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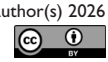

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The Historical Jesus: New Evidence or New Techniques?

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Article Review of T. C. Schmidt, *Josephus on Jesus: New Evidence for the One Called Christ* (Oxford: Oxford University Press, 2025)

Abstract

Thomas C. Schmidt's *Josephus on Jesus: New Evidence for the One Called Christ* (2025) is a new study of a famous passage concerning Jesus in Josephus's *Antiquities* (18.63–64): the *testimonium flavianum* (TF). Schmidt's energetically argued case that Josephus personally knew people present at Jesus's trial, who became his informants for the TF, is creating an impact far beyond the academy. If valid, that claim would transform the TF from something Josephus may have partly written in the 90s (scholars usually debate which phrases are authentic) into the earliest eyewitness evidence for Jesus and his followers. This article first contextualises the TF in Josephus's life and Judaean *Antiquities*, then summarises Schmidt's case before probing its assumptions, gaps, and interpretations – of Josephus, the New Testament, and rabbinic literature. It finds that the elaborate case for the TF's oft-doubted authenticity (in Part 1) must be taken seriously, whereas the more sensational claims (in Part 2) do not well explain the evidence.

Keywords

Flavius Josephus, *testimonium flavianum*, *Judaean War*, *Judaean Antiquities*, trial of Jesus, Sanhedrin, Flavian Rome, ancient historiography, gospels, historical Jesus

In the academic year 1859/60, Berlin's theological faculty held an essay competition on the authenticity of Josephus's passage on Jesus. Josephus is most famous for his *Judaean War*, which he wrote after moving to Rome in the reign of Vespasian (70s CE). After a detailed account of King Herod's reign (40–4 BCE), that account skimmed over the period from 6 to 66 CE, when war erupted. It included only two episodes (*War* 2.169–77)

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from Pontius Pilate's term (18 or 26 to 37 CE) that illustrated *War*'s themes and made no mention of Jesus. Josephus later wrote a twenty-volume prequel, however, *The Judaean Antiquities* (93/94 CE). This greatly elaborates the material *War* had compressed as background (*War* 1–2), splicing in much new material along the way. That includes new episodes connected with Pilate (*Ant*. 18.63–89). The first and shortest of these (*Ant*. 18.63–64) has always sucked up all the energy in the room and it is the exclusive focus of the book under review. For in just three Greek sentences, Josephus describes one Jesus ('he was [the] Christ'), his condemnation and crucifixion, and his followers' persistent devotion.

Fascination with the little paragraph has generated a unique moniker: the *testimonium flavianum* (hereafter TF). No other passage in Josephus's thirty volumes has attracted such a badge. In part, the implied portability reflects doubts about whether he wrote the paragraph.

More generally, it encourages the scholarly tendency, shared by this book, to study the TF without reference to its literary (in *Antiquities* 18) and social (in Flavian Rome) contexts.

Having raised the question of context, I should start with a sketch. Josephus writes *Antiquities*, he says, because a tenacious group of non-Judaeans in Rome have importuned him, as a priest and émigré expert on Judaica, to tell them the truth about Judaean origins, laws, customs, and formative history (*Ant*. 1.8–17). This he does with zeal. Unlike the laws of other nations, he assures his audiences, which reflect their unique geography and experiences, those of the Judaeans purely reflect the laws of nature (1.18–26). For that reason, they have universal validity. Those who follow their wisdom find well-being (*eudaimonia*); those who violate them fail (1.14, 20).

The work falls in two halves of ten volumes each, the first revolving around the construction of the first Tabernacle and Temple (destroyed 586 BCE) as the centre of worship, the second half doing the same for the second temple (destroyed 70 CE). Josephus ends the story on the eve of destruction, referring his audience to *War* for that story (*Ant*. 20.268). He moves the story towards Jerusalem's catastrophe by showing how things went off track. First wayward biblical kings, then tyrannical Herodian monarchs (16.395–404; 17.148, 168–81, 191–92; 18.127–32), and eventually Jerusalem's high priests violated Judaea's laws (20.167–81, 216–23). Pilate's governorship contributes to the mood of decline but the treadmill is still moving slowly, with room for informative and entertaining digressions.

Antiquities 18 begins with the momentous changes that Jerusalem faced in 6 CE, when Augustus removed the Herodian mini-monarch Archelaus, joined Judaea to the Province of Syria – governed by an ex-consul based in Antioch – and sent a lower governor (equestrian prefect / procurator) to handle affairs in the south. Josephus slows the narrative down for the reigns of Tiberius (14–37 CE) and Gaius Caligula (37–41 CE), the latter becoming the clearest Roman exhibit of divine punishment (*Ant*. 18.306–7; 19.1–16). Pilate is Tiberius's long-serving equestrian governor in southern Syria (18 or 26–37 CE).

In elaborating on Pilate's term, *Antiquities* 18 reworks *War*'s two episodes in keeping with this work's themes (*Ant*. 18.55–62) before adding new ones. The first concerns Jesus:

> **18.63** Now about this time comes Jesus, a wise man, if indeed one should call him a man: he was a doer of remarkable deeds, a teacher of persons who welcome the true things with pleasure, and he won over both many Judaeans and also many of the Greek element. He was Christ [lit., 'the smeared'].
>
> **18.64** On his indictment by the principal men among us, and having been condemned to the cross by Pilate, those who had loved him in the first place did not stop [or 'give up']: he appeared to them after the third day living again, these and countless other amazing things having been spoken about him by the divine prophets. Even until now still, the breed [or 'tribe'] of the Christians', named for this fellow, did not expire [or 'fail *him*'?].

Josephus then describes at far greater length two episodes that occurred in Rome. They are unrelated to Pilate except chronologically, but they are titillating (18.65–84). First, a Roman knight who was determined to seduce a senator's wife used her devotion to the Egyptian goddess Isis to accomplish his aim. Second, a Judaean expelled from his homeland as a criminal pretends to be expert in the wisdom of Moses's laws – *Antiquities*' *Grundthema* (1.18; 3.222–24) – in order to defraud another senator's wife financially. Having recently become enamoured of Judaean law, she was (like the Isis devotee) an easy mark. Whereas Romans thought that Judaeans originated from Egypt and that their equally disreputable cults attracted gullible Romans to their exotic ways (cf. Tacitus, *Hist*. 5.1–5), Josephus's work has earlier demolished the notion of shared origins, and now he emphasises the fraudulent character of the Judaean criminals; they do not represent Judaeans generally. But he meets his audiences halfway, connecting his account with their prior knowledge. He describes Tiberius's furious reaction to these scandals (19 CE), which was well known in Rome:[1] he crucified the perpetrators of the Isis con, destroyed the goddess's temple and statue, and expelled Rome's Judaeans, who suffered for the actions of a few rogues.

Racy stories involving senatorial women were likely more diverting for a Roman audience than events in Judaea. But since Christians were by now plentiful in Rome and in a bad odour – suspected of everything from eating babies to holding secret sex parties, they seemed mysterious and possibly dangerous[2] – perhaps he intended the little Jesus passage as a bridge from Judaea to Rome. He would be asserting his expertise to clarify Christian origins: yes, they started with one of our people, a remarkable fellow executed by our leaders with Pilate. His followers may be gullible but they are not so scary. However that may be, Josephus closes this newly extended Pilate section with a brief return to the east, to say that Pilate's brutal suppression of a Samarian popular movement brought his removal in 37 CE (*Ant*. 18.85–89).

Did Josephus write the Jesus passage? Gerlach won the Berlin contest with a case, in *de rigueur* Latin, against authenticity. His German translation (1863)[3] laments

1 Cf. Tacitus, *Ann*. 2.85; Suetonius, *Tib*. 36; and Cassius Dio 67.18.5. The date of 18/19 CE raises the possibility that Pilate's term began then, not in 26 as is usually thought. See Daniel R. Schwartz, *Studies in the Jewish Background of Christianity* (WUNT 60; Mohr Siebeck, 1992).

2 See Tacitus, *Ann*. 15.44; Suetonius, *Ner*. 16.2; Younger Pliny, *Ep*. 10.96; Stephen Benko, *Pagan Rome and the Early Christians* (Indiana University Press, 1984).

3 Ernst Gerlach, *Die Weissagungen des Alten Testaments in den Schriften des Flavius Josephus und das angebliche Zeugniss von Christo* (Wilhelm Hertz, 1863).

that talking points for or against had been repeated *ad nauseam*. His approach was to examine Josephus's use of biblical prophecy. Finding that the Judaean looked forward to a national liberator-Messiah, Gerlach could not imagine that he penned the TF. Its confession-like content exposed it as Christian. Copyists must have inserted it into Josephus's account. (Gerlach had no problem with the passages on James or the Baptist.[4]) He imagined that he had put the TF question to bed – in the 1860s.

That was premature. Scores of studies have appeared in the intervening 165 years,[5] most (including Schmidt's) showing no awareness of Gerlach. The TF remains irresistible bait for scholarly ingenuity. One might assume that new studies could do little more than repackage old rope, but Schmidt's book has highly original parts that are already making waves. After making the most elaborate case yet for authenticity, it springboards to what he considers necessary consequences. In Josephus's phrasing, namely, he detects clues about the historian's sources for Jesus. After a dogged hunt for these, he reclassifies the passage as virtual eyewitness evidence, of Jesus's trial in particular. The book's closing pages even challenge Christian-origins specialists for holding views that are at odds with this recovered gem.

The 'new evidence' of the subtitle should thus be understood in a particular way. It is ancient *content*, but ostensibly liberated by Schmidt's arguments to serve *as* evidence. Those who agree with R. G. Collingwood (as I do) that survivals from the past become 'evidence' only when summoned to an investigation might agree that this is possible.[6] But then we must ask about the justification for reading the text as Schmidt does.

