

# 1 *Josephus and the Canon of the Bible*

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**T**he significance of Josephus for the history of the canonization of Hebrew Scripture rests largely with the fact that he is the first witness to a closed canon of Hebrew Scripture.<sup>1</sup> Since he is also the single most important source for the history of the Jews and Judaism in Palestine in the Graeco-Roman period, whatever he has to say about the Bible (relating to its content, text, interpretation, or theology) looms large in any serious discussion of what the Bible looked like and how it was understood in antiquity. Precisely because of his significance for the history of the canonization of the Bible, Josephus has been adduced with much confidence in support of a wide variety of contradictory views, most of which, had he been given the opportunity, he probably would have repudiated. The aim of this study will be to delineate Josephus' biblical canon and his attitude toward biblical books to the extent that the evidence permits. What remains uncertain—and much remains uncertain—will be so identified.

## **The Biblical Canon**

In *Against Apion* I, 37–43, Josephus writes<sup>2</sup>

It therefore naturally, or rather necessarily, follows (seeing that with us it is not open to everybody to write the records, and that there is no discrepancy in what is written; seeing that, on the contrary, the prophets alone had this privilege, obtaining their knowledge of the most remote and ancient history through the inspiration which they owed to God, and committing to writing a clear account of the events of their time just as they occurred)—it follows, I say, that we do not possess myriads of inconsistent books, conflicting with each other. Our books, those which are justly accredited, are but two and twenty, and contain the record of all time.

Of these, five are the books of Moses, comprising the laws and the traditional history from the birth of man down to the death of the lawgiver. This period falls only a little short of three thousand years. From the death of Moses



until Artaxerxes, who succeeded Xerxes as king of Persia, the prophets subsequent to Moses wrote the history of the events of their own times in thirteen books. The remaining four books contain hymns to God and precepts for the conduct of human life.

From Artaxerxes to our own time the complete history has been written, but has not been deemed worthy of equal credit with the earlier records, because of the failure of the exact succession of the prophets.

We have given practical proof of our reverence for our own Scriptures. For, although such long ages have now passed, no one has ventured either to add, or to remove, or to alter a syllable; and it is an instinct with every Jew, from the day of his birth, to regard them as the decrees of God, to abide by them, and, if need be, cheerfully to die for them. Time and again ere now the sight has been witnessed of prisoners enduring tortures and death in every form in the theaters, rather than utter a single word against the laws and the allied documents.

Josephus specifies that his canon consisted of twenty-two books, neither more nor less. These were “justly accredited” and apparently had been so for centuries (“although such long ages have now passed, no one has ventured either to add, or to remove, or to alter a syllable”). Since for Josephus the exact succession of the prophets had ceased with Artaxerxes son of Xerxes—elsewhere in his writings identified with Ahasuerus of the scroll of Esther<sup>3</sup>—it is no wonder that he assumed the biblical canon had been closed for centuries. Concerning the biblical books, Josephus informs us that they are historically accurate and consistent with each other, precisely because they were authored by prophets who were divinely inspired. The biblical books are authoritative for Jews, and revered by them, to the extent that some Jews suffered martyrdom rather than “utter a single word against the laws and the allied documents.”

The claims of Josephus are clear enough, but they need to be viewed in the light of their immediate context in *Against Apion*, in the light of the attitudes toward biblical and nonbiblical books expressed elsewhere in the Josephan writings, and in the light of the modern scholarly consensus concerning the history of the canonization of Hebrew Scripture.

### **The Immediate Context**

The immediate context of the *Against Apion* passage is a vigorous rebuttal by Josephus of those who would deny the antiquity of the Jews, and the accuracy of their ancient records. After pointing to various inconsistencies in the writings of the Greek historians, Josephus adduces evidence supporting the accuracy of the Jewish archives, first by pointing to the priestly genealogies recorded and preserved with great care for centuries in Jerusalem and second by pointing to the biblical canon as a collection of reliable historical sources. Note especially that in our passage Josephus does not describe the biblical books as “holy” or “sacred,” though this is commonplace elsewhere in *Against Apion* and throughout Josephan literature.<sup>4</sup> The focus here is on the



Bible as reliable history, not as sacred literature. Some of the implications of this narrow, immediate context will become evident later.

