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# Innehåll

## Exegetiska dagen 2015/Exegetical Day 2015

Bruce Louden	Agamemnon and the Hebrew Bible .....	1
Karl Olav Sandnes	A Respectable Gospel: The Passion 'According to Homer' in Eudocia's <i>Homerocentones</i> .....	25

## Övriga artiklar/Other articles

Sara Järlemyr	A Tale of Cross-Dressers, Mothers, and Murderers: Gender and Power in Judges 4 and 5 .....	49
Sebastian Selván	The Privilege of Taxation: Jewish Identity and The Half-shekel Temple Tax in the Talmud Yerushalmi .....	63
Fernando Bermejo-Rubio	Are Judas the Galilean and the "Fourth Philosophy" Mere Concoctions? The Limits of Josephus' Inventiveness .....	91
Torsten Löfstedt	Jesus the Angry Exorcist: On the Connection Between Healing and Strong Emotions in the Gospels.....	113
Jonathan Burke	Satan and Demons in the Apostolic Fathers: A Minority Report .....	127
Dan Nässelqvist	Könsinkluderande språk i nästa svenska bibelöversättning .....	169

## Recensioner/Book Reviews

Herbert W. Basser with Marsha B. Cohen	<i>The Gospel of Matthew and Judaic Traditions: A Relevance-based Commentary</i> (Tobias Ålöw).....	217
Alicia J. Batten och John S. Kloppenborg (red.)	<i>James, 1 &amp; 2 Peter, and Early Jesus Traditions</i> (Leonhard Franke).....	219
<i>Bible Works</i> 10	(Bo Krister Ljungberg) .....	221

Derek R. Brown	<i>The God of This Age: Satan in the Churches and Letters of the Apostle Paul</i> (Torsten Löfstedt) ...	224
William P. Brown (ed.)	<i>The Oxford Handbook of the Psalms</i> (David Willgren).....	226
Constantine R. Campbell	<i>Advances in the Study of Greek: New Insights for Reading the New Testament</i> (Jan H. Nylund).....	228
Nancy L. deClaissé-Walford (ed.)	<i>The Shape and Shaping of the Book of Psalms: The Current State of Scholarship</i> (David Willgren).....	230
Nancy L. deClaissé-Walford, Rolf A. Jacobson and Beth Laneel Tanner	<i>The Book of Psalms</i> (David Willgren) .....	233
Thomas B. Dozeman, Konrad Schmid och Baruch J. Schwartz (red.)	<i>The Pentateuch: International Perspectives on Current Research</i> (Stig Norin).....	235
Ole Jakob Filtvedt	<i>The Identity of God's People and the Paradox of Hebrews</i> (Mikael Tellbe) .....	239
David Hellholm, Tor Vegge, Øyvind Norderval and Christer Hellholm (eds.)	<i>Ablution, Initiation, and Baptism: Late Antiquity, Early Judaism, and Early Christianity</i> (James A. Kelhoffer).....	241
Wesley Hill	<i>Paul and the Trinity: Persons, Relations, and the Pauline Letters</i> (Mikael Tellbe) .....	243
Douglas S. Huffman	<i>Verbal Aspect Theory and the Prohibitions in the Greek New Testament</i> (Jan H. Nylund).....	245
Thomas Kazen	<i>Scripture, Interpretation, or Authority? Motives and Arguments in Jesus' Halakic Conflicts</i> (Cecilia Wassén).....	247
Judith M. Lieu	<i>Marcion and the Making of a Heretic: God and Scripture in the Second Century</i> (James A. Kelhoffer).....	251
L. Michael Morales (ed.)	<i>Cult and Cosmos: Tilting Toward a Temple-Centered Theology</i> (Stefan Green).....	253
Mark D. Nanos och Magnus Zetterholm (red.)	<i>Paul within Judaism: Restoring the First-Century Context to the Apostle</i> (Martin Landgren).....	256

Carol A. Newsom och Brennan W. Breed	<i>Daniel: A Commentary</i> (LarsOlov Eriksson).....	258
Maren Niehoff (red.)	<i>Homer and the Bible in the Eyes of Ancient Interpreters</i> (Blaženka Scheuer) .....	259
Kurt L. Noll	<i>Canaan and Israel in Antiquity: A Textbook on History and Religion</i> (Richard Pleijel).....	261
Ken Parry (ed.)	<i>The Wiley Blackwell Companion to Patristics</i> (Carl Johan Berglund).....	264
Ralf Rothenbusch	“... abgesondert zur Tora Gottes hin”: <i>Ethnisch-religiöse Identitäten im Esra/Nehemiabuch</i> (Lena-Sofia Tiemeyer) .....	265
Michael L. Satlow	<i>How the Bible Became Holy</i> (Martin Wessbrandt) .....	267
Birke Siggelkow-Berner	<i>Die jüdischen Feste im Bellum Judaicum des Flavius Josephus</i> (Birger Olsson) .....	269
Lena-Sofia Tiemeyer och Hans M. Barstad (red.)	<i>Continuity and Discontinuity: Chronological and Thematic Development in Isaiah 40–66</i> (Stefan Green).....	271
W. Dennis Tucker Jr.	<i>Constructing and Deconstructing Power in Psalms 107–150</i> (David Willgren).....	273
Helmut Utzschneider och Wolfgang Oswald	<i>Exodus 1–15</i> (LarsOlov Eriksson) .....	276
Urban C. Von Wahlde	<i>The Gospel and Letters of John, vol. 1: Introduction, Analysis, and Reference</i>	
Urban C. Von Wahlde	<i>The Gospel and Letters of John, vol. 2: Commentary on the Gospel of John</i>	
Urban C. Von Wahlde	<i>The Gospel and Letters of John, vol. 3: Commentary on the Three Johannine Letters</i> (Birger Olsson) .....	277
Benjamin L. White	<i>Remembering Paul: Ancient and Modern Contests over the Image of the Apostle</i> (Martin Wessbrandt) .....	282
Till redaktionen insänd litteratur .....		285

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# Are Judas the Galilean and the “Fourth Philosophy” Mere Concoctions? The Limits of Josephus’ Inventiveness

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*For Henry MacAdam*

## 1. Introduction<sup>1</sup>

The varied nature of Judaism in the first century CE enables us to suspect any clear-cut attempt at describing its complexity as a collection of a few formalized “schools.” This is why Josephus’ portrayal of contemporary Judaism as composed of three or four “philosophies” appears to be a construct more than anything else. In fact, the notion itself of a “Fourth Philosophy” used in *Antiquitates Judaicae*<sup>2</sup> does not seem to be particularly helpful, among other reasons because it says nothing about its doctrinal content, and because it was presumably never used as a self-definition. Nevertheless, if we take “Fourth Philosophy” not as an accurate label, but rather as a (admittedly clumsy) way of designating a trend of active resistance to Roman rule inspired by religious ideals, the phrase seems to be generically acceptable, and this is how most scholars have approached Josephus’ accounts.

It has been sometimes argued, however, that both Judas and the Fourth Philosophy were not historical realities, but merely inventions of Josephus.<sup>3</sup> According to James McLaren, they would have been created by the

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<sup>1</sup> I am deeply grateful to Ory Amitay and Meron Piotrkowski, and also to an anonymous reviewer of *SEÁ*, for their helpful comments on an earlier draft of this paper.

<sup>2</sup> τετάρτη φιλοσοφία (*A.J.* 18.9); τετάρτη τῶν φιλοσοφιῶν (*A.J.* 18.23). For the use of the term “philosophy” to describe the Jewish trends, see Steve Mason, “Philosophiai: Graeco-Roman, Judean, and Christian,” in *Voluntary Associations in the Ancient Mediterranean World*, ed. J. S. Kloppenborg and S. G. Wilson (London: Routledge, 1996), 31–58, esp. 44–46.

