the third, the copy made on Josephus' request), then we could understand why we find corruptions and mistakes.⁴⁴ Corruptions and mistakes, anyway, are also found in copies of Roman laws made by local authorities, such as the *Lex Tarentina*, the *Lex Rubria*, the *Fragmentum Atestinum* and the *Tabula Heraclensis*.⁴⁵

If the documents had reached Josephus separately, from different places in the Mediterranean, and possibly at different times, as separate texts with no background and with no historical context, it must have been very difficult for Josephus to put them together in the right chronological order. In this case, a text concerning Hyrcanus I could easily have been mistaken for one dealing with the Hyrcanus living in the time of Caesar. This would also explain why Josephus was not aware of the fact that he sometimes quoted different parts of the same document as if they were two distinct documents (possibly, *AJ* 14.190-195 and 196-198) and why he sometimes quotes the same document two or three times without giving us any indication that he was aware of the repetition (as in the case of the exemption of Ephesian Roman Jews from military service by the consul Lentulus, which is mentioned three times, in *AJ* 14.228-229, 234 and indirectly in 237-240).

An indirect use by Josephus of local Jewish archives would also account for the difficulty we have in finding any precise identifiable criteria in the order of the documents themselves. One document, or rather, one piece of information, follows the other, often in no chronological order at all. No distinction appears between genuine documents, partial citations, and Josephus' own personal words of summary and introduction. Josephus wanted to prove his point. His aim, it is well known, was cultural propaganda. He himself writes: "And here it seems to me necessary to make public all the honours given our nation and the alliances made with them by the Romans and their emperors, in order that the other nations may not fail to recognize that both the kings of Asia and of Europe have held us in esteem and have admired our bravery and loyalty" (*AJ* 14.186). Similarly in *AJ* 16.174-175: "Now it was necessary for me to cite these decrees since this account of our history is chiefly meant to reach the Greeks in order to show them that in former times we were treated with all respect and were not prevented by our rulers from practising any of our ancestral customs but, on the contrary, even had their co-operation in preserving our religion and our way of honouring God. And if I frequently mention these decrees, it is to reconcile the

⁴³ See my essay quoted above, n. 28.

⁴⁴ For corruptions and mistakes, see Moehring (above, n. 12), 130 and 150-2.

⁴⁵ See Frederiksen (above, n. 21), 183-198.

other nations to us and to remove the causes for hatred which have taken root in thoughtless persons among us as well as among them”.

Academic details, like personal direct consultation of original texts, and full, correct and precise quotations, were possibly beyond the requirements of his age. This was the case with most ancient historians.⁴⁶ Unlike modern historians, Josephus did not have to write footnotes.

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⁴⁶ See Sherk, *RDGE* (above, n. 3), 5-6.