To Caesar What Is Caesar’s
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To Caesar What Is Caesar’s: Tribute, Taxes, and Imperial Administration in Early Roman Palestine.


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Herod the Great received the kingship over the Jewish state against his expectations (if we believe Josephus’s account). He was a fugitive to Rome from the Parthian forces, which had engulfed Syria and had installed the Hasmonean Antigonus as king in Jerusalem in 40 B.C.E. (Josephus, A.J. 14.330–89; B.J. 1.248–85). Antigonus’s father, Aristobulus II, had resisted Pompey in 63 B.C.E., and until he and Alexander, his first son, were executed by the Pompeians, he and his family had led Judea’s resistance against Rome. Antigonus himself, aided by the partisans of Cassius, had previously led a revolt in Judea, in the wake of the confusion that followed Cassius’s departure from Syria in 42 B.C.E. (A.J. 14.297–99; B.J. 1.239–40). Antigonus’s career was built on his family’s opposition to Roman rule in Judea. He was accordingly declared “an enemy of the Romans,” an object of hatred by Roman authorities, especially for becoming an ally of Rome’s bitter foes, the Parthians, and accepting the crown from them (A.J. 14.382–85; B.J. 1.282–84).

Herod’s loyalty and, in particular, the loyalty that his father, Antipater, before him had shown to the Romans stood in sharp contrast to Antigonus’s—and his family’s—“contempt of Rome” (B.J. 1.282–84; A.J. 14.381–83). Rome had found a faithful ally in Herod. Josephus’s account

1. According to A.J. 14.386–87, Herod had come to Rome “not to claim the kingship for himself, for he did not believe the Romans would offer it to him, since it was their custom to give it to one of the reigning family, but to claim it for his wife’s brother [Aristobulus III], who was a grandson of Aristobulus on his father’s side and of Hyrcanus on his mother’s.” Peter Richardson (Herod, 129) thinks that Josephus’s view “is probably correct.”
3. See chapter 3.
4. The citation is from B.J. 1.284. Both Antony and Octavian, who championed Herod’s cause before the Senate, contrasted Antigonus’s contempt with what they both recalled of Antipater’s “hospitality.” Octavian in particular remembered the “hospitality and invariable loyalty” that Antipater gave to his father, Julius Caesar, during his campaign in Egypt. On the parallels between Antigonus’s ascent to the throne and Herod’s, see, for instance,
of Herod’s life and reign is suffused with Herod’s sense of obligation—or “friendship”—to Rome, to Antony first and then to Octavian and Agrippa.5 After Herod’s death, Nicolaus of Damascus, Herod’s lifelong friend and historian, would reportedly appeal to Augustus’s own sense of fidelity in his bid to persuade Augustus to honor Herod’s final will: “Caesar,” he argued, “would certainly not annul the will of a man who had left everything to his decision, who had been his friend and ally” (A.J. 17.246). It is to this personal friendship and patronage between Herod and Antony, and between Herod and Octavian (through his father, Julius Caesar)6 that Josephus gives much attention in his account of Herod’s appointment to the throne. For the Senate, however, granting the crown to Herod was a matter of political and military expedience in the face of a general crisis that had overtaken not only the Jewish state, but the whole of Syria. It was a contrecoup to the Parthian invasion and occupation of Syria, and their installation of Antigonus as king in Jerusalem. “And when the Senate had been aroused by these charges [against Antigonus],” Josephus writes, “Antony came forward and informed them that it was also an advantage in their war with the Parthians that Herod should be king. And as this proposal was acceptable to all, they voted accordingly” (A.J. 14.385).7

Usually, Rome installed as king in a client state someone from among the members of its ruling family.8 The Senate, apparently breaking with this foreign policy, appointed Herod to the throne because it saw in him not only the solution to the intractable Hasmonean dynastic problem but

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Peter Richardson, *Herod*, 126–27. Richardson (p. 128) is correct in speculating that, had Antigonus joined the Caesarians and avoided entanglement with the Parthians, “Judean history might have been very different.” The Parthian invasion and Antigonus’s subsequent behavior allowed Herod, in A. H. M. Jones’s words, “to pose . . . as a champion of Rome who had lost all in defending his dominions against the public enemy” (*The Herods of Judea* [Oxford: Clarendon, 1938], 43).

5. See discussion in Peter Richardson, *Herod*, 226–34.


7. Equally B.J. 1.284: “These words stirred the Senate, and when Antony came forward and said that with a view to the war with Parthia it was expedient that Herod should be king, the proposal was carried unanimously.” See Peter Richardson, *Herod*, 127–28.

also the best means of preserving Judea in Roman control. Herod’s immediate task was to return to Judea and to join the Roman effort to rid Syria of the Parthians. The land that Herod was to rule, he had first to conquer through three years of tirelessly campaigning alongside Roman forces. In the long term, Herod’s primary duties as “King of the Jews” (B.J. 1.282) were his continued personal loyalty and his guarantee of the loyalty on the part of his subjects to Rome. He was also to act as a buffer against Parthian ambitions in Syria.

The discussion of taxation in Judea under Herod and his sons must take place against this background. This is particularly the case with the disputed question of Herod’s and his sons’ tax obligations to Rome. Does the assessment of their relationship with their Roman overlords allow for the conclusion that Rome imposed an annual tribute on them, separate, that is, from what they needed to do as “friends and allies”? It ought to be clear that the Herods were not free to impose any arbitrary policy—including excessive taxation—on their subjects. Their subjects could be loud in their complaints against what they viewed as tyranny, which Rome in the early Principate did not always disregard. And there was always the fear of unrest and open revolt, which Rome would never tolerate.

Modern scholarship has been ambivalent about the economy of Herod’s kingdom and the tax demands that he made on his subjects. On the one hand, more and more scholars now recognize the merits of Herod’s financial and administrative abilities and the relative prosperity that his enterprises could have brought to his kingdom. Yet, on the other hand, the view that he spent himself to bankruptcy and taxed his subjects to “helpless poverty” (which has become orthodox) is also widespread and persistent. The following long quotation from Seán Freyne typifies and summarizes this ambivalence:

It is a fairly widespread assumption that the long reign of Herod the Great was a particularly difficult time financially for the inhabitants of Palestine. Certainly the expenditure was lavish, and we hear of his subjects being in bad financial straits more than once (Ant. 15:365; 17:308; War 2:85f). Besides, after Caesar’s death in 44 B.C.E. Herod had demon-

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strated his ability to raise extra tribute—one hundred talents in Galilee (Ant. 14:273; War 1:221)—and was rewarded by Cassius with control of financial matters (ἐπιμελημένης) in the whole of Coele-Syria. He himself imposed a heavy fine (one hundred talents also) on the Galilean towns for their insubordination (Ant. 14:433; War 1:316), and this may have caused further social unrest and unpopularity for Herod with the masses (Ant. 14:450) . . . . Despite his self-centered ruthlessness Herod was also a shrewd administrator and businessman. His treatment of the people during the famine of 25 B.C.E.—provision of grain, clothing, etc.—is indicative of his control of the overall financial situation, and his recognition that a prosperous kingdom called for skillful exploitation of its resources. Another example of this far-sightedness is his granting of lands, tax-free, to the Babylonian Jews in Trachonitis and Batanaea. Their presence there as a military colony served the twofold purpose of protecting the kingdom from marauding robbers and of developing the rich agricultural lands of Transjordan (Ant. 17:23–31) . . . . Herod’s tax system was at least as hard for townspeople, for we hear of sales taxes in Jerusalem about which the people complained to Archelaus (Ant. 17:205) and which were subsequently partly removed by Vitellius (Ant. 18:90). Taxes on fruits are explicitly mentioned as being remitted, and of course these would have been a greater burden for the poorer townspeople than for their country equals, who could at least produce the necessities of life on their own plots. This sketchy summary of Herod’s economic policy as this was likely to have affected Galilean countrypeople is not intended to minimize the real hardships of his reign. Rather it suggests that the picture was not all bleak, and in fact some stabilization of life seems to have come about for those who were prepared to accept Herod and pose no particular threat, real or imagined, to his plans.12

Scholars who have espoused the view that this period was a “particularly difficult time financially” for the Jewish state and that this difficulty resulted from Herod’s tax policy accept, uncritically, one of the evaluations that Josephus (or one of his sources) gives to Herod’s reign.13 This

can be seen from the evidence cited by Freyne in support of his general conclusions: A.J. 17.308; B.J. 2.85ff.14 Josephus’s negative evaluation and the modern theories built on it are, however, contradicted by other positive assessments of the period in Josephus’s works. They are opposed especially by the weight of evidence suggesting that Herod’s kingdom was prosperous and that he managed it well, that is, to Rome’s satisfaction. Antony, and after him Augustus and Agrippa, trusted and rewarded Herod’s energy and administrative abilities. His friendship and demonstrated loyalty to Augustus yielded large returns in territorial expansions and revenue. He was entrusted with pacifying and ruling border territories where Rome needed to eliminate unruly elements and extend its influence, and he turned them (for example, Batanea) into stable, prosperous, tax-free Jewish colonies. There seems to be no reason for us to assume that he taxed the rest of his realm to ruination. In any event, the conclusion that he actually did or did not impoverish his kingdom through excessive taxation can be reached not by references to one-sided remarks by Josephus but rather by a comprehensive examination of the evidence at our disposal.

Such a study of the evidence is crucial. Scholars, in particular those who think that Herod’s reign was economically oppressive, view the excessive taxes paid by the Jews under Herod as the watershed of the economic problems that led to the Christian movement and to the Jewish revolt of 66 C.E.15 Under Herod, it is generally claimed, Jewish peasants were crushed by a system of triple taxation: Herod’s own excessive taxes were paid on top of tribute to Rome, and temple taxes and tithes.16

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14. On both passages, see below. The third passage that Freyne cites—A.J. 15:365—hardly shows that Herod’s subjects were in “bad financial straits,” since, on the contrary, it says that Herod remitted a third of the taxes paid by his subjects.

15. For instance, according to Richard A. Horsley (Spiral of Violence, 13): “Herod in particular intensified the economic exploitation of the people” in order to support “his elaborate regime and lavish court,” his “extensive building projects,” and “his astounding munificence to the imperial family and to Hellenistic cultural causes.” All of these projects Herod “funded by taxing his people.” It was this “intense economic pressure on the peasant producers,” continued under the Roman governors after Herod, that produced the economic and social conditions in Judea necessary for the “spiral of violence” that Horsley goes on to describe.

16. Thus Richard A. Horsley, Archaeology, 78: “The same tributary political-economic system [i.e., from the Persians to Julius Caesar] was perpetuated, only in a more complicated way, when the Roman Senate installed Herod as their client-king over Judea and the rest of Palestine. The Romans were thus providing an ‘income’ for their client-kings as well as ‘indirect rule’ over territories along their eastern frontier. . . . Herod, however, left the Temple and high priesthood intact, still requiring economic support from tithes and offerings despite its reduced political function. This meant that the Galileans had gone from one
The Herods and Roman Tribute

I argued in chapter 3 that, following the defeat of Cassius and Brutus in 42 B.C.E., Antony reconfirmed for the Jewish state the tax concessions that it had received from Julius Caesar. This regime was brought to an end, we have noted, by the Parthian invasion of Syria two years later. The problem is to know to what extent, in fiscal terms, the re-creation of Judea as a kingdom (abolished by Pompey) represented a new reality. Was Herod made “King of the Jews” under the existing, Caesarean, tax terms? Did the Senate, Antony, and Octavian impose new tribute under different terms? In other words, was the Jewish state under Herod and his sons stipendiaria as it had been since its conquest by Pompey in 63 B.C.E.? Or was it free from direct annual tribute to Rome?

The discussion of Jewish tax obligations to Rome under the Herods is hampered by the lack of evidence. There is nothing in Josephus’s account of Herod’s reign to suggest that his subjects paid tribute to Rome. On the contrary, as Schürer correctly observes, it is noteworthy that the Jews who gathered after Herod’s death demanded from Archelaus a reduction of both annual and sales taxes (A.J. 17.204–5; B.J. 2.4). Later, the delegation to Augustus complained of Herodian taxation in an effort to buttress their demand for the abolition of the monarchy (A.J. 17.307–8; B.J. 2.85–86). There is no mention in either case of Roman tribute. Both Herod and Archelaus, Schürer concludes, acted independently and without restric-

To three layers of rulers in the sixty years from the Hasmonean takeover to the imposition of Herod, with three layers of payments due, taxes to Herod and tribute to Rome as well as the tithes and offerings to Temple and priesthood.” Further, in Galilee, Horsley writes that Rome “reestablished the fundamental tributary political-economic system traditional in the ancient Near East, with Rome now as the ultimate beneficiary” (p. 118). In Judea, “this meant at least a double level of rule and taxation” wherein “Rome claimed its tribute, but taxation also provided a handsome level of revenue for the client-rulers.” Thus, “Herod undoubtedly extracted substantial revenues from his subjects,” amounting to “900 talents annually.” In this work, however, Horsley claims that it “is not completely clear” whether under Herod “the high-priestly regime” continued to receive the tithes granted them by the Romans. He concludes, nonetheless, that “[o]bviously some income remained to sustain the elaborate Temple establishment.” Borg (Conflict, Holiness, and Politics, 47–49) speaks of Jewish Palestine being subjected to “two systems of taxation” (Roman taxes together with Jewish religious taxes). “The impact,” he concludes also, “of the economic crunch was severe, producing signs of social disintegration, such as widespread emigration, a growing number of landless ‘hirelings,’ and a social class of robbers and beggars.” Resistance to Herod, in his view (pp. 53–55), was due to Herod’s “reduction of Jewish autonomy on the one hand, and, on the other, his Gentile associations and Romanizing policy.” See also literature cited in nn. 3 and 15. On the whole, these views echo Mommsen, History, 5:408–9: “In the client-states the forms of taxation were somewhat different, but the burdens themselves were if possible still worse, since in addition to the exactions of the Romans there came those of the native courts.”
tion with regard to taxation in Palestine. Momigliano, citing these observations by Schürer, maintains that with Herod the previous system of Roman taxation, which Caesar had established, was terminated. A distinction no longer existed between the tribute to be paid to Rome and the taxes paid to the government in Jerusalem. Now Herod was obliged to pay a fixed annual tribute to Rome from the taxes he collected from his kingdom. Momigliano’s view depends on his interpretation of Caesar’s decrees, which I showed in chapter 2 to be untenable, given that the decrees regulated only the tribute that the Jews were to pay to the Romans.

Momigliano based the view that Rome continued to raise an annual tribute from Judea on an obscure passage in Appian’s Bell. civ. 5.75. I shall discuss this text in some detail below. Momigliano’s theory that this tribute was taken from Herod’s tax revenue is not supported by any evidence. Subsequent scholars, New Testament scholars in particular, have relied directly or indirectly on Momigliano’s views on the matter. These scholars speak vaguely either of “Roman taxes” levied upon the people or of Herod being required to pay “a fixed sum” annually to Rome. Such vagueness dissimulates a malaise since, as Schürer points out, “the payment of a lump sum as tribute is quite different from an exaction by the Romans of direct taxes from the individual citizens of the country.” Those who imagine that Rome exacted an annual tribute directly from the inhabitants of Herod’s kingdom have only their imagination to show for it. Moreover, there is no trace in Josephus’s works of lump sums paid by Herod as annual tribute to Rome.

18. Momigliano, Ricerche, 43.
19. See ibid., 43–44.
20. Momigliano, Ricerche, 41–42.
In the face of the apparent dearth of direct evidence to support it, the argument from the absence of any mention in Josephus’s works of Roman tribute during Herod’s rule is an *argumentum e silentio*, and it is applicable most particularly to Herod’s reign under Augustus, that is, after 30 B.C.E. The contrary view, namely, that Herod paid tribute to Rome, is for the most part based on a challenge of this *argumentum e silentio*. Momigliano thought that it was beyond any doubt that, after Herod had been appointed king, Judea paid tribute to Rome while Antony dominated Syria (40–30 B.C.E.). The ground for this certitude, apart from Appian’s *Bell. civ.* 5.75, is that until the Parthian invasion in 40 B.C.E. the Jewish state was considered *stipendiaria* and continued to pay tribute, as we have noted, consonant with Caesar’s legislation. There is no evidence or discernible occasion, Momigliano concludes, that the system would have changed later to Rome’s financial disadvantage.²³ In Schalit’s view Herod continued to play the role that Caesar had given to his father. He was in this regard no more than a glorified Roman procurator in his own territory.²⁴

The next generation of scholars seized upon these ideas and turned the *argumentum e silentio* on its head. Smallwood makes the first explicit move:

Tribute had been imposed by Pompey in 63 and regulated by Caesar in 47, and the triumvirs had appointed Herod king in 40 on existing tributary terms. There are no references to financial obligations in the context of Octavian’s ratification of Herod’s position or to the payment of tribute to Rome at any point during his reign, and in the complaints made about taxes immediately after his death not a word was said about Roman exactions. But the *argumentum ex silentio* in this case seems to point to the retention of tribute after 30, not to its abolition. Had it been abolished then or later, the benefaction would hardly have gone unrecorded; and the state of the Roman exchequer in 30 gave little incentive to forego any source of revenue.²⁵

Hoehner echoes her:

In the republican era it was a practice not to impose tribute on client kings, but Pompey had made Palestine tributary and Julius Caesar, although altering some aspects of the tribute, did not abolish it. If there was an abolition of tribute for Palestine, it seems incredible that Jose-
phus would not have mentioned that fact. There is no evidence for Augustus altering the existing system and the *argumentum ex silentio* in this case is an argument in favour of the continued system of tribute.26

The argument, based only on Josephus’s silence, against tribute to Rome under Herod, is a weak argument. The reversed *argumentum e silentio* is even weaker, since it appeals to the reader’s credulity: if Rome had exempted Herod’s kingdom (or better, Herod) from tribute, “it seems incredible” that Josephus did not celebrate it. Since he did not celebrate it, it did not happen! But, why is it “incredible” that Josephus did not celebrate such an exemption? Momigliano did observe, judiciously in my view, that we have even less information on the system of Roman taxation in Herod’s kingdom than we have on Judea under Hyrcanus II. This is because Josephus usually furnishes us with such information when he cites the relevant decrees.27 Although he is aware that they had been issued, Josephus cites no decrees either in relation to Herod’s appointment by the Senate in 40 B.C.E. or to his confirmation by Octavian in 30 B.C.E.28 Thus, Smallwood might be correct that, had Herod been exempted from tribute, “the benefaction would hardly have gone unrecorded.”29 However, the reason why we have no record of such a grant is that the decrees in which the terms of Herod’s appointments were recorded are not extant.