<sup>3</sup> James S. McLaren, “Constructing Judean History in the Diaspora: Josephus’s Accounts of Judas,” in *Negotiating Diaspora: Jewish Strategies in the Roman Empire*, ed. J. Barclay

apologetic interests of the historian, who moved backward in time sixty years the ideology of resistance to Roman rule which in 66 caused the Jewish War (with the active involvement of Josephus himself), as a means of exonerating himself and the priesthood of any responsibility.<sup>4</sup>

Such a proposal is indeed intriguing. Given that Josephus is the only source mentioning a “Fourth Philosophy,” and that the often tendentious nature of his work is all too obvious, the hypothesis according to which Josephus invented the movement is not wholly unreasonable at first sight, and should be carefully evaluated.<sup>5</sup> Was the Fourth Philosophy a real thing or rather a mere fabrication? Since a clear answer to this question is extremely relevant for the history of first-century Judaism, and given that I do not know any serious examination of such a proposal, the aim of this article is to survey the claim that Judas and the Fourth Philosophy were invented by Josephus, and to provide a full explanation to why this contention is ultimately unconvincing.

## 2. The Apparent Existence of Independent Sources

An obvious claim which is implied in the contention that Judas and the Fourth Philosophy were nothing but Josephus’ concoctions is the lack of further independent evidence regarding these phenomena. Nevertheless, although the notion of a τετάρτη φιλοσοφία does not occur elsewhere,

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(London: T & T Clark, 2004), 90–108. The contention that the Fourth Philosophy is unhistorical was also put forward by Israel Ben-Shalom, *The School of Shammai and the Zealots’ Struggle against Rome* (Jerusalem: Ben-Gurion University of the Negev Press, 1993) [Hebrew], esp. 126–31, 157–71. According to this scholar, the ideas Josephus attributes to Judas and Saddok belong to the “Zealot–Hasidic” ideology, which in turn goes back to the Hasmonean era. For critical comments on this proposal, see David Goodblatt, *Elements of Ancient Jewish Nationalism* (Cambridge: Cambridge University Press, 2006), 89–91.

<sup>4</sup> “The accounts of Judas are a crafted and manipulated construction by Josephus. They are not descriptive reports. They are part of a reinterpretation of the past, a deliberate rewriting of what happened in 6 and 66 CE in the light of 70 CE” (McLaren, “Constructing Judean History,” 90). “Josephus and his fellow rebel priests advocated rebellion against Roman authority, using as a rallying-point the claim of ‘God alone as master’. No direct evidence for this view remains in the War account of 66. It has been deliberately edited out of 66 CE and the war cry has been relocated to another time, group and place, namely, Judas from Galilee and the supposed fourth philosophy” (“Constructing Judean History,” 101–2).

<sup>5</sup> In fact the notion that Josephus invented the Fourth Philosophy as a device to attribute the revolt to a few mavericks rather than to the nation as a whole was offered several decades ago, although just as a possibility to be ruled out. See Martin Goodman, *The Ruling Class of Judaea: The Origins of the Jewish Revolt Against Rome A. D. 66–70* (Cambridge: Cambridge University Press, 1987), 95.

some sources seem to point to the existence of Judas the Galilean and/or of an anti-Roman resistance movement early in the first century CE.

The first piece of evidence is a famous passage of the Book of Acts. According to Acts 5:35–39, after a hearing of Peter and the apostles before the Sanhedrin, the death penalty is called for. Then Rabbi Gamaliel asks the Sanhedrin's members to leave Peter and the apostles unmolested, and rather to leave their fate in God's hands. He does it in a speech in which he compares Jesus and his followers with Theudas and his movement as well as with Judas the Galilean (Ἰούδας ὁ Γαλιλαῖος) and his movement; he also states that Judas “drew away some of the people after him (ἀπέστησεν λαὸν ὀπίσω αὐτοῦ),” something that matches Josephus' contention that Judas won an abundance of devotees.<sup>6</sup> This seems to be independent confirmation of the existence of the figure, and also of his clash with the Roman power.

Of course, given that it has been argued that Luke might have known Josephus' work,<sup>7</sup> it could be objected that Gamaliel's speech is dependent on the historian's account of events, meaning that it is not an independent witness to the Fourth Philosophy. Luke's dependence on Josephus is a much-debated and thorny issue (all too complex to be tackled here), but, even accepting—for the sake of the discussion—the trustworthiness of such claim, I find some specific problems in the dependence of this concrete passage on Josephus' work. On the one hand, Acts 5:37 contends that Judas the Galilean “rose up in the days of the census (ἐν ταῖς ἡμέραις τῆς ἀπογραφῆς).” Now, a reference connecting Judas with the census is not mentioned in *Bellum*, but only in *Antiquitates*, a work which was written at the end of the first century; unless we accept a rather late date for Acts—a work usually dated around 90—dependence is hard to accept. On the other hand, and more importantly, there is a significant divergence between the two accounts: whilst Josephus does not say anything about the fate of Judas and his followers—in fact, in several passages he asserts that there was continuity between Judas and the events leading to the war, thereby assuming the survival of the movement—Acts 5:37b explicitly states that Judas perished, and that all his followers were scattered (κάκεῖνος ἀπώλετο, καὶ πάντες ὅσοι ἐπέιθοντο αὐτῷ διεσκοπίσθησαν),

<sup>6</sup> *A.J.* 18.6; 18.9.

<sup>7</sup> Steve Mason, *Josephus and the New Testament*, 2nd ed. (Peabody: Hendrickson, 2003), 251–95.

so the passage hints at the complete failure of the movement.<sup>8</sup> A further problem is the potentially embarrassing nature of this material: even accepting that the author of Acts knew Josephus, one wonders if the evangelist would have willingly included a speech delivered by a venerable figure which implicitly compares Jesus with troublemakers; it seems to be a reasonable surmise that he would not have made such a dangerous move unless those figures and the existence of strong similarities between them had been well-known by the evangelist's readers.<sup>9</sup>

Some additional works should be taken into account. Niclas Förster has recently paid attention to two patristic sources which, despite their late date, seem to preserve reliable information concerning the first century, namely, Hippolytus' *Refutatio omnium haeresium* and Pseudo-Hieronymus' *Indiculus de haeresibus*.<sup>10</sup> In his *Refutatio*, Hippolytus devotes a section to the Jews in which he uses some sources concerning anti-Roman fighters. In fact he refers to some Jewish groups whose members had adopted a radical stance and praxis against the Romans because of nationalistic and religious reasons. They interpreted the biblical ban on images as a total rejection of images, so it was impossible for them to use Roman coins stamped with images: neither did they make them nor carry them nor look upon them. Moreover, they had refused to call to any man "Lord." This corresponds to what Josephus says about Judas and his followers. Interestingly, Hippolytus uses a formulation (οὐδένα κύριον ὀνομάζουσι πλὴν τὸν θεόν) which widely diverges in its phrasing from that (τοῦ μηδένα ἄνθρωπον προσαγορεύειν δεσπότην) which Josephus uses in *Antiquitates*. Such as Förster has remarked, this dissimilar way of expression might be naturally explained through a different *Vorlage*.<sup>11</sup>

Hippolytus' notice matches some information provided by a fifth-century source, the *Indiculus de haeresibus*, about a Jewish group labeled "Galileans," according to whom the Messiah had taught them not to call

<sup>8</sup> Mason tries to minimize this fact by asserting that "Luke's statement that Judas was 'destroyed' is quite vague" (*Josephus and the New Testament*, 279).

<sup>9</sup> See Jeffrey A. Trumbower, "The Historical Jesus and the Speech of Gamaliel [Acts 5:35–39]," *NTS* 39 (1993): 500–517 (509).

<sup>10</sup> Niclas Förster, "Bemerkungen zum Aufstand des Judas Galilaeus sowie zum biblischen Bilderverbot bei Josephus, Hippolyt und Pseudo-Hieronymus," in *Flavius Josephus: Interpretation and History*, ed. J. Pastor et al. (Leiden: Brill, 2011), 87–109. For an edition of Pseudo-Hieronymus' *De haeresibus Judaeorum*, see Niclas Förster, *Jesus und die Steuerfrage: Die Zinsgroschenperikope auf dem religiösen und politischen Hintergrund ihrer Zeit* (Tübingen: Mohr Siebeck, 2012), 282–300.