### **The Attitudes Toward Biblical and Nonbiblical Books**

The passage is entirely consistent with the attitudes toward biblical and nonbiblical books expressed elsewhere in the Josephan writings. Clearly, *Antiquities* is a retelling of biblical history. Although Josephus rarely refers to a specific biblical book and almost never cites biblical verses outside the Torah, he obviously is writing a narrative history based upon Genesis and including all the subsequent biblical books treating history, from Exodus through Ezra<sup>5</sup> and Chronicles. Josephus mentions specifically the books of Isaiah,<sup>6</sup> Jeremiah,<sup>7</sup> Ezekiel,<sup>8</sup> and Daniel.<sup>9</sup> There is a possible reference to Lamentations.<sup>10</sup> These and the other biblical books are often referred to as *sacred scripture* or *sacred writings* or *sacred books*.<sup>11</sup> Whether referred to by name or not, the biblical books more or less as we know them—those treating history—form the essence of Josephus' *Antiquities*. Only those historical books are sacred, and only those historical books are "justly accredited."<sup>12</sup>

Josephus' history, however, did not cease with the last of the biblical books. He traced Jewish history from the period of Artaxerxes through the first century of the common era, fully cognizant of the fact that he was relying on nonbiblical books. He relied heavily on such works as the Letter of Aristeas<sup>13</sup> and I Maccabees,<sup>14</sup> which, by Josephus' own definition, were excluded from the biblical canon. He also used I Esdras<sup>15</sup> and the Additions to Esther,<sup>16</sup> which, however, may have been included in his biblical canon. What this indicates is that, for Josephus, quotability is not proof of canonicity. When chosen judiciously, historical sources can be relied upon even if they are not inspired. However reliable the Letter of Aristeas and I Maccabees were for Josephus, he viewed them as historical sources not as sacred scripture.<sup>17</sup>

### **Modern Scholarly Consensus**

When viewed in the light of the advances of modern biblical scholarship, Josephus' view is not without difficulty. One apparent difficulty, at least, can easily be dispensed with. Josephus writes: "We have given practical proof of our reverence for our own scriptures. For, although such long ages have now passed, no one has ventured to add, or to remove, or to alter a syllable." It is inconceivable that Josephus was unaware of the wide range of textual divergency that characterized the Hebrew, Greek, and Aramaic versions of Scripture current in first century Palestine. Several modern scholars, however, have noted that Josephus' rhetoric here is commonplace in classical historiography and need not be taken literally. When used by a classical historian to describe his own method, it simply reflects the author's assurance to the reader that he has remained faithful to the sources.<sup>18</sup> Given the apologetic context of our pas-



sage, it is quite understandable that Josephus would underscore the inviolability of the text of Scripture as well as his own fidelity to it. In a later period, Abraham Ibn Daud (d. 1180),<sup>19</sup> Maimonides (d. 1204),<sup>20</sup> and Joseph Albo (fifteenth century)<sup>21</sup> would make a similar claim regarding the biblical text, again for apologetic purposes, despite their keen awareness that textual divergencies among the Hebrew Bible manuscripts were commonplace in the medieval period. More difficult for modern biblical scholarship is Josephus' assumption that biblical books such as Daniel, Esther, Ezra (or Esdras), and Chronicles were all authored and published by the time of Artaxerxes, son of Xerxes, and, hence, eligible for inclusion in the biblical canon.<sup>22</sup> Indeed, this is precisely Josephus' view (who also records that the book of Daniel was shown by the Jews to Alexander the Great<sup>23</sup>—some 170 years before it was published, according to the modern consensus<sup>24</sup>), and it is generally considered to be anachronistic. While Josephus nowhere records a precise date for the closing of the biblical canon (he simply asserts that no book written after Artaxerxes could be included in it), it would appear that for Josephus the biblical canon had been closed for the longest time. For Josephus, perhaps, the date of the closing of the biblical canon could best be determined by identifying the last events recorded in the received Scriptures, namely those events that occurred during the reign of Artaxerxes, son of Xerxes.