New and startling evidence on the question is not forthcoming. Josephus, however, is in fact not as silent on the subject as scholars usually assume him to be. There is more information on Judea under Herod than on any other contemporary client kingdom. In the Republic, as Lintott aptly observes, “the only good evidence for regular taxation of a territory akin to a kingdom concerns Judaea.”30 Not surprisingly, therefore, it is

26. Hoehner, *Herod Antipas*, 299; see his n. 5. Thus also Applebaum, “Economic Life,” 661: “That Judaea was exempt from tribute under Augustus (as may be understood from Josephus), when it had been imposed by Julius Caesar, is hardly credible.” See his n. 8. Freyne (Galilee, 191, 206, n. 126) attributes the argument to Hoehner.


28. The decree granting kingship to Herod was deposited in the Capitol after the Senate adjourned (A.J. 14.388; B.J. 1.285). Josephus does not cite its content. A *senatus consultum* probably accompanied Herod’s reinstatement by Octavian. This is suggested by A.J. 15.196: “Having been granted so favourable a reception and seeing his [Herod’s] throne restored to him more firmly than ever beyond his hopes by the gift of Caesar and the decree of the Romans, which Caesar had obtained for him in the interest of his security, he escorted him [Octavian] on his way to Egypt.” In the Republic the recognition (*appellatio*) of kings by Rome was, as a rule, granted by the Senate. See Braund, *Rome and the Friendly King*, 23–37; Lintott, *Imperium Romanum*, 32–33, and earlier Jean Gagé, “L’empereur romains et les rois: politique et protocolle,” RH 221 (1959): 245.


30. Lintott, *Imperium Romanum*, 35; Andrew Lintott, “What Was the ’Imperium Roma-
from their interpretations of Rome’s dealings with Judea that historians infer what Rome did with the other kingdoms.\textsuperscript{31}

Judea, however, is not just “the only good evidence,” but, as Braund notes, simply the only evidence there is that Rome might have demanded regular annual tribute from client kings.\textsuperscript{32} This “evidence,” as it appears in Marquardt, Momigliano, Schalit, and scholars afterwards, depends on two props. The first is that Pompey imposed tribute on Judea under Hyrcanus II, Julius Caesar modified but upheld it, and Antony confirmed it. The second is that the appointment of Herod as king changed nothing in the status quo, since he was appointed under the existing tax terms. The first prop assumes that Judea under John Hyrcanus II was a “client state,” that is, according to Lintott, “akin to a kingdom.” The second prop assumes this continuum from John Hyrcanus II to Herod and relies explicitly on Appian’s \textit{Bell. civ.} 5.75.

**Roman Tribute and the Status of Judea**

The assumption that Judea was a “client kingdom” from John Hyrcanus II to Herod raises the much discussed question of the articulation of Judea into Rome’s imperial structure. Therefore, much as the question of Herod’s tax obligations to Rome might be answered with reference to Herod’s personal relationship to his suzerains, we must revisit the problem of Judea’s status from 63 B.C.E. to 40 B.C.E. Marquardt wrote concerning Judea:

Tribut hatte Iudaea schon seit Pompeius an die Römer gezahlt und der öfters vorkommende Fall, dass einzelne Landschaften mitten in der Provinz zeitweise einer einheimischen dynastischen Verwaltung übergeben wurden, ist immer so zu denken, dass in den Einkünften des römischen Staates dabei kein Ausfall stattfand. So wie Hyrcanus Tribut zahlte, welchem Caesar deshalb in der Person des Antipater, des Vaters des Herodes, einen \textit{e.tpivtropo}“ beigeben hatte, so ist auch Herodes selbst fatisch als ein \textit{procurator} des Kaisers mit dem Königstitel zu betrachten.\textsuperscript{33}


In Marquardt’s view, then, Judea after its conquest by Pompey became part of the province of Syria and, consonant with this status, paid tribute to Rome. Its status was demonstrated by the administrative interference by the governor, Gabinius, who divided it into aristocratic boroughs. Further, it contributed troops to the Roman war efforts in the region. Similarly, Herod’s kingdom was a “region within the province” of Syria. In other words, from its conquest in 63 B.C.E., and under Herod, the Jewish state was part of the province of Syria, albeit with its own local administration. Thus, Hyrcanus’s and Herod’s Judea showed that client kingdoms were integral parts of Roman provinces and paid tribute to Rome. Herod, in particular, was (like his father) a Roman procurator with a kingly title.

Momigliano writes dismissively of Marquardt’s theory that Judea was inserted into the province of Syria. Pompey, in his view, deprived Hyrcanus of his kingly title but allowed him the title “ethnarch” and considered him a vassal of Rome. From 63 B.C.E. to 6 C.E., therefore, Judea was a vassal kingdom, a formally autonomous state. Since the “client

36. Ibid., 1:499–500 and n. 7; also Theodor Mommsen, *Römisches Straftrecht* (ed. Joachim Marquardt and Theodor Mommsen; vol. 1–3 of *Handbuch der römischen Alterthümer*; Leipzig: Hirzel, 1887), 3:683: “Die nicht städtisch geordneten Gemeinden und die abhängigen Fürstentümer zahlten schon unter der Republik feste Jahrestribute an die römische Regierung.” Mommsen (p. 683, n. 3) cites the case of Judea. This view is continued by Badian (*Roman Imperialism*, 78) who holds that “[w]ith Pompey, the client princes become a real part of the empire (reichsangehörig, in Mommsen’s word), in a sense in which they never had been before.” He cites Judea as “the best-known case.” He is followed by many scholars. For example, Elizabeth Rawson, “Caesar’s Heritage: Hellenistic Kings and Their Roman Equals,” in *Roman Culture and Society: Collected Papers* (Oxford: Clarendon, 1991), 186 and n. 101.
38. Momigliano, *Ricerche*, 5–6. According to Schalit (*König Herodes*, 14–15) Pompey’s settlement was only the first step toward the establishment of a Roman province in Judea, which came in 70 C.E., after the revolt. In 63 B.C.E. Judea, unlike the surrounding Hellenistic cities, was not included in the province of Syria. Hyrcanus was left with the administration of the territory, as high priest and ethnarch. Momigliano and Schalit are followed by Smallwood (*Jews under Roman Rule*, 27–30), according to whom Pompey set Hyrcanus over a “client kingdom,” but with the title “ethnarch.” Pompey only prepared Judea “for later incorporation in the empire as a province.” The territory, thereafter, “was to remain a client kingdom for nearly seventy years.” See Jones, *Cities*, 258: “The total result of Pompey’s reorganization of southern Syria was thus as follows. Three native kingdoms or principalities were allowed to survive, the Nabatean, the Iturean, and the Jewish, the last very much reduced.” See also Daniela Piattelli, “Ricerche intorno alle relazioni politiche tra Roma e l’Ibnoς των Ιουδαίων dal 161 A.C. al 4 A.C.,” *Bollettino dell’istituto di diritto romano* 74 (1972): 293–302; Sullivan, *Near Eastern Royalty*, 217–18; and many others.
prince” Hyrcanus paid tribute, it is to be expected that Herod must have continued in the same dependence.

The ambivalent positions held by Schürer best illustrate the difficulty of determining the exact situation of Judea within the Roman imperial structure after 63 B.C.E. He first maintains that “[f]rom 65 B.C. to A.D. 70, Palestine, although not directly annexed to the province of Syria, was nevertheless subject to the supervision of the Roman governor of Syria.” He writes further on:

Because of the scantiness of the sources it is difficult to give an accurate account of the position of Palestine at this time in relation to Rome. This much is certain, however: it was tributary, Jos. Ant. xiv 4, 4 (74); B.J. i 7, 6 (154), and under the control of the Roman governor of Syria. The question is whether or not it was directly incorporated in the province of Syria. A later observation made by Josephus constitutes an argument for the latter alternative, namely that by the enactment of Gabinius, who divided Palestine into five districts, the land was free from “monarchical government,” B.J. i 8, 5 (170). Hyrcanus will consequently have stood at the head of the government of the country, and been subject only to the control of the Roman governor.

The problem, it appears, is how to reconcile Hyrcanus’s administrative responsibilities in Judea with the subjection of the territory to the control of the governor of the province of Syria. In order to be “directly annexed” to the province of Syria, need Judea have been without a local administration? Or, in other words, need Judea have been “directly incorporated,” that is, without a local government, in order to be considered part of the province of Syria?

More recent discussions of the status of Judea after 63 B.C.E. have paid attention to the complex and much disputed problems of Roman notions of the provincia and of the imperium of the provincial governors. From


40. Schürer, History, 1:267. Schürer’s last statement, meaning that Hyrcanus was at the head of the Jewish state until Gabinius’s intervention, is consonant with his later (1:269) assessment of Gabinius’s political arrangement: “Gabinius’s enactment signified the removal of that remnant of political power which Hyrcanus had still possessed. Pompey had already deprived him of the title of king; now he was stripped of all political authority and restricted to his priestly functions. The country was divided into five districts and ‘liberated’ from his rule.” See below.

the point of view of Rome’s increasing sphere of influence and dominion, the Jewish state from the second century B.C.E. had come into the *imperium populi Romani*. Pompey’s conquest of the territory, together with the rest of Syria, was in this regard the territorial and administrative realization of that dominion. Pompey’s Syria was typical. It is worth repeating that the forms of incorporation of various segments of the territory over which Pompey had extended Rome’s hegemony developed over time and shifted frequently. With regard to Rome’s imperial hegemony in Syria, therefore, Judea under John Hyscus II, Herod, and afterwards was in the provincia of whoever had the imperium (command, power) over the territory.

The problem of Judea’s situation within the imperial structure, as Shatzman points out, lies in the administrative tools that Rome used to manage the territory from 63 B.C.E. onward. The confusing multiplicity of titles for Judea’s administrative officials is indicative of the attempts made by various Roman imperial authorities to find an acceptable *modus vivendi* between Roman policies and Jewish traditions. Until the creation of the Roman province of Judea, following the First Revolt from 66–74 C.E., when the Jews lost their institutions for self-government, Rome always operated a system of indirect rule in Judea. The difference lay in the people to whom Rome entrusted the direct administration of the territory and the degree of their relative independence from Roman imperial magistrates. Under the praefecti, the high priest and the priestly aristocracy were in charge of the daily administration of the territory, including the collection of tribute (*B.J.* 2.405). This two-level system of...
government was tripled by the influence exercised by a Jewish king, while not directly governing the land.49

Josephus writes, in effect, that with the annexation of Judea in 6 C.E., following the death of King Herod and the banishment of “king” Archelaus,50 “the constitution became an aristocracy, and the high priests were entrusted with the leadership of the nation” (A.J. 20.251). “Aristocracy” or “theocracy,” that is, the government by priests, which had come into existence in Judea from about the sixth century B.C.E. (A.J. 11.111–13),51 was the internal constitution (πολιτεία) that Josephus considered traditional and preferred.52 He opposes it to “rule by a king” (βασιλεία), which he rejects.53 In 6 C.E., according to Josephus, Rome returned Judea to the administrative situation in which Pompey had left it in 63 B.C.E.: direct government by the priestly aristocracy and indirect government by a Roman magistrate. He observes, accordingly, that in 63 B.C.E. this administrative formula was to the delight of “the Jews and their leaders” (presumably priests) who had petitioned Pompey to reinstate the traditional constitution of their country. For them the rule by a king was tantamount to being reduced to “a nation of slaves” (A.J. 14.41, 73, 91; B.J. 1.153, 169–70). This, notably, was also the view of the Jewish embassy to Augustus after the death of Herod: the “freedom” (A.J. 17.227) and the “autonomy of their nation” (B.J. 2.80–91) for which they pleaded would be realized if Augustus would “unite their country to Syria” and “entrust the administration to governors” (B.J. 2.80–91; see A.J. 17.227). Under Roman rule, the government of Judea by priests was always accompanied by the immediate oversight of a Roman magistrate. Thus, direct government by the

49. Agrippa I and his son Agrippa II. Millar (“Emperors, Kings and Subjects,” 164–65), commenting on Acts 25–26 observes: “In the years leading up to the Jewish Revolt of 66 CE Judea was under a sort of dual local control, both procurator and king being under the adjudication of the Emperor in Rome.” The “High Priests’ and leading Jews,” however, are also in the picture presented by Millar.

50. In A.J. 17.355 Josephus notes that, in 6 C.E., Archelaus’s territory “was added to (the province of) Syria,” even though a praefectus was appointed to administer it. See also A.J. 18.1–2. In B.J. 2.117 he says that the territory was “reduced to a province.” See Theodor Mommsen, The Provinces of the Roman Empire from Caesar to Diocletian (2 vols; trans. William P. Dickson; Chicago: Ares Publishers, 1974), 2:185 and n. 1; also chapter 5.


53. On βασιλεία see, for instance, A.J. 12.360, 389; 13.113, 301; 14.41, 78; 17.273, 280–81; 18.237; 20.241–42. Agrippa I is supposed to have written to Gaius: “It fell to me to have for my grandparents and ancestors kings, most of whom had the title of high priest, who considered their kingship inferior to the priesthood, holding that the office of high priest is as superior in excellence to that of the king as God surpasses men. For the office of one is to worship God, of the other to have charge of men” (Philo, Legat. 278).
priestly aristocracy and indirect government by a Roman magistrate were the administrative formula instituted by Rome when Judea—the region—(6–41 C.E.) and the entire Jewish state (44–66 C.E.) were “directly annexed” into Rome’s provinces. Such was the case also in the period from 63 to 40 B.C.E.

The correlation between Jewish internal “aristocratic” administration and “direct annexation” is further confirmed by what Josephus says of the period from 63 to 48 B.C.E. Hyrcanus was not a king; Judea was not a client kingdom. Pompey did not give Hyrcanus the title “ethnarch” either. Marquardt maintains that Pompey left Hyrcanus in Judea as high priest and ethnarch. None of the ancient sources he cites as evidence actually supports this view. Momigliano accepts Marquardt’s opinion as if it were self-evident. Josephus says actually that Pompey restored the high priesthood to Hyrcanus, and to the Jews their postexilic “theocratic” constitution.

What Josephus says here is the meaning of the two summaries that he gives of Hyrcanus II’s reign. In A.J. 20.243–45 he first observes that Aristobulus, Hyrcanus’s brother and rival, was “both king and high priest of the nation,” and then further explains that Pompey restored the high priesthood to Hyrcanus “and permitted him to have the leadership of the nation (τὴν μὲν τοῦ ἑθνοῦς προστασίαν ἑπέτρεψεν), but forbade him to wear a diadem.” He writes in A.J. 15.180–81:

After taking the throne on the death of his mother he held it for three months, but was driven from it by his brother Aristobulus. When it was restored to him later by Pompey, he received all his honours back and continued to enjoy them for forty years more. But he was deprived of

55. Marquardt, Römische Staatsverwaltung, 1:406, text cited above.
56. Marquardt, Römische Staatsverwaltung, 1:406 and n. 5: (i) Dio Cassius, Hist. 37.16: “The kingdom was given to Hyrcanus, and Aristobulus was carried away” (ὁ τε βασιλεύς τὸ Τρεχανῶν ἔδωκε, κατὶ ὁ Ἀριστοβουλοῦς ἀπνεσθὲν); (ii) Strabo, Geogr. 16.2.46 (765): “Now Pompey clipped off some of the territory that had been forcibly appropriated by the Judeans, and appointed Herod to the priesthood” (Πομπήες μὲν ὀνὸν περικόπτας τινὲς τῶν ἐξιδιοθετηθέντων ὕπο τῶν Ἰουδαίων κατὰ βίου ἀπεδείχθη Ἡρῴδη τὴν ἱεροσύνην); (iii) Josephus, A.J. 14.73 (4,4): “[Pompey] restored the high priesthood to Hyrcanus” (τὴν ἀρχιερείαν ἀπεδόθη τῷ Θρακανῷ). Marquardt’s combination, ἀρχιερέως καὶ ἑθνάρχης, actually comes from the titles that Caesar gave to Hyrcanus later, as we shall see below.
57. Momigliano, Ricerche, 5. Marquardt is followed by a host of other scholars, including Schalit (König Herodes, 14 and nn. 50–51) and Smallwood, Jews under Roman Rule, 27 and n. 22. Both authors cite A.J. 20.244, and Smallwood claims that the title “ethnarch” is implied by the words ἡ προστασία τοῦ ἑθνοῦς in Josephus’s passage. More recently, see Saulnier, “Lois Romaines,” 174–75; Lintott, Imperium Romanum, 25.
58. From 63 to 40 is twenty-three years (or twenty-four years, according to A.J. 20.245). That Hyrcanus ruled for forty years is obviously an error.
them a second time by Antigonus, mutilated in body, and taken prisoner by the Parthians.

That Hyrcanus received back the throne and all his honors and that he was restored to the high priesthood say one and the same thing, with the proviso that Pompey rid Judea of kingly rule.59 The territory that Pompey granted to Hyrcanus to administer as high priest was under the immediate control of the succession of Roman magistrates from 63 B.C.E. I have already shown in chapter 1 that, although Pompey defeated Aristobulus II and captured Jerusalem in 63 B.C.E., the country was not subdued. From Rome’s perspective, Judea belonged to the provincia of the magistrate who had the imperium to wage the war necessary to conquer and passify it.60 Hence, after enumerating the cities that Pompey had detached from the Jewish state, Josephus writes (B.J. 1.157):

All these towns he restored to their legitimate inhabitants and annexed to the province of Syria. That province, together with Judea and the whole region extending as far as Egypt and the Euphrates, he entrusted, along with two legions, to the administration of Scaurus; and then he set out in haste across Cilicia for Rome, taking with him his prisoners, Aristobulus and his family.