<sup>11</sup> See *Haer.* IX 26.2 and *A.J.* 18.24; Förster, "Bemerkungen zum Aufstand," 95, n. 38.

Caesar “Lord” and not to use his coins: *Galilaei dicunt Christum venisse et docuisse eos ne dicerent dominum Caesarem, neve eius monetis uterentur*.<sup>12</sup> In turn, this information presumably goes back to a second-century Christian work, Hegesippus’ Ὑπομνήματα, which is now known through some quotations in Eusebius’ *Historia ecclesiastica*.<sup>13</sup>

The presence, in several independent sources, of material apparently concerning anti-Roman trends going back to the early first century, which refers to Judas or the ideology associated to him by Josephus, can be adduced as a first and elementary objection to the claim that those phenomena were purely and simply concocted by Josephus.

### 3. Blatant Contradictions ... or Mere Discrepancies?

A major point for the contention that Judas and the Fourth Philosophy are fabrications is the claim that there are several contradictions between the accounts on Judas in *Bellum* and *Antiquitates*.<sup>14</sup> Admittedly, some discrepancies are easily detected. For instance, although Judas is usually said to be a Galilean, in *Antiquitates Judaicae* he is called “a Gaulanite,” and Gamala is named as his birthplace.<sup>15</sup> Moreover, whilst in *Bellum Judaicum* Judas appears as the sole founder of the “Fourth Philosophy,” in *Antiquitates Judaicae* both Judas and Saddok are cited.<sup>16</sup>

James McLaren indeed makes much of the lack of agreement between these references, but there are alternative explanations to the idea of the textual tensions resulting from a concoction. On the one hand, the description of Judas as “a Gaulanite from a city named Gamala” could be—for

<sup>12</sup> The original has *monitis*, but the correct reading is undoubtedly *monetis*; see Förster, *Jesus und die Steuerfrage*, 292.

<sup>13</sup> *Hist. eccl.* IV 22.9. Förster, “Bemerkungen zum Aufstand,” 102–5 has compared the information provided in these sources with rabbinic sources which support their contents.

<sup>14</sup> McLaren also remarks that “there are substantial gaps regarding Judas’ career” (“Constructing Judean History,” 100) as if there was something suspect therein. Josephus, however, issues strikingly terse statements about other historically important figures. For instance, he says virtually nothing about Marcus Ambibulus and Annius Rufus, the prefects following Coponius; and about Valerius Gratus, who—according to the historian—stayed eleven years as prefect in Judaea (*A.J.* 18.35), Josephus uniquely says that he deposed four high priests. Moreover, he says hardly anything about the nearly four decades of Antipas’ and Philip’s reigns.

<sup>15</sup> Ἰουδᾶς δὲ Γαυλανίτης ἀνὴρ ἐκ πόλεως ὄνομα Γάμαλα (*A.J.* 18.4).

<sup>16</sup> See *B.J.* 2.118; *A.J.* 18.4–10. This is deemed by McLaren “probably the most significant difference between the accounts” (“Constructing Judean History,” 98). For helpful reflections on these accounts, see Steve Mason, ed., *Flavius Josephus: Translation and Commentary*, vol. 1B: *Judean War 2* (Leiden: Brill, 2008), 81–83.

instance, and such as this scholar himself remarks—simply “a case of authorial incompetence,”<sup>17</sup> perhaps due to confusion between the Gamala in Gaulanitis and the town by the same name in Upper Galilee.<sup>18</sup> Alternatively, other possibilities have been envisaged to argue that the byname “Gaulanite” does not pose a problem.<sup>19</sup> On the other hand, the different accounts can be read without positing a true contradiction. Judas may have been mentioned in *Bellum* (and again in *A.J.* 18.23–25) as the sole founder of the Fourth Philosophy because he was indeed its most important ideologist, and Saddok might have been mentioned elsewhere as his associate because he was indeed a major associate of him,<sup>20</sup> having not had the same importance (because of having joined Judas in a later phase, or because his contribution to the ideology was not so significant, or because he was a less charismatic figure, or because Josephus had less information on him, or for whatever any other reason).<sup>21</sup> Alternatively, given that Saddok is identified as a Pharisee, perhaps this explains the omission of his name in the earlier work: in *Bellum* Josephus might have carefully censored information about the political involvement of the Pharisees, whilst, by the time he wrote *Antiquitates*, he was less careful

<sup>17</sup> McLaren, “Constructing Judean History,” 98.

<sup>18</sup> See Louis H. Feldman, *Josephus: Jewish Antiquities XVIII–XIX*, LCL 433 (Cambridge, MA: Harvard University Press, 1965), 5.

<sup>19</sup> See, e.g., Uriel Rappaport, “Who Were the Sicarii?,” in *The Jewish Revolt Against Rome: Interdisciplinary Perspectives*, ed. M. Popović (Leiden: Brill, 2011), 323–42 (331), who argues that “as the Golan was part of Galilee a man could have been called by both bynames.” This scholar refers to the work of Chaim Ben David as having shown that the Golan was considered by rabbinic sources, as well as by Josephus, to be part of Galilee; C. Ben David, *The Jewish Settlement on the Golan in the Roman and Byzantine Period* (Qazrin: Golan Research Institute, 2005), 11–12 [Hebrew]. Others consider “Galilean” to be a surname; see, e.g., Förster, “Bemerkungen zum Aufstand,” 91.

<sup>20</sup> This seems to be shown by the facts that also in *A.J.* 18.4 the first figure to be mentioned is Judas, and that Josephus asserts that he “had enlisted the aid of Saddok (Σάδδωκον Φαρισαῖον προσλαβόμενος).”

<sup>21</sup> I find the following point odd also. If, according to McLaren, Josephus wanted to exonerate not only himself but also his fellow aristocratic priests, would he have chosen precisely the name “Saddok”—a name which, as it has been noted by several scholars, resonated with priestly history? See, e.g., Matthew Black, “Judas of Galilee and Josephus’s ‘Fourth Philosophy’,” in *Josephus-Studien: Untersuchungen zu Josephus, dem antiken Judentum und dem Neuen Testament*, ed. O. Betz, K. Haacker and M. Hengel, FS O. Michel (Göttingen: Vandenhoeck & Ruprecht, 1974), 45–54 (52); David Goodblatt, “Priestly Ideologies of the Judean Resistance,” *JSQ* 3 (1996): 225–49, esp. 239–40. Unless one posits what psychoanalysis calls “parapraxis,” the choice of this name would have been an extremely risky and imprudent move by Josephus.

and let such information slip out from time to time.<sup>22</sup> There are several reasonable hypotheses that allow us to account for the discrepancies in the accounts without having to see them as blatant contradictions, even less as traces of a concoction.<sup>23</sup>

Furthermore, the confused nature of the resulting picture might have arisen from Josephus' apologetic aims, which are intrinsically somewhat contradictory. Since one of the major purposes of the historian was to free the majority of Jews from responsibility for a war in which so many were involved, he had to pursue different goals. On the one hand, by choosing an identifiable tendency as responsible for shaping events, he needed to downplay the importance and weight of that tendency within traditional Judaism so as to present it as a minority stance of just a few mavericks playing only a secondary role in first-century Judaea; on the other hand, in order to persuade that it had a massive influence in provoking the war he needed to emphasize its relevance.<sup>24</sup> This tension, however, has nothing to do with a concoction or a conscious will to deceive.