### **Josephus' Twenty-Two Biblical Books**

Except for the Five Books of Moses, Josephus does not identify the titles of the twenty-two biblical books by name in *Against Apion*. Scholars, thus, are forced to speculate as to the identity of the remaining seventeen books. Josephus' biblical canon probably consisted of the following books:

#### **A. Five Books of Moses**

#### **B. Thirteen prophetic books**

1. Joshua
2. Judges and Ruth
3. Samuel
4. Kings
5. Isaiah
6. Jeremiah and Lamentations
7. Ezekiel
8. Twelve Minor Prophets
9. Job
10. Daniel
11. Ezra and Nehemiah
12. Chronicles
13. Esther



### C. Four books of hymns and precepts

1. Psalms
2. Proverbs
3. Ecclesiastes
4. Song of Songs

The coupling of Judges-Ruth and Jeremiah-Lamentations, each unit counting as one book, is not unique to Josephus. Later Palestinian witnesses count twenty-two books precisely in this manner.<sup>25</sup> Noteworthy, too, is the fact that at *Antiquities* V, 318 ff. Josephus inserts the story of Ruth immediately after the death of Samson, which, in *Antiquities*, is the final episode drawn from the book of Judges. Note, too, that at *Antiquities* X, 78–79, the books of Jeremiah and Lamentations seem to be mentioned in the same breath. If the list presented earlier is correct, Josephus' twenty-two book canon corresponds exactly with the twenty-four-book canon of the Talmud. Some scholars, however, insist on keeping Judges-Ruth and Jeremiah-Lamentations separate, acknowledging thereby that Josephus' biblical canon consisted of two titles fewer than the biblical canon of the Talmud. Thus, H. Graetz<sup>26</sup> suggested that Song of Songs and Ecclesiastes were not included in Josephus' canon; so, too, L. B. Wolfenson.<sup>27</sup> S. Zeitlin<sup>28</sup> suggested that Esther and Ecclesiastes were not included in Josephus' canon. Still others excluded Chronicles, Ezra, and Esther from Josephus' canon.<sup>29</sup> The Palestinian witnesses to a twenty-two-book canon<sup>30</sup> (which included all twenty-four books of the talmudic canon) render Graetz' and Zeitlin's suggestions unnecessary but not impossible. Those who would exclude Esther from Josephus' canon seem not to have taken into account *Antiquities* XI, 184, where Josephus identified Ahasuerus with Artaxerxes. One suspects that Josephus reasoned that the exact succession of the prophets ceased soon after what is virtually the latest dated event in Scripture, namely the story of Esther. Note too that in *Antiquities*, the story of Purim (XI, 296) is almost immediately followed by Josephus' account of Alexander the Great (XI, 304). For Josephus, the biblical period ended with the close of the Persian period and the rise of Alexander the Great.

### Josephus' Tripartite Canon

At first glance, it would appear from Josephus' statement in *Against Apion* that he recognized a tripartite canon, perhaps similar in its classification of books to the biblical canon of the Therapeutae described by Philo,<sup>31</sup> but certainly different from the talmudic classification of biblical books.<sup>32</sup> Thus, for example, for Josephus the book of Daniel is included among the Prophets, whereas in the talmudic canon it is included among the Hagiographa. Specifically, Josephus notes five books by Moses, thirteen "historical" books by



prophets, and four books of hymns and precepts. Aside from the ambiguities arising from the fact that Josephus does not identify which titles are included in the thirteen “historical” books, and which titles are included in the four books of hymns and precepts, much discussion has focused on how Josephus’ tripartite canon relates to the tripartite canon of Ben Sira’s grandson, the tripartite canon of the Talmud, and the topical arrangement of books in the Septuagint canon.<sup>33</sup> In fact, Josephus’ arrangement, clearly a topical one, shows strong affinities to some Septuagint arrangements that are also topical. The key question that needs to be addressed is Does it make any difference whether a book is in the second or third division of a tripartite canon? For Josephus (in contrast to the rabbis) the answer appears to be no. Nowhere does Josephus make any distinction with regard to the degree of inspiration, sanctity, or authority of any of the twenty-two biblical books. Josephus would probably make a case for the uniqueness of the Five Books of Moses—notice that they form a separate category for him—due to the laws and covenants contained in them. But nowhere in the writings of Josephus are any substantive distinctions made between the prophetic books and the hymns and precepts. In light of this, R. Beckwith’s suggestion that Josephus’ arrangement of the biblical books is an ad hoc one designed specifically for the readers of *Against Apion* is persuasive indeed. Beckwith writes<sup>34</sup>