Before I summarise his argument, I shall sketch where things stand pre-Schmidt. First, the authenticity question does not turn on divergent manuscripts. Insignificant variants aside, the TF is in all our manuscripts. But the four earliest ones are from the eleventh century or later and leave plenty of scope for earlier scribal activity. Second, as to the TF's language, Robert Eisler considered it proven already a century ago that 'almost every word and phrase of the extant text corresponds most closely to the vocabulary and stylistic habits of Josephus'.[7] Research has tended to confirm the point, though a case for

4 Ibid., 110–20.

5 Louis H. Feldman, *Josephus and Modern Scholarship, 1937–1980* (De Gruyter, 1984), provides a concise review to 1980. Important studies since include John P. Meier, 'Jesus in Josephus: A Modest Proposal', *Catholic Biblical Quarterly* 52 (1990): 76–103; P. A. Gramaglia, 'Il *Testimonium Flavianum*: Analisi linguistica', *Henoch* 20 (1998): 153–77; Kenneth A. Olson, 'Eusebius and the *Testimonium Flavianum*', *Catholic Biblical Quarterly* 61 (1999): 305–22; James Carleton Paget, 'Some Observations on Josephus and Christianity', *Journal of Theological Studies* 52 (2001): 539–624; Serge Bardet, *Le Testimonium Flavianum: Examen historique, considérations historiographiques, 2nd ed*. (Josèphe et son temps 5; Éditions du Cerf, 2002); Alice Whealey, *Josephus on Jesus: The Testimonium Flavianum Controversy from Late Antiquity to Modern Times* (Peter Lang, 2003). Daniel R. Schwartz, *Flavius Josephus: Translation and Commentary*, ed. Steve Mason, Vol. 8: Judean Antiquities 18–20 (Brill, 2025), is a concise interpretation of the TF in its context.

6 R. G. Collingwood, *The Idea of History*, ed. Jan van der Dussen (Oxford University Press, 1994).

7 Robert Eisler, *The Messiah Jesus and John the Baptist According to Flavius Josephus' Recently Rediscovered "Capture of Jerusalem" and the other Jewish and Christian Sources*, trans. and ed. Alexander H. Krappe (Methuen, 1931), citing L. van Liempt, 'De testimonio Flaviano', *Mnemosyne* n.s. 55 (1927): 109–16 (still in Latin).

Eusebian authorship has also been made.[8] Third, early Christian use of Josephus has counted for and against authenticity. Since no writer before Eusebius quotes the TF, though many knew Josephus's works,[9] one might suppose that their copies of *Antiquities* lacked the passage. The problem is that Christians who later cite it continue to assume with Origen that Josephus was no believer. If Christians did insert the passage, it was not to help them prove anything about Jesus.[10] Why then?

For these reasons, fewer scholars today than in the past confidently claim that the TF is a wholesale interpolation. The biggest problem for that hypothesis is Josephus's later reference to a group executed by the high priest Ananus II in 62 CE (*Ant*. 20.197–203). He names one of those killed as 'the brother of the Jesus known as *Christos*, Jacob ['James' in English] by name' (*Ant*. 20.200). Both his choice and the odd formulation – Jesus and his nickname before the victim's name[11] – suggest that he is connecting James with a brother already named.[12] The most common view today is that Josephus wrote something about Jesus in *Antiquities* 18, but exactly what is up for debate.[13] We turn, then, to Schmidt's argument.

Outline

The book opens with a concise Introduction (pp. 1–10). This gives a preliminary translation of the TF, reviews the *status quaestionis* (mostly in notes), anticipates Schmidt's theses, and indicates how the coming chapters will support them. He will first secure the perimeter around Josephus's authorship. This is crucial for his novel case that one of Josephus's phrases implies a claim that he 'actually knew those who put Jesus and the apostles on trial' (p. 8).

The six main chapters of the body fall in two parts (pp. 13–214). Schmidt's use of (six) appendices for deferred particulars (pp. 215–66) helps the reader to follow the main thread without distraction. A bibliography (pp. 267–79), images of manuscript samples

8 See Olson, 'Eusebius and the *Testimonium Flavianum*'.

9 Michael E. Hardwick, *Josephus as an Historical Source in Patristic Literature through Eusebius* (Brown Judaic Studies 128; Scholars, 1989).

10 This point is stressed by Whealey and Schmidt (below).

11 If, of course, *Ant*. 20.199–203 is authentic. The few doubters include Josephus expert Tessa Rajak in her *Josephus: The Historian and his Society* (Duckworth, 1983), n. 73. Her arguments are circular, however: the reference to Jesus would be odd because she rejects the TF, and the attack on Ananus II and Sadducees sounds un-Josephan. Richard Carrier also rejects the TF and explains this passage by arguing ('Origen, Eusebius, and the Accidental Interpolation in Josephus, *Jewish Antiquities* 20.200', *Journal of Early Christian Studies* 20 [2012]: 489–514) that Josephus wrote about a different Jesus (the chief priest *ben Damnaeus*) and *his* otherwise unknown brother James. An accidental interpolation from a scribe's marginal note then leaked into the passage. Schwartz, *Judean Antiquities 18–20*, 305–7, though duly noting such arguments, finds no reason to doubt that Josephus wrote what is in our texts.

12 Eisler, *The Messiah Jesus*, 36–62, already proposed that Josephus wrote a hostile account of Jesus.

13 The possibility that scribes inserted only 'He was Christ' (18.63) seems excluded by Josephus's point that Christians were 'named for *this fellow*' (18.64: ἀπὸ τοῦδε ὠνομασμένον), which assumes that he has used the name 'Christ'.

in Greek, Latin, Syriac, Armenian, and Arabic (281–95), and a suite of indices (pp. 297–317) brings up the rear. Each chapter has a clear structure with subheadings and such visual aids as charts (three), images (fourteen), and tables (eight). Lively, usually non-technical writing makes the volume a pleasure to read.

Part 1 (pp. 13–138), as we have seen, seeks to establish 'The Authenticity of the *Testimonium Flavianum*'. Although this is less controversial than Part 2 – Schmidt could have cited agreeable studies by others for much of it[14] – it seems that he prefers to build his case *de novo*, to make sure that it has no leaks. Part 1 thus receives much more space than the more original steps in Part 2. Chapter 1, 'The Greek Reception', takes 22 pages. Arguments against authenticity emphasised Origen's third-century remarks about Josephus's unbelief and the failure of earlier Christian writers who used Josephus to mention the passage. Schmidt, however, surveys Greek-Christian authors to the fourteenth century, showing that they share with Eusebius the 'puzzling' trait of citing the TF without exploiting it. This raises the possibility that what they read in Josephus did not seem very congenial.

Chapter 2 pursues this possibility with attention to 'The Western and Eastern Reception' (30 pages), treating first the Latin Pseudo-Hegesippus, Jerome, Rufinus, and Cassiodorus. Schmidt suggests that these authors found Josephus's Greek uncomfortable. For example, they changed the 'seemingly carnal' Greek phrase 'received with pleasure' (τῶν ἡδονῇ . . . δεχομένων) to Latin *libenter* . . . *audiunt* ('they heard . . . gladly / joyfully'] and Greek ἐπηγάγετο, which might have suggested that Jesus 'misled' people, and 'joined them to himself' (*adiunxit sibi*). The latter half of the chapter leverages Schmidt's competence in Syriac and perhaps Arabic to propose that attenuated versions of the TF in the later Christian authors Michael ('he was *thought to be* the Christ', 1199 CE) and Agapius ('*perhaps* he was the Christ', ca. 941 CE) derive from Jacob of Edessa, a translator of Greek texts into Syriac (d. 785 CE). Schmidt finds in the convergence of these versions evidence that Josephus himself included such a qualification: Jesus *was known as* (or thought to be) Christ.

Chapter 3, 'An Authorial Commentary on the *Testimonium Flavianum*' (the longest at 45 pages), turns from external evidence to the TF itself, working through it phrase by phrase. Schmidt aims to demonstrate that its phrases are at home in Josephus, some distinctively so, but equally that some are more ambiguous – neutral, negative, or even derogatory – than scholars usually assume. This two-sided claim supports Josephus's authorship: he wrote it but with an air of reserve. Alongside Josephus's chosen vocabulary, conceivably susceptible of clever imitation, Chapter 3 uses 'forensic' or stylometric tests of authorship. These track the 'linguistic fingerprint' that every writer leaves unconsciously, for example in the use of small particles.

Chapter 4, 'Authenticity and Possible Translations of the *Testimonium Flavianum*' (30 pages), treats another unconscious phenomenon: the frequency with which Josephus uses rare words, in his corpus generally and in the TF. Schmidt finds that these tests confirm authenticity – though stylometry normally needs a larger sample size. This chapter also considers phrases that might seem to tell against authenticity. In my translation:

14 E.g., van Liempt, 'De testimonio Flaviano'; Gramaglia, 'Il *Testimonium Flavianum*', neither of which Schmidt mentions.

'doer of miraculous deeds', 'On his indictment by the principal men among us', and 'even until now still'. Schmidt contends that, although not found in this form elsewhere, parts of them suit Josephus's language. He further suggests that Josephus's placement of the TF (*Ant*. 18.63–64) well before his account of the Baptist (18.116–19) – inverting the sequence that the gospels depend on – tells against Christian authorship.

Schmidt next discusses three passages that probably were adjusted in the process of copying. Most obvious is 'He was (the) Christ', the only phrase in the TF that 'sounds like something thing only a Christian would have said and therefore not what Josephus would have written' (p. 133). Noting the 'was' (not 'This man *is* Christ') and recalling the qualified Latin and Syriac formulations, Schmidt agrees with Alice Whealey that Josephus likely wrote '*was known as* Christ', but this qualification dropped out over time. That would explain his use of such a phrase in the Ananus passage (*Ant*. 20.200) as well as the later versions (above).

Part 1 concludes with three English translations – 'negative, neutral, and positive' (p. 138), to illustrate how Josephus could have written the TF without Christian thoughts, as in the 'neutral' translation. Schmidt also proposes that the sentence most scholars understand as 'he appeared to them (ἐφάνη γὰρ αὐτοῖς) after the third day, living again' means rather that Jesus *seemed to them* [Christians] alive, without implying Josephus's affirmation.

Before moving to Part 2, I pause to raise an eyebrow at Schmidt's view that common words and phrases in the TF might have 'neutral' or 'negative' potential. Some examples (my emphasis):

1. 'γίνεται δέ *could be interpreted* as commencing a *negative* account' (pp. 65–66).
2. 'the indefinite adjective τις *may carry "a sense of contempt"* when used with proper names.' . . . 'Given these things, τις is *ambiguous and could plausibly be read negatively or neutrally*' (pp. 67, 69; cf. 198, 201 n. 19, 206: 'possibly derogatory or suspicious').
3. 'But this phrase ["received with pleasure"] *may still be interpreted as fairly derogatory* given that the word for "pleasure" (ἡδονή) was often a negative term among ancient Christian writers' (p. 77).
4. 'Turning to the word "truths" (τἀληθῆ), it appears at first to signal a positive meaning, but when examined in the context of Josephus' usage pattern *a more neutral implication* of τἀληθῆ [as truisms or simpler, not sublime, mystical, or sophisticated, truths] *can be sensed*' (p. 78).
5. 'But this is not to say that the TF's use of ἐπάγομαι *must* be interpreted negatively . . . , for in the sixty-five times Josephus uses ἐπάγομαι the *vast majority of instances are purely neutral*. However one chooses to take it though, . . . such phrasing *could well have been interpreted neutrally, ambiguously, or negatively* by one who was so inclined' (pp. 81–83).