Along this line of reasoning there seems to be something odd in McLaren's argument. This scholar assumes that the fabrication of Judas and the Fourth Philosophy was extremely important—even crucial—for Josephus as a means of clearing himself from every suspicion of having been involved in anti-Roman resistance.<sup>25</sup> Now, if he had such a vested interest, it is a reasonable surmise that he would have paid careful attention to make a consistent account of his "alibi." This means, in turn, that when he wrote *Antiquitates* he would have simply repeated the information formerly provided in *Bellum*, or—if he needed to make some adjustment—he would have been careful enough to be consistent so as not to ruin his key apologetic device. But it is McLaren himself who insists on

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<sup>22</sup> See S. G. F. Brandon, *Jesus and the Zealots: A Study of the Political Factor in Primitive Christianity* (Manchester: Manchester University Press, 1967), 38; Black, "Judas of Galilee," 50–51; Daniel R. Schwartz, "Josephus and Nicolaus on the Pharisees," *JSJ* 14 (1983): 157–71, esp. 169.

<sup>23</sup> McLaren sees also a "problem" in Josephus' decision to identify a particular founder of the Fourth Philosophy, whilst in the description of the three other schools of thought no founders are named ("Constructing Judean History," 99). In fact this is not so surprising if one takes into account that the other philosophies are rather old (by modern assessments they go back to the 2nd century BCE), whilst the Fourth Philosophy was the most recent one, and accordingly reliable information on its birth could be more easily obtained.

<sup>24</sup> *A.J.* 18.6–10; *B.J.* 7.253–255. See Goodman, *The Ruling Class of Judaea*, 94.

<sup>25</sup> "Clearly Judas was important for Josephus in a manner above and beyond any other figure in his narratives"; see McLaren, "Constructing Judean History," 100 (and 104).

the contradictory character of the two accounts.<sup>26</sup> Now, this means that Josephus would have irredeemably contradicted himself in an issue which he had simply invented *ex nihilo*, and which was allegedly essential for his apologetic needs. It is, however, hard to believe that Josephus was incompetent to such an extent. The discrepancies in his reports are easier to account for if they result from some innocuous and more trivial reason—for instance, if they reflect variants of a received tradition, or if a simple mistake has found its way into the text, or if a conscious change was made by him out of new available information—than if they are the outcome of perfidious concoctions. If there has been a “deliberate authorial manipulation of the subject matter,” and if “Judas has a special place in Josephus’s historical reconstruction of the first century,”<sup>27</sup> we would expect a higher degree of consistency.<sup>28</sup>

This leads to the detection of a further problem in McLaren’s hypothesis, namely, its convoluted nature. Discrepancies between the accounts in *Bellum* and *Antiquitates* are understood by this scholar as the outcome of changes consciously introduced in the versions, and such changes are explained by virtue of the alleged need of Josephus of answering a number of criticisms leveled against the first (*Bellum*) version.<sup>29</sup> Such changes, however, are not consistent, because in *Antiquitates* Gamala is only mentioned once but then Josephus opts again for the label “Galilean”;<sup>30</sup> and because, after having named Saddok alongside Judas, in the ensuing account (*A.J.* 18.23–25) Josephus only mentions Judas.<sup>31</sup> Therefore, given that a conscious and intentional plan is assumed, a second rationale is needed, and McLaren then asserts that this second version “was a compromise, and one that was only grudgingly made.”<sup>32</sup> This, however, means that when Josephus most needed a defence, he did again incur inconsistency, thereby exposing himself to further criticism. Leaving aside the utmost ineptitude involved in such a procedure, this is not the simplest

<sup>26</sup> “Constructing Judean History,” 100.

<sup>27</sup> “Constructing Judean History,” 91 and 93 respectively.

<sup>28</sup> We could then state the same thing as McLaren does, but with a different sense: “Given the apparent importance of Judas in Josephus’s narrative, this lack of agreement is, at the very least, curious” (“Constructing Judean History,” 94).

<sup>29</sup> “I propose that they reflect changes that he was forced to make to his original version of the events” (“Constructing Judean History,” 105).

<sup>30</sup> *A.J.* 18.23; 20.102.

<sup>31</sup> As McLaren himself admits; see “Constructing Judean History,” 98.

<sup>32</sup> “Constructing Judean History,” 106–7.

explanation of the evidence, but rather an all too convoluted one. Far from it, the double complication is in fact inexistent if one does not assume McLaren's claims.

#### 4. The Historical Plausibility of Josephus' Provided Date and Setting

The claim that a religious ideology of resistance to the Romans in 6 CE is just the result of a deliberate rewriting which has projected back into the past a later reality betrays a substantial shortcoming in that it has not weighed up the intrinsic plausibility of Josephus' statements. Put otherwise, that claim overlooks the factors which have been advanced to explain the emergence of an anti-Roman ideology precisely about 6 CE.

If—through the eyes of Judaeans who had enjoyed eighty years of independence—the loss of sovereignty after the events of 63 BCE, when Pompey conquered Hasmonean Judaea, must have been felt as dramatic,<sup>33</sup> the ensuing events must have significantly increased the uneasiness of those longing for independence, all the more so because of the pro-Roman politics of Herod and his descendants. Even if Rome, unlike Antiochus IV Epiphanes, did not interfere materially with the free practice of Judaism, and even if Herod had been more considerate towards Judaism than usually admitted, the Hellenistic side of the client ruler must have been more apparent in the eyes of many of his subjects, for he often conducted himself like a benefactor of Greek civilisation.<sup>34</sup> Leaving aside the harshness of Herod's client kingship (let us recall, for instance, the incident of the golden eagle), his support of the emperor's cult might have been a significant factor for resentment.<sup>35</sup> It has been indeed argued that no other among the client rulers in the Roman Empire fostered so strongly the emperor's cult as Herod and his descendants did, and contended that this fact must have had a bearing on the birth of the movement of active resistance called by Josephus "Fourth Philosophy," as far as the emperor's cult im-

<sup>33</sup> On this aspect, see Nadav Sharon, "Setting the Stage: The Effects of the Roman Conquest and the Loss of Sovereignty," in *Was 70 CE a Watershed in Jewish History? On Jews and Judaism before and after the Destruction of the Second Temple*, ed. D. R. Schwartz et al. (Brill: Leiden, 2012), 415–45.

<sup>34</sup> See Valentin Nikiprowetzky, "Josephus and the Revolutionary Parties," in *Josephus, the Bible, and History*, ed. L. H. Feldman and G. Hata (Leiden: Brill, 1989), 216–36, esp. 223–25.

<sup>35</sup> See James S. Kennard, "Judas of Galilee and his Clan," *JQR* 36 (1946): 281–86, esp. 283.

plied a genuinely religious challenge to Jewish monotheism.<sup>36</sup> All this must have been considered a serious affront and harmed many sensitivities.

This situation 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.<sup>37</sup> This sudden and consistent rejection of formerly unobjectionable objects can hardly be explained away by economic or functional causes. 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 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.<sup>38</sup>

If the iron hand with which Herod ruled prevented the open expression of opposition, only a few years after Varus' terrible repression, the deposing of Archelaus would have provided a suitable occasion to voice discontent. In fact, the most obvious moment in which discontent must have reached its peak was precisely 6 CE, when Rome put an end to even the Herodian vassal state and incorporated Judaea directly into the empire.<sup>39</sup>

<sup>36</sup> Monika Bernett, *Der Kaiserkult in Judäa unter den Herodiern und Römern: Untersuchungen zur politischen und religiösen Geschichte Judäas von 30 v. bis 66 n. Chr.* (Tübingen: Mohr Siebeck, 2007) has examined the growing significance of the emperor's cult, and contended that Judas' call can be better understood as a reaction against this challenge (see pp. 190–94, 199, 340–42). Also the fact that in Jerusalem's Temple a daily sacrifice to the emperor was offered must have kept anti-Roman tendencies and hostility alive among some sensitive people.

<sup>37</sup> Andrea M. Berlin, "Romanization and anti-Romanization in pre-Revolt Galilee," in *The First Jewish Revolt: Archaeology, History, and Ideology*, ed. A. M. Berlin and J. A. Overman (London: Routledge, 2002), 57–73; Mark A. Chancey, *Greco-Roman Culture and the Galilee of Jesus* (Cambridge: Cambridge University Press, 2005), 41.