This passage has often been read as if Josephus meant that Judea was outside of the “the province of Syria” administered by Scaurus. The Loeb translation suggests this understanding. This cannot be the case. In Josephus’s second sentence (παράδους δὲ ταύτην τε καὶ τὴν Ἰουδαίαν καὶ τὰ μέχρις Αἰγύπτου καὶ Εὐφράτου, κτλ.), the particles τε καὶ are exegetical, detailing in what “this (ταύτην)” consisted, that is, the province of Syria administered by Scaurus and his successors. The province, in other words, is the same as the whole region that lies between Egypt and the

59. Thus also A.J. 14.73; B.J. 1.153. According to Aharoni and Avi-Yonah (Atlas, 161), during this period “Hyrcanus II again became high priest in Jerusalem, but administration was entrusted to Antipater.” Thus also Frederic W. Madden, History of Jewish Coinage and of Money in the Old and New Testament (London: B. Quaritch, 1864; repr., New York: Ktav, 1967), 75. The view probably goes back to Mommsen (Provinces, 174–75). Josephus (A.J. 15.177, 182) actually says that it was Hyrcanus who, “when he himself had royal power,” because of his mild character, “yielded the greatest part of the administration to Antipater.”
60. See generally A.J. 14.80–122; B.J 1.159–82. In A.J. 14.100–102, for instance, Josephus considers the revolts led by Alexander in Judea to be “uprisings and disorder” in Gabinius’s “Syria.” See also B.J. 1.176–77. J. S. Richardson (“Administration of the Empire,” 579–80) comments appropriately: “A magistrate or promagistrate in an overseas provincia was not originally or (in the Republican period, at least) primarily administering an area of Roman territory, but commanding Roman forces in a foreign land . . . . Within those very broad boundaries, he had the freedom that was essential to any commander to exercise the power of the Senate and the people of Rome as he saw fit: that indeed was what imperium meant.”
Euphrates.\(^6\) It includes what remained of Judea, together with the region of Samaria (Samaritans).\(^6\)

To sum up, Marquardt is correct that there is no contradiction between the existence of a local administration in Judea, headed by the high priest, and the territory’s annexation into the province of Syria. This was Rome’s administrative formula in use when the Jewish state was known to have been “directly annexed.” Josephus (\textit{A.J.} 14.77) could rightly, therefore, lament Judea’s losses: “For we lost our freedom and became subject to the Romans, and the territory which we had gained by our arms and taken from the Syrians we were compelled to give back to them.”\(^6\) Communities like Judea under annexation were commonplace in the provinces of the empire. As Sherwin-White observes in relation to Pompey’s organization of Pontus, in principle “a Roman province was an effective system of administration only in areas where local government was established.”\(^6\) Administratively, Judea was similar to the Hellenistic cities that Pompey had “liberated” from Jewish rule.\(^6\) Both were “free”; that is, they were not under kingly rule and had relative administrative and financial independence. They used their own laws and were for this reason “autonomous.”\(^6\) All were, however, immediately within the \textit{provincia} of the governor of Syria. Although the imposition of tribute is not a direct proof of annexation, territories that were annexed were \textit{stipendiariae}, barring special immunities granted to specific communities.\(^6\) Pompey imposed

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61. Appian, \textit{Hist. rom.} 11.8.50: “inland Syria and Coele-Syria, Phoenicia, Palestine, and all the other countries bearing the Syrian name from the Euphrates to Egypt and the sea”; also \textit{Hist. rom.} 12.17.118. Lintott, \textit{Imperium Romanum}, 25: “from the \textit{mons Amanus} at the south-eastern end of Cilicia in the north as far as Egypt in the south.”

62. That is, Judea—region, Galilee, Perea, eastern Idumea. Thus, correctly, A. R. C. Leaney, \textit{The Jewish and Christian World 200 BC to AD 200} (Cambridge Commentaries on Writings of the Jewish and Christian World, 200 BC to AD 200; Cambridge: Cambridge University Press, 1984), 95: “The arrangement [by Pompey] returned Judaea, along with other territories, to the position of being part of Syria, now a Roman province under a legate rather than a hellenistic kingdom.” Ammianus Marcellinus’s report (14.8.12) that Palestine was “formed into a province by Pompey, after he had defeated the Jews and taken Jerusalem, but left [it] to the jurisdiction of a governor” has little value. Even more doubtful are the statements in Appian, \textit{Hist. rom.} 11.8.50 and \textit{Hist. rom.} 12.17.118.

63. Sullivan (\textit{Near Eastern Royalty}, 219) claims, wrongly I think, that Josephus’s remark about the loss of liberty by the Jewish state “retrojects the conditions of his own day.” Sullivan is correct to point out, however, that “in 63 BC much fighting lay ahead before the Jewish state could be termed ‘subjected’ by Rome.”

64. Sherwin-White, \textit{Roman Foreign Policy}, 30.


tribute on Judea as he did on the rest of the province of Syria, and the publicani in Syria collected tribute in Judea as well.\footnote{See Sherwin-White (Roman Foreign Policy, 231), who writes, however: “Pompeius treated the Syrians as a conquered people, though the conquest was not due to himself. Tribute was imposed upon the minor dynasts whom he recognised in southern Syria and Judea. Pompeius thus created a new type of tributary dependency.”}

Three aspects of the grants made by Julius Caesar to the Jews in 47 B.C.E. effected significant, though hardly radical, administrative changes in Judea. First, Caesar, recognizing the authority that Hyrcanus held in the Jewish theocracy from Pompey’s settlement, confirmed Hyrcanus as high priest.\footnote{A.J. 14.199; see 14.137, 143; B.J. 1.194, 199, and discussion in chapter 2. Before Pompey’s death, Judea had been allied with the Pompeians against Caesar in the civil war. Caesar, for his part, had supported Aristobulus’s bid to return to power in Judea, a support that Aristobulus’s son Antigonus sought to exploit (A.J. 14.123–25, 140–44; B.J. 1.183–86, 195–200).}

He also named him ethnarch, adding that his rule was to be hereditary:

\[
\text{[I]t is my wish that Hyrcanus, son of Alexander, and his children shall be ethnarchs of the Jews and shall hold the office of high priest of the Jews for all time in accordance with their national customs, and that he and his sons shall be our allies and also be numbered among our particular friends. (A.J. 14.194)}\footnote{See the decrees cited in 14:192–95, 196–98, 211–12 and the discussions in chapter 2.}
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It is now a widely held view that by recognizing him as ethnarch Caesar was restoring Hyrcanus to the political power that he had lost when Gabinius organized Judea into synedria.\footnote{See, for instance, Momigliano, Ricerche, 13–14; Jones, “Review,” 228; Schalit, König Herodes, 44; Schürer, History, 1: 269, 271; Smallwood, Jews under Roman Rule, 38–39; Piattelli, “Ricerche,” 302–3; Saulnier, “Lois Romaines,” 174–76.}

This view, however, is without basis. We have already seen that Hyrcanus did not bear the title ethnarch after Pompey’s settlement. His administrative authority (προστατικύς) derived from his high-priestly office. Further, Josephus’s narrative of the events of 57 B.C.E. indicates that Hyrcanus had lost control of Jerusalem to Alexander before Gabinius intervened in the civil war.\footnote{Hyrcanus “was no longer able to hold out against the strength of Alexander, who was actually attempting to raise again the wall of Jerusalem which Pompey had destroyed” (A.J. 14.82). According to B.J. 1.160, Alexander “would in all probability have soon deposed his rival, but for the arrival of Gabinius.” Alexander’s first encounter with Roman forces was in an area near Jerusalem, to which he had withdrawn (A.J. 14.85). Peter Richardson (Herod, 100) interprets Josephus’s statements to mean that “Alexander had a large measure of popular support, especially in Jerusalem, and that Hyrcanus and Antipater were relatively weak.” He thinks, however, that “Alexander acquired control of Jerusalem” (p. 101).}

\footnote{A.J. 14.90; see B.J. 1.169. See Peter Richardson, Herod, 102; and especially, Sullivan, “Dynasty of Judaea,” 2.8:317–18.}
indication that Hyrcanus had thereby lost the προστασία in virtue of which he ruled as high priest. Josephus, in his summary of Hyrcanus’s reign, does not include 57 B.C.E. and afterwards in his list of the periods during which Hyrcanus was deprived of political power. On the contrary, Josephus says, the overall effect of both Hyrcanus’s restoration to Jerusalem and Gabinius’s synedria was that the people now lived under an “aristocracy” (A.J. 14.91). The dynastic rule (δυναστεία) from which the people were thereby relieved (ibid.) was the Hasmonaean kingly rule (see B.J. 1.19, 37; A.J. 14.11; 20.261), which Alexander, in waging the civil war, again was trying to introduce. After he had been restored to Jerusalem, Hyrcanus (and Antipater) continued to act with political authority. They aided the governor in his Egyptian campaign and in his efforts to quell local revolts (A.J. 14.98–102).

We do not know how Gabinius’s synedria actually functioned administratively. The arrangement was, in any event, short-lived. The grant of the title ethnarch to Hyrcanus II belongs to Caesar’s recognition of the Jews as an ethnos. The senatus consultum confirming Caesar’s decree grants:

[[that his children shall rule over the Jewish nation (Ἰουδαίων ἔθνους ἀρχηγός) and enjoy the fruits of the places given to them, and that the high priest, being also ethnarch, shall be the protector of those Jews who are unjustly treated (καὶ ὁ ἀρχιερεύς αὐτὸς καὶ ἔθναρχες τῶν Ἰουδαίων προστήται τῶν ἀδικουμένων). (A.J. 14.197)]]

Hyrcanus had the προστασία to act also in the interest of the Jews of the Diaspora. For the Diaspora Jews as well as those in Judea, Caesar’s decrees are the first instance of a Roman document permitting them to

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74. See Peter Richardson, Herod, 77–78.
76. Josephus (A.J. 14.117), citing Strabo on the Jews in Alexandria, says the Jews there had “an ethnarch of their own . . . , who governs the people and adjudicates suits and supervises contracts and ordinances, just as if he were the head of a sovereign state”; see also the edict of Claudius cited in A.J. 19.283. Piattelli, “Ricerche,” 303–5; Pucci Ben Zeev, Jewish Rights, 49–51.
77. See chapter 2.
use their own laws. We noted that, although such permissions were very frequently granted and were an integral part of Rome’s imperial administration, Caesar’s grant was significant because it changed the de facto recognition that the Jews were free to use their laws to a de iure right.79 For those in Judea this was more than the permission to observe their religious customs; it included criminal, civil, and administrative procedures.80

Apart from the right to use their laws, the other concessions made to Judea, taken together, indicate that Rome’s view of the territory shifted in 47 B.C.E. I have discussed these in detail in chapter 2. The grants of immunity from billeting, military service, and requisition are particularly significant. Important also is the fact that Caesar removed the publicani from Judea and entrusted Hyrcanus with the assessment and the collection of tribute.81

A second significant aspect of the grants is that Caesar’s decree (A.J. 14.194) refers to Hyrcanus and his sons as “allies” (σωματία) and “friends” (ψευδοίς). In the senatus consultum quoted in A.J. 14.197 mention is made of envoys to (or from) Hyrcanus for the purpose of discussing “terms of friendship and alliance” (περὶ ἐνλείας καὶ σωματίας).82 Josephus observes that after Caesar arrived at Rome from his Egyptian campaign Hyrcanus sent envoys to him “with the request that he should confirm the treaty of friendship and alliance with him” (A.J. 14.185).

Otto Roth long ago doubted that Hyrcanus was successful in establishing a σωματία, and therefore in obtaining a treaty of alliance (a foedus) from the Roman Senate. This would explain why Caesar’s decree speaks of Hyrcanus and his sons as allies and friends only at a personal level.83 More recent discussions on the “vexed question”84 of the meaning of socius and amicus have yielded divergent results.85 “The truth,” in Lin-
tott’s judgment, “almost certainly lies between Sherwin-White’s position, that socius only designates an ally with a foedus, and Gruen’s, that the terms ‘friendship’ and ‘alliance’, when applied to communities outside Italy, are used for the most part loosely, and that the Romans, even when there were formal relations, were indifferent to their exact terms.”

Whether or not Hyrcanus obtained a foedus designating him socius of the Roman people, the terms of the relationship would need to be verified concretely. I noted in chapter 2 that Josephus presented the grants given by Caesar in the context of the “friendship and alliance” between Caesar and Hyrcanus. These grants, confirmed by a senatus consultum, constitute the specific terms of the relationship.

Finally, Caesar granted Roman citizenship, with exemption from taxation, to Antipater (A.J. 14.137; B.J. 1.194) and then named him “procurator” (ἐπιτροπος) of Judea (A.J. 14.143; B.J. 1.199). Opinions on the administrative significance of Antipater’s appointment vary from Marquardt’s view that Antipater was Caesar’s procurator in Judea to Mommsen’s rebuttal, namely, that Caesar did not make Antipater a Roman official. According to Mommsen, Antipater’s office was one that was “formally conferred by the Jewish ethnarch,” and was no different from the one Antipater had previously held as ὁ τῶν Ἰουδαίων ἐπιμελητὴς. Smallwood, following Momigliano, assumes that the term ἐπιτροπος is used here of Antipater as it was used later in the imperial period. She concludes that “Antipater’s duties are likely to have been confined to the sphere of tax-collection.” Antipater, she claims, “was to act as resident representative of Rome, safeguarding Roman financial interests.”


86. Andrew Lintott, Judicial Reform and Land Reform in the Roman Republic (Cambridge: Cambridge University Press, 1992), 111; see his own discussion in Lintott, Imperium Romanum, 32–34.


88. Marquardt, Römische Staatsverwaltung, 1:407–8 (see text cited above); Mommsen, Provinces, 2:174, n. 1.

89. Mommsen, Provinces, 2:174, n. 1; see A.J. 14.127, 139 (citing Strabo).

90. Momigliano, Ricerche, 26–27.

91. Smallwood, Jews under Roman Rule, 39; see also Udoh, “Tribute and Taxes,” 188.
Marquardt’s opinion (adopted by Momigliano, Schalit,92 and Smallwood) is attractive and has become pervasive. But Mommsen is surely correct that it is anachronistic to speak of Antipater as an imperial procurator and compare his role in Judea to the positions probably held by Herod under Augustus.93 Jones established some time ago that “procurator was a term of private law in the later Republic, and it always remained so except when applied to the emperor’s procurators.”94 Moreover, even in the early Principate—under Augustus and Tiberius—when various imperial procuratorial posts were established, procurators remained the emperor’s private agents.95 Equally unacceptable is Smallwood’s comparison of Antipater with the procurator appointed by Augustus to the “client kingdom” of Cappadocia.96 The ἐπιτροπὸς about whom Dio speaks was appointed by Augustus because Archelaus I of Cappadocia was alleged to have been mentally deranged. He was a regent, a governor pro tempore, and not Augustus’s financial officer in Cappadocia.97

There has been a lively discussion on the relationship in Josephus’s works between John Hyrcanus II and Antipater.98 For all that, Antipater’s administrative role in Judea is not easy to determine. Neither is Josephus’s array of titles for Antipater very helpful.99 What seems to be clear from both Josephus’s narrative and Caesar’s decrees that he cites is that effective power resided with Hyrcanus, and Antipater was responsible

92. Schalit, König Herodes, 162.
93. See Mommsen, Provinces, 2:174–75, n. 1; and Marquardt, Römische Staatsverwaltung, 1:407–8 and nn. 1, 2.
96. Smallwood, Jews under Roman Rule, 39, n. 60; Dio, Hist. 57.17.5.
97. See Sullivan, “Cappadocia,” 2.7.2:1159; Braund, Rome and the Friendly King, 147; Dio (Hist. 57.23.4) uses the word ἐπιτροπὸς (here meaning “tutor” or “guardian”) to describe the person appointed by Tiberius over a Senator in the same condition of mental debility as Dio attributes to Archelaus I. F. E. Romer (“A Case of Client-Kingship,” AJP 106 [1985]: 83–84) argues that Archelaus was at the time in fact undergoing trial in Rome. After Archelaus died and the kingdom was annexed by Tiberius a governor of equestrian rank (ιππεῖ ἐπιτροπός) was appointed. Dio (Hist. 57.17.7) does not give his title. The governor bore the title “procurator” under the emperor Claudius, according to Tacitus (Ann. 12.49). See Jones, “Procurators,” 118; idem, Cities, 181; Sullivan, “Cappadocia,” 2.7.2:1159–60.
98. See Daniel R. Schwartz, “Hyrcanus II”, and the earlier literature discussed there.
99. Bammel (“Gabinius,” 161–62, for instance) suggests that before 47 B.C.E. Antipater’s position, as ἐπιμελητῆς of the partitioned state of Jerusalem, was “a financial office only.” Peter Richardson (Herod, 105–6) concludes that “Antipater’s role was probably a combination of military and financial deputy to Hyrcanus, with a broad sphere of influence (the most efficient explanation of the varying terms).”
directly to Hyrcanus rather than to Caesar or Roman magistrates in Syria. We have already seen that Caesar entrusted the assessment and collection of tribute to Hyrcanus and the authorities in Jerusalem. I have observed, however, that we know next to nothing about how tax collection was organized in Judea during this period. It is indeed likely that Antipater played a central role in tax collection. Evidence for this view is found in his initiative in organizing the collection of the tribute imposed by Cassius in 43 B.C.E. (A.J. 14.271–76; B.J. 1.220–22). Whatever Caesar might have intended by appointing Antipater ἐπίτροπος of Judea, and whatever actual administrative roles Antipater might have assumed thereafter, it appears that we need to look also to his enfranchisement in order to appreciate the novelty that Caesar’s appointment introduced into the administration of Judea. Antipater might not have been a Roman official, but he certainly was an official who was a Roman. In the late Republic, the privileged status of enfranchised provincials (a relatively rare grant in the Republic) gave them the power to exercise tremendous influence on the politics of their local communities. Antipater’s appointment introduced a Roman presence into the direct administration of the territory, a presence continued by Antony’s later appointment of Phasael and Herod as tetrarchs in 41 B.C.E. (A.J. 14.326; B.J. 1.1244).

Caesar, we have seen, acted in favor of Judea in the same way as he rewarded other cities and communities that supported him during his military campaign. Caesar’s grants to Judea also have been compared to those granted to Termessus in the lex Antonia. In all these other cases the favors and immunities amounted to the grant of “freedom,” which, as Jones observes, was a question of degree. Similarly, with Caesar’s grants Judea attained a new level of freedom. The Jewish state remained, of course, under Rome’s hegemony.

There are two favors that Caesar did not grant to Hyrcanus II and Judea. First, Caesar did not make Hyrcanus a king, as he did Mithridates...
of Pergamum (Dio, Hist. 42.48.4). Although, on account of his enhanced dignity, the Jews might have thought of Hyrcanus as a king,\(^{108}\) he was, from Rome’s point of view, an ethnarch and not a king.\(^ {109}\) The difference between a king and an ethnarch was certainly not lost on the Romans, as is clear from Augustus’s treatment of Archelaus after Herod’s death: Augustus “appointed Archelaus not king indeed but ethnarch of half the territory that had been subject to Herod, and promised to reward him with the title of king if he really proved able to act in that capacity.”\(^ {110}\) Second, Caesar did not grant Judea immunity from tribute, a favor he granted to Ilium (Strabo, Geogr. 13.1.27). Judea’s “independence,” finally, did not imply an exemption from the immediate authority of the governor of Syria.\(^ {111}\) From Caesar’s reorganization of Judea until 40 B.C.E. the only recorded action by the governor of Syria in the territory, except the crisis of 43–42 B.C.E.,\(^ {112}\) is Sextus Caesar’s intervention to ensure that Herod was not tried and condemned by Hyrcanus (A.J. 14.170; B.J. 1.211).\(^ {113}\) This absence of interference is better explained by the relative quiet in Judea during the period than by Judea’s assumed status as a “client kingdom.”\(^ {114}\)


\(^{110}\) A.J. 17.317; B.J. 2.94: Caesar “gave half the kingdom to Archelaus, with the title of ethnarch, promising, moreover, to make him king, should he prove his deserts.” Nor was the difference lost on Herodias, who, envious that Agrippa I, her brother, was given the title king by Gaius, drove her husband Antipas to ask Gaius for the “higher rank.” Gaius countered by banishing Antipas and her (A.J. 18. 240–55; B.J. 2.181–83).