These examples raise a question not clearly addressed, namely: where the meaning of a text resides. If one thinks first of Josephus's communicative effort and verbal cues, these examples are hard to credit. The phrase γίνεται δέ ('Now it happens, comes . . .')

introduces the progeny of Adam and Eve, Canaan, and Edom, the patriarchs, the construction of the Tabernacle, the Ark of the Covenant, priestly garments, and various sacrifices.[15] He will keep using it after the TF (*Ant*. 18.310; 19.252; 20.51, 76, 118, 173). It has no pejorative sense in itself, and in the TF the picture of Jesus as wonder-worker and truth-teller hardly suggests negativity.

The indefinite pronoun τις (plural τινες) – meaning (LSJ) 'any one, any thing, some one, some thing' – likewise lacks internal animus. Accordance's word-frequency tool counts it twenty-fourth most frequent of the 14,195 words in Josephus's lexicon, after the article and a few conjunctions and prepositions. But whatever it means, it is *missing* from the TF in all manuscripts, from Niese's standard text, and from the Loeb Classical Library's independent text. It appears first in Eusebius. Rather than making the obvious inference that Eusebius added it (in which case it could not be hostile), Schmidt turns the sequence around, proposing that Josephus included it but it had such a 'negative' aura that 'Christian scribes omitted the word from all Greek manuscripts'; so it surfaced only in Eusebius's quotation (p. 68). His appeal to Liddell-Scott-Jones (p. 67 n. 17) for the negative vibe does not answer the call. They give just one example, at the end of their paragraph 6 on 'special usages': a snide remark in Sophocles (5th cent. BCE) about tedious Thersites (*Philoct*. 442) creates a mocking context.

Examples 3 to 5 are equally hard to digest. As Schmidt notes, Josephus has the phrase 'receive with pleasure / delight' often, but only (8 other times) in *Antiquities* 17–19. I note that two cases fall elsewhere in the new Pilate sequence (18.59, 70); three others refer to news happily received by leading Romans (18.333; 19.126, 185). His verbal cues gave no reason to suspect salacious overtones. Schmidt also over-interprets τἀληθῆ, demoting it to mere 'truisms' in contrast to 'the more profound and abstract "truth" (ἀλήθεια)' that would have expressed Josephus's real esteem for Jesus (p. 78). But Thucydides, whose style Josephus imitates, used the term for serious truths (4.27.3) as did Aristotle (*Rhet*. 1355a twice). Elsewhere in Josephus it refers to truths discovered by investigation, often about important matters.[16] It would be strange for him to say that Jesus taught *the truth* (τὴν ἀλήθειαν) because he uses that word mainly for truth that has been doubted or obscured, which he or others rescue by investigation, or for a character trait.[17] The difference is not between sublime and pedestrian truth. Since the TF attributes Jesus's large following to 'the true things' he taught, it is hard to infer a hostile sense; the neuter plural seems the *mot juste*. As for ἐπάγομαι, Schmidt's own characterisation above suggests the difficulty in supposing that Josephus intended hostility.[18]

15 *Ant*. 1.52–53, 134, 138, 213, 243, 305, 346; 2.4; 3.134, 151, 236, 238, 392; 5.96.

16 E.g., *War* 1.16, 83, 549; *Ant*. 1.166; 2.19, 80; 3.74, 308; 4.219; 5.76; 6.286; *Life* 262; *Apion* 1.3, 11, 47.

17 E.g., *War* 1.6, 17, 30, 79, 387, 544; 2.141, 278; 7.31, 60, 450, 455; *Ant*. 1.4, 165, 247; 2.49, 58, 60, 106; 4.41, 105, 303; *Life* 40, 141, 258, 336–37, 361, 364, 367; *Apion* 1.6, 15, 24.

18 More overtly hostile would be ἀπάγομαι: 'lead *off* or *away*, arrest, *divert* from the main group for oneself'. The sense of ἐπάγομαι (lead to oneself) is, by contrast, hard to distinguish from the Christian Latin (*adiunxit sibi*) that Schmidt considers a significant change. Anecdote: at my dissertation defence long ago, my suggestion that Josephus's remark at *War* 2.162, which has Pharisees 'leading away (ἀπάγοντες) the leading school', was mildly pejorative (in view of 1.110–14) – partly because the standard edition of Josephus's Greek conjectures that he wrote the *more friendly* ἐπάγοντες – was dismissed by an examiner as over-interpretation.

Now to Part 2. With Josephus's authorship put beyond doubt, Part 2 develops Schmidt's original theses. Chapter 5, 'Josephus' Sources: Clues in his Background' (19 pages), and Chapter 6, 'Identifying the "First Men among Us": Possible Candidates' (39 pages), are the weight-bearing pillars. Chapter 7 (16.5 pages), tellingly subtitled 'the Jesus of History', is included but it mostly recaps the book's argument.

While dismissing the possibility of a Christian source for the TF (p. 151),[19] Chapter 5 takes up the question of Judaean informants. Schmidt wants to show that, given Josephus's varied experiences in early adulthood, he 'would have been afforded many opportunities for learning of Jesus from Jews who had encountered him [Jesus] directly, or at least who were well apprised of his activities' (p. 142). A walk through what Josephus relates of his youth and early adulthood notes potential sources. Crucially, Schmidt claims that for 'two or three years (66–9 CE) he [Josephus] travelled extensively in the region [of Galilee]. . . . His travels touched upon many areas associated with Jesus' (p. 146). Surely, then, Josephus would have met folk who had noticed Jesus a generation before. He further argues that both Essenes and Pharisees would have known about Jesus. Supposing that Josephus joined both groups in turn, he judges it 'quite unlikely' that the young man did not know something about Jesus by the mid-50s CE (p. 149).[20]

If this *tour d'horizon* is vague, Schmidt now takes a giant step towards precision. The latter part of Chapter 5 contends that the TF's phrase 'the principal men among us' (τῶν πρώτων ἀνδρῶν παρ' ἡμῖν) indicates that he is thinking of particular chief priests and others. How so? Schmidt finds only three possible cases of παρ' ἡμῖν (of 51) outside the TF in which such direct personal knowledge *might not* be indicated. In *all* cases, nevertheless, the phrase 'marks something which the speaker had at least good, close connection and sure knowledge of' (p. 154). He restates this cornerstone of his argument in various forms: 'in the TF Josephus is claiming direct familiarity with some of the "first men" who accused Jesus' (151); 'Josephus (or the speaker whom Josephus quotes) had directly experienced and had firsthand knowledge' (152); and 'in almost every case it ["among us"] is employed by Josephus for something of which he himself or the quoted speaker would have had first-hand knowledge' (156) – even if that was not his main reason for using the phrase (158). He restates the claim in concluding the chapter: 'it is very likely that Josephus is claiming to have known some of those "first men"' (158).

Schmidt opens Chapter 6 by insisting yet again that 'Josephus was directly familiar with some of the "first men among us" who put Jesus on trial' (159), then devotes the rest to vetting candidates. These include: various Herodian royals; Simon son of Gamaliel from the proto-rabbinic family of Hillel the Elder, who was in the 'Sanhedrin' that condemned Jesus; and members of the chief-priestly dynasties. Of these, Schmidt zeroes in on Ananus II, with whom Josephus had known dealings (pp. 182–93). He was the son of the Ananus I (Annas in the gospels), high priest from 6–15 CE and father-in-law of the Caiaphas (in office 18–36 CE), who presided over Jesus's trial according to John (18:13)

19 See Gary G. Goldberg, 'The Coincidences of the Emmaus Narrative of Luke and the Testimonium of Josephus', *Journal for the Study of the Pseudepigrapha* 7 (1995): 59–77.

20 Schmidt does not discuss this reviewer's *Flavius Josephus on the Pharisees: A Composition-Critical Study* (Studia Post-Biblica 39; Brill, 1991), which shows why these interpretations of Josephus, *Life* 10–12, do not work.

and Luke (3:2; Acts 4:6). The chapter concludes (p. 201): 'Josephus clearly had an impressive roster of informants able to tell him about the man from Nazareth'.

Needless to say, none of these figures declares himself a Jesus-informant. Schmidt invokes what is known or speculated about each one's career, floruit, and the age-appropriateness of their children – to establish a custody chain for the eyewitness evidence. One original and important proposal is that, since Jesus was arrested after eating the Passover *seder* and tried the same night (Mark 14:53–72), the Pentateuchal demand that families eat the sacrificial lamb together on the evening that begins 15 Nisan (Exod 12:3–10; Deut 16:2, 5–6) would have made that Passover, too, an extended-family affair. The then-young Ananus II would therefore have been with his father Ananus I and Uncle Caiaphas observing the grim proceedings (pp. 190–91), as they slapped and abused Jesus – after the *seder* or between courses we are not told.[21]

The concluding Chapter 7 restates the argument and draws out the consequence that is attracting so much attention: the TF's value for historical-Jesus research. After restating that the passage is 'largely neutral' about Jesus (p. 203) and offering a final translation to illustrate, Schmidt argues that his investigation has yielded virtually new primary evidence, which independently supports the gospels' picture. These 'corroborations' include: Jesus's controversial performing of wondrous deeds (whether considered magic or miracle), which led contemporaries to consider him more than human (whether divinely sent or demonic); his teaching of 'truisms' (τἀληθῆ) rather than erudite philosophy; and the suggestion that Jesus 'misled' (ἐπηγάγετο) vulnerable people – as opponents claim in the gospels. Schmidt finds no real contradictions, but only different perspectives, Josephus being more sceptical than the evangelists.