Josephus is a historian, and is writing to defend not only the Scriptures but also his own history of the Jews, based on those Scriptures. . . . It would therefore be natural if he divided the canon for his purposes into historical and non-historical works, and this is in fact what he does in his passage about the canon, only subdividing the historical works into Mosaic and non-Mosaic, in deference to the well-established distinction between the Law of Moses and the rest. . . . From this it is quite clear that Josephus regards the first two sections of his canon as histories, and the third section as non-historical works. The distribution is therefore, in all probability, the historian’s own. On the principle that all the biblical writers are, in one sense or another, prophets, and that historiography was in biblical times a prophetic prerogative, he has transferred the narrative books in the Hagiographa to join those in the Prophets, and has arranged the combined collection in chronological order. The only books which he has left in the Hagiographa are those which do not contain narrative material.

We would add only that Josephus’ arrangement of the biblical books in *Against Apion* is consistent with *Antiquities* X, 35, which can only be understood as a reference to the (total of) thirteen “historical” books by the prophets.<sup>35</sup>

### **Canon and Prophecy**

As is well known, Josephus did not restrict the phenomenon of prophecy to the First Temple period, or even to the period of Artaxerxes. Josephus



allowed for the phenomenon of the prophecy throughout Second Temple times.<sup>36</sup> Thus, for example, Josephus describes John Hyrcanus (135–105 B.C.E.) as being blessed with the gift of prophecy.<sup>37</sup> Manaemus the Essene is presented as having “from God a foreknowledge of the future,” which enabled him to predict that the lad Herod would one day reign as king.<sup>38</sup> Elsewhere,<sup>39</sup> Josephus describes a prophet of doom, reminiscent of Ezekiel, who in the year 62 C.E. predicted the fall of Jerusalem.<sup>40</sup> These samples suffice to raise the issue of why, from Josephus’ perspective, literary prophecy ceased with the period of Artaxerxes? It would appear that a careful reading of the *Against Apion* passage, and an analysis of Josephan terminology for prophetic phenomena, provide some insight into Josephus’ position on the matter. Josephus is quite clear in formulating a qualitative difference between prophecy prior to the period of Artaxerxes and prophecy following the period of Artaxerxes. So long as there was an exact succession of prophets, from Moses on, literary prophecy was possible. Once there was a break in the exact succession of the prophets, after the period of Artaxerxes, isolated instances of prophecy were possible but not literary prophecy.<sup>41</sup> Perhaps, for Josephus prophecy and history were integrally bound up with each other and linked to Moses, the greatest prophet and historian. The stress may well have been on the “historical” aspects of literary prophecy. Only a continuous history could be deemed inspired. Interrupted or sporadic histories are by definition incomplete and therefore inferior. Once the chain was broken, nothing new could be added to the biblical canon. This qualitative difference between pre- and post-Artaxerxes prophecy is also reflected in Josephan terminology. The term *προφήτης* is almost exclusively reserved for pre-Artaxerxes prophets. A post-Artaxerxes prophet is almost always called *μάντις*, or a related Greek term, but not *προφήτης*.<sup>42</sup>

It is no accident that the author of IV Ezra,<sup>43</sup> and the rabbis, too,<sup>44</sup> recognized that literary prophecy had ceased during the Persian period. Apparently, the author of I Maccabees, while nowhere providing a precise date for the cessation of prophecy, clearly recognized that prophecy had ceased prior to the Maccabean period.<sup>45</sup> This consensus seems to reflect the reality that there is no obvious reference in Scripture to a prophet who lived after the Persian period. It may also reflect the reality that Josephus, the early rabbis, and the authors of IV Ezra and I Maccabees inherited a fixed biblical canon that contained no books that seemed to date later than the Persian period. This required an explanation, the most obvious one being that either literary prophecy or the phenomenon of prophecy ceased with the close of the Persian period.<sup>46</sup>