\(^{111}\) See Jones, “Civitates Liberae,” 110. Caesar’s grants did not amount to the political autonomy that Schalit (König Herodes, 148–55, for instance) envisages. See also Zeitlin, Rise and Fall, 1:369–71.

\(^{112}\) See chapter 3.

\(^{113}\) Josephus’s accounts of the events surrounding the trial of Herod (A.J. 14.168–84; B.J. 1.204–15) are convoluted. See McLaren, Power and Politics, 67–79. I accept Gilboa’s overall argument that the principal reason for Sextus’s intervention in Herod’s favor was Herod’s Roman citizenship and his right not to be tried by a local court. See A. Gilboa, “The Intervention of Sextus Caesar, Governor of Syria, in the Affair of Herod’s Trial,” SCI 5 (1979–80): 185–94; also Sherwin-White, Roman Citizenship, 291–306. As McLaren (Power and Politics, 71–72) observes, it is actually of little importance whether Sextus ordered Hyrcanus (according to A.J. 14.170) or only urged him with threats (according to B.J. 1.211). What matters is that he did intervene when Roman interests were at stake.

\(^{114}\) Smallwood (Jews under Roman Rule, 45) suggests that Sextus may have acted “ultra vires,” and he prevented Herod’s armed revenge against Hyrcanus because he did not want to have Herod “wreck his powerful kinsman’s settlement of Palestine” (p. 46). She is followed by Gilboa (“Intervention,” 193), who, following Schalit, also thinks (p. 189) that Caesar had raised Judea’s “political and legal position to that of a free state (civitas libera).” See also McLaren, Power and Politics, 72, 77–78.
Appian’s *Bell. civ.* 5.75 and Herod’s Appointment

Appian’s notice regarding Herod’s appointment to the throne of Judea provides, we observed, the only explicit evidence that Herod might have paid tribute to Rome at one period of his reign or the other. For some scholars, Appian supplies the link between the reign of John Hyrcanus II (and Caesar’s tax terms) and Herod. Herod, in their view, was appointed by Rome under the same tax provisions established by Julius Caesar, and he continued to pay these taxes throughout his reign.\(^{115}\) According to others, Antony imposed his own tax terms at Herod’s appointment.\(^{116}\) Hence, Herod either would have paid tribute only during Antony’s dominance of the East, ceasing to do so after Actium,\(^{117}\) or would have continued making payments after Octavian reconfirmed his appointment in 30 B.C.E.\(^{118}\) Appian in this notice writes:

After these events Octavian set forth on an expedition to Gaul, which was in a disturbed state, and Antony started for the war against the Parthians. The Senate having voted to ratify all that he had done or should do, Antony again dispatched his lieutenants in all directions and arranged everything as he wished. He set up kings here and there as he pleased, on condition of their paying a prescribed tribute (ἵστη δὲ η τοῦ βασιλέας, οὐς δοκιμάσειν, ἐπὶ φόροις ἄρα τετερμένοις): in Pontus, Darius, the son of Pharnaces and grandson of Mithridates; in Idumea and Samaria, Herod (Τὸ θυματίων δὲ καὶ Σαμαρεῖων Ἡρώδην); in Pisidia, Amyntas; in a part of Cilicia, Polemon, and others in other countries.

The principal problem with this text is that, judged by what we know from other sources, especially Josephus, it is fraught with inaccuracies. First, whereas Herod was appointed king in 40 B.C.E. by the Senate, Appian sets Herod’s investiture in the context of the actions taken by Antony in 39 B.C.E. before he set out for his campaign against the Parthians. Second, given that Herod was appointed king over the territory that Caesar had given to Hyrcanus, Appian’s list omits what ought to have

\(^{115}\) Thus Momigliano, *Ricerche*, 42–43; Smallwood, *Jews under Roman Rule*, 85 (see text cited above), and many others.

\(^{116}\) Thus Sherwin-White, *Roman Foreign Policy*, 260: “The new vassal kings were required to pay fixed sums of tribute. Antonius dispensed with the cumbrous and troublesome publican system, based on percentages of farm produce, in favour of direct payment of precise amounts, which the kings raised by their own devices.”


\(^{118}\) Thus Schalit, *König Herodes*, 161–62, and others. Lintott (*Imperium Romanum*, 25, 35) is vague.
been the core of Herod’s kingdom, namely, Judea (and Galilee). Moreover, scholars are divided on the question of the relationship of Idumea and Samaria to the Jewish state after Pompey’s territorial organization in 63 B.C.E. Yet it is over these territories that Appian claims Herod was appointed king.

Appian, it appears, is puddling in *Bell. civ.* 5.75. It is noteworthy that the kings lumped together by Appian actually might have received their kingdoms at different times: Darius in 39 B.C.E. (he reigned until 37 B.C.E.), Polemo in 37 B.C.E. (he died in 8 B.C.E.), and Amyntas in 39 B.C.E. (he died in 25 B.C.E.). Archelaus I of Cappadocia, not named here by Appian, was appointed in 36 B.C.E. Some scholars, however, have sought to bypass the chronological problem by assuming that Appian does not speak of Herod’s original grant by the Senate in 40 B.C.E., but rather of a later appointment or “confirmation” by Antony in 39 B.C.E. The discrepancy is otherwise simply ignored. The assumption that Appian’s report refers to a later appointment (or confirmation) is a harmonizing maneuver that fails to account for the fact that Appian nowhere narrates the original appointment of the kings. In addition, no occasion can be found in Appian’s account for a reappointment of these kings, and especially of Herod only months after his *appellatio* by the Senate. Appian must be writing of the singular fact that Antony was influential in the grant of various kingdoms to some persons, but he is vague, or outright wrong, about the time of their appointments.

119. According to Dio (*Hist.* 49.32.3), Amyntas would have been appointed in 36 B.C.E. with Archelaus I of Cappadocia.

120. Appian (*Bell. civ.* 5.7) places the appointment of Archelaus in the context of Antony’s tour of the East following Philippi, in 42/41 B.C.E.: “and [Antony] acted as arbiter between kings and cities—in Cappadocia, for example, between Ariarthes and Sisina [Archelaus?], awarding the kingdom to Sisina on account of his mother, Glaphyra, who struck him as a beautiful woman.” See Sullivan, “Cappadocia,” 2.7.2:1153. Sullivan (*Near Eastern Royalty*, 182) notes that Appian may have confused Sisina, rival of Ariarathes X, with Archelaus.


123. Thus, for instance, Momigliano, *Ricerche*, 41–43; Schalit, *König Herodes*, 162.

124. Dio, *Hist.* 48.34.1 might be read to mean that the *senatus consultum* ratifying Herod’s appointment came in 39 B.C.E. See Pelling, “Triumvirate Period,” 20; Fergus Millar (“Triumvirate and Principate,” in *Rome, the Greek World, and the East* [ed. Hannah M. Cotton and Guy M. Rogers; Chapel Hill: University of North Carolina Press, 2002], 248), gives 40 B.C.E. as the date of the ratification, apart from the ratification of “all the official acts of the Triumvirs down to that time,” in 39 B.C.E., to which Dio refers.

125. Other ancient authors also stress Antony’s role in Herod’s appointment: Jose-
There seems to be continuing confusion about the extent of the territory received by Herod in 40 B.C.E.\textsuperscript{126} The only relevance of this complex problem to the question of taxation is that some scholars have proposed that Appian’s reference is to a later grant of the territories he names (Idumea and Samaria) to Herod and for which Herod paid tribute.\textsuperscript{127} The absence of Judea (and Galilee) from Appian’s text. Schalit proposes that the text suffered some corruption, Judea (Ἰούδαια) being replaced through a copyist’s error with Idumea (Ἰδομεία).\textsuperscript{128} Others suggest that καὶ Ἰούδαια, which would have stood next to Ἰδομεία, was dropped from the text through haplography.\textsuperscript{129} Thus, Appian’s text “would simply mean that Herod, as king of Judea, Idumea and Samaria, paid tribute.”\textsuperscript{130}

There is no textual ground for the proposed emendations. They arise merely from the authors’ discomfort, from their desire to make Appian’s text say what he should have written but most probably did not write. However, it is not at all evident that Appian, writing in the second century C.E., should have known the exact limitation of Herod’s kingdom in 40 B.C.E. and that, knowing it, he would have been interested in expressing it with precision.\textsuperscript{131} Ancient authors frequently replaced Judea with


\textsuperscript{126} See, for instance, the various statements in Peter Richardson, \textit{Herod}, 70, 131, 155 and n. 7, and map 4.

\textsuperscript{127} Herod would have paid tribute either for these territories only, according to Mommsen, \textit{Provinces}, 2:175–76, n. 1; or for these territories together with those given to him in 40 B.C.E., according to Momigliano, \textit{Ricerche}, 42; Menahem Stern, \textit{Greek and Latin Authors}, 2:189.


\textsuperscript{129} Momigliano (\textit{Ricerche}, 42) rejects this solution. It is accepted as probable by Jones (“Review,” 229), who judges Momigliano’s arguments to be “on the face of it fantastic.” Hoehner (\textit{Herod Antipas}, 298) thinks this is the best explanation of Appian’s text.

\textsuperscript{130} Hoehner, \textit{Herod Antipas}, 298.

Idumea. There is every reason to accept that Appian wrote "Idou-mavwn." Appian, as Jones observes, was simply, as he often is, inaccurate.

Greek and Latin authors, to repeat, are often wrong about details of Jewish culture and history. I discussed in chapter 1 the problems that have resulted from Appian’s condensing Jewish history from 63 B.C.E. to 135 C.E. in his Syr. 11.8.50. Avi-Yonah rightly emphasizes the fact that, were Appian taken at face value, Herod would have had to pay tribute, on the one hand, for territory that he already possessed (Idumea) and, on the other hand, for territory that he had not yet received, (the city of) Samaria. It is indeed possible that Appian’s source did mention the extension of the territory over which Herod was appointed king in 40 B.C.E. The added territory would have consisted of western Idumea and the district of Samaria (Samaritans or “the Cuthaean nation”).

132. Hence, Aelian (Nat. an. 6.17), also from the second century (ca. 170–235 C.E.), writing of the enormous serpent that was “enarmoured of a lovely girl,” says that the event that he recounts took place “in the country of those known as Judeans or Edomites [in] the time of Herod the King” (Ἐν τῇ τῶν καλουμένων Ιουδαίων γῆ ἡ Ἰδουμαίων ἡδον οἱ ἐπιχώριοι καθ’ Ἡρῴδην τῶν βασιλέων). Writing earlier (70–19 B.C.E.), the poet Virgil (Georg. 3.12) calls the famous date palms of Jericho “the palms of Idumæa” (Primus Idumaeas referam tibi, Mantua, palmas). See Menahem Stern, Greek and Latin Authors, 1:317, and for other instances, see 1:316, n. 1.

133. Momigliano (Ricerche, 42) thinks such a confusion on Appian’s part possible, but he discards this solution. Hoehner (Herod Antipas, 298) likewise abandons this suggestion without giving any reason for rejecting it.


135. Strabo, distinguished geographer and historian, and Herod’s own contemporary, wrote (Geogr. 16.2.46): “Now Pompey clipped off some of the territory that had been forcibly appropriated by the Judeans, and appointed Herod to the priesthood; but later a certain Herod, a descendant of his and a native of the country, who sneaked into the priesthood, was so superior to his predecessors, particularly in his intercourse with the Romans and in his administration of affairs of state, that he received the title of king, being given that authority first by Antony and later by Augustus Caesar.” Dio writes of Pacorus the Parthian (Hist. 48.26.2): “He then invaded Palestine and deposed Hycanous, who was at the moment in charge of affairs there, having been appointed by the Romans, and in his stead set up his brother Aristobulus as a ruler because of the enmity existing between them.” Compare, however, Hist. 48.41.4–5 and 49.22.6, where Aristobulus’s son, Antigonus, is correctly identified as the protagonist in 40 B.C.E.


137. Pompey removed the city of Marisa from the Jewish state (A.J. 14.75; B.J. 1.156). This is generally accepted to imply the loss of western Idumea. See Avi-Yonah, Holy Land, 80. The city was destroyed by the invading Parthian forces (A.J. 14.364; B.J. 1.269). Idumea was, of course, Herod’s native land. That eastern Idumea was part of the Jewish state in 40 B.C.E. is amply attested by A.J. 14.353–64, 390–91, 396–400; B.J. 1.263–68, 286–87, 292–94.

138. Udoh, “Tribute and Taxes,” 167–72. This solution is proposed by Avi-Yonah, Holy Land, 86–87; see also Aharoni and Avi-Yonah, Atlas, 163–64 and map 221 (Avi-Yonah, however, does not draw any conclusion regarding the topic of taxation) and Peter Richardson, Herod, 7.
Momigliano, and Otto before him, confused the city with the district and argued as if Appian’s “Samaria” was the same as the territory that Herod received from Octavian in 30 B.C.E.\(^{139}\)

Even granted that Appian’s source contained such information about Herod’s kingdom, Appian’s text, to borrow Jones’s words,\(^{140}\) would still not bear the weight of the superstructure that scholars have built on it. The text represents an inaccurate, truncated view of the terms under which the Senate conferred the kingship on Herod. At the very best it shows that Appian was aware that Herod was, from the time of his appointment, also king of Idumea and Samaria. We must, therefore, simply concede that Appian’s text is too inaccurate to provide trustworthy evidence for the terms under which Herod received his kingdom. It certainly offers no proof that “the triumvirs had appointed Herod king in 40 on existing tributary terms,”\(^{141}\) especially given that no other ancient author who mentions Herod’s appointment alludes to the imposition of tribute.\(^{142}\)

It is sometimes conjectured that Appian meant that Antony demanded tribute for the additions to Herod’s territory.\(^{143}\) In this fashion the imposition of tribute could be reattached to the probable extension of Herod’s territory in 40 B.C.E. Nevertheless, the conjecture does not explain specifically why Herod would have paid for these and not for the territory that

\(^{139}\) Momigliano, *Ricerche*, 42–43; Otto, “Herodes,” cols. 26 and 49. Momigliano is duly criticized by Jones, “Review,” 229; see also Smallwood (*Jews under Roman Rule*, 55 and n. 30) who thinks, however, that Samaritis was “always under Jewish rule.” The same confusion is continued by Hahn, “Herodes als Prokurator,” 33–34. The confusion of the district of Samaria with the Greek city of Samaria is endemic. It is sometimes impossible to know which is being referred to by Josephus (for instance, compare *A.J.* 14.408 with the parallel passage in *B.J.* 1.299; see *A.J.* 14.412–13, 467; *B.J.* 1.303, 344). The history of the city of Samaria, however, is clear from Josephus: “liberated” by Pompey and rebuilt by Gabinius (*A.J.* 14.75, 88; *B.J.* 4.156, 166), it was in the province of Syria (*A.J.* 14.75–76; *B.J.* 1.156–57) until it was given by Octavian in 30 B.C.E. to Herod, who refounded and named it after his benefactor (*A.J.* 15.217, 292–93, 296–98; *B.J.* 1.396, 403). See Jones, *Cities*, 259, 269, 271; Schürer, *History*, 1:240, 290 and n. 9, 302, 306; 2:160–64. On the contrary, on account of Josephus’s silence, the history of the district of Samaria during the period between Pompey’s arrangement and Herod’s dominion is obscure. Josephus’s silence may be taken to mean that Pompey removed Samaria from Jewish rule and added it to the province of Syria. See, for example, the views of Abel, *Géographie*, 2:147; Avi-Yonah, *Holy Land*, 80; Aharoni and Avi-Yonah, *Atlas*, 161 and map 217; Baruch Kanael, “The Partition of Judea by Gabinius,” *IEJ* 7 (1957): 99–100 and n. 10; Jones, *Cities*, 258; idem, “Review,” 229–30. Josephus (*A.J.* 14.411; *B.J.* 1.302) attests that the district was part of the kingdom that Herod received from Rome. See Avi-Yonah, *Holy Land*, 87.

\(^{140}\) Jones, “Review,” 229.

\(^{141}\) Smallwood, *Jews under Roman Rule*, 85.

\(^{142}\) See Strabo, *Geogr.* 16.2.46; Dio, *Hist.* 49.22.6; Tacitus, *Hist.* 5.9.

he inherited from Hyrcanus. On the whole, the insistence that Antony imposed (fixed) annual tribute on Herod and other kings grants to Appian’s notice an inherent accuracy that in fact it does not possess. Whether or not it was in his source, Appian’s φῶρος need not be a reference to an annual tribute. Too much store has been set on the word φῶρος, whereas (it should be stressed again) the word is used by classical authors to refer to different kinds of “payments,” other than annual tribute.

The other kings who are said to have received kingdoms from Antony are not known to have paid annual tribute to him. The general context of Appian’s remarks is Antony’s expectation that the kings he appointed would contribute money for his Parthian campaign. More specifically, there is the accusation that Antony was notorious for selling treaties to cities and kingdoms, and crowns to claimants. Of his activities in 41 B.C.E. Dio writes (Hist. 48.24.1): “Mark Antony came to the mainland of Asia, where he levied contributions upon the cities and sold the positions of authority; some of the districts he visited in person and to others he sent agents.” In Dio’s view (Hist. 49.32.3–5), Antony’s distribution of kingdoms amounted to an “arrogance in dealing with the property of others,” for which Romans criticized Antony, though not as much as they censured his allotments to Cleopatra.