<sup>38</sup> Berlin, "Romanization and anti-Romanization in pre-Revolt Galilee," 69–70.

<sup>39</sup> It has been reasonably argued that the disintegration of Jewish statehood—an aspect that in 6 CE must have been most clearly experienced—triggered Judas to replace a traditional theocracy through a radical form of it; see Meron Piotrkowski, "Theokratie am Extrem:

With the imposition of a Roman governor, this was the first time in Second Temple history that the Judaeans were subject to *direct* foreign imperial rule, a situation made evident to everyone by the assessment for taxation.<sup>40</sup>

Herein we find several factors explaining why Josephus locates Judas and the birth of the Fourth Philosophy in 6 CE. On the one hand, the fact that Rome was to raise tribute in Eretz Israel was, as it has been noted in a classical work, something *novum et inauditum*.<sup>41</sup> On the other hand, we find intertwined political and religious grounds for opposition to Rome, since conducting a census could be easily seen as going against the Jewish Law and God's will.<sup>42</sup> Unlike what Josephus reports regarding the situation ensuing Archelaus' deposition and banishment, he does not provide reports of revolts in Galilee and Perea following Antipas' deposition and banishment in 39 CE,<sup>43</sup> and there is every indication that this contrast has to do with the fact that the change from Antipas to Agrippa did not involve the specific circumstances which took place after Archelaus' deposition and which were deemed by the most sensitive as unbearable, namely, that a Roman census took place and that Judaea was now under direct Roman rule and tributary.<sup>44</sup> In this context, Josephus' report of the Jews' initial shock becomes fully understandable,<sup>45</sup> such a shock does indeed set the stage for a reaction opposing the Romans and their supporters.<sup>46</sup>

The former reflections show that the most likely setting for the emergence and/or crystallization of the views attributed by Josephus to Judas and the Fourth Philosophy is accordingly that which the historian reports:

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Die Auflösung der Formen jüdischer Staatlichkeit und die Genese der 4. Philosophie," *Trumah* 18 (2008): 228–37.

<sup>40</sup> If, as McLaren ("Constructing Judean History," 102–3) states, some priests decided to take the drastic action of banning the sacrifices on behalf of the Romans in the wake of a census by Cestius in 65/66 and the dispute regarding the tribute, one wonders why the first census would not have triggered a not less sharp reaction by at least some patriots in the wake of Quirinius' census.

<sup>41</sup> Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C. – A.D. 135)*, rev. Geza Vermes et al., 3 vols. (Edinburgh: T&T Clark, 1973–1985), 1:419.

<sup>42</sup> Gen 15:5; 22:17; 2 Sam 24; Hos 2:1. See Hengel, *Die Zeloten*, 134–45.

<sup>43</sup> *A.J.* 18.252–255; *B.J.* 2.183.

<sup>44</sup> See Fabian E. Udoh, *To Caesar what is Caesar's: Tribute, Taxes, and Imperial Administration in Early Roman Palestine (63 B.C.E. – 70 C.E.)* (Providence: Brown University, 2005), 157.

<sup>45</sup> Τὸ κατ' ἀρχὰς ἐν δεινῷ φέροντες τὴν ἐπὶ ταῖς ἀπογραφαῖς ἀκρόασιν (*A.J.* 18.3).

<sup>46</sup> Judas "induced multitudes of Jews to refuse to enroll themselves (μὴ ποιῆσθαι τὰς ἀπογραφάς) when Quirinius was sent as censor to Judaea" (*B.J.* 7.253).

after several successive disappointments, the annexation of Judaea and the imposition of direct tribute seem to have been the straw that broke the camel's back.<sup>47</sup> It would be far-fetched to argue that Josephus placed the birth of the Fourth Philosophy at the time of Archelaus' deposition to provide his alleged invention with a plausible setting. It is rather the opposite that seems to be true: the historian must have been constrained by historical reality to place the movement created by Judas about 6 CE.<sup>48</sup>

## 5. Evidence of Anti-Roman Turmoil in the Prefects' Period (6–41 CE)

A further weakness in the refusal to accept the historicity of the Fourth Philosophy is that the claim that an ideology of anti-Roman resistance did not arise before the 60s (or, for that matter, before the 50s or 40s) assumes the reliability of the widespread view that an active and violent anti-imperialist stance was a late phenomenon, and that accordingly under Tiberius in Judaea "all was quiet."<sup>49</sup> This notion, however, is unwarranted.

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<sup>47</sup> "The immediate impetus to this teaching was apparently the imposition of the first Roman census in A.D. 6, with its clear implication that the land now belonged to Rome" (Goodman, *The Ruling Class of Judaea*, 93).

<sup>48</sup> Even if Josephus overemphasized the role played by the Fourth Philosophy in all the subsequent manifestations of anti-Roman movements, Judas' influence does not seem to have vanished as if by magic. This is all the more understandable if his revolutionary demand had grown out of the heart of Jewish faith itself, such as Hengel (*Die Zeloten*, 102–3) argued; for an interesting reassessment of Hengel's view, see Roland Deines, "Gab es eine jüdische Freiheitsbewegung? Martin Hengels 'Zeloten' nach 50 Jahren," in Martin Hengel, *Die Zeloten*, 3rd revised edition, ed. R. Deines and C.-J. Thornton (Tübingen: Mohr Siebeck, 2011), 403–48. It should be added that, although Galilee was not occupied by the Romans, it was under their control, which meant not only the intrusion of Roman administration, but also that of Greco-Roman culture. Several aspects of Antipas' rule must have been deeply offensive for nationalistic Jews and kept the discontent alive: the tetrarch called his new Sepphoris after an imperial name, Autocratoris, just as his father had done with Caesarea and Sebaste, and he also built a wholly new city to honour Augustus' successor, Tiberias, around 20 CE. Some scholars consider the zealots and sicarii as different wings of the Fourth Philosophy. See, e.g., Menahem Stern, "The Suicide of Eleazar Ben Yair and His Men at Masada, and the Fourth Philosophy," *Zion* 47 (1982): 367–97 [Hebrew]; Doron Mendels, "Pseudo-Philo's Biblical Antiquities, the 'Fourth Philosophy', and the Political Messianism of the First Century C.E.," in *The Messiah. Developments in Earliest Judaism and Christianity*, ed. J. H. Charlesworth (Minneapolis: Fortress, 1992), 261–75: 273.

<sup>49</sup> See, e.g., Jean Gibley, "Un mouvement de résistance armée au temps de Jésus?," *RTL* 5 (1974): 409–29; Paul W. Barnett, "Under Tiberius All Was Quiet," *NTS* 21 (1975): 564–71; Hernando Guevara, *Ambiente político del pueblo judío en tiempos de Jesús* (Madrid: Cristiandad, 1985), 259; Shaye J. D. Cohen, *From the Maccabees to the Mishnah*, 2nd ed.

Although there were indeed 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),<sup>50</sup> to draw the inference that this last phase was peaceful and without any anti-Roman turmoil is an obvious *non sequitur*. As it has been recently argued, the current interpretation of Tacitus's sentence is rather simplistic and misleading.<sup>51</sup> Firstly, Tacitus seems only to mean that under Tiberius there were no revolts necessitating direct intervention by the Roman legate in Syria, backed by several legions.<sup>52</sup> Secondly, when read in context, the sentence does not seem to mean what it means 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! Thirdly, Daniel Schwartz has recently argued that *sub Tiberio quies* may have had the rhetorical function of using Tiberius as a foil for Gaius Caligula. When a critical and contextualizing reading of Tacitus' statement which takes into account its generalizing and rhetorical nature is carried out, the claim that under the Roman prefects all was peaceful appears as unmistakably unfounded and naive.