Almost as an afterthought, it seems, Schmidt includes 2.5 pages after the conclusion (p. 211) entitled 'Miracles, Prophecy, and the Resurrection on the Third Day' (pp. 212–14). The opening 'therefore' suggests that he understands this as a corollary. Here he challenges common views in scholarship that he thinks untenable if the TF preserves eyewitness evidence. First (my emphasis): although '*Some scholars* . . . *hypothesize* that these four [Peter, James, John, and Paul] strongly disagreed on significant matters', the TF shows that 'the early Christian movement was not so divided as sometimes supposed' (p. 212). He explains (for the first time, as far as I can see) that the TF incorporates the testimony of chief priests who tried all four of these men. And yet 'he [Josephus] does

21 Josephus calls Ananus II in 67 CE 'the most senior of the chief priests' (γεραίτατος τῶν ἀρχιερέων; *War* 4.151, 238; cf. 164). Schmidt pushes these passages to say that he was 'the most aged'; 'of great age'; 'at least in his late 60s but . . . many years older is more likely' (p. 189). This he infers from the high priesthoods of his father Ananus I brother Eleazar in 6–16 CE. For all we know, however, Ananus II's mother may have been a later, younger wife of Ananus I. For Josephus portrays Ananus II in 62 as rash and brazen (Ant. 20.199) and in 67 as a man chosen for his abilities in crisis: a vigorous commander who rouses a populace, leads military raids, and conducts all-hours inspections. His murder cuts short a life that would have spared the city's destruction (*War* 2.563, 648–54; 4.152, 162–215, 318–25). None of this suggests decrepitude. Age is relative, of course. For Josephus, populations comprise young men, women, children, and 'senior / older men' – the last not necessarily very old. At *War* 4.593, Vespasian's legionaries are 'growing old' in the service.

not depict a Christian movement riven by disagreement' (p. 213). Second, the TF's reference to Jesus's resurrection stands (my emphasis):

> in great *contrast to certain scholars who theorize* that the disciples were consciously deceiving others regarding Jesus' resurrection, or that they believed they had seen a mere symbolic vision of Jesus after his death, or even that they *thought Jesus had simply visited them in spirit*. Instead, Josephus' words are suggestive that the disciples, from their perspective, actually considered Jesus *to be alive in the flesh three days after he had been dead in the flesh*.

Schmidt concludes the study (p. 214):

> For too long scholars have dismissed the value of Josephus' *Testimonium Flavianum*. But we must follow the evidence: the *Testimonium Flavianum* is authentic, and within it there resides a compelling witness to the origins of Christianity and to 'the one called Christ'.

Critical Assessment

I hope that I have given a fair summary. Schmidt has produced an appealing study, which shines brightest in dealing with philology and reception-history in Part 1. Part 2 exposes gaps, however, that vitiate elements of the case. Let us inspect its two main chapters.

Chapter 5: Josephus's Background

Chapter 5's survey of young Josephus's world is so vague that it lacks probative value. Born in 37 CE or early 38 to an elite priestly family in Jerusalem, Josephus undoubtedly knew many people who *would have been in Jerusalem* ca. 30 CE, the time of Jesus's execution. That does not help us identify likely informants, however, as Schmidt concedes. He notes, for example, that Josephus's parents would have been a young couple around 30 CE, and the young man must have 'learned much' from them (pp. 142–44 [143]). Yes, but the example highlights the problem. Just because they were in Jerusalem when Jesus died it does not follow that they were aware of, cared about, or remembered decades later those court proceedings. Why would they do so for his trial and not others? Many others were crucified near Jerusalem, beginning with the men who abused Jesus from nearby crosses (Mark 15:27–32), many others that year and through the 20s and 30s. Who would recall Jesus's case in particular? If by chance they had heard *something* about his case, years before Josephus's birth, why would they have retained it alone in clear memory, ready to be divulged a quarter-century later? And a question never clearly addressed: which parts of the TF, which we have in Josephus's distinctive language, did they supply? What could their report have looked like?

A still more basic problem not raised in this book, but too complex to explore here, concerns the value of 'eyewitness evidence' and memory.[22]

22 Maurice Halbwachs, *The Collective Memory*, trans. Francis J. Ditter and Vida Yazdi Ditter (Harper, 1980); Gary L. Wells and Elizabeth F. Loftus, eds, *Eyewitness Testimony: Psychological Perspectives* (Cambridge University, 1984); Mark L. Howe, Martin A. Conway, and Lauren M. Knott, *Memory and Miscarriages of Justice* (Routledge, 2018).

Schmidt shows little curiosity about such questions, resting content with the thought that anyone who *might* have informed about Jesus is a plausible source. Not only is this vague, but it undercuts Chapter 6. If Josephus's father Mattathias *had* found reason to mention Jesus's death over dinner in 49 CE, why not call off the search? How many informants are needed, for this or any other episode in *Antiquities*?

Chronological Frame. Much of what Schmidt says about Josephus's career does not sit easily with the primary evidence. His chronological frame is a small example. The main dates he offers are 62 CE for Josephus's trip to Rome (p. 144) at age 25 (p. 150), 64 CE for his return to a Judaea in turmoil (p. 145), 66 to 69 CE for Josephus's touring Jesus's old haunts in Galilee (p. 146), and Ananus II's survival to 69 (p. 148). Each of these is hard to support, even if not crucial for his case.[23] The third, however, is important enough that Schmidt foregrounds it in the Introduction (p. 9, my emphasis): 'in the 60s CE, Josephus was *stationed in Galilee for several years* at which time he visited many places where Jesus once ministered'. He elaborates in Chapter 5 (145–46, my emphasis):

> Josephus was appointed general of Galilee and later sent by 'the first men of Jerusalem' (τῶν Ἱεροσολυμιτῶν οἱ πρῶτοι) into Galilee itself. . . . He also set about becoming familiar with the geography of Galilee and its inhabitants. Over the *next two or three years* (66–9 CE) he *traveled extensively* in the region and could count 240 Galilean cities and villages.[24] His travels touched upon many areas associated with Jesus.

The first sentence reports as fact *War*'s portrait of Josephus's commission as a 'general' sent to recruit and train an army of 100,000. The later autobiography (93 CE), however, tells a completely different story.[25]

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23 On 62 CE and age 25: Josephus was born in the year of Gaius's accession (37 CE or March 37 to 38) and travelled to Rome when he *had completed his 26th year* (*Life* 5, 13: Μετ' εἰκοσ τὸν δὲ καὶ ἕκτον ἐνιαυτὸν). Since he turned 26 in 63 or winter 64, he seems to have travelled in the sailing season of 63, a date that accords with Poppaea's established position (from June 62). On 64 CE: 65 is more likely because Josephus describes extreme militancy in Jerusalem; he takes refuge in the temple because Jerusalem's fortress Antonia is already in rebel hands (*Life* 17, 20). But Josephus dates the outbreak of major hostilities to Nero's twelfth year (October 65 to October 66): *War* 1.20; 2.284, 555. Nero's provocative agent Gessius Florus probably arrived in summer 64. Armed Judaeans reportedly gained control of the Antonia in about August of 66 (*War* 2.430). If Josephus's Rome trip was from summer 63 to 65, one could understand his remarks as compression; 62–64 CE would be awkward on all fronts. For Ananus II's death date see below.

24 Only manuscript A reads '240'. Modern editions read '204' with the majority.

25 See Richard Laqueur, *Der jüdische Historiker Flavius Josephus: ein biographischer Versuch auf neuer quellenkritischer Grundlage* (Münchow, 1920); Hans Drexler, 'Untersuchungen zu Josephus und zur Geschichte des jüdischen Aufstandes', *Klio* 19 (1925): 277–312; and Shaye J. D. Cohen, *Josephus in Galilee and Rome: His* Vita *and his Development as a Historian* (Columbia Studies in the Classical Tradition 8; Brill, 1979), for a review of scholarship, 239–41 for Cohen's conclusions. Note his p. 1: 'Our main problem is that the two accounts [*War* and *Life*] do not agree.' On p. 3: 'The problem is clear. *V* and *BJ* disagree not only on the substance but also on the order of Josephus' activities in the Galilean war of 66–67 CE.' More recently Steve Mason, *Flavius Josephus: Translation and Commentary*, Vol. 9: Life of Josephus (Brill, 2001), Appendix C, gives an overview of the big differences between *War* and *Life*; the commentary furnishes detail.

There, Jerusalem's leaders – chief priests and leading Pharisees (*Life* 21–22, 28) – worry that they, being unarmed, are becoming easy targets for armed factions (*Life* 20–22). So they dispatch Josephus *with two other priests* to Galilee, which is not about to explode as Jerusalem is, to persuade any groups gathering arms to hand them over to Josephus and colleagues for the nation's leadership. The latter will wait to see how the Romans react to events, especially the ambush of Cestius Gallus's legion, rather than provoking them by appearing to take up arms (*Life* 28–29). There is no room in *Life* for Josephus's training of a massive army. Schmidt's neglect of the autobiography, which most historians prefer – because Josephus writes it after Justus of Tiberias has debunked some of *War*'s claims in a rival history (*Life* 40, 336–67)[26] – suggests a certain detachment from Josephus research.[27]

Regardless, even *War* has Josephus in Galilee by the end of our 66 CE and in Roman custody around 1 July 67 (*War* 2.562–67; 3.1–8, 141–65, 339). Then he was in chains for two years. Vespasian released him in mid-69, when his bid for imperial power rendered the exotic nobleman useful (*War* 4.622–29). Even after his release, though, Josephus remained in the Roman camp, travelling to Alexandria with Vespasian and with Titus to the siege of Jerusalem (70 CE) and Rome in 71 (*Life* 414–22). That leaves about *six months of relative freedom in Galilee* between arrival and capture, not the years Schmidt imagines. And in those six months Josephus was not free for tourism. He reports lethal opposition from his arrival, which rendered much of Galilee off limits (*War* 2.585–646 [629]; *Life* 189–335 [235], 346). The capital Sepphoris had quickly welcomed a legionary garrison, the attached cavalry of which roamed Galilee's valleys and shut people in their homes, or drove them away in fear (*War* 3.30–34, 59–63). Josephus's imaginary army vanishes before seeing any Romans (*War* 3.128–30). King Agrippa's lakeside cities of Tiberias and Tarichea – Agrippa was Vespasian's friend and guide – were hostile, too, and Josephus faced a life-threatening rival in the Galilean John of Gischala. The last five or six weeks before his surrender Josephus spent trapped in Iotapata (*War* 3.392–98). In short, he had zero opportunity and no discernible motive to walk in the footsteps of Jesus.