In summary, Appian, Bell. civ. 5.75 is a garbled account of Herod’s appointment. As it stands, the text reflects the probable extension of Herod’s kingdom in 40 B.C.E. with the addition of western Idumea and the district of Samaria. The text reflects also the view that Antony

144. Hahn (“Herodes als Procurator,” 33–34) makes the curious suggestion that Herod was only king of Judea and paid rent for (the city of) Samaria, for which he remained procurator until the territory was given to him by Augustus in 30 B.C.E. He confuses, as I noted, the city with the district of Samaria; and he is unable to account for Idumea in Appian’s text.
146. See the studies of the kingdoms by Sullivan, in the literature cited above.
147. Sullivan, Near Eastern Royalty, 172; Braund, Rome and the Friendly King, 64 and n. 60.
148. See Cicero, Phil. 5.4.11 (delivered on 1 January, 43 B.C.E.): “Again, are those monstrous profits to be put up with which the whole household of Marcus Antonius has swallowed? He sold forged decrees, and for a bribe (in aes accepta pecunia) commanded that grants of kingdoms, states, and immunities from taxation should be inscribed on brass . . . . There was a lively traffic in every interest of the state in the inner part of the house; his wife, more lucky for herself than for her husbands, was putting up to auction provinces and kingdoms . . . .” See Sands, Client Princes, 230.
149. See also Plutarch, Ant. 36.2–3, and below.
demanded payment from those whom he supported to the throne. It is noteworthy that whereas Josephus attaches no imposition of tribute to Herod’s appointment, he agrees with the general opinion and observes that Antony supported Herod’s claim to the throne “because of the money which Herod promised to give to him if he became king, as he had promised once before when he was appointed tetrarch” (A.J. 14.381). It seems certain, therefore, that Antony granted the crown to Herod in return for a payment. Josephus notes further that once Herod had defeated his enemies and acceded to the throne in Jerusalem he converted his valuables into money and, according to Antiquities, despoiled the rich. “When he had amassed a great sum of silver and gold,” Herod transmitted it to Antony (A.J. 15.5; B.J. 1.358). Whatever the amount that Antony had fixed in 40 B.C.E., the payment that Herod made to him was certainly not an annual tribute.

A King’s Accounting

I have shown thus far that between its conquest by Pompey in 63 B.C.E. and the establishment of Herod’s kingdom in 40 B.C.E., the status of the Jewish state had undergone some significant changes by virtue of the grants made to it by Roman magistrates, especially Julius Caesar. When Rome gave Herod the crown, the territory that he was to help conquer from Antigonus and liberate from Parthian influence became, for the first time, a Roman client kingdom. I have argued, besides, that there is no evidence that Rome imposed an annual tribute on Herod when he was appointed to the throne. With regard to Roman imperial administration, a scholarly consensus has now emerged that, even though there was no established rule, in practice the client kingdoms in the Republic and early Principate were not subject to annual taxation. No example of a client kingdom that was at the same time tributary has been cited. Herod’s


151. See also Braund, Rome and the Friendly King, 64 and n. 60; Jacobson, “Client Kings,” 25.

realm was neither an exception to this administrative practice nor was it “the best-known case” of the contrary. Herod, like other client kings and as the facts of his reign clearly show, was lord of his realm, with judicial, administrative, military, and financial independence under Rome’s hegemony.

The extent of Herod’s financial independence from Rome has already been studied in great detail. It is still worth emphasizing, however, that the manner in which Herod actually managed his realm leaves no trace of his kingdom’s external tax obligations. He imposed and remitted taxes at will; he stipulated financial and tax obligations for the cities and colonies he founded, all without reference to any supposed debts to Rome. Most revealing in this respect is Herod’s gift of Perea and its revenues, with Augustus’s permission in 20 B.C.E., to his brother Pheroras. The grant was meant to ensure Pheroras’s political and financial independence (A.J. 15.362; B.J. 1.483). The garrison (φρούριον in A.J. 16.292) in Trachonitis, where Herod settled three thousand Idumaeans “and thus restrained the brigands there” (A.J. 16.285), was probably free from taxation. In any event, in about 7/6 B.C.E., when he settled Babylonian Jews


153. Thus Badian, Roman Imperialism, 78: “With Pompey, the client princes become a real part of the empire (reichsangehörig, in Mommsen’s word), in a sense in which they never had been before. They now pay tribute to the Roman people. The best-known case is Judea. How widely the principle applied, we are not told.” See also literature cited above.


156. See, for instance, Schalit, König Herodes, 256–98.


158. The account in War has it that, apart from the gift of the territory, Herod asked Caesar for permission to appoint Pheroras tetrarch. In Antiquités Josephus says that Herod “asked of Caesar a tetrarchy for his brother Pheroras.” Herod appointed governors for the provinces of his realm, such as Costobarus in Idumea, without any reference to the emperor. He, however, could not create quasi-independent territories and appoint tetrarchs to govern them. See Peter Richardson, Herod, 234.

159. In 11/10 B.C.E. Peter Richardson (Herod, 280–81) observes that the settlers were “no doubt veterans who were owed land grants.”
in neighboring Batanea, he “promised that this land should be free of taxes and that they should be exempt from all the customary forms of tribute [ἠθελονταὶ δὲ τὰς παλαιὰς λαβέσθαι τέλης ἔργαν ἡμῶν ἀποθηλευτεῖν], for he would permit them to settle on the land without obligation” (A.J. 17.25 §23). A large number of Jews, Josephus says, from all parts settled there, attracted by the territory’s “immunity from all taxation” (A.J. 17.27).160

The history of taxation in this territory, as Josephus traces it, is noteworthy. After Herod’s death, his son Philip, who acquired the territory, imposed small taxes but only for a short period of time. Agrippa I and his son “did indeed grind them down”—with taxes—although the two kings “were unwilling to take their freedom away.” After the Herods, the Romans, although they continued to preserve their independence, completely crushed them “by the imposition of tribute” (A.J. 17.27–28). In a word, the settlers in Batanea did not pay tribute to Rome until they ceased to be governed by Herod and his successors.161

To this category of evidence belong the lessons that can be learned from Antony’s grant, soon after 37 B.C.E., of parts of Herod’s realm to Cleopatra.162 The incident is important for the question of taxation because it is the only instance in which Herod is reported to have paid tribute for some parts of the territory he ruled. The territories that Antony could have given to Cleopatra fell into three categories: (1) the coastal cities of Phoenicia and Palestine, which, since Pompey, had become part of the Roman province of Syria; (2) those coastal cities that were free, namely, Tyre, Sidon, and Ascalon; and (3) client territories, namely, the domain of Lysanias, Herod’s kingdom, and Malchus’s kingdom of Arabia.163 Cleopatra’s long-term goal, as it is has been noted, may have been to regain control of what had once been Ptolemaic Palestine.164 This goal, however, was frustrated by Antony’s reticence. It appears that she was content, at least in the short term, to receive the revenues that accrued to her from the territories that Antony gave to her, which were now tributary. The city-states she received, while they probably retained their

160. See Peter Richardson, *Herod*, 281.
162. A.J. 15.79, 88–95; B.J. 1.361; Plutarch, *Ant*. 36.2; Dio, *Hist*. 49.32.4–5. The gifts were probably made in 36 B.C.E., as they are in Plutarch and Dio, although the chronology of Josephus’s account seems to suggest 34 B.C.E. Sherk, *RGE*, no. 88, implies that the grant of Chalchis was in 37/36 B.C.E.; see Schürer, *History*, 1.288–89 and n. 5, 298–300; Peter Richardson, *Herod*, 164–65.
163. Antony gave her “the cities between the Eleutherus river and Egypt” (A.J. 15.95; B.J. 1.361); “Phoenicia, Coele Syria, Cyprus, and a large part of Cilicia; and still further, the balsam-producing part of Judea, and all that part of Arabia Nabataea which slopes toward the outer sea” (Plutarch, *Ant*. 36.2). See Kennedy, “Syria,” 709.
164. Thus, for instance Jones, *Herods*, 49: “The first stage of her [Cleopatra’s] programme was to restore the empire of the Ptolemies to its ancient limits, as they had stood in the days of her great forebear Arsinoe Philadelphus.”
administrative independence, transferred their tribute from the province of Syria to her.¹⁶⁵

Matters were different for the free states. Tyre and Sidon were not given to Cleopatra because, as Josephus underscores, Antony knew these cities “to have been free from the time of their ancestors” (A.J. 15.95; see B.J. 1.361). They were free allies of the Roman people, and Antony could not make them tributary without further ado, and without prejudice to their acknowledged status.¹⁶⁶ Likewise, if the three client states: Lysanias’s domain, Herod’s Judea, and Malchus’s Arabia had been tributary to Rome, it would have been enough for Antony to order that they transfer their revenues to Cleopatra. Instead, Antony was under pressure to find a pretext for executing Lysanias in order to give his domain to Cleopatra. He would have had to deal in a similar manner with both Herod and Malchus if Cleopatra were to have their kingdoms as well.¹⁶⁷ In other words, for them to become Cleopatra’s possessions, the client territories needed first to lose their relative financial sovereignty.¹⁶⁸

Antony was unwilling—and also unable in the case of Malchus—to depose either king.¹⁶⁹ He deprived them of portions of their realms and gave these to Cleopatra. She rented out Lysanias’s domain to Zenodorus.¹⁷⁰ Herod surrendered those parts of the coastal plain that were in

¹⁶⁵. Plutarch and Dio include portions of Crete, Cyrene, and Cyprus among the territories she received. All three had become Roman provinces in 68/67 B.C.E., 74 B.C.E., and 58 B.C.E. (Cyprus was annexed to the province of Cilicia) respectively.

¹⁶⁶. See Jones, Herods, 57. Tyre had probably been granted independence by Ptolemy II Philadelphus in 274 B.C.E. Both Tyre and Sidon regained their autonomy from the weakened Seleucid kingdom in 126/125 B.C.E. and 111 B.C.E. respectively. Ascalon was free in 104 B.C.E. See Schürer, History, 2:88 and n. 8, 90–91; Abel, Géographie, 2:136. Pompey and the Romans, at least until Augustus, recognized and respected the freedom of Tyre and Sidon. Tyre enjoyed this relationship with Rome under a treaty (it is thus called foederata and αὐτονομος; see references in Schürer, History, 2:93, n. 28). Ascalon was never taken by the Hasmoneans, and it is singled out among the coastal towns of Palestine by Pliny (Nat. 5.68) as an oppidum liberum. See Millar, Roman Near East, 287–88; Kasher, Jews and Hellenistic Cities, 182–83; Schürer, History, 2:94, 105–8; Jones, Cities, 258–59.

¹⁶⁷. A.J. 15.92: Lysanias was accused of “bringing in the Parthians against the interests of the (Roman) government”; see B.J. 1.360. He was allied to Antigonus and the Parthians in 40 B.C.E. (A.J. 14.330–33; B.J. 1.248–49; Dio, Hist. 49.32.5).

¹⁶⁸. The speech that Josephus puts into Herod’s mouth in A.J. 15.131 underscores this risk: “I need only ask who (but we) freed them [the Arabs] from fear when they were in danger of losing their autonomy and becoming slaves of Cleopatra” (τις οἰκείως ἀρχῆς ἐκπαιδεύον καὶ δουλεύον Κλεοπάτρα).

¹⁶⁹. Josephus’s statement (B.J. 1.440) that Cleopatra “brought both King Lysanias and the Arab Malchus to their end” is erroneous. See Peter Richardson, Herod, 165 and n. 62.

¹⁷⁰. In A.J. 15.344 Josephus says that Zenodorus “had leased the domain of Lysanias” (see also B.J. 1.398). Parts of the territory, Iturea, were added to Herod’s domain by Augustus in 23 B.C.E. and finally, at Zenodorus’s death, in 20 B.C.E. (A.J. 15.343–60; B.J. 1.398–400;
his domain. The most noteworthy of these cities was Joppa. Rather than lose control of the region of Jericho, however, he consented to retain it and to pay tribute to Cleopatra in return. He also acted as surety that Malchus would likewise pay tribute for the parts of his territory that had gone to Cleopatra. Herod clearly could not afford to lose the revenues from the palm and balsam groves of Jericho and certainly would have continued to net an annual profit after he had paid off the two hundred talents that he reportedly owed Cleopatra in tribute.

Malchus eventually refused to honor the tax agreement with Cleopatra. Herod, unlike Malchus, depended on Antony’s goodwill for his hold on his kingdom. He nevertheless sorely resented that he had to pay tribute for a portion of his realm. In his view, as Josephus has him see below). See discussion in Peter Richardson, *Herod*, 68–72; also Jones, *Cities*, 269–70; Schürer, *History*, 1:565–66.


172. A.J. 15.96: “Herod met her and leased from her those parts of Arabia that had been given to her and also the revenues of the region about Jericho.” According to B.J. 1.362 Herod leased his own territory back for the sum of two hundred talents. A.J. 15.107 and 132 specify that Herod acted as surety for a further two hundred talents for the Arabian territory. See Jones, *Herods*, 50. Peter Richardson (*Herod*, 165–67 and nn. 68 and 74) reads these various statements to mean that Herod leased “(unspecified) parts of Arabia that were a part of Antony’s gift to Cleopatra” and “then sublet the Arabian territory back to Malchus.” This can hardly be correct.

173. Josephus (A.J. 15.96) notes in passing the economic significance of the territory. See chapter 2 and Peter Richardson, *Herod*, 166–67. Jones (Herods, 50) finds a political reason for Herod’s decision to pay tribute for the territory: “The last thing which Herod wanted was the establishment of an Egyptian administration and an Egyptian army in his kingdom, or in the neighbouring parts of the Nabatean kingdom—Cleopatra’s concession from Malchus would seem to have been the districts east of the Dead Sea.”

174. Peter Richardson (*Herod*, 166–67, n. 70) conjectures that the two hundred talents “equalled half Herod’s total income in 4 BCE from all of Judea, Samaritis, and Idumaea, or the total income of Galilee and Paraea.” Herod, he suggests, might have gotten Jericho for nothing. He (pp. 166–67, n. 74) dismisses as “unlikely” the interpretation by Jones (Herods, 50) that Herod leased Jericho for two hundred talents and that he was surety for a further two hundred talents from Malchus. Herod would have had to pay four hundred talents in the years when Malchus was in default. This amount, Richardson observes, “is so large (the equal of the total income of Judea, Samaritis, and Idumea) that Herod would quickly have gone broke.” That assumes, however, that Herod did pay the sum owed by Malchus and ignores the fact that Herod went to war instead against the Arab.

175. For this “disloyalty” (ἀνικόσιος) Antony permitted Herod to go to war against Malchus (A.J. 15.110; B.J. 1.365).

176. Josephus (A.J. 15.106) observes that “Herod fulfilled his contract (διέκπη), since he thought it would be unsafe to give her any reason to hate him.”
state, "no one had a right to expect the Jews to pay tribute for their possessions to anyone or to give up a portion of their land." Whether or not one accepts that Herod made this statement, it nonetheless speaks of the attitude of Josephus’s sources and probably of Josephus himself to the matter of tribute to Rome. In 30 B.C.E. Octavian returned the region to its original status in Herod’s kingdom, that is, free from tribute (A.J. 15.217; B.J. 1.396–97).178

Herod’s realm per se may, thus, be said to have been free from Roman tribute. Its revenues would also have been immune by virtue of their being the income of Herod, Roman citizen and “friend and ally of the Roman people.”179 I revisit here the financial implications for the Herodian family of the grant of citizen together with immunity to Antipater by Julius Caesar in 47 B.C.E. As I noted above, one of the outcomes of the lively debate on the meaning of the status of socius et amicus populi Romani is that the privileges attached to this status must be verified in each individual case. Immunity from taxation, although granted in the one extant document in which this status is given to individuals during the Republic, seems to be a special privilege not implied by the status itself.180 Herod’s personal status as “friend and ally of the Roman people” may not, therefore, per se be taken to include the privilege of immunity from Roman taxation.

That Antipater’s family and their descendants were Roman citizens by virtue of Caesar’s grants to Antipater is universally accepted, in spite of Josephus’s silence on the issue, and is evident in the titles borne by Herod and his descendants.181 We noted that the grant of citizenship to

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177. Κανίτοι γε άξιον ἐνη μηδενί τῶν ὄντων Ἰουδαίων φόρον ἢ τῆς χώρας ἀπόμοιραν πελείν (A.J. 15.133, see from §132). Hoehner (Herod Antipas, 300) misconstrues the significance of the episode and claims: “The practice of paying tribute as a client king existed even during Antony’s rule, for Herod had to pay tribute on the districts assigned to Cleopatra.”

178. The grants were in addition to other territorial gifts, namely, Strato’s Tower, Joppa, Anthedon, Gaza, Gadara, Hippus, and (the city of) Samaria (see n. 139 above).


180. The senatus consultum de Asclepiade Clazomenio sociisque of 78 B.C.E., was given in favor of three Greek naval officers who had served under Sulla. The three officers, notably, did not receive citizenship. Sherk, RDGE, no. 22 = Sherk, RGE, no. 66. For discussions, see Sherk, RDGE, 128–32; Marshall, “Friends,” 39–55.

181. See, in general, Sullivan, “Dynasty of Judaea,” 2.8:296–354, who observes that “[a]ll descendants of Herod can be properly termed Juli” (p. 305); they “could properly bear the nomen Julius, in that Herod’s father Antipater had obtained Roman citizenship from Julius Caesar” (p. 313). That Herod bore the tria nomina appears in the statue base from Kos, which honors “King Gaius Julius Herodes.” See David M. Jacobson, “King Herod,
Antipater brought a Roman presence into the direct administration of Judea by the appointments, first, of Antipater as ἐπίτροπος and, later, of Phasael and Herod as tetrarchs. Roman franchise permitted Herod also to serve in the Roman administration of the province of Syria. He was appointed governor (στρατηγὸς) of Coele-Syria (and [the city of] Samaria according to B.J. 1.213) by Sextus Caesar in 47/46 B.C.E. In 43/42 Cassius made him governor of Coele-Syria, probably continuing the earlier appointment. The view that he was at this time “procurator of all Syria,” as Josephus says in B.J. 1.225, needs some corrective. Augustus also gave Herod, as king, some procuratorial responsibilities in Syria, though the extent of his involvement is impossible to determine. The view, however, that Herod

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182 See chapter 2 and above. For the role that the grant of citizenship played in the later royal appointments of Herod’s descendants, see Braun, *Rome and the Friendly King*, 44–45.

183 On Roman citizenship as a prerequisite for the provincial élite who aspired to administrative posts in the empire, see Nicolet, *World of the Citizen*, 20–21. Lintott (*Imperium Romanum*, 167) observes that enfranchisement of provincials permitted them to form “channels of communication with the allies for emperors and other Roman authorities. As such, they were an important part of the system of patronage that created and sustained the ruling class throughout the empire, making it manageable and useful in the service of the emperor.” See also Brunt, *Roman Imperial Themes*, 273–74.