## Notes

1. The classical passage, discussed later, is drawn from *Against Apion*, which is generally dated to circa 95 C.E. See R. J. H. Shutt, *Studies in Josephus*, London, 1961, p. 43. A second witness to a closed biblical canon, IV Ezra 14:44 ff., is generally dated to circa 100 C.E. See J. H. Charlesworth, ed., *The Old Testament Pseudepigrapha*, New York, 1983, vol. 1, p. 520.
  2. Loeb Classical Library translation by H. St. J. Thackeray.
  3. See A XI, 184.
  4. See, e.g., *Ap I*, 54 and 127; A X, 210; XIII, 167.
  5. Josephus clearly used the Greek Esdras I rather than the Masoretic Hebrew version of Ezra or the Septuagint Greek version of Ezra-Nehemiah. See, e.g., J. M. Myers, *I and II Esdras*, New York, 1974, p. 8.
  6. A X, 35; XI, 5.
  7. A X, 79.
  8. *Ibid.*
  9. A X, 210, 267, and 276; XI, 337.
  10. A X, 78–79 and Ralph Marcus' notes in the Loeb Classical Library edition, ad loc.
  11. See note 4.
  12. Also, four nonhistorical works are included in Josephus' biblical canon, for which see later.
  13. A XII, 11 ff. Cf. the references cited by Ralph Marcus in the Loeb Classical Library edition, ad loc.
  14. A XII, 240 ff. On Josephus' use of I Maccabees, see I. Gafni, "On the Use of I Maccabees by Josephus Flavius" [Hebrew], *Zion* 45 (1980): 81–95.
  15. See note 5.
  16. A XI, 229 ff.
  17. This is the clear implication of *Against Apion* I, 41.
  18. See W. C. van Unnik, "De la règle *Μῆτε προσθεῖναι μήτε ἀφελεῖν* dans l'histoire du canon," *VC* 3 (1949): 1–36; *idem*, *Flavius Josephus als historischer Schriftsteller*, Heidelberg, 1978, pp. 26–40. Cf. H. W. Attridge, *The Interpretation of Biblical History in the ANTIQUITIES JUDAICAE of Flavius Josephus*, Missoula, 1976, pp. 58–59 and notes; and S. J. D. Cohen, *Josephus in Galilee and Rome*, Leiden, 1979, pp. 28–29 and notes.
  19. *Ha-Emunah ha-Ramah*, Frankfurt am Main, 1852 [reissued; Jerusalem, 1967], p. 80.
  20. *Iggeret Teiman*, ed. A. S. Halkin, New York, 1952, pp. 39–41.
  21. *Sefer ha-Ikkarim*, III, ed. I. Husik, Philadelphia, 1946, vol. 3, p. 199.
  22. See the standard biblical introductions of Eissfeldt, Weissner, and Childs.
  23. A XI, 337.
  24. See, e.g., O. Eissfeldt, *The Old Testament: An Introduction*, New York, 1965, pp. 520–521.
  25. So Origen, Epiphanius, Jerome, and probably Eusebius, Cyril, the anonymous Bryennios list, and others. See H. B. Swete, *An Introduction to the Old Testament in Greek*, Cambridge, 1914, pp. 203–213; cf. P. Katz, "The Old Testament Canon in Palestine and Alexandria," *ZNW* 47 (1956): 196–197. For the Bryennios list, see S. Z. Leiman, *The Canonization of Hebrew Scripture: The Talmudic and Midrashic Evidence*, Hamden, 1976, pp. 43 and 161.
- In the light of the early Palestinian witnesses to a twenty-two book canon that had the units Judges-Ruth and Jeremiah-Lamentations each counting as one book, the suggestion by H. M. Orlinsky, "The Canonization of the Bible and the Exclusion of the Apocrypha," in his *Essays in Biblical Culture and Bible Translation*, New York, 1974, p. 271, that the equation of the twenty-two- and twenty-four-book canons is "an essentially nineteenth century scholarly fiction," cannot be seriously entertained.