The Sanhedrin. Another reference point that looks stable but crumbles on touch is 'the Sanhedrin'. About once per page on average (though distribution is in clusters), Schmidt mentions it as though a known quantity. The gospels indeed give the impression that *to synedrion*, which conducted Jesus's trial ahead of sentencing by Pilate, was a judicial body chaired by the high priest (Mark 14:55; 15:1; Luke 22:66; John 11:47; Acts

26 Heinrich Luther, *Josephus und Justus von Tiberias: ein Beitrag zur Geschichte des jüdischen Aufstandes* (Wischan & Burkhardt, 1910), treats *War* and *Life* as equally apologetic but both valuable. Laqueur, *Der jüdische Historiker*, 6–127, 245–78, argues that *Life* draws from a much earlier and credible report, which Josephus thoroughly reworked in *War*. Giorgio Jossa, 'Josephus' Action in Galilee During the Jewish War', in *Josephus and the History of the Greco-Roman Period*, eds Fausto Parente and Joseph Sievers (Brill, 1994), and Uriel Rappaport, 'Where was Josephus Lying – in his *Life* or in the *War*?' in the same volume, 279–89, independently argue for preferring the *Life*. My view is that, since historians investigate problems *de novo*, critically appreciating and trying to explain all available evidence, looking for a 'reliable' source is a red herring.

27 Other indicators of detachment: having Ananus II alive in 69 CE (see below) and calling Bannus (*Bannous*) *Banas* (pp. 144–48) or Eleazar *Eliezer* (p. 189).

frequently). Schmidt devotes Appendix 5 ('The Great Sanhedrin and its Records of the Trial of Jesus', pp. 257–63) to clarifying his perception of 'the Great Sanhedrin'. He sees it as the government and court of 71 members in pre-70 Judaean life, which both tried Jesus and later dispatched Josephus to Galilee. This picture glides over well-known problems, however.[28]

Already in 1909, Samuel Krauss wrote in the introduction to his commentary on the Mishna tractate *Sanhedrin*:

> The data referring to the Synhedrion which are to be found in Josephus Flavius, in the Gospels and in the Mishnah . . . are so various, so scattered and so contradictory that they present peculiar difficulties to the investigator.'[29]

To start with, Josephus shows no knowledge of 'the Sanhedrin'. He uses the word *synedrion*, usually without the article, but not for a supreme court or government.[30] The Greek word means only 'a session' (a sitting together) or the venue for one. Of *War*'s 9 instances, the first 5 refer to King Herod's inviting a group of *friends* to counsel him as he deals with dire family problems.[31] The other 4 describe Roman leaders convening groups of advisors (*synedria* = Latin *consilia*): Augustus to decide the Herodian succession and Titus to solicit his generals' views.[32] *Antiquities* mainly uses *synedrion* the same way, without the article, for temporary groups convened by a Roman ruler, king, or high priest.[33]

It is the same in *Life*. Two of its three cases of *synedrion* (no article) refer to a group of friends convened for advice (*Life* 236, 368). *Life* 62 alone has *to synedrion* with article. But that is because of a clear antecedent. As we have seen, *Life* explains that a crisis coalition in Jerusalem, including Ananus II, Jesus ben Gamalas, and Simon son of Gamaliel (*Life* 20–21, 28, 190–93), has sent Josephus and two other priests (*Life* 28–29).

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28 Solomon Zeitlin, '*Synedrion* in Greek Literature, the Gospels and the Institution of the Sanhedrin', *Jewish Quarterly Review* 37 (1946–47): 189–98; idem, '*Synedrion* in the Judeo-Hellenistic Literature and Sanhedrin in the Tannaitic Literature', *Jewish Quarterly Review* 36 (1945–46): 307–15; Sydney Hoenig, *The Great Sanhedrin* (Dropsie College, 1953). Hugo Mantel, *Studies in the History of the Sanhedrin* (Harvard Semitic Series, 17; Harvard University Press, 1961); James S. McLaren, *Power and Politics in Palestine: The Jews and the Governing of their Land, 100 BCE–70 CE* (JSNTSup 63; JSOT, 1991) (213–22 on the term *synedrion*); cf. (McLaren's PhD supervisor) E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (SCM, 1992).

29 Samuel Krauss, *The Mishnah Treatise Sanhedrin* (Brill, 1909).

30 E.g., McLaren and Sanders in the previous note.

31 *War* 1.537, 559, 571, 620, 640.

32 *War* 2.25, 81, 95; 6.243.

33 *Ant*. 12.103; 15.568; 16.357–67; 17.46, 106, 301, 317; 20.200, 202, 216. Book 14 has examples of *to synedrion*, but only in its unique context. There the governor Gabinius, after Pompey's annexation of southern Syria (63 BCE), divides Judaean-majority areas into five districts, assigning a *synedrion* to each (*Ant*. 14.91) – perhaps an advisory committee for himself or the demoted high priest and ethnarch Hyrcanus. When the Idumaean nobleman Antipater and his son Herod begin doing Hyrcanus's dirty work, they run afoul of the *synedrion* in Jerusalem. *Ant*. 14.167–180 therefore repeatedly mentions 'the *synedrion*' – because of the antecedent. The phrase then vanishes. Once Herod becomes king, *synedria* are again advisory groups called by him or other leaders for ad hoc counsel.

When they have gathered their intelligence (*Life* 30–61), they send a report back to *to synedrion* and ask what to do next (*Life* 62). The emergency committee asks them to stay in place for the moment. Josephus's colleagues decide that they have done their bit, however, and leave (63).

In this lone case of *to synedrion*, the reference to the emergency committee would have been clear to Josephus's audiences. *Life* more formulaically – eight times – calls them 'the coalition / congress [*to koinon*] of the Jerusalemites'.[34] They constitute neither a court of old vintage nor a *synedrion* in the sense of a ruler's ad hoc advisors. Their committee could not have existed in Jesus's time. While usually ignoring *Life*'s account, however, Schmidt cites this passage (*Life* 62) repeatedly and without context, apparently because it has *to synedrion* with article, to claim that Josephus was in regular contact with 'the Sanhedrin' that had tried Jesus.[35] This does not work.

The same problem appears in connection with *Ant*. 20.200, on the death of Jesus's brother (above). Josephus relates that Ananus 'convened *a synedrion of judges*' (καθίζει συνέδριον κριτῶν) as sham legal cover. Both the missing article and the specification 'of judges' would make little sense if he convened a regular judicial body.[36] But Schmidt imagines him summoning 'the Great Sanhedrin' of 71 members (p. 258 n. 8). The high priest's action rather recalls *War* 4.334–44, where Zealots compel seventy men of rank in Jerusalem to provide legal cover for their executions of a high-ranking enemy (*War* 4.336). These trials had to produce a guilty verdict. When the judges, being decent men committed to justice and not realising that they are stage props, declare the accused innocent, the Zealots kill him anyway: behold *our* 'acquittal'! In *Ant.* 20, similarly, Ananus creates 'a *synedrion* (advisory council) of judges' for his vendetta. That is why eminent Jerusalemites who care about the laws are appalled by his action (20.201). They are smart enough to get him removed on the technicality that he acted in the absence of a procurator (20.202–3), in contrast to the trial of Jesus.

Appendix 5, again, hosts a fuller discussion of 'the Sanhedrin'. The earliest sources for this frequently invoked name, however, are the third-century rabbinic compilations, Mishna and Tosefta. Surprisingly, although the Mishna occupies some 800 pages in English, it has only 12 instances of *sanhedrin*, 8 of these in the tractate so named. Two refer in passing to '*a* big Sanhedrin' (*sanhedrin gadola*) without article (*Sanh*. 1.6; *Mid*. 5.4). These tractates speak of *sanhedrins* (*Sanh*. 1.5) of different sizes – 3 (or 5, 9, or 10), 23, or 71 – for varied needs in diverse locations. A town of 120 residents could host one,

34 *Life* 65, 72, 190, 254, 267, 309, 341, 393.

35 Schmidt, *Josephus*, 145–46: 'Upon arriving in Galilee, Josephus gathered an army of 100,000 men and began planning defenses [SM: exclusively in *War* 2], all while staying in communication with the "Sanhedrin" (τῷ συνεδρίῳ) and the "first men of Jerusalem" (τῶν ἐν Ἱεροσολύμοις πρώτων)' – citing *Life* 62 without noticing the different story (no general, no army). So again on p. 174 (my emphasis): 'The Babylonian Talmud [fifth–sixth century CE] goes on to claim that, like his father before him, Simon was the *Nasi*, that is, the prince or leader *of the Sanhedrin*. And *it was this Sanhedrin that Josephus communicated with* [he cites *Life* 62] while *general of Galilee* [but this is from *War*]'. The (con)fusion reappears at p. 258 n. 6 (my emphasis): 'While serving as a general in the Jewish war [so *War* 2], Josephus stayed in communication with *the Sanhedrin* (*Life* 62) and this *seems to be the same authoritative body* that had appointed him to the rank of general (*War* 2.568)' – ignoring the recent creation of this wartime leadership that *War* has just recounted (2.562–63).

36 Imagine someone saying that the UK Prime Minister recalled Parliament and someone reporting that he had called together a group of legislators.

says one sage. Another specifies 230 for a *sanhedrin* of 23 (*Sanh*. 1.7). Such differences reflect the abstract nature of rabbinic discussion and raise doubts about any corresponding pre-70 body. The tractates' unrealistic forms of capital punishment (stoning, burning, decapitation, strangling) and debates about how they should be conducted point in the same direction.