184 On Coele-Syria, see Millar, *Roman Near East*, 423–24; on Herod’s appointment, see Peter Richardson, *Herod*, 112.


186. Σωρίας ἀπάσης ἐπιμελήτην καθιστάνας; or “prefect of the whole of Syria,” according to LCL; see B.J. 1.399.

187. See Hahn, “Herodes als Prokurator,” 25–33. Appian (*Bell. civ.* 4.63) writes that “Cassius left his nephew in Syria with one legion.” Peter Richardson (*Herod*, 116 and n. 84) thinks that this notice entails “no necessary contradiction with Herod’s role” in the region under Cassius. In his view, “either a maximalist or minimalist reading” of Herod’s role must be avoided, and Herod must be said to have had “some role in the region of southern Lebanon, southern Syria, and northern Jordan (in today’s terms). . . .”

188. According to B.J. 1.399, Augustus in 20 B.C.E. made Herod “procurator of all Syria (Σωρίας ὅλης ἐπίτροπον),” subjecting other procurators to his authority. In A.J. 15.360, Augustus “associated him with the procurators of Syria (ἐγκαταμίγγυσι δὲ αὐτοῦ τοῖς ἐπιτροπεύσονι τῆς Σωρίας),” with the requirement that they seek his consent on all their decisions. These claims are exaggerated. Both passages are embedded in Josephus’s narratives of Augustus’s grants to Herod of Trachonitis, Batanea, Auranitis, and the territory of
was an imperial procurator in the territory that he governed is, as I have argued, baseless.\footnote{189}

The implications of the grant of immunity to Antipater have received no attention, however. The terms of Octavian’s edict (issued about 41 B.C.E.) granting Roman citizenship to Seleucus of Rhosos suggest that already during the Triumvirate Rome also had begun to separate the privilege of immunity from the grant of citizenship to individuals in the provinces.\footnote{190} Augustus’s edict of 7–6 B.C.E. concerning the inhabitants of Cyrene makes this distinction explicit: “If any people from the Cyrenaican province have been honored with (Roman) citizenship, I order them to perform the personal (?) liturgies, nevertheless, in their role as Greeks, with the exception of those to whom in accordance with a law or decree of the senate (or) decree of my father or myself, immunity from taxation has been granted along with the citizenship.”\footnote{191} Josephus himself received Roman citizenship from the emperor Vespasian after he arrived in Rome in 70 C.E. (\textit{Vita} 423). It was only much later that Domitian (81–96 C.E.) “added to [his] honours” and exempted his domains in Judea from taxation (\textit{Vita} 429).\footnote{192} This later separation of the two privileges explains why Josephus, writing probably in retrospect, specifically states that, together with Roman citizenship, Caesar also gave Antipater “exemption from taxation everywhere (\textit{άτέλειαν πάνταχον})” (\textit{A.J.} 14.137; see \textit{B.J.} 1.194).\footnote{193}

\footnotetext{189}{As Braund (\textit{Rome and the Friendly King}, 84–85) shows, although a person could conceivably pass from being king to being a Roman official, and vice versa, there is no instance of a king who, while still ruling, was at the same time a Roman official.}

\footnotetext{190}{Sherwin-White, \textit{Roman Citizenship}, 245, 296–300. Sherwin-White (p. 245 and n. 3) refers to Pierre Roussel, who writes: “Dès lors, même à l’époque républicaine, un poliτης ρωμαίος ανέσηφωρος apparaîtrait comme un privilégié par rapport à un simple citoyen romain. Tout au moins peut-on dire, en reprenant une expression de J. Lesquier, qu’il obtient «le maximum des immunités dont peut jouir un \textit{civis}»” (Roussel, “Un Syrien,” 54). According to Marshall (“Friends,” 46–47 and n. 17), the privileges granted to Seleucus “constitute distinct grants which are hereditary in their own right, since they do not derive from the recipients’ single hereditary status as new Roman citizens.”}

\footnotetext{191}{That Caesar and the Senate issued decrees confirming Antipater’s grants is sug-}
Since, as we noted in chapter 2, Octavian’s grants to Seleucus are similar to those made by Caesar to Antipater, Octavian’s decree should enable us to clarify the terms and the implications of Antipater’s privileges.\(^{194}\) Antipater’s citizenship and immunity were a reward virtue\(_\text{causa}\) for his distinguished military service during Caesar’s Alexandrian campaign in 47 B.C.E.\(^{195}\) Likewise, Seleucus, together with others, received privileges for his distinguished service to Octavian in 42 B.C.E., during the war against Julius Caesar’s assassins.\(^{196}\) Seleucus’s tax exemption, like Antipater’s, had the largest application: total immunity, together with exemption from military and local public services.\(^{197}\) The tax exemptions are enumerated and without exceptions: (1) immunity from Roman as well as local taxation;\(^{198}\) and (2) immunity from tolls in all


\(^{195}\) See chapter 2.

\(^{196}\) Seleucus served under Octavian (col. II, lines 10–15; col. IV, lines 88–89) as a naval officer. Octavian calls him νυσσέρχος ἕμως in col. III, line 76 and in col. IV, line 88. That there were others honored for the same reason by Octavius is stated in col. IV, lines 89–91. There exists also a fragment of Octavian’s generic edict on veterans, granting them immunity (immunitas). See Latin text, Sherk, RDGE, 303; Roussel, “Un Syrien,” 48–49. The earliest known instance of the practice of granting citizenship to veterans for distinguished service is the Decretum Cn. Pompeii Strabonis, which in 89 B.C.E. granted citizenship to a group of Spanish calvarymen. Roussel, “Un Syrien,” 45–46; Sherwin-White, Roman Citizenship, 245–46.

\(^{197}\) Col. II, lines 20–23: πολειτείαν καὶ ἄνεισφορίαν τῶν υπαρχόντων διὸ υπομενόν τούτῳ ὀρίστῳ νόμων ἄριστῳ τε δικαίων πολεῖται [ἀνέισφοροί] τε [εἰσιν καὶ στρατεύσεως λειτουργίας τε δημοσίας ἀπόσπασί σε] ἑστώσι. Sherk, RGE, no. 86, lines 20–23: “we give (Roman) citizenship and tax-exemption for his present property in the same way as [those] (Roman) citizens [who are] tax-exempt by the best law and the best legal right, and [they are to have] immunity [from military service] and from every public worship.” See col. II, lines 10–11 where Seleucus is granted πολειτείαν καὶ ἄνεισφορίαν πάντων τῶν [ὑπαρχόν]των. The immunity granted to Seleucus corresponds to the immunitas omnium rerum granted by Octavian to veterans in the generic decree (lines 9–11). Sherk, RDGE, 303–5; Roussel, “Un Syrien,” 51–52; Sherwin-White, Roman Citizenship, 304.

\(^{198}\) Col. II, lines 20–22: ἄνεισφορία and ἄλειτουργία refer to Roman and local taxes. Lines 51–52 are fragmentary: . . ] τούτων τῶν πραγμάτων τέλος υπὲρ πολειτείαν ὑπέρ δημοσίας ἄριστος [ἀνέισφοροι εἰσπράττετε]ν. Sherk, RGE, no. 86, col. II, line 52: “no government or publician [shall levy on him] a tax for these things.” See Roussel, “Un Syrien,” 57 and n. 9. Thus also the senatus consultum of 78 B.C.E., Sherk, RDGE, no. 22, line 12: τὴν συνκλήτων κρίνειν, ὅπως υπὸ τέκνα ἑγγονοί τε τῶν εὐτόνων πατρίσιν ἀλειτουργητοί πάντων τῶν πραγμάτων καὶ ἄνεισφοροι ὑπὲρ (the Senate decides that they, their children, and descendants
free cities and regions of a province through which he might import or export goods. Antipater, Seleucus, and the other beneficiaries of these immunities were, as Sherwin-White notes, “civis Romani optimo iure immunes,” that is, “they are equated with Roman citizens of Italy, the true ‘Romans by origin’, who were immunes simply because they had been exempt from tribute since its abolition in Italy in 167 B.C.”

Seleucus’s immunity, like his citizenship, was hereditary, extending to “his parents, his children, his descendants, his wife who hereafter will be his.” The same extension of privileges to parents, children and descendants, and wife is attested in Octavian’s decree on veterans. Similarly, the grant of immunity given to the sailors in the senatus consultum of 78 B.C.E. was received also by their children and descendants. At a later time, possibly after Domitian (81–96 C.E.), the grants of citizenship and other privileges to veterans were no longer extended to their parents. In the first century B.C.E. and after, however, grants of citizenship and immunity applied to the recipient’s children and descendants. Thus, if Antipater’s immunity may be said to have been “personal” it is because, like his citizenship, this immunity was not part of a general grant made to a region and it applied to him and his family no matter where they resided. At the time when the inhabitants of Judea, under Hyrcanus II, paid tribute to Rome, Antipater and his children were exempt.


203. Sherk, RDGE, no. 22, line 12: ὧπως οὖν τεχνὰ ἐκχόνως τε αὐτῶν ἐν ταῖς ἑαυτῶν παραρχον ἀλεποφυρέται πάντων τῶν πραγμάτων καὶ ἀνεπιθυμητών ἰσίν.

204. Domitian’s decree granting immunity to veterans included parents: “liberati immunes esse debent ipsi, coniuges liberique eorum parentes . . . .” See Roussel, “Un Syrien,” 58.


206. Roussel (“Un Syrien,” 57) observes concerning Seleucus’s privileges: “Ces exonérations sont valables, quel que soit le lieu où Séleukos établira son domicile. De même César avait accordé à Antipatros de Judée polieiai en Rōma και ἀτελείων πάντων.” See also the inscription from Celeia, Noricum: “C. Iulius Vepo donatus civitate Romana virviti et immunitate ab divo Aug. vivos fecit sibi et Boniatae Antoni fil. coniugi et suis.” Ehrenberg and Jones, Documents, no. 360; Braund, Augustus to Nero, no. 787.
Subsequently, Pheroras would not have paid tribute to Rome for the revenue that he raised in taxes from Perea. The same was true of Herod and his descendants: they paid no tribute to Rome for the income that accrued to them from the territories they governed.

The evidence that this conclusion is correct for Herod’s descendants is circumstantial. First, in Josephus’s account of the partition of Herod’s kingdom and its revenues, Augustus is said neither to have imposed nor taken account of Roman tribute (A.J. 17.317–21; B.J. 2.93–98). This is an argumentum e silentio. The weight of the evidence is so great, nonetheless, that Hoehner, for example, is forced to circumvent it by claiming with regard to Antipas:

Augustus allowed him to receive 200 talents for Galilee and Perea. It is probable that the money for running the government, for his building programme, and for Roman tribute was collected in a form of taxation over and above the 200 talents he was allowed to receive.

This is most improbable. Hoehner’s “form of taxation over and above” Antipas’s two hundred talents is Hoehner’s own invention, which permits him to integrate tribute to Rome into Augustus’s allocation of territories and revenues. Josephus actually says that Antipas’s revenue was the expected annual taxes from Perea and Galilee (φορά τε ἴν τάλαντα δικασία τῷ ἐπ’ ἐτοῖς) (A.J. 17.318).

There is no mention of tribute in the subsequent narratives about Archelaus, Antipas, and Agrippa. Some positive indications of Rome’s financial relationship to Herod’s children come from Augustus’s dealing with Archelaus and Tiberius’s later treatment of Philip, most of whose tetrarchy lay outside of the Jewish state. Philip’s case is somewhat less controversial, so I shall examine it first. Philip died in 33/34 C.E. Josephus writes of the end of his reign: “Since he had died childless, Tiberius took over his territory and annexed it to the province of Syria. Nevertheless, he

207. See above.

208. See discussion below. Schürer (History, 1.417) observes, correctly, that in Augustus’s settlement, “it is throughout a question of the revenues of the native princes, Archelaus, Antipas and Philip, and the very absence of any reference at this juncture to a Roman tax speaks for its non-existence.”

209. Hoehner, Herod Antipas, 74–75. See Freyne, “Herodian Economics,” 32: “The exact amount of tribute in land and poll tax that Antipas had to pay to Rome is not known, even though Josephus does inform us that he was allowed 200 talents in personal income from his combined territories.” See also Richard A. Horsley, Galilee, 175.

210. Peter Richardson, Herod, 24: “The sum of these figures approximated Herod’s tax base and the relative wealth of each area.” Hoehner leaves unexplained what would be the purpose of the tax revenues from Galilee and Perea if not for Antipas’s administration of the territory. He does not explain either how his new “form of taxation” would figure in his overall assessment of Antipas’s system of taxation. See Hoehner, Herod Antipas, 75–79.
ordered that the tribute which was collected in his tetrarchy should be held on deposit” (A.J. 18.108).

The annexation of a client territory where the ruler died and left no successor was Rome’s standard administrative procedure. What is startling and at the same time revealing is Tiberius’s treatment of the taxes that were raised from the tetrarchy that Philip left behind. With annexation, the taxes from the territory would ordinarily have been assumed by the provincial authorities who now collected them. Tiberius, however, ordered that what was collected be put in a deposit. Tiberius evidently considered the taxes to belong to the deceased tetrarch’s legacy, and if he had left a successor, both the territory and the taxes would have gone to his heir, with nothing left for Rome. Tiberius’s order was an extraordinary double act of benevolence. First, not intending to annex the territory permanently, Tiberius waited to appoint a (Herodian) successor to Philip. Second, in the meantime, the territory was to be administered by the Romans without the benefit of the revenues that were derived from it.

Three years later, Gaius gave the territory and its revenues (together with the arrears) to his protégé, Agrippa I (B.J. 2.181; A.J. 18.237). No portion of the revenues of Philip’s tetrarchy went to the Romans who administered it after his death; certainly none of it went to them while Philip lived and ruled the territory.

211. A.J. 18.108: Την δ' αρχήν, οὐ γὰρ κατελίπετο παίδας. Τιβέριος παραλαβὼν προσθήκην ἐπαρξίας παρέτησε τῆς Συρίας, τοὺς μέντοι φόρους ἑκκλησεν συλλεγομένους ἐν τῇ πετραγχίᾳ τῇ ἐκείνου γεγομένην κατατύθησαν. Josephus’s φόρος should be translated as “taxes” rather than “tribute.” It is clearly a question of the taxes that were paid to Philip before he died.

212. Josephus’s particle μέντοι (“yet,” “nevertheless”) is significant.

213. Nikos Kokkinos (The Herodian Dynasty: Origins, Role in Society and Eclipse [Sheffield: Sheffield Academic Press, 1998], 268–69) argues plausibly that Tiberius intended to add Philip’s tetrarchy to the domain of Antipas, who was in Tiberius’s good favors. Tiberius died in March 37 C.E. before he could effect the transfer. See also Smallwood, Jews under Roman Rule, 182; and Hoehner, Herod Antipas, 251. On Antipas’s friendship with Tiberius, see A.J. 18.36.

214. Jones (Herods, 175) notes this point. His view of Tiberius’s interim arrangements for the territory, however, is baffling. He writes that Philip “died without issue and on his death Tiberius annexed his tetrarchy. He did not, however, consider it ripe for direct Roman rule, and he therefore ordered that the local administration should be provisionally maintained and the revenues kept separate from those of Syria till he should appoint a successor.” See also Smallwood (Jews under Roman Rule, 182), who says that Tiberius put the territory temporarily “under the administration of the legate of Syria.” Momigliano (Ricerche, 75) merely observes that Philip’s tetrarchy during these three years had a particular financial administration.

215. Two years later, not only did Gaius add Antipas’s territory to Agrippa’s kingdom, after he had banished the tetrarch, he also gave him Antipas’s and his wife’s property (A.J. 18.252–55). According to Suetonius (Cal. 16.3), when Gaius appointed Antiochus IV king of Comagene in 37 C.E., he reimbursed the new king for the revenues that had been paid to the treasury during the twenty years from its annexation in 17 C.E. (see Tacitus, Ann. 2.42).

216. See also Schürer, History, 1:419: “If no taxes flowed from his tetrarchy into the
One sees the difference between Tiberius’s treatment of Philip’s estate and the manner in which Augustus earlier disposed of Archelaus’s territory. Augustus, after he banished Archelaus, confiscated his property into the imperial treasury (A.J. 17.344; B.J. 2.111), annexed his ethnarchy into a province and assessed it for the sake of taxation, and appointed a praefectus to govern it. Josephus says that it was at this time, that is, in 6/7 C.E. that Quirinius, who had been appointed governor of Syria, was instructed to conduct an assessment of property in the province (κοινωνία τῶν οὐσιῶν γενησόμενος) and also came to Judea “in order to make an assessment of the property of the Jews” (ἀποτιμησόμενος τῶν οὐσιῶν) (A.J. 18.1–2; 17.355). The many attempts to date Quirinius’s census to the time of Herod the Great on the basis of Luke 2:1–7 have been futile. If, as is traditionally assumed, the “King Herod of Judea” in Luke 1:5 is Herod the Great and Luke’s narrative is read in conjunction with the chronology provided by Matt 2:1–23, then the author of Luke’s

Roman treasury even after Philip’s death, much less would this have been the case during his lifetime.” Millar, Roman Near East, 52: “There seems to be a clear implication both that these revenues would otherwise have been shipped out elsewhere and that a rough equivalence between Roman and dynastic tribute revenues could be assumed.”

217. According to A.J. 17.342, Archelaus was deposed in his “tenth year” (see Vita 5), that is (according to A.J. 18.26), “in the thirty-seventh year after Caesar’s [Augustus’s] defeat of Antony at Actium.” The battle of Actium was fought in 31 B.C.E. In B.J. 2.111, however, Josephus writes that Archelaus was banished “in the ninth year of his rule.” The discrepancy between these accounts of the length of Archelaus’s reign might be due to the difference between the beginning of Archelaus’s rule in 4 B.C.E., following Herod’s death, and the official recognition of his claim to the throne by Augustus a few months later. According to Dio (Hist. 55.27.6), Archelaus, “who was accused by his brothers of some wrongdoing or other, was banished beyond the Alps and his portion of the domain was confiscated to the state.” This occurred “in the consulship of Aemilius Lepidus and Lucius Arruntius,” that is, in 6 C.E. (Hist. 55.25.1). See Schürer, History, 1:356 and n. 13.