Besides the traces in Josephus' works which enable us to suspect that under the prefects something must have not been in order,<sup>53</sup> some signifi-

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(Louisville: Westminster John Knox, 2006), 158; Raymond E. Brown, *The Death of the Messiah*, 2 vols. (New York: Doubleday, 1994) 1:678. Tacitus' sentence—"Sub Tiberio quies" (*Hist.* V 9.2)—is usually adduced as a supporting argument.

<sup>50</sup> This is a valid point in Guevara, *Ambiente politico*, 231–32; Brown, *Death of the Messiah*, 1:677–79.

<sup>51</sup> See Daniel R. Schwartz, *Reading the First Century: On Reading Josephus and Studying Jewish History of the First Century* (Tübingen: Mohr Siebeck, 2013), 134–36.

<sup>52</sup> See John Dominic Crossan, *The Historical Jesus: The Life of a Mediterranean Jewish Peasant* (New York: HarperSanFrancisco, 1991), 101–2. In fact, Martin Hengel rightly suggested that the eventual non-urban resistance is not included in Tacitus' statement: "Das taciteische 'sub Tiberio quies' wird den Kleinkrieg in der Wüste kaum miteinbezogen haben"; see Hengel, *Die Zeloten*, 344.

<sup>53</sup> It has been surmised that 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; Jonathan J. Price, *Jerusalem under Siege: The Collapse of the Jewish State, 66–70 C.E.* (Leiden: Brill, 1992), 6. 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). The last incident of the

cant evidence of resistance and bloodshed is provided by the Gospels. Luke 13:1–3 mentions some people telling Jesus about “the Galileans whose blood Pilate mingled with their sacrifices.” The most detailed treatment of this episode concluded that it was in all probability historical and that it reflects an actual event in which religiously-inspired Galileans were responsible for some tumult in Jerusalem and were immediately repressed by the prefect’s troops.<sup>54</sup> There is every indication that the action carried out by these Galileans had a seditious character, such as it has been often posited in scholarship.<sup>55</sup>

Mark 15:7 and Luke 23:19 refer to an uprising (στάσις) in Jerusalem about the time of Jesus’ arrival (or shortly before it), in which rebels (στασιασταί) had been jailed. Unlike the Gospel of Luke—which refers in a rather indeterminate way to “a certain uprising (στάσις τις)” —Mark uses for both substantives the definite article, which is usually interpreted in the sense that the episode was a well-known incident. If this reading is correct, it means that, while on a small scale and nipped in the bud, it must have been significant enough. Given, however, that it is not possible to determine which incident is referred to, some scholars have suggested that it could correspond to some episode mentioned by Josephus.<sup>56</sup> The sobering point is that, even if the στάσις mentioned in Mark could be identified with one of those episodes, unlike Josephus Mark and Luke assert that the

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account deals with a violent conflict between Pilate and his Samaritan subjects, and we are told that the Samaritans were armed (ἐν ὄπλοις; *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. See Joel Marcus, *Mark 8–16: A New Translation with Introduction and Commentary* (New Haven: Yale University Press, 2009), 1029–30; see also Klaus-Stefan Krieger, *Geschichtsschreibung als Apologetik bei Flavius Josephus* (Tübingen: Francke, 1994), 26–27.

<sup>54</sup> Josef Blinzler, “Die Niedermetzelung von Galiläern durch Pilatus,” *NovT* 2 (1957): 24–49, esp. 39. Blinzler surmised that these Galileans might have been a part of those enthusiasts who had wanted make Jesus king, according to John 6:15 (pp. 43–49).

<sup>55</sup> See, e.g., Marie-Joseph Lagrange, *Évangile selon Saint Luc*, 6th ed. (Paris: Gabalda, 1941), 379; Oscar Cullmann, *Der Staat im Neuen Testament* (Tübingen: Mohr, 1961), 9; Rudolf Bultmann, *Geschichte der synoptischen Tradition*, 8th ed. (Göttingen: Vandenhoeck & Ruprecht, 1970), 57. “Those pilgrims whose blood Pontius Pilate mingled with their sacrifices must have been Galilean revolutionaries” (Geza Vermes, *Jesus the Jew: A Historian’s Reading of the Gospels* [London: SCM, 2001], 30 [orig. ed. 1973]).

<sup>56</sup> See, e.g., Robert Eisler, *ΙΗΣΟΥΣ ΒΑΣΙΛΕΥΣ ΟΥ ΒΑΣΙΛΕΥΣΑΣ*: *Die messianische Unabhängigkeitsbewegung vom Auftreten Johannes des Täuflers bis zum Untergang Jakobs des Gerechten*, 2 vols. (Heidelberg: Carl Winters Universitätsbuchhandlung, 1929–1930), 2:462–63.

disturbance involved a violent action with murderous result (φόνος). Although the identity of the victims is left unspecified, the use of the term στάσις allows us to surmise that the victim(s) of bloodshed was/were Roman soldiers, or perhaps Jews collaborating with Rome.

Furthermore, according to all Canonical Gospels, a group of men was crucified by Pontius Pilate at Passover,<sup>57</sup> and Mark and Matthew portray the other crucified along with Jesus as λησται.<sup>58</sup> First and foremost, this means that the Gospels do not refer to an individual, but to a *collective* crucifixion,<sup>59</sup> and the core of these reports seems to be historically reliable.<sup>60</sup> As to the identity of these λησται, several convergent arguments allow us to draw the conclusion that they were, in all probability, anti-Roman insurgents—not just “thieves,” “robbers” or “bandits,” as the current translations go. Firstly, according to the available evidence, when the Romans controlled Judaea from 63 BCE until the Jewish War, they only crucified seditionists or those thought to be sympathetic to them.<sup>61</sup> Secondly, λησται is a term often used by Josephus to refer to Jewish rebels fighting Rome.<sup>62</sup> Thirdly, as we have already remarked, Mark and Luke contain references to a (presumably recent) στάσις and to the στασιασται who had taken part therein, thereby revealing the existence of a seditious setting which perfectly matches the political interpretation of λησται.<sup>63</sup> All this indicates that by far the most plausible reading is that the λησται mentioned by Mark and Matthew were nationalist Jews who had taken part in some kind of insurgent action.

<sup>57</sup> As is well known, Passover was usually a time of trouble for the relations of the Jews with the Roman oppressor; see *B.J.* 2.10–11; 4.399–404; 5.98–105; *A.J.* 17.213–216; 18.29–31.

<sup>58</sup> See Mark 15:27; Matt 27:38, 44.

<sup>59</sup> It has been sometimes proposed that more men may have been crucified with the group. See, e.g., Simon Légasse, *Le procès de Jésus: L'histoire* (Paris: Cerf, 1994), 144.

<sup>60</sup> See Fernando Bermejo-Rubio, “(Why) Was Jesus the Galilean Crucified Alone? Solving a False Conundrum,” *JSNT* 36 (2013): 127–54, esp. 129–30.

<sup>61</sup> See Heinz-Wolfgang Kuhn, “Die Kreuzesstrafe während der frühen Kaiserzeit. Ihre Wirklichkeit und Wertung in der Umwelt des Urchristentums,” *ANRW* 25.1 (Berlin: de Gruyter, 1982), 648–793 (724).

<sup>62</sup> For references, see Hengel, *Die Zeloten*, 42–47. Of course, Josephus does also use the term to refer sometimes to robbers and brigands: “they carry nothing whatever with them on their journeys, except weapons for fear of brigands (διὰ δὴ τοὺς ληστάς)” (*B.J.* 2.125).

<sup>63</sup> John 18:40 applies the term ληστής to Barabbas, who according to Mark 15:7 was imprisoned “with the insurgents (μετὰ τῶν στασιαστῶν).” The fact that the term λησται vanishes in the tradition—Luke 23:33 calls the men κακοῦργοι (“malefactors”), whilst the Fourth Gospel merely has “two others”—might be plausibly seen as another example of the de-politicizing process which is perceptible in the Gospels.