Insofar as they describe sound legal principles and procedures for capital and non-capital cases (*Sanh*. 4.1), they may reflect longer practice. But the rabbis prescribe daytime trials only, none on sabbaths or (*a fortiori*) holy days or the eves thereof. The accused must be represented by competent defence and not be compelled to speak. Witnesses are to be carefully vetted for conflicts of interest and their testimony must be rigorously cross-examined, contradictory claims being invalid. At least one day must separate verdict from sentence.[37] These texts assume that courts convene in special facilities, never private houses and they restrict 'blasphemy' to utterance of the sacred name (YHWH). (Claiming to be Messiah was no crime.) Such a blasphemer was to be stoned, his body then exposed.[38] Although ordinary judges were to stand and tear their clothes on hearing such blasphemy (m. *Sanh*. 7.5), a high priest must *never* tear his clothes except at the death of a close relative (Lev 21:10; m. *Hor*. 2.4–5). Although these principles are the only parts of the tractates that might have a longer back-story, the gospel accounts of Jesus's trial famously show no knowledge of them, or rather violate them at every turn.[39]

As Krauss observed, it is impossible to reconcile the Mishna's courts with bodies that appear in Josephus or the gospels. Herbert Danby, a scholar-cleric who worked in Jerusalem through the 1920s and 1930s and whose translation of the Mishna became standard, proposed that the sages' texts reflected their ideals and their post-70 experience in Yavneh and Galilean Usha, not realities of Jesus's or Josephus's times.[40]

The word *sanhedrin* appears infrequently because the Mishna's usual term for a court is *beit-din* ('house of judgement'), a term it has 188 times. There are said to be many *batei-dinim* (plural), including three in Jerusalem (*Sanh*. 11.2). Since the descriptions of *sanhedrins* and *batei-dins* overlap, it could be that they are two names for the same body artificially imagined by the rabbis. But then, the Mishna says that a *beit-din* is led by pairs of men: a Patriarch (*nasi*) and a 'father' or head of the court (*av-beit-din: Taan*. 2.1; *Hag*. 2.2). Neither a *sanhedrin* nor a *beit-din* was led by a high priest. Named figures occupying these roles (m. *Hag*. 2.2) belong to the line of Pharisees that spawned the rabbinic movement.

Schmidt's reading of Mishna *Sanhedrin* 2.1 seems an example of strong-arming these texts to support the gospels. The Mishna discusses what courts do with high-ranking personages: a high priest or a king. It draws a sharp distinction between the two, giving much more space to the king. That is because a high priest has no legal immunities. Although his role requires a unique state of purity, he is not special in juridical terms. He may serve as a judge in a *beit-din* and may be judged if accused. He may offer testimony for the prosecution or be the target of testimony. The Tosefta (*Sanh*. 4.1) says that an accused high priest 'is to be treated as a commoner in every respect'. A king, by contrast,

37 *M. Sanh*. 4.1; 5.1–2; *T. Sanh*. 7.2.

38 *M. Sanh*. 7.5 following Lev 24:16.

39 See e.g., Paul Winter, *On the Trial of Jesus* (Studia Judaica 1; W. de Gruyter, 1961).

40 Herbert Danby, *Tractate Sanhedrin: Mishnah and Tosefta* (Macmillan, 1919). He notes (p. ix) that if the rabbinic tractates reflected court practice, Jesus's trial was 'no trial at all'.

enjoys full immunity. He may neither serve as a judge nor be judged, neither bring testimony nor be its target. Since he faces no purity restrictions, he has virtual *carte blanche*. The Tosefta stresses that the king's 'honour must not be impaired' (*Sanh*. 4.2).

What Schmidt makes of this is hard to match with the text (p. 259, my emphasis):

> [A]s far as the High Priest himself is concerned, the Mishnah explains that *he had the privilege of acting as a 'judge' in Great Sanhedrin trials*, apparently referring to *some kind of prerogative to lead criminal proceedings*. Similarly, the canonical Gospels, Acts, and Josephus portray the High Priest as *having immense sway over the Great Sanhedrin* with even the ability to convene the authoritative body.

I cannot find any hint of such a role, privilege, or influence for the high priest, much less agreement with the gospels or Josephus, in the rabbinic tractates.

None of this is to deny that Jerusalem had some sort of 'council' or *boulē* (*War* 2.331, 336), such as most cities needed to function (*War* 2.273, 639, 641; 7.107). Josephus refers to a council house when describing Jerusalem's topography (*War* 5.144). Whatever that council was, however, it plays no role in his narratives. We hear nothing of its purview, duties, or membership. Did it – like a modern town council – handle municipal affairs such as water and grain supplies, urban order, and cleanliness? In Josephus's accounts, the versatile Greek word *boulē*, which he uses for this elusive body, more often refers to a resolution, piece of advice, or deliberation,[41] or the Roman Senate (*War* 1.284; 2.208–12; 7.65, 121, 125). Whatever Jerusalem's council was, it was not the ad hoc advisory groups that leaders convened (*synedria*), Jerusalem's crisis coalition government (*to koinon*), or the rabbinic *beit-dins* of later times.

Disparate Evidence for Jesus's Trial. Schmidt's fusion of evidence for 'the Sanhedrin' is matched by his treatment of sources for Jesus's trial. Recall that the Passover context is crucial for his thesis. He appeals to the biblical prescription (Exod 12:3–10) that extended families consume the roasted lamb on the eve of 15 Nisan (cf. Josephus, *Ant*. 2.312). This underpins his argument that Ananus II, whom he deems Josephus's most likely informant, must have been with his father and Caiaphas for Jesus's Passover trial (pp. 190–93, 200–201). This again overlooks the well-known problem of the gospels' highly divergent accounts. Paul Winter, in explaining why a historical study was needed in 1961, wrote: 'Seldom is there in the Gospels such a variety of diverging and repeatedly conflicting accounts of the same events as in the narratives describing the arrest, trial, crucifixion and resurrection of Jesus'.[42] He was stating well-known facts.

In case a reminder of those facts is needed: Mark 14.1–16 says that on the day of preparation for Passover, Jesus's students asked where they should prepare to 'eat the Passover' that evening. (Families or other groups brought lambs to the temple for sacrifice, then them home for eating.)[43] After that meal (the evening beginning 15 Nisan) come Gethsemane, Jesus's arrest, and a night-time trial in the (unnamed) high priest's house (Mark 14.63–65). At daybreak 'the whole *synedrion*' reconvenes and escorts Jesus to Pilate. After a brief hearing, Pilate hands him over for flogging and crucifixion. A

41 E.g., *War* 3.15, 107; 4.214, 574; 5.29, 348; 6.238.

42 Winter, *Trial of Jesus*, 5–6.

43 See Joachim Jeremias, *Jerusalem in the Time of Jesus*, trans. F. H. and C. H. Cave (SCM, 1969).

certain Simon is forced to carry his cross. Jesus is crucified by about 9:00 am (Mark 15:1–25). Matthew follows Mark (Matt 26:17–68), adding the high priest's name, Caiaphas, a paragraph on Judas's suicide, and stronger protestations of Pilate's innocence and the Judaeans' guilt, omitting Mark's time reference (Matt 26:3, 57; 27:19, 24–26).

Luke and John give very different accounts. Luke goes with Mark as far as Jesus's transfer to the house of the high priest. He is unnamed, though Luke 3:2 has puzzlingly called him Annas (Ananus I) 'and Caiaphas'. But Luke has no night-time trial. The beating and taunting that Mark attributes to council members become the actions of *guards* holding Jesus. Only in the morning of Passover do they 'take Jesus away' from the high priest's house 'into their *synedrion*', clearly a court facility (Luke 22:63–71), and only there do the chief priests interrogate Jesus. Demanding his punishment, they take him to Pilate. After a brief interview, in which he finds no crime, Luke's Pilate hears that Jesus is a Galilean and so sends him to Herod (Antipas) tetrarch of Galilee, who is in Jerusalem for the holiday. Antipas returns him to Pilate after the usual abuse. In that second hearing in Luke, Pilate avers that neither he nor Antipas has found Jesus guilty of anything. But the Jerusalem leaders' insistent calls for crucifixion overcome his sense of justice (Luke 23:6–25). All the new activity could not fit in Mark's timetable. So Luke's first time indication has Jesus on the cross around noon (Luke 23:44).

With the same clarity that the synoptics call Jesus's last supper a Passover meal, John dates it one day earlier (John 13:1). Jesus's accusers will not enter Pilate's headquarters in this account because they must preserve ritual purity for the Passover meal ahead (18:28). This author reiterates that the trial occurred on 'the day of preparation *for Passover*'; Jesus is with Pilate at noon of that day (19:14: ἦν δὲ παρασκευὴ τοῦ πάσχα, ὥρα ἦν ὡς ἕκτη), after a long hearing replete with Johannine themes, which elicit the governor's famous question, 'What is truth?' (18:33–19:16). This version has no room for Antipas. After his arrest, Jesus has gone first to the house of the ex-high priest Ananus I (Annus), where he was examined and punched by guards, then to the house of the serving high priest Caiaphas – all during the night – before being escorted to Pilate's headquarters on the morning of *Passover Preparation* day (John 18:12–28). And as if to tweak the noses of scholars looking to harmonise, John's Jesus carries his own cross (19:17).

In a painstaking analysis (1993), the Sulpician Father Raymond Brown recognised the 'considerable difference in content' in the gospels. He cited their accounts of Jesus's last words as an example. Eschewing speculations about a more coherent early form of the story along with futile attempts at harmonising, Brown insisted on the need to understand each text by itself.[44] He thus had no trouble accepting that the synoptics considered Jesus's last meal a Passover *seder* (15 Nisan) while John dated it a day earlier (the eve of 14 Nisan) – because that is what the texts say.[45] In the synoptics he found 'a simplified picture, effective for preaching, but not a historical unit to be joined to John's theologized presentation'.[46]

44 Raymond E. Brown, *The Death of the Messiah: From Gethsemane to the Grave*, 2 vols (Doubleday, 1993).

45 Ibid., 1.358–61; cf. 34, 192, 243–44, 282–83.

46 Ibid., 1.24.

Schmidt does not interact with such classic, careful, and detailed treatments of Jesus's trial. Solomon Zeitlin's studies, from 1942 to the mid-1960s, likewise make acute observations on both the Sanhedrin problem and the gospel portraits that require consideration.[47] Schmidt's impression, without having worked through the problems, is that only '*Certain scholars* are skeptical that the Gospel writers *can be harmonized* regarding the trial of Jesus', citing Paul Winter (p. 184 n. 72; my emphasis). This language is telling, as though harmonising sources were a *desideratum*. As a riposte to doubt, he cites a 2022 book by Michael Theobald. This posits an original:

> structure presented by all four Gospels [that] fits quite well with one another [sic]: Jesus is arrested at night, brought to Ananus, then Caiaphas, then brought to a morning meeting of the Sanhedrin, then brought to Pontius Pilate. None of the Gospels contradict this pattern. The details given by the Gospel writers also parallel the policies articulated in the Sanhedrin tractates.[48]

But of course this 'pattern' or ideal 'structure' does not exist in the phenomenal world. It was not composed by any known author for a known audience. The real-life accounts we have are mutually exclusive on important points. For example, did Jesus's trial occur on the evening that began 15 Nisan (after they ate the Passover) or on the evening before? Schmidt devotes Appendix 3 to this question. After suggesting that it does not matter much – even if it were a pre-Passover meal, Josephus's informants would have been near the trial – and toying with the proposal that sectarian calendars might explain the gospels' different dates (they cannot), Schmidt resorts to outright special pleading.