218. See discussion in chapter 5.

Gospel was either too theologically enmeshed to notice, or he was simply ill-informed, as he indeed was in Acts 5:36–37, about the date of the census.\textsuperscript{220} It is also possible, as Smith argues, that the author of Luke actually thought that Jesus was born in 6 C.E. at the time of the census.\textsuperscript{221}

Whether the author of Luke was wrong about the time of the census or correctly placed Jesus’ birth in 6 C.E., the introduction of a Roman census and tribute into Judea (the region) coincided with the deposition of Archelaus and the consequent annexation of Judea in 6 C.E. Augustus apparently had no reason to be particularly benevolent toward the incompetent Archelaus. More importantly, he foresaw no Herodian successor to Archelaus. Augustus, therefore, destined the revenues, now to be assessed by Rome, from the new procuratorial province to the imperial coffers.\textsuperscript{222} The annexation marked the end of Archelaus’s tribute-free administration of the territory. The fact that Rome was to raise tribute in Palestine was, as Schürer notes, novum et inauditum.\textsuperscript{223} Josephus’s account suggests that the events surrounding Archelaus’s misrule of his etharchy, his deposition and banishment, the annexation of the territory, Quirinius’s census and the imposition of tribute were all cataclysmic. They led to a national rebellion: “a Galilaean, named Judas, incited his countrymen to revolt, upbraiding them as cowards for consenting to pay tribute to the Romans and tolerating mortal masters, after having God for their lord” (\textit{B.J.} 2.118). According to Josephus’s narrative, these events had lasting effects, eventually giving rise to the Zealot movement.\textsuperscript{224}

\textsuperscript{220} Brown, \textit{Birth of the Messiah}, 554; Millar, \textit{Roman Near East}, 46–47. Meier (\textit{Marginal Jew}, 1:213) sums up this general view: “Attempts to reconcile Luke 2:1 with the facts of ancient history are hopelessly contrived.” Mark D. Smith (“Jesus and Quirinius,” 282 and n. 20) cites and rejects this general view, which he terms “a relatively new but nonetheless constraining orthodoxy.” T. P. Wiseman (“‘There Went Out a Decree from Caesar Augustus . . . ,’” \textit{NTS} 33 [1987]: 479–80) speculates that Luke might have been referring to a partial edict that Augustus might have sent out to provincial governors in 6/7 C.E. This edict would have required that the governors provide up-to-date lists of all Roman citizens for the purpose of the inheritance tax imposed upon all citizens by Augustus in 6 C.E. Luke’s fault, in Wiseman’s view, would be in failing to distinguish this census (of Roman citizens) from the provincial census carried out by Quirinius in Judea and Syria.

\textsuperscript{221} Mark D. Smith, “Jesus and Quirinius,” 285–93.

\textsuperscript{222} Josephus (\textit{A.J.} 17.355) states this very clearly: “Now the territory subject to Archelaus was added to (the province of) Syria, and Quirinius, a man of consular rank, was sent by Caesar to take a census of property in Syria and to sell the estate of Archelaus.” \textit{A.J.} 18.2: “Quirinius also visited Judaea, which had been annexed to Syria, in order to make an assessment of the property of the Jews and to liquidate the estate of Archelaus.”

\textsuperscript{223} Schürer, \textit{History}, 1:419.

\textsuperscript{224} \textit{A.J.} 18.3–4 relates the revolt more to the census that preceded the introduction of the Roman tribute: “Although the Jews were first shocked to hear of the registration of property, they gradually condescended, yielding to the arguments of the high priest Joazar, the son of Boethus, to go no further in opposition. . . . But a certain Judas, a Gaulanite from a
This transition may be contrasted with the change from Antipas to Agrippa I following Antipas’s deposition and banishment in 39 C.E. (A.J. 18.252–55; B.J. 2.183). There were no revolts in Galilee and Perea, and the reason must be that Antipas’s banishment was not followed by annexation and the imposition of Roman tribute. In 40 C.E. Agrippa, as Philo reports, would write to Gaius: “[I]n view of the multitude of benefits with which you have enriched me I might perhaps have had the courage to beg myself that my homeland should obtain if not Roman citizenship at least freedom and remission of tribute . . .” (Legat. 287).225 Judea (Jerusalem in particular), the “homeland” about which Agrippa speaks,226 had been under direct Roman rule and tributary since 6 C.E. “Freedom” and “remission of tribute” would have meant the removal of Jerusalem (and the rest of Judea) from direct Roman administration together with the grant of immunity.227 These honors, which Agrippa would not dare to ask from Gaius, came shortly afterwards, when Claudius added Judea to

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226. Agrippa speaks of Jerusalem. Philo, Legat. 278: “My native city is Jerusalem (ἐσπέ μοι Ἱερουσαλημίκαι πατρίς) in which is situated the sacred shrine of the most high God.” And Legat. 281: “As for the holy city, I must say what befits me to say. While she, as I have said, is my native city (ἐμή μὲν ἐσπὶ πατρίς) she is also the mother city not of one country Judea but of most of the others in virtue of the colonies sent out at divers times to the neighbouring lands . . .” For Jerusalem as synecdoche for Judea, see Josephus, A.J. 14.74 and chapter 2.

227. ἐλευθερίαν γονίν ἑρόρων ἄφεσιν: On “freedom” (libertas or autonomia) and “immunity” from direct Roman taxation (immunitas, also the Greek term ἀτέλεια) for Judea, see discussions above. Smallwood (Philonis Alexandrini Legatio ad Gaium, 296, n. on Legat. 287) observes accurately that the two grants combined were “the highest privilege then available to provincial communities.” She, however, goes on to assert that Jerusalem “enjoyed no position of privilege in the empire until its re-foundation by Hadrian as the pagan colony of Aelia Capitolina after the Jewish revolt of 132–5.”
Agrippa’s kingdom in 41 C.E. (A.J. 19.274–75; B.J. 2.215–16).228 As soon as he arrived in Jerusalem, Agrippa demonstrated his financial and administrative independence by remitting “the tax on every house” which had been levied by the Romans on the inhabitants of the city (A.J. 19.299).229

Augustus’s banishment of Archelaus serves as an example of the interest this emperor took in the internal administration of client kingdoms.230 Earlier, during the interregnum between Herod’s death and Archelaus’s accession, Augustus had intervened to reduce by a quarter the tax paid by the inhabitants of the region of Samaria, as a reward for their not joining in the revolts that followed Herod’s death (A.J. 17.319; B.J. 2.96). Tiberius intervened to regulate Philip’s estate after Philip died. Gaius deposed Antipas and installed Agrippa I. These and the other known interventions by Rome in the affairs of the territories under Herod and his descendants are entirely in keeping with Rome’s imperial relationship with her client kings. On the whole, however, Rome’s attitude toward Herod’s rulership, and that of his successors, is expressed in the statement that Josephus attributes to Antony: “it was improper to demand an accounting of his reign from a king, since in that case he would not be a king at all, and those who had given a man this office and conferred authority upon him should permit him to exercise it” (A.J. 15.76).231

Rather than demanding from the Herods an account in the form of an annual tribute, the emperors asked for friendship, loyalty, and a compe-

228. Kokkinos (Herodian Dynasty, 289) notes appropriately that with Claudius’s grants, Agrippa obtained “all that he had ever wished for.”

229. Kokkinos (Herodian Dynasty, 292) sees some evidence of Agrippa’s reorganization of the Judean economy in “a new issue of coins and especially in the new standard weights for the local market.” See below.

230. The banishment also serves as evidence of Rome’s impatience with the maladministration of client territories. Archelaus was removed at the urging of a delegation from Judea and Samaria which brought charges to Augustus of Archelaus’s “cruelty and tyranny” (A.J. 17.342; B.J. 2.111). On Augustus’s interest in the administration of client kingdoms, see Suetonius, Aug. 48: “He also united the kings with whom he was in alliance by mutual ties, and was ready to propose or favour intermarriages or friendships among them. He never failed to treat them all with consideration as integral parts of the empire, regularly appointing a guardian for such as were too young to rule or whose minds were affected, until they grew up or recovered; and he brought up the children of many of them and educated them with his own.” Sands, Client Princes, 119; Bowersock, Augustus and the Greek World, 52–61; Braund, “Client Kings,” 76–78; Peter Richardson, Herod, 227–29; Jacobson, “Client Kings,” 22, 25–27.

231. Antony was reportedly responding to Cleopatra, who had induced him to summon Herod to account for the execution of the young Aristobulus III. Rome, of course, intervened when Roman interests were at stake. Claudius, fearing a revolt, ordered Agrippa I to discontinue the work of extending and fortifying the walls of Jerusalem (A.J. 19.326–27). Marsus the governor of Syria broke up a gathering of the kings brought together by the same Agrippa (A.J. 19.338–42).
tent administration of their domains. In the case of Herod, at least, friendship and loyalty were demonstrated by military support and the exchange of gifts.232

Herod’s Taxes

The task of appraising the kinds and levels of taxes that Herod and his successors imposed on their subjects suffers desperately from the absence of sufficient evidence. Concrete information on Herod’s revenue is almost nonexistent with the result that we know almost nothing about the total, the form, and the extent of the income of Herod’s kingdom.233 It is thus impossible to identify accurately the types of taxes that the Herods imposed and to describe them in more than general terms. In spite (or perhaps because) of this lack of sources, Schalit and numerous scholars after him established a theoretical framework that permitted them to attribute various forms of taxes to Herod and his sons. Herod’s kingdom, they maintain, in addition to mirroring Roman imperial administration, was an extension of the Hellenistic kingdoms, both Ptolemaic and Seleucid.234 Hence, Herod can be said to have imposed on the Jews all the forms of taxes that might be discerned from Ptolemaic Egypt, Seleucid Syria, and anywhere in the Roman Empire.

According to Schalit, therefore, Herod must have levied the following taxes:235

1. Poll tax (tributum capitis)
2. Income and property tax (tributum soli)
3. Salt tax
4. Crown tax
5. Sales and occupational tax
6. House tax
7. Custom duties
8. Sundry payments

Hoehner in turn proposes that the following taxes were imposed by Herod Antipas, as his father Herod the Great had done:236

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233. See, for example, Schalit, König Herodes, 262–63.
234. Ibid., 264–65, 298.
235. Ibid., 265–98.
1. Land tax (on produce)
2. Poll tax
3. Fishing tolls
4. Custom duties
5. Purchase and sales taxes (on slaves, oil, clothes, hides, furs, and other valuable commodities)
6. Professional tax (on leather workshops, butchery, prostitution, the use of water, pasturing)
7. Religious dues

Hoehner’s land tax is from “Syrian times” and “the time of Caesar.” The poll tax is conjectured out of the Jewish accusations against Herod \( (A.J. 17.308) \). The fishing tolls are from “Roman times,” while evidence for custom duties comes from Strabo \( (Geogr. 16.1.27) \), Pliny \( (Nat. 12.63–65) \), and the Gospels \( (Mt 9:9; Mk 2:14; Lk 5:27) \). Purchase and sales taxes are derived from Josephus \( (A.J. 17.205; B.J. 2.4) \), but the list of specific items taxed and items on the list of taxable professions come from a Palmyra inscription, dated to 137 C.E.\(^{237}\)

This procedure, which allows each scholar the convenience of attributing to Herod any number of taxes that the scholar might choose from Ptolemaic, Seleucid, and Roman systems of taxation, is obviously arbitrary. It cannot establish with any certainty what taxes were actually paid within Herod’s kingdom. In addition, the view of Herod’s kingdom that the procedure assumes is particularly problematic. Ptolemaic and Roman Egypt were in many respects unique. The territorial unity of the region, its peculiar agriculture, dependent on the Nile, and the existence of a well-organized civil service, allowed for such administrative structures and institutions as could not be transferred elsewhere.\(^{238}\)

About Attalid taxation virtually nothing is known. Information on Seleucid revenues is sparse, and much of what is known comes from the Seleucid relationship with Judea.\(^{239}\)

To what degree did Seleucid demands on the Jews constitute a Seleucid tax “system”? As I pointed out in chapter 1, the general view that the Romans and Herod afterwards inherited the Seleucid system of taxation from the Hasmonean kings runs into two problems. First,

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\(^{237}\) Ibid., 75–76 and n. 1.


the Hasmoneans were supposed to have liberated the Jewish state from Seleucid (tax) oppression. We cannot, therefore, expect them to have continued to maintain and operate this same Seleucid tax regime. Second, we actually know nothing about Hasmonean taxation, as Schalit concedes.240 Herod’s kingdom was a “Hellenistic kingdom,” no doubt, but the “Hellenistic” character of its institutions must be established and verified in each specific case, not merely assumed.241

Under the Republic and early Principate, forms of taxes and tax rates were not uniformly applied, even in Egypt.242 This certainly follows from the accepted view that, in general, Rome took over the tax regimes already in existence in conquered territories, adapting them to specific circumstances and to her own needs. The result was that different provinces, city-states, groups, and individuals within provinces and city-states developed an infinite variety of tax obligations and exemptions with their Roman suzerains.243 The Jews were subject to different rules at different periods in their relationship with Rome. We have seen above that, following Herod’s death in 4 C.E., Augustus intervened to reduce by 25 percent the tax paid by the Samaritans. The Samaritans, consequently, must have been taxed by Archelaus at a different rate than was demanded from the rest of his ethnarchy. It is not inconceivable, as we shall see below, that under Herod the Samaritans and other segments of his kingdom were subject to a variety of taxes and rates. The inhabitants of Batanea, we saw, did not pay any taxes.244

The evidence available suggests that Herod’s kingdom mirrored cer-

240. Schalit, König Herodes, 265.
241. For the Hellenistic character of the client kingdoms, see Braund, Rome and the Friendly King, 75–90; Jacobson, “Client Kings,” 30–33. From the point of view of Herod’s building projects and architecture, see the essays in Klaus Fittschen and Gideon Foerster, eds., Judaea and the Greco-Roman World in the Time of Herod in the Light of Archaeological Evidence (Göttingen: Vandenhoeck & Ruprecht, 1996).
243. See P. A. Brunt, “Addendum II,” in The Roman Economy: Studies in Ancient Economic and Administrative History, by A. H. M. Jones (Oxford: Blackwell, 1974), 183, correcting Jones’s theory: “However it is clear, and important, that the Roman government never sought to impose uniformity in taxation on all provinces. Rome normally took over the existing tax-system, and though changes were occasionally introduced, diversity persisted even after Diocletian. In census regulations of his time (first century, C.E.) the classification of lands in Asia, the Greek islands and Egypt differed, and yet another system, perhaps of the same period, is attested in Syria, while the unit of tax-assessment was not the same in Africa or in Italy as in the eastern provinces.” See also Brunt, “Revenues of Rome,” 161–62; Ramsay MacMullen, Roman Government’s Response to Crisis (New Haven: Yale University Press, 1976), 131–35; and Elio Lo Cascio, “La struttura fiscale dell’impero Romano,” in L’impero Romano e le strutture economiche e sociali delle province (ed. Michael H. Crawford; Como: Editioni New Press, 1986), 29–59.
244. See pp. 144–45 above.
tain specific patterns of taxation notable elsewhere in the Roman Empire. That pattern was, however, marked by adaptability and variety. Given the financial freedom that he enjoyed, Herod would have imposed such taxes as were suited to his economic needs and political agenda, the full details of which we do not know. It is, for instance, impossible to know if he adjusted and maintained some of the taxes that Caesar (and Antony) had imposed on the Jews, as Momigliano speculates, or if, as is more likely, he devised his own system to which he added and remitted new forms of taxes as the need arose. Some aspects of his taxation can be discerned from the extant sources.

**Land and Property Taxes**

Josephus often links direct taxation under Herod with agricultural produce. In *A.J.* 15.109 Josephus says that Herod found the necessary revenues and resources to send help to Antony at the beginning of the battle of Actium. Herod was able to assist Antony because Herod had brought stability to his kingdom “and the countryside had been furnishing him much good pasture already for some time” (καὶ τῆς χόρως εὐβοτωμένης αὐτῷ πολύν ἡδή χρόνον). On this occasion Herod probably sent cash together with grain to Antony (*A.J.* 15.189); however, Josephus only specifically mentions the “many thousand measures of corn” that Herod sent (*B.J.* 1.388). Shortly afterwards, when Octavian passed through Syria on the way to his campaign against Antony and Cleopatra in Egypt, Herod received and entertained Octavian and the soldiers in Ptolemais. Herod furnished the troops with provisions for the journey across the desert. Water and wine are specifically mentioned (*A.J.* 15.198–200). The account in *Antiquities* intimates that it was especially the cash gift of eight hundred talents, which Herod made to Octavian, that left the impression that Herod had done more than his restricted kingdom could afford (*A.J.* 15.200).

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245. Momigliano, *Ricerche*, 49. In Momigliano’s view, Herod adopted, with hardly any modifications, the taxes imposed on the Jewish state by Julius Caesar. See below.

246. My translation. The LCL edition renders it: “Herod, whose country had been yielding him rich crops for a long time . . . .” See *B.J.* 1.171: “for he was now rid of disturbances in Judaea and had captured the fortress of Hyrcania, hitherto held by the sister of Antigonus.”

247. See *B.J.* 1.394–95. Here Josephus does not mention the wine.

248. The money is not mentioned in the parallel account in *B.J.* 1.395. Here Josephus observes that “[t]he thought could not but occur both to Caesar himself and to his soldiers that Herod’s realm was far too restricted, in comparison with the services which he had rendered them.”
Earlier in his reign, when he needed to transmit large sums of money to Antony, Herod despoiled the rich (A.J. 15.5–7; B.J. 1.358).249 Six to seven years afterwards, although probably not as short of cash as he was originally, Herod’s economic and tax basis clearly remained in agriculture. This was because his kingdom was landlocked and limited to Galilee, Samaria, Judea and Idumea. He derived his revenues mostly from direct taxation on landed property.250 Octavian responded to Herod’s predicament and “generous spirit” by extending his territory to include Jericho, Gadara, Hippos, and Samaria, in the interior; and Gaza, Anthedon, Joppa, and Strato’s Tower, on the Mediterranean coast (A.J. 15.217; B.J. 1.396).

That Herod taxed landed property is confirmed by what Josephus says about the drought and famine of 27/26 B.C.E. Even Herod was in want “for he was deprived of the revenue [taxes] which he received from the (products of the) earth” (τὸν τε φόρον οὗς ἐλάμβανεν ἀπὸ τῆς γῆς ἄφημενω). Josephus distinguishes these taxes from Herod’s “money” (χρήματα), which he says the king had spent “in the lavish reconstruction of cities” (A.J. 15.303, 305). In order to raise the cash he needed to import grain from Egypt, Herod “cut up into coinage all the ornaments of gold and silver in his palace” (A.J. 15.306).251 Some five or seven years later, when Herod is said to have remitted a third of the taxes paid by the Jews, Josephus observes that it was “under the pretext of letting them recover from a period of lack of crops” (πρόφασιν μὲν ὃς ἀναλάβοιεν ἐκ τῆς ἄφημενω) (A.J. 15.365).252

The extension of Herod’s territory in 30 B.C.E. by Octavian meant, of course, greater revenues from direct taxes. I shall, however, emphasize shortly that the economic significance of many of these cities lay in the fact that Herod derived considerable (cash) revenues through indirect taxes from them.253 Jericho, on account of its balsam and date plantations, was an essential source of income (from export of these products) for Herod, such that, rather than lose the territory, he was prepared to pay an annual

249. See above and also A.J. 15.264.

250. See also Pastor, Land and Economy, 105–6. Later on, in about 9 B.C.E., Herod was said again to be in want of cash because he “had spent large sums of money both on external needs and on those of the realm.” Interestingly, on this occasion Herod is not reported to have tried to raise the cash he needed by taxing the people. Instead he went at night to rob David’s tomb, believing that what was left after John Hyrcanus I had robbed it “was sufficient to pay for all his lavish gifts.” He found no money but carried away “many ornaments of gold and other valuable deposits” (A.J. 16.179–83; also A.J. 7.394, where Josephus says that Herod “took away a large sum of money”).