Not only some circumstantial evidence provided by the Gospels but also the central story of these writings hint at the existence of anti-Roman resistance under Pilate. Although much Gospel material has been tampered with in the tradition and Jesus the Galilean has suffered a process of de-politicisation aimed at presenting him as a figure unconnected to dirty and worldly matters, there is an important part of the evidence (the crucifixion, the *titulus crucis*, the mocking by the soldiers—assuming Jesus' kingly claims, the logion about "taking up the cross,"<sup>64</sup> the preaching of an impending "kingdom of God," the issue of the tribute,<sup>65</sup> the comparison of Jesus' movement with that of Theudas and the Egyptian in Acts ...) pointing to his conflict with the Romans in the 20s or 30s.<sup>66</sup>

In the light of the former evidence, the collective crucifixion at Golgotha constitutes a somewhat obvious case of repression by the Roman prefect of a group of (Galilean?) nationalists having carried out some resistance activities.<sup>67</sup> Given the extent of the editing undergone by the gospel tradition, we cannot be sure of the specific kind of resistance carried

<sup>64</sup> Mark 8:34–35 par; Matt 10:38/Luke 14:27. "The implication of the words is that Jesus is aware of an irreconcilable hostility between the Kingdom for which He stands and the Empire represented by Pontius Pilate" (T. W. Manson, *The Sayings of Jesus* [London: SCM, 1949], 131).

<sup>65</sup> Although countless scholars have clung to a reading that views Jesus as approving the payment of the tribute (see now Förster, *Jesus und die Steuerfrage*), interpreting the words of Jesus in Mark 12 as shrewdly stating that nothing whatsoever is owed to Caesar makes the best sense of the episode. In addition, that Jesus did not endorse the payment is strongly supported by Luke 23:2, where witnesses accuse Jesus of forbidding the payment of taxes. For extended arguments see, e.g., Brandon, *Jesus and the Zealots*, 345–48; Hyam Maccoby, *Revolution in Judaea: Jesus & the Jewish Resistance* (London: Ocean, 1973), 132–33; Richard A. Horsley, *Jesus and the Spiral of Violence* (Minneapolis: Fortress, 1993), 306–17; William R. Herzog, *Jesus, Justice, and the Reign of God* (Louisville: Westminster John Knox, 2000), 219–32.

<sup>66</sup> For a detailed argument, besides the classical works by Kautsky, Eisler, Brandon and Maccoby, see Fernando Bermejo-Rubio, "Jesus and the Anti-Roman Resistance. A Reassessment of the Arguments," *JSHJ* 12 (2014): 1–105. The convergence of Mark 8:34–35 and John 11:47–50 is sobering: both in a saying ascribed to Jesus himself and in words attributed to one of his alleged adversaries, a violent Roman intervention is envisaged as the unavoidable corollary of the unmolested activities of Jesus and his followers.

<sup>67</sup> Although the evangelists (and many modern scholars) do their best to prevent any association between the two λησται executed at Golgotha and Jesus by presenting them in a very different light, the view that those two men had nothing to do with Jesus is exceedingly improbable from a historical standpoint. That they were possibly members of Jesus' movement has been sometimes advanced; see, e.g., Eisler, *ΙΗΣΟΥΣ ΒΑΣΙΛΕΥΣ ΟΥ ΒΑΣΙΛΕΥΣΑΣ*, 2:525–26; Samuel G. F. Brandon, *The Trial of Jesus of Nazareth* (London: Batsford, 1968), 103; Maccoby, *Revolution in Judaea*, 218. For a detailed treatment, see Bermejo-Rubio, "(Why) Was Jesus the Galilean Crucified Alone?," *passim*.

out by these men. Whether or not they were hard-line anti-imperialists, at the very least some anti-Roman propaganda must have taken place, given the references to the opposition of payment of tribute<sup>68</sup> and to subversion.<sup>69</sup> In the light of the references to φόβος in Mark and Luke, to Jesus' injunction to buy swords in Luke 22:35–38 and to the use of swords in Gethsemane in all the Gospels,<sup>70</sup> it is very likely that some kind of violence was involved. Furthermore, we can be reasonably sure that the ring-leader of these men, Jesus the Galilean—whom the Romans understandably crucified in their midst as “king of the Jews”—made royal claims,<sup>71</sup> which automatically turned him into a usurper and guilty of *crimen maiestatis imminutae*, in the specific modality of *adfectatio regni*.<sup>72</sup>

Although there is no need to assume that the Fourth Philosophy organized all the resistance to the Romans,<sup>73</sup> the simplest explanation for all

<sup>68</sup> If the interpretation of the authors cited in n. 65 is correct, Jesus assumed the ideology “no master but God”—which, according to McLaren, did not appear until the 60s. But even if this interpretation is rejected and one prefers to cling to the traditional view, the reports that Jesus is addressed with the issue of tribute—and the charge brought against him in Luke 23:2—imply that in the 20s/30s of the first century CE the issue of the tribute was already burning.

<sup>69</sup> According to Luke 23:2, 5, 14, the main charge leveled against Jesus was that of instigating sedition and “subverting our nation.” The verbs used are ἀναστρέφω, διαστρέφω, ἀνασειώ.

<sup>70</sup> Mark 14:47; Matt 26:51; Luke 22:38, 49–50; John 18:10–11. For the contention that the group of Jesus was armed, see recently Dale B. Martin, “Jesus in Jerusalem: Armed and Not Dangerous,” *JSNT* 37 (2014): 3–24.

<sup>71</sup> Contrary to the view that this claim was a false accusation, it is historically probable that Jesus considered himself to be a king or God's viceroy. See Maccoby, *Revolution in Judaea*, 165–82; George Buchanan, *Jesus, the King and his Kingdom* (Macon: Mercer, 1984), *passim*; Dale C. Allison, *Constructing Jesus. Memory, Imagination, and History* (Grand Rapids: Baker Academic, 2010), 233–40, 244–47.

<sup>72</sup> This aspect places Jesus in a series of men claiming kingship (Judas, Simon and Athronges after Herod's death; Menahem and Simon bar Giora in the Jewish War). Anyway, Jesus seems to have thought that the coming of the kingdom depended on God's will. I cannot enumerate here several significant coincidences between Jesus' ideological stance and that of Judas which allow us envisage Jesus' story as an episode in the resistance movement to Roman suzerainty, such as Samuel Brandon surmised: “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, *Jesus and the Zealots*, 354–55).

<sup>73</sup> See, e.g., Morton Smith, “Zealots and Sicarii. Their Origins and Relation,” *HTR* 64 (1971): 1–19 (18); “It is far from certain that all future revolutionary parties were just offshoots of Judas' movement. More likely, he had spread a sort of activist charisma that inspired each of the various parties struggling for the political and mystical freedom of Israel in turn; and they were the first to set an example” (Nikiprowetzky, “Josephus and the Revolutionary Parties,” 226–27).

the above-mentioned evidence is that an ideology of active resistance was already at work in the Prefects' period. In fact, a further objection to the claim that such an ideology began only on the eve of the Jewish War lies in the fact that Josephus does not restrict his references to Judas to 6 CE, but establishes genealogical links between Judas and several other people who lived much nearer to his own times. Although McLaren refers to Judas as a man "having no named heritage,"<sup>74</sup> Josephus, writing *Bellum* in the 70s, says that two men crucified by Tiberius Julius Alexander ca. 46 CE were "sons (παῖδες) of Judas,"<sup>75</sup> and that Menahem and Eleazar were also his descendants.<sup>76</sup> If Judas had been nothing but Josephus' invention, would the historian have dared to establish such a number of genealogical relationships between him and people having lived just a few decades or years before the time of his writing—some of them having played such an important role in the war—thereby easily exposing himself to being debunked? I find this hard to believe, since it would have been too risky a business.