Again, John 13:1 places Jesus's five-chapter last supper 'before the Passover feast' (Πρὸ δὲ τῆς ἑορτῆς τοῦ πάσχα). Schmidt finds this indication 'ambiguous': perhaps it refers only to Jesus's foreknowledge or to the foot-washing. When John 18:38 says that Jews did not enter Pilate's *praetorium* next morning because they wished to remain pure 'to eat the Passover' (φάγωσιν τὸ πάσχα), he finds it 'likely' that this refers 'to one of the seven days of Passover sacrifices rather than the specific sacrifice of the lamb on Nisan 14' (p. 252).[49] When John places Jesus with Pilate on the 'day of Preparation *of Passover*' (παρασκευὴ τοῦ πάσχα, 19:14) and adds that the Jews wanted bodies removed from

47 Solomon Zeitlin, 'The Crucifixion of Jesus Re-Examined', *Jewish Quarterly Review* 31 (1940): 327–69 and 32 (1941): 175–89, 279–301; idem, 'The Political *Synedrion* and the Religious Sanhedrin', *Jewish Quarterly Review* 36 (1945): 109–40; idem, *Who Crucified Jesus?* 4th ed. (Bloch, 1964; orig. Harper and Row, 1942), esp. the appendix (228–37) on *synedrion* vs. Sanhedrin. See also Max Radin, *The Trial of Jesus of Nazareth* (University of Chicago Press, 1931); Josef Blinzler, *The Trial of Jesus: The Jewish and Roman Proceedings against Jesus Christ*, trans. Isabel and Florence McHugh (Newman, 1959); S. G. F. Brandon, *The Trial of Jesus of Nazareth* (B. T. Batsford, 1968), which compares the gospels in columns; Ernst Bammel, ed., *The Trial of Jesus: Cambridge Studies in Honour of C. F. D. Moule* (SCM, 1970); David R. Catchpole, *The Trial of Jesus: A Study in the Gospels and Jewish historiography from 1770 to the Present Day* (Brill, 1971); Donald Juel, *Messiah and Temple: The Trial of Jesus in the Gospel of Mark* (Scholars, 1977); and Alan Watson, *The Trial of Jesus* (University of Georgia, 1995).

48 Michael Theobald, *Der Prozess Jesu: Geschichte und Theologie der Passionserzählungen* (WUNT 486; Mohr Siebeck, 2022).

49 Schmidt cites Andreas J. Köstenberger, 'Was the Last Supper a Passover Meal?' This does not appear in the bibliography but I found it at https://docslib.org/doc/6146812/was-the-last-supper-a-passover-meal-andreas-j.

crosses because that sabbath was a high holiday (ἦν γὰρ μεγάλη ἡ ἡμέρα ἐκείνου τοῦ σαββάτου, 19:31) – whereas the synoptics call crucifixion day *the day of preparation for the sabbath* (Mark 15:42; Matt 27:62; Luke 23:54), since Jesus has eaten the Passover – Schmidt takes the plain Greek phrase to mean only 'the day of preparation *for the sabbath* belonging to Passover week'. Here he forgets to distinguish John from his own hypothesis when he claims that *John's phrase* 'the Friday of Passover' 'makes little sense' if referring to Passover Eve (p. 253).[50] Well yes, but John speaks only of the Preparation for Passover, not Friday.

'The Leading Men Among Us'. The most important piece of Chapter 5 (pp. 151–58) is Schmidt's proposal that (my emphasis) 'there lies within the TF a statement, half hidden, indicating that *Josephus was personally acquainted* with some of those very men who accused Jesus' (p. 151). As we have seen, after studying the 51 other occurrences of παρ' ἡμῖν in Josephus' works, Schmidt concludes (p. 151, as again 152 and n. 93, 154):

> Josephus seems to only use the phrase 'among us' for things and people with whom he or the speaker was personally acquainted. Such evidence indicates that in the TF Josephus is claiming direct familiarity with some of the 'first men' who accused Jesus.

Given that Chapter 6's detailed assessment of candidates depends on this interpretation, it requires scrutiny. To the extent I understand it, it is hard to square with Josephus's usage, but I do not claim to understand it perfectly.

To understand why Josephus uses παρ' ἡμῖν so often, and indeed programmatically, we need to take a larger view of his situation in Flavian Rome. His whole standing and reputation depend on the fact, which he drives home at every opportunity (e.g., *War* 1.1–16; *Ant*. 1.1–26; *Life* 1–6; *Apion* 1.1–5), that he is a foreign nobleman who knows exotic things (cf. Suetonius, *Vesp*. 5.6), especially about the recent war, over which the Flavians' enablers crow incessantly. As a Judaean aristocrat who saw it from both sides and has a unique knowledge of his people's past, laws, and customs, he is ready to share with anyone ready to hear him. His situation creates a cross-cultural 'We / You' dialectic. His whole project is to explain how things are 'among / with us' – what we value, how we do things – over against Greek and Roman norms known to his audiences. That is why a third of the cases of 'among us' (17) are in the essay known as *Against Apion*. There, Josephus constantly distinguishes 'our' laws and values from those of other peoples, especially the Judaeans' detractors.[51] It is also why he uses the phrase παρ' ἡμῖν so consistently across the corpus, especially in prologues and other framing passages (my emphasis). For example:

> *War* 1.16: 'Let the truth of history be actually *honoured among us* (παρ' ἡμῖν) [Judaeans], even if *among Greeks* (παρ' Ἕλλησιν) it has been neglected.'

> *Ant*. 1.5: This work 'will encompass the entire *ancient past among us* [= *our* ancient past] (ἅπ ασαν τὴν παρ' ἡμῖν ἀρχαιολογίαν) and the arrangement of the political community, rendered *from the Hebrew writings*.'

50 p. 254 (my emphasis): 'Thus, a clear way of *translating the phrase* "*the Friday of Passover*" *in John 19:14* would be "the Friday of Passover week"'.

51 E.g., *Apion* 1.36, 38, 48, 109, 154, 162; 2.124, 134, 150, 180–81, 271, 277, 287.

> *Ant*. 1.9: 'I wondered whether our ancestors had been willing to share such information with the Greeks, and whether, with on the Greek side, some *of them* (περὶ τῶν Ἑλλήνων εἴ τινες αὐτῶν) were keen to know the things *among us* [= *our* affairs] (τὰ παρ' ἡμῖν).'
>
> *Ant*. 1.11: 'Now Eleazar, second to none in virtue of the high priests *among us* [= *our* high priests] (τῶν παρ' ἡμῖν) did not begrudge the aforementioned king. . . .'
>
> *Ant*. 3.172: the high priest's crown included an emblem that resembled 'the herb known as *sachkaro among us*, but which *those of the Greeks* who are experienced in cutting roots label *hyos kyamon*.'
>
> *Ant*. 20.264: 'Among us (παρ' ἡμῖν), they do not favour those who have mastered the accents of many nations and made their speech frilly with elegance of diction, because they consider such a pursuit to be common. . . .'
>
> *Life* 1: 'Just as the basis of noble birth is different *among various [nations], so too among us* (οὕτως παρ' ἡμῖν) membership in the priesthood is certain proof of an ancestry's brilliance.'
>
> *Life* 7: 'My father Matthias was distinguished not because of his noble birth alone, but even more was he praised for his sense of justice, being a very eminent man among the Jerusalemites – in the *greatest city among us* [= *our* greatest Judaean city] (ἐν τῇ μεγίστῃ πόλει τῶν παρ' ἡμῖν).'
>
> *Life* 10: 'When I was about sixteen years old, I chose to gain expertise in the *philosophical schools among us* [= *our* philosophical schools]' (τῶν παρ' ἡμῖν αἱρέσεων).
>
> *Apion* 1.1: My earlier *Antiquities* 'draws from *the sacred volumes among us* [= *our* sacred volumes], which I wrote up in the Greek language' (ἐκ τῶν παρ' ἡμῖν ἱερῶν βίβλων).

These passages establish the cross-cultural dialogue that defines his career. Schmidt's insistence that παρ' ἡμῖν in the TF signals his *personal* knowledge of individuals or events is therefore hard to grasp. Of course, Josephus claims to know what he is talking about, but not in that sense of privileged access. Presenting himself as Judaean spokesman *nonpareil* – a self-image that fits with his reception until today – he formulaically contrasts 'our ways' with those of the Greeks. He certainly claims to be uniquely qualified to speak *for his people* (cf. *Ant*. 20.262–63), but his descriptions of Judaean laws and values would have no sense if παρ' ἡμῖν meant that compatriots would not agree. He insists that *all Judaeans*, having been schooled in their laws and customs since the cradle, know what he is so brilliantly saying in cultured Greek (*Apion* 1.42–46; 2.171–235).

Why is παρ' ἡμῖν in the TF, then? If we omitted it, the passage would read, 'On his indictment by the principal men, and having been condemned to the cross by Pilate, those who had loved him in the first place did not stop.' But who were those principal men: Pilate's advisors? Later readers of Tacitus (*Ann*. 15.44) might assume so, for he mentions only the governor's role. Josephus is saying 'Actually, he was one of ours and it was our top fellows, working with Pilate as was normal, who did away with him.' Josephus provides no reason for his audiences to suppose that in mentioning the top men 'among us' he was encoding his personal knowledge of witnesses to Jesus's trial.

Chapters 6 and 7

Ananus II as Key Informant. Already in the Introduction, Schmidt looks ahead to report that among 'Josephus' acquaintances who were likely partisans [sic: participants?] in the trial of Jesus', and that 'The most probable candidate is the High Priest Ananus II'. He 'had good reason to be in attendance at Jesus' trial and Josephus did know Ananus II directly' (p. 7). Chapter 6, after winnowing other candidates, tries to shore up this nomination.