26. *Kohelet oder der Salomonische Prediger*, Leipzig, 1871, pp. 168–169.
27. L. B. Wolfenson, "Implications of the Place of the Book of Ruth in Editions, Manuscripts, and Canon of the Old Testament," *HUCA* 1 (1924): 173–175.
28. "An Historical Study of the Canonization of the Hebrew Scriptures," *PAAJR* 3 (1931–1932): 130.
29. See the sources cited by W. Fell, "Der Bibelkanon des Flavius Josephus," *BZ* 7 (1909): 8, note 1.
30. See note 25.
31. *De Vita Contemplativa* 3.25, Loeb Classical Library, *Philo*, vol. 9, translated by F. H. Colson, p. 127. The passage in Philo is sufficiently ambiguous that almost any interpretation of it is conjectural. Cf. F. H. Colson's note, *op. cit.*, p. 520.
32. See S. Z. Leiman, (*op. cit.*, note 25), pp. 51–53 and notes. For an analysis of Josephus' biblical canon vis-à-vis the biblical canon of the rabbis, see R. Meyer, "Bemerkungen zum literargeschichtlichen Hintergrund der Kanontheorie des Josephus," in *J-S* (1974), pp. 285–99.
33. For a summary of the various views, see S. Z. Leiman, *op. cit.*, p. 150, note 135.
34. In his *The Old Testament Canon of the New Testament Church*, Grand Rapids, 1985, pp. 124–25.
35. See Ralph Marcus' note at A X, 35, Loeb Classical Library edition, pp. 176–177.
36. See, in general, J. Blenkinsopp, "Prophecy and Priesthood in Josephus," *JJS* 25 (1974): 239–262.
37. *BJ* I, 68–69.
38. *A* XV, 373–379.
39. *BJ* VI, 300–309.
40. See M. Greenberg, "On Ezekiel's Dumbness," *JBL* 77 (1958): 101–105. Cf. the discussion and references cited in his *Ezekiel 1–20*, New York, 1983, p. 121.
41. See W. C. van Unnik (*op. cit.*, note 18), pp. 41–54, especially pp. 47–48.
42. See J. Reiling, "The Use of *ψεμδοπροφήτης* in the Septuagint, Philo and Josephus," *NT* 13 (1971): 156; and cf. J. Blenkinsopp, *Prophecy and Canon*, Notre Dame, 1977, p. 182, note 59. I use the terms "almost exclusively" and "almost always" in deference to D. E. Aune, "The Use of *προφήτης* in Josephus," *BJL* 101 (1982): 419–421. The evidence he adduces, however, does not change the picture in any substantive way.
43. See note 1. Cf. The Prayer of Azariah, verse 15 and C. E. Moore's comment in *Daniel, Esther and Jeremiah: The Additions*, New York, 1977, p. 58.
44. See the evidence adduced by E. E. Urbach, "When Did Prophecy Cease?" [Hebrew] *Tarbiz* 17 (1946): 1–11. Urbach (p. 10) suggests that the rabbinic ascription of the cessation of prophecy to the Persian period was a Jewish response to the Christian argument that the cessation of prophecy among Jews was due to their rejection of Jesus. This seems highly unlikely, especially in the light of Josephus' ascription of the cessation of literary prophecy to the Persian period. Josephus most certainly was not responding to a Christian argument; nor, for that matter, was IV Ezra (see note 1). Similarly, I Maccabees, a pre-Christian work, recognized that prophecy had ceased prior to the Maccabean period (see the next note). Thus, views about the cessation of prophecy were not bound up with the advent of Christianity. For other suggestions as to why the rabbis ascribed the cessation of prophecy to the Persian period, see A. C. Sundberg, *The Old Testament of the Early Church*, Cambridge, 1964 [reissued New York, 1969], pp. 113–128.
45. See I Maccabees 4:46; 9:27; and 14:41. For the possible significance of I Maccabees 3:48 in this context, see S. Lieberman, *Hellenism in Jewish Palestine*, New York, 1962, pp. 194–199, especially p. 198, note 35.
46. For additional bibliography on Josephus and the biblical canon, see L. H. Feldman, *Josephus and Modern Scholarship (1937–1980)*, New York, 1984, pp. 134–139.