## 6. The Logic of the Scapegoat Mechanism

According to James McLaren, Judas and the so-called Fourth Philosophy fulfill an important function in Josephus' strategy of self-exoneration. The historian would have used both the (allegedly non-existent) figure and the movement as a means of diverting responsibility for the revolt from himself and his priestly colleagues. Therefore, time and again, they are labeled as Josephus' "scapegoats."<sup>77</sup>

Admittedly, as virtually every human being—and especially as people having the pressing need of exculpating themselves and blaming others for actions they are responsible of—Josephus was prone to use the scapegoat mechanism.<sup>78</sup> For instance, scholarship has paid attention to the specific emphasis placed by the historian upon the responsibility of Gessius Florus, the last Roman procurator before the war,<sup>79</sup> and it has been often

<sup>74</sup> "Constructing Judean History," 105; see also 106.

<sup>75</sup> *A.J.* 20.102.

<sup>76</sup> Menahem is presented as son (υἱός) of Judas (*B.J.* 2.433), whilst Eleazar is described as his ἀπόγονος (*B.J.* 7.253).

<sup>77</sup> "Constructing Judean History," 90, 102 n. 26, 104–8.

<sup>78</sup> After all, the label comes from the ritual of atonement for ancient Israel, described in Lev 16; see Lester L. Grabbe, "The Scapegoat Tradition: A Study in Early Jewish Interpretation," *JSJ* 18 (1987): 152–67.

<sup>79</sup> See *B.J.* 2.280–333; 2.420; *A.J.* 18.25; 20.252–258.

suggested that the historian exaggerated the negative role played by him. In fact the writer himself was well aware of the human tendency to lay responsibility upon others.<sup>80</sup>

Nevertheless, irrespective of whether Josephus was actively involved in the war and of whether he actually needed a scapegoat—let us accept it for the sake of the discussion—this would not imply that he merely concocted Judas and his movement. In fact, the victimary mechanism is all the more effective and credible when the figure(s) chosen as scapegoat(s) is/are known to be real. What is the advantage of blaming someone for something if nobody has ever heard about that person (and/or movement), and if, accordingly, anyone could easily call into question the reliability of that attribution? Any questioning of Judas' existence—a real possibility that Josephus must have weighed up, especially in the light of his awareness of the existence of possible alternative accounts—would have utterly shattered Josephus' apologetic attempt into pieces. It seems to be by far more likely that Josephus used an actual person (having a well-known ideology) to turn him into a scapegoat of all the evils coming from the failure of the war by making all future revolutionary parties just offshoots of his movement.<sup>81</sup> This would be a much more reasonable procedure, because the logic of the victimary mechanism is all the more effective if the target does indeed exist.

Therefore, even if Josephus needed to exonerate himself and his fellow aristocratic priests through a scapegoat—something not at all implausible—the blunt concoction of the figure chosen as scapegoat would have been a rather clumsy and dangerous move. Incidentally, although Josephus often distorted the personality and character of his opponents and enemies, they were anyway real people, and there is always some historical kernel in what he told about them.<sup>82</sup> The fact that Josephus does not

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<sup>80</sup> See e.g. *B.J.* 2.558: “Cestius dispatched Saul and his companions, at their request, to Nero in Achaia, to inform him of the straits to which they were reduced, and to lay upon Florus the responsibility for the war (τὰς αἰτίας τοῦ πολέμου τρέποντας εἰς Φλωρόν); for he hoped, by exciting Nero's resentment against Florus, to diminish the risk to himself.”

<sup>81</sup> “I suggest that ... Josephus' only attempt to mislead is in the claim that the philosophy was of great importance in fostering the dissension which led to the revolt ... Josephus tends, when he wishes to mislead, to mislead in this way, with lies not about the facts but about their interpretation” (Goodman, *The Ruling Class of Judaea*, 96).

<sup>82</sup> “He was often besmirching those whom he hated (John of Gischala; Justus; Menahem; etc.) but I do not know about anyone who was constructed by him” (Rappaport, “Who Were the Sicarii?,” 332).

seem to have fabricated imaginary personalities elsewhere in *Antiquitates* or in his other writings make McLaren's claim exceedingly implausible.

## 7. Conclusions and Further Reflections

It is a well known fact that Josephus was not at all a dispassionate historian, and that there are biases, heavy interests and one-sidedness modelling his accounts. There is accordingly an understandable and ongoing debate among scholars as to the degree of historical trustworthiness of his narrative, which is obviously not always reliable. Nevertheless, the claim that Judas the Galilean and the Fourth Philosophy are nothing but Josephus' fabrication is an exceedingly bold contention: Josephus would not only have carried out a major rewriting of the events, but also concocted a whole trend of Jewish thought and practice. It is hard to believe that Josephus dared to do so, especially in the light of his awareness of the existence of possible alternative views, which might have unmasked his inventions as pure and simple lies.

In this article I have argued that the initial scepticism towards that contention is fully justified. I have fleshed out that scepticism by setting forth a whole set of arguments which allows us to infer that the traditional view according to which the core of Josephus' account is trustworthy is by far the most plausible one. The idea that Josephus simply invented Judas and the Fourth Philosophy relies instead on several hypotheses, each one of which is doubtful, not to say untenable.

We could go a step further and surmise a possible explanation for the emergence of this idea in McLaren's article. When otherwise careful scholars frame their historical theories around fragile hypotheses that cannot be supported from the sources we may well suspect that there is ideology at work on one level or another. It has been pointed out that quite a few works of scholars denying the existence of anti-Roman resistance under Tiberius seem to have a hidden agenda, namely, that of undermining the thesis that Jesus should be understood as an anti-Roman rebel: if that phenomenon did not exist at that time, every attempt to establish any association of this Galilean preacher with it lacks any basis, and should be readily ruled out.<sup>83</sup> It is likewise possible to surmise that the denial of the existence of the Fourth Philosophy might—however unconsciously—be

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<sup>83</sup> See Schwartz, *Reading the First Century*, 136 n. 68 (referring to Paul Barnett); Deines, "Gab es eine jüdische Freiheitsbewegung?," 411 n. 18 (referring to Raymond Brown).

reflecting a similar agenda.<sup>84</sup> After all, it was in the last years of Augustus' rule that Jesus must have undergone the transition to adulthood.

Be that as it may, unlike what has been claimed by some scholars—namely, that Josephus' apologetic has wholly constructed Judas and the Fourth Philosophy—we can still reasonably believe that both the man and the movement did indeed exist, and that the deposition of Archelaus and the subjection of Judaea to direct Roman rule was the most likely moment in which an ideology of anti-Roman resistance arose. Even if we should not credulously believe every point of Josephus' presentation—such as his attempt to turn these realities into the origin of all future evils—his accounts of Judas and the Fourth Philosophy can be deemed as basically reliable. For the inventiveness of the shrewd and skillful Yosef ben Matityahu there were, after all, some limits.

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<sup>84</sup> In fact, when McLaren tackles elsewhere the trial of Jesus, he neglects the abundant Gospel material betraying Jesus' anti-Roman stance, and simply assumes that his execution was instigated by a group of influential Jews; see, e.g., James S. McLaren, *Power and Politics in Palestine: The Jews and the Governing of their Land 100 BC – AD 70* (Sheffield: Sheffield Academic Press, 1991), 88–101. I find exceedingly unfortunate that many scholars go on taking for granted the reliability of the core of the Gospel narratives concerning the responsibility of Jewish authorities in Jesus' arrest and/or attributing mean motives to them. More than a century ago, the Protestant exegete Maurice Goguel radically called into question those narratives, by unveiling in the Passion accounts several traces of an original version according to which the responsible for the arrest would have been the Romans; see Maurice Goguel, "Juifs et Romains dans l'histoire de la Passion," *RHR* 62 (1910): 165–182, 295–322. Furthermore, a plausible argument has been recently made to explain the composition of several key points of the synoptic narratives, particularly the Jewish identity of those who arrest Jesus and the latter's trial before the Sanhedrin, as reflecting episodes which took place several decades later, on the eve of the First Jewish War; see Jonathan Bourgel, "Les récits synoptiques de la Passion préservent-ils une couche narrative composée à la veille de la Grande Révolte Juive?," *NTS* 58 (2012): 503–21.