Let us stipulate that Ananus II, as a young member of a high priestly family, was likely in Jerusalem ca. 30 CE. If so, he was around for dozens, scores, or hundreds of trials. Now, we know when Ananus II died because Josephus makes so much of his murder in *War*. There, the 'Zealots' (I prefer 'Devotees', but this name is standard) find themselves trapped in the temple by a right-thinking populace led by the vigorous Ananus II (*War* 4.158–207). John of Gischala persuades them to invite the notoriously warlike Idumaeans, on a specious pretext, to rescue them and kill Ananus's group. When the Idumaeans oblige the request and murder Jerusalem's leaders, Josephus writes a moving eulogy on the disastrous consequences of Ananus's death (*War* 4.318–21). It begins:

> I would not be in error if I said that the death of Ananus led to the capture of the city, and that from that very day, on which they saw their high priest and leader of their own preservation butchered in the middle of the city, the wall was overthrown and the Judeans' public affairs were destroyed.

Near *War*'s end, likewise, Josephus looks back on that murder as having destroyed any last remnants of piety or political stability (*War* 7.267). Ananus's death is a pivotal event and clearly dated. It occurred within months of John's arrival from Galilee (late 67 CE), at the time of a winter storm (4.286), and before Vespasian's early-spring offensive (68 CE; 4.410–17): thus in the winter beginning our 68 CE. Schmidt, puzzlingly, has Ananus still around in 69.[52]

If we imagine Ananus as Josephus's key informant about Jesus, when would he have had the occasion and motive for such a conversation? They were both busy in the years preceding his posting to Galilee. Josephus was in Rome from 63 to 65 CE, and he would not see Ananus again after heading to Galilee in late 66. To be sure, they had contact between the summer of 65 and late 66, amidst the growing crisis. Gessius Florus and his auxiliary soldiers were wreaking havoc, assaulting eminent Judaeans and raiding the temple, while outraged Jerusalemites armed themselves. Was that an opportune time to chat about events a generation earlier, including Jesus's trial – 25 years before Josephus would remember and write about it, or rather not write about *it*: the trial?

They *might* have discussed anything: Jesus, John the Baptist, or Ananus's fairly recent illegal executions, which got him booted from the high priesthood. But why would they? Ananus's problems with James and company, which were serious enough for kangaroo-court executions, would not obviously have generated the TF. Ananus seems to me a singularly ill-suited candidate for Josephus's Jesus-informant a quarter-century before he wrote the TF in his own language.

Unasked Questions I. These reflections lead to a more basic puzzle. Schmidt has devoted Part 1 to demonstrating *Josephus's authorship* of the TF. Let us be convinced. But if it is

52 See Schnidt, p. 183 n. 158; and p. 189 three times.

his construction, like the rest of *Antiquities*, how could we know what the source looked like? It is not possible that this reached Josephus already in the distinctive language of *Antiquities* 17–19, as our TF. Consider any episode in *Antiquities* 18, concerning Judaeans in Babylonia or events under Tiberius in Rome. Josephus needed source information for all of them. But he crafted it for his purposes. This is already clear with *War*'s two Pilate episodes. *Ant*. 18.55–62 does not merely repeat *War* 2.169–77 – boring! Josephus redesigns them to suit their new home. As many studies have shown, *Antiquities–Life* routinely differs from the parallels in *War*, just as his biblical paraphrase freely reworks the Bible.[53] Where we have only his narratives, we have no hope of recovering his sources.

Take Josephus's account of John the Baptist in *Ant*. 18.116–19. I have recently had occasion to work through it, much as Schmidt does the TF.[54] Results are the same. The language is distinctive of Josephus, even of *Antiquities* or *Antiquities* 17–19. When he epitomises John teaching, for example, as 'justice towards others and piety towards God' (18.117), the reader of Josephus recognises this pair. Perhaps adapted from Mic 6:8 in Greek lingo, they are Josephus's criteria for assessing Israel's kings and others.[55] He converts the oaths that his beloved Essenes required of novices into this pair (*War* 2.139). Other words and phrases are equally drawn from his lexicon. He presents John as a 'good man' (Latin: *vir bonus*) and the perfect foil for the decaying, self-absorbed Herodian dynasty (see 18.127–32). Although we may be confident that Josephus wrote the Baptist passage,[56] however, we have no idea what his sources looked like. If they had portrayed John as an apocalyptic preacher (Luke 3:3–9) or as an ethical paragon (cf. Luke 3:10–14), Josephus could still have painted the picture in *Antiquities* 18. He made the material wholly his own. We cannot reconstitute it any more than we can the eggs that go into a cake.

Are we not in the same situation with the TF? Josephus wrote it because he wanted to, the Judaean expert cheerfully sharing his unique knowledge with his Roman audience. He structures and thematises the passage. We have no idea what lies behind it. Schmidt's focus on proving Josephus's authorship, paradoxically, occludes the very point he wants to stress but without apparent support, about the alleged eyewitness evidence from which the TF is drawn. Indeed, he seems to make it do double duty. Only so can I understand his argument that the (Josephus's) TF is an *early and important* eyewitness source. But suppose that Ananus II or his kind had given him a hostile summary of Jesus, matching the man's hostility towards James. Would Josephus have had reason to turn it into such a cordial version that many critics have assumed with Gerlach that the TF is Christian? This overlooked question about the content of the prized eyewitness version needs addressing.

Unasked Questions II. Another question that Schmidt does not ask, which must affect assessment of his case is: *Why* did Josephus include the TF in *Antiquities* 18? Schmidt

53 E.g., Laqueur, *Der jüdische Historiker*; Cohen, *Josephus in Galilee and Rome*; Klaus-Stefan Krieger, *Geschichtsschreibung als Apologetik bei Flavius Josephus* (Francke, 1994); Louis H. Feldman, *Josephus' Interpretation of the Bible* (University of California Press, 1998).

54 Steve Mason, *Jews and Christians in the Roman World: From Historical Method to Cases* (Brill, 2023).

55 *Ant*. 7.338, 341, 356, 374, 384; 8.280; 9.16, 236; 12.43, 56.

56 Rivka Nir, *The First Christian Believer: In Search of John the Baptist* (Sheffield Phoenix, 2019), is a rare dissenter.

does ask *what Josephus meant* by the TF (pp. 201–3), but he has in view only its internal content. This is not a unique criticism. The study falls in a long tradition of TF-exceptionalism. But if we can shake ourselves from that reverie to consider Josephus's literary and social contexts, we might think differently about the TF's meaning – even about our approaches to the authenticity question. I have suggested a possible explanation above.

In the hostile atmosphere in Flavian Rome after Jerusalem's destruction, Josephus writes all his works as one uniquely qualified to dispel misperceptions of Judaeans, their origins, and their character (*War* 1.1–18; *Ant*. 20.262–68; *Life* 1–12; *Apion* 2.146–96). A few years after he finishes *Antiquities*, Juvenal will link Judaeans with other easterners to complain: 'Syria's Orontes has long flowed into the Tiber' (*Sat*. 3.10–14, 60–68). Josephus spends more than half of *Antiquities* distinguishing Judaeans from other nations, allegedly at the request of a group in Rome who are keen to learn more (*Ant*. 1.8–17). As the work moves towards Jerusalem's second destruction (Books 12–20), however, Josephus shows how things often went off track. But he is still writing as unmatched Judaean expert. Why would he not seize the opportunity, while describing Pilate's term, to show off his local expertise, even on this minor point of the Christians' origin? Yes, he can speak authoritatively about them too. They get their name from a Jesus known as *Christ*, who performed remarkable things and taught home truths, not the moonshine one expects. He was indeed *one of ours*. Our top men, however, worked with Pilate to get rid of him. Amazingly, his followers persist 'even until now still' (93 CE), partly because he appeared to them alive again. *That* is who your *Christiani* are. They do not eat babies or hold orgies.

Josephus's recognition that Jesus performed wonders is not shocking. He boasts that Judaeans know the secrets of cures, and he is sure that other-worldly experiences including appearances of the dead can happen.[57] Lacking any notion of what Christianity would later become he was free of the hang-ups that have shaped debates about the TF.

I would not go to the wall for this proposal. But I mention it in part because it would account for an unexplained gap in his account. Whereas Schmidt takes 'among us' as a key to Josephus's personal knowledge of eyewitness informants, the phrase actually exposes the Judaean's ignorance about, or at least lack of interest in, *Jesus's trial*. He says not a word about it. Contrast the gospels, which focus in their inconsistent ways on the trial(s). Josephus moves from Jesus's admirable actions and truthful teachings to his execution without the merest hint of the charges against him. Why seek an eyewitness *to the trial*, if the trial is missing from the TF?

The only reason for Jesus's death that Josephus might tacitly suggest is that this is what powerful men do. His audiences in Rome were familiar with the exile and execution of influential figures, including philosophers. *Tant pis*.

These unasked questions leave the final 2.5 pages, where Schmidt uses the TF to challenge scholars, somewhat orphaned. Scholars arrived at their views from generations-long study of the earliest Christian texts. Paul's letters evidence serious conflict among first-generation Christian leaders; 1 Corinthians 15 shows that the nature of the resurrection body was part of their debates (1 Cor 15:12, 35, 47). Their mature analyses will not be dislodged by a paragraph that Josephus composed in 93 CE. I am not criticising Schmidt's failure to produce the eyewitness source; I do not know how one could. I am

57 *War* 2.136, 159; 4.459–75; 6.288–300; *Ant*. 4.102–18; 8.45–49; 8.327–42; 15.3; 17.41.

doubting the value of Josephus's much later paragraph for Christian life in the 30s to 50s CE.

Conclusions

Ancient historians have two main tasks: interpret survivals – texts, coins, inscriptions, building remains – and investigate problems of the lost past behind them. Since history means 'inquiry' and none of us knows what happened then, the test of a new contribution is not that it settles a problem once and for all. The test is that investigates a problem methodically, clarifying options and supporting evidence. When a colleague specifies a problem, shows how she / he interprets the pertinent evidence, and makes a hypothetical case, that challenges us all, whether in agreement or demurral, to justify and refine our interpretations and reconstructions.

I have shown why I cannot go with Schmidt's hypotheses in Part 2. But this bold new study has pushed me to clarify what I consider plausible interpretations and explanations. His case for authenticity in Part 1 seems to me strong, and something that others will need to deal with. Beyond that I cannot follow much, partly because he leaves questions and distinctions that seem necessary for his argument unaddressed. That does not diminish my gratitude for such a clear presentation of a case.

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