251. See Peter Richardson, Herod, 222–23; Pastor, Land and Economy, 115–27. As Richardson points out (p. 223, n. 18), Herod probably used the metal to produce bullion for trade rather than mint coins, as Josephus suggests.

252. See Peter Richardson, Herod, 236.

253. See also Pastor, Land and Economy, 106–7.
tribute of two hundred talents to Cleopatra. Gaza, Joppa, and Strato’s Tower gave Herod access to major overland trade routes. Gaza, Anthedon, and Joppa were also seaports.\(^{254}\) Josephus’s statements about Herod’s income tend to distinguish the revenues that Herod received from direct taxes from those that he derived, in cash, from indirect taxes and other sources. Direct taxes were land taxes and furnished Herod with produce.

Unfortunately, we do not know much more about Herod’s taxes on landed property (\textit{tributum soli}). We do not know if the taxes applied to landed property as such or to produce. Did Herod’s subjects pay taxes according to the size of their arable land, or did they pay a percentage of the harvest? Although wheat was certainly taxed, we do not know which additional produce was taxed and at what initial rate, that is, before Herod undertook to reduce taxes.

On the basis of the extant evidence, it cannot be said whether or not Herod levied taxes on other kinds of property than land.\(^{255}\) The possibility must therefore be left open that Herod might have imposed some taxes, other than tolls and duties, that required cash payments. This notwithstanding, Richard Duncan-Jones’s conclusions regarding the question of taxes paid with money in the Roman Empire must hold true also for Herod’s kingdom:

Where there is any evidence, the land-tax visibly remained a tax in kind in a number of the provinces. This apparently recognised the limited extent to which money could be extracted from an agricultural population in which ownership of money was sporadic. Cicero’s comments on attempts to exact money from the Sicilian farmer are worth recalling: he says that for a farmer to hand over something which he could not grow would mean selling off his equipment (‘\textit{Nummos vero ut det arator, quos non exarat, quos non aratro ac manu quaerit, boves et aratrum ipsum atque omne instrumentum vendat necesse est’}).\(^{256}\)

\textbf{The “Head Tax”}

Fergus Millar points out that, although we should assume that both a land tax (\textit{tributum soli}) and a head tax (\textit{tributum capitis}) were paid in the

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\(^{254}\) See Peter Richardson, \textit{Herod}, 177–79, 189. Herod restored Anthedon and named it Agrippias (\textit{B.J.} 1.87; \textit{A.J.} 13.357) or Agrippaeon (\textit{Ἀγριππαῖον}; \textit{B.J.} 1.416) after his benefactor M. Vipsanius Agrippa. Its restoration might have been completed by the second round of Agrippa’s sojourn in Asia (17/16–13 B.C.E.). See Duane W. Roller, \textit{The Building Program of Herod the Great} (Berkeley: University of California Press, 1998), 128–29, who thinks Anthedon was built after 12 B.C.E.

\(^{255}\) On the “house tax,” see below.

provinces of the Roman Empire, we do not know how the taxation of property was related to the taxation of individuals in the empire generally, and in Syria in particular.\(^{257}\) The *tributum capitis* was not introduced in the various provinces of the empire until the necessary census had been conducted in them. The first recorded census was the one taken by Augustus in Gaul, and probably Spain, in 27 B.C.E.\(^{258}\) Provincial census was a new phenomenon. It was put into effect, as has been noted, gradually and over a period of many years. Rome seems to have used it particularly when assessing newly acquired territories. The evidence suggests that in the early Principate censuses were not widespread, even in the provinces of the empire.\(^{259}\)

Jones thinks it “probable” that Herod imposed a poll tax on his subjects. He considers the census conducted by Quirinius in 6 C.E. to be “the first census properly so called that had ever been held in Judaea.” As for the poll tax exacted by Herod, Jones postulates that “its assessment had no doubt been based as in Ptolemaic Egypt on annual returns of population by the village clerks.”\(^{260}\) In his view, Herod’s “financial machinery” was “modelled on that of Egypt.”\(^{261}\) Schalit also has recourse to Ptolemaic Egypt. Herod, he argues, carried out a census in his kingdom, from 20 B.C.E., on a six-yearly basis.\(^{262}\) According to Hoehner, it was Augustus, rather than Herod, who conducted the census (mentioned in Luke 2:1–5)

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258. Dio, *Hist*. 53.22.5: “He [Augustus] took a census of the inhabitants [of Gaul] and regulated their life and government. From Gaul he proceeded into Spain, and established order there also.” This information seems fortuitous. Dio does not say if Augustus took a census elsewhere before or after the one in Gaul. See the discussion in chapter 5.
in Herod’s kingdom at a time when Herod had fallen into disfavor with the emperor. Hoehner does not say on what basis both Herod and Antipas levied poll taxes, as he claims, on their subjects.  

Brook W. R. Pearson has more recently revived Schalit’s thesis that Herod maintained (what Pearson terms) “a Roman-style system of census and taxation” in his kingdom, and he too looks to Egypt to support his view. Since his arguments are symptomatic of the attempts to make generalizations regarding Herod’s kingdom on the basis of what is known about Egypt, I shall examine these arguments here in some detail. Pearson states that “Herod was emphatically not an independent king. He was totally dependent on Rome for his power, influence, kingdom, and freedom (not to mention that he was a Roman citizen).” It is this view and the conclusion that follows it, namely, that “while Herod’s administrative system was not a provincial one, it still drew from the Roman model,” that constitute Pearson’s “clear evidence both that Herod must have had a well-organized system of taxation and that he needed to, and did, exercise strict social control over his people.” Thus, Pearson claims, “it is most likely that Herod implemented the extremely effective process of census and taxation that the Romans had used throughout their empire both to fill their coffers and to control the various peoples and groups whom they ruled.” Given the complexity and variety of systems of taxation in the Republic and early Principate, however, Pearson’s basic presumption that everywhere in the provinces of the Roman Empire there was “an extremely effective process of census and taxation,”

263. See also Seán Freyne, “The Geography, Politics, and Economics of Galilee and Quest for the Historical Jesus,” in Studying the Historical Jesus: Evaluations of the State of Current Research (ed. Bruce Chilton and Craig A. Evans; Leiden: Brill, 1994), 87. According to Freyne, Antipas’s “200 talents in personal income” was presumably “collected on the basis of *tributum soli* or land tax and *tributum capitis* or poll tax, as was general practice throughout the Roman world.” Freyne does not say, however, how Antipas assessed the “poll tax” he is said to have collected.


265. Ibid., 267; emphasis in original.

266. Ibid., 271–72.

267. Ibid., 268–69. For the idea that Roman censuses were conducted for the sake of social control, Pearson (p. 266) relies on R. S. Bagnall and B. W. Frier, The Demography of Roman Egypt (Cambridge Studies in Population, Economy, and Society in Past Time 23; Cambridge: Cambridge University Press, 1994), 29–30. Bagnall and Frier write concerning the census in Egypt: “It is entirely possible that both taxation and control of the population were among the government’s motives from the beginning of the periodic census. . . . It is also possible that the symbolic value of the poll tax, representing subjection to Roman power, extended to the census itself—that the census itself was a means of demonstrating Roman control of the world.”

is unwarranted. The assumption, therefore, that Herod “must have” duplicated this process in his kingdom is gratuitous.

As evidence that the Roman-style census was conducted elsewhere in client kingdoms, he cites the case, narrated by Tacitus, of the principality of Archelaus II. The inhabitants (the Cieetae) revolted because they were “pressed to conform with the Roman usage by making a return of their property and submitting to a tribute. . . .” Possibly on account of Tacitus’s calling the prince “Archelaus of Cappadocia (Cappadoci Archelao),” Pearson seems to be confused about the territory over which Archelaus ruled. Thus, against Raymond E. Brown, who points out that Cappadocia had been annexed into a Roman province in 17 C.E. by Tiberius following the death of Archelaus I, Pearson asks, “but why, then, is it Archelaus’s son, Archelaus the Younger, who is imposing this census on his people?” In his view Archelaus II ruled over his father’s territory, Cappadocia, and the situation which Tacitus reports proves beyond any doubt that Cappadocia, like Herod’s Judea, was “a little of both,” that is, “a client kingdom, responsible for its own affairs” and “a dependent territory, directly ruled by the Romans.” Thus, Pearson concludes, “especially in this phase of the relationship between Cappadocia and Rome, . . . the census was a Roman imposition carried out by the king.” All this proves that “the Roman census process was something

269. Ibid. Pearson (p. 273 and nn. 31, 32) appeals to Rathbone’s work to justify his claim that the tax practices in Egypt “reflected standard Roman administrative practice.” See Rathbone, “Ancient Economy”; idem, “Egypt, Augustus and Roman Taxation,” 81–82. Rathbone’s work does not seek to establish a monolithic Roman administrative practice, but rather to look for ways in which data from Egypt might clarify processes and phenomena observed elsewhere in the Roman Empire. Thus, Rathbone, “Ancient Economy,” 161: “My starting assumptions are that there was great regional diversity in the society and economy of the classical world in general, rather than a peculiar chasm between Egypt and the rest of that world, but that behind this general diversity there were also similar and at times even identical economic developments for which the Egyptian evidence provides a keyhole on a much wider panorama.”

270. Although Pearson considers his description of the relationship of Herod’s kingdom to the Roman Empire as “clear evidence” (p. 268), he admits immediately thereafter (p. 269) that his argument only “goes a long way towards establishing a circumstantial case for the existence of a system of census and taxation in Herod’s kingdom.”


272. Brown, Birth of the Messiah, 552, n. 15; Dio, Hist. 57.17.7; Tacitus, Ann. 2.42. Brown himself is uncertain about the limits and status of the territory of Archelaus II. He writes in the main text of his work that the Cieetae “were his [Archelaus’s] subjects in the Cilician section of Cappadocia” and in the accompanying note he observes that, following annexation, “the Cappadocian kingdom was under a more direct Roman tax control than was the kingdom of Herod the Great.”

which extended to all of Rome’s territories, whether they were administered by client ‘kings’ or by Roman governors.”

For all we know, the Cietae were among the inhabitants of the mountainous regions of Cilicia known as ("The Rough Cilicia") Cilicia Tracheia. The region, according to Strabo, “was naturally well adapted to the business of piracy both by land and by sea . . . with all this in view, I say, the Romans thought that it was better for the region to be ruled by kings than to be under the Roman prefects sent to administer justice, who were not likely always to be present or have armed forces with them” (Geogr. 14.5.6). Archelaus I (father-in-law of Herod’s son, Alexander) received the region, possibly at the same time as the coastal plains of Cilicia, from Augustus in 20 B.C.E. as an extension of Archelaus’s kingdom of Cappadocia. After the annexation of Cappadocia in 17 C.E. Tiberius gave Cilicia Tracheia to Archelaus’s son, Archelaus II, probably already in 19 C.E., in much the same way as Augustus, Gaius, and later Claudius gave various regions of Herod’s kingdom to Herod’s descendants while other parts were annexed. The younger Archelaus certainly was not king of Cappadocia at the time when this part of his father’s former kingdom was under direct Roman rule, as Pearson imagines.

This means that Tacitus’s passage shows the opposite of what Pearson seeks to prove: In 36 C.E., that is, about sixty-three years after Augustus conducted the census in Gaul and forty years after Herod’s death, a client king attempted to conduct a census and exact taxes in accordance with “Roman usage” (nostrum in modum deferre census). The imposition provoked a revolt that the dynast proved incapable of putting down. It required the action of the governor of Syria to quell the unrest. The
similarities between this incident and what occurred in Judea in 6 C.E. are obvious. Archelaus’s census in Cilicia, like Quirinius’s in Judea, was the first conducted in the region. The “Roman-style” census and taxation were no more acceptable among the Cetae in 36 C.E. than they were among the Jews in 6 C.E. In either case, if a similar process had been introduced before, we would have heard of it. Yet, between about 19 C.E. when he acquired the territory and 36 C.E. when he conducted the ill-fated census, Archelaus must have raised taxes. He would have done so in ways similar to what his father Archelaus I and Herod had done, that is, through ways other than “Roman-style” census and taxation.

It is to be doubted also that the word Κωμογραμματεῖς in A.J. 16.203 (κομιόν γραμματεῖς in B.J. 1.479) provides, as Pearson argues, “direct evidence” that “goes a long way to prove” that Herod conducted Roman censuses in his kingdom. Pearson is certainly correct that the word is used in the papyri from Egypt to designate the clerk connected with census registrations. The connection that Pearson seeks to establish between this function, as testified in Egypt, and the word as Josephus uses it, however, is very tenuous. Pearson contends, first, that Josephus, being a Roman citizen, “would have been aware of both the office and its function”; second, that Josephus “assumes that his readers will know exactly what the office entails”; and, third, that “[it] is difficult to believe that this office . . . was drastically different in Herod’s kingdom” from what it was in Egypt.

In the first place, Pearson seems to be unaware of the fact that Josephus uses titles of Greco-Roman officials (ἐπιτροπος, ἐπιμελητής, στρατηγός, etc.) very imprecisely, so that even where similar titles can be found elsewhere, the specific functions of the officials in Judea must be verified in each individual case. In general, the direct connection between a title in Josephus and a specific function cannot be assumed. Second, the term Κωμογραμματεῖς, which occurs in Josephus’s works only in A.J. 16.203 (and its parallel in B.J. 1.479), comes in an indirect speech reporting what Salome’s daughter told her mother of what Herod’s sons Alexander and Aristobulus purportedly said. There is very little that can be historical in what Josephus is saying here. At the very best, he may be said to narrate

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280. Archelaus was probably imitating the Roman census just instituted in the recently annexed Cappadocia. See also the remarks on Tacitus’s text by Millar, “Emperors, Kings and Subjects,” 166–67: “Such passing reports, though suggestive, are hardly satisfactory. This last one, however, does indicate clearly that a census of a type imitated from the (quite recently instituted) Roman provincial census could be applied within the bounds of a dependent kingdom. But it remains a mere illusion.”


283. See p. 207, n. 1; also Schürer, History, 1:270–72 and n. 13.
the incidents in Herod’s court in terms that he hopes his readers can understand. Therefore, even if Josephus and his readers knew of the office of a κωμογραμματεύς, we cannot assume that such an office existed in Judea or that its functions must be the same as in Egypt.

The crux of the problem with Pearson’s evidence is, thus, that he does not show that the word κωμογραμματεύς was recognizably the term for census officials throughout the Roman Empire, outside of Egypt. Actually, this function seems to have been fulfilled by officials known by a wide variety of titles; κωμογραμματεύς was probably not among them. The γραμματεῖς (“clerks,” “scribes,” “secretaries,” “recorders,” etc.) are ubiquitous in Josephus’s works, as they are in the Synoptic Gospels and Acts; Josephus often adds the term to his rewriting of biblical passages. They fulfill a wide range of functions: secretaries to kings, scribes of the temple and of the Sanhedrin, readers of the sacred text, judges of the people, and so on. If Josephus knew that κωμογραμματεύς were indeed the officers specifically responsible for taking censuses in Judea, one would have expected him to use the term in A.J. 7.319, where he narrates David’s eventful census of 2 Sam 24:1–9 (1 Chr 21:1–6). Josephus writes instead: “Joab, therefore, taking along the chiefs of the tribes and scribes, went through the Israelite country and noted down the extent of the population.” This is particularly remarkable since the γραμματεῖς are Josephus’s addition to the biblical passage. These γραμματεῖς are recorders, like Susa in A.J. 7.293, who, notably, was not in charge of tribute, since this charge fell on Adoramus.

Josephus’s κωμογραμματεύς seem, then, to be no more than scribes whose particular distinction is to be found in the fact that their education and skills (so, in fact, A.J. 16.203 and B.J. 1.479) permit them to serve only the needs of villagers. They are humble village clerks (B.J. 1.479: κομίων γραμματείς), different, that is, from the exalted and skilled secretaries of kings, like Diophantus in A.J. 16.319 (B.J. 1.529), or the scribes who served in the temple (A.J. 11.128; 12.142; ἱερογραμματεῖς in B.J. 6.291) and the Sanhedrin (Aristeus, in B.J. 5.532). It is in this peculiarity that the purported taunt by Herod’s sons lies.

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284. Brunt, “Revenues of Rome,” 165–66. Brunt (p. 166) observes that there are only two known cases of slave clerks who dealt with censuses “at a lower level.” He thinks that census records were generally kept by provincial procurators, and it was “magistrates or leitourgoi of the civitates” who conducted the registrations. In the cities of the Roman type, they were probably done by quinquennales. In general, it is impossible to tell what titles the local census officials bore.

285. See, for instance, A.J. 6.120; 7.319; 11.128. On the contrary, βασιλικοί γραμματεῖς καὶ κομίων γραμματείς καὶ τοπογραμματεῖς are terms used technically in Egypt to denote functions solely within the Egyptian financial system. See Dittenberger, OGIS, no. 664.

286. Ἰώβας δὲ τοὺς ἀρχοντας τῶν φυλῶν παραλαβόν καὶ γραμματεῖς.
Pearson has neither successfully shown that Rome conducted censuses in client kingdoms, nor has he discovered a Roman census official in Herod’s Judea. There is indeed nothing to suggest that Herod conducted censuses in his kingdom, on the basis of which he levied a “head tax” on his subjects.287

Tolls and Duties on Goods in Transit

Everything points to the conclusion that Herod’s tax revenues must have come primarily from indirect taxes collected in the form of tolls and duties (portaria). Tolls and duties were ubiquitous and constituted important sources of revenue for provinces and city-states of the empire during this period.288 Tolls and duties were easy to impose and to collect. As we noted in chapter 2, Rome permitted dependent states to collect their tolls.289 The nature of the territory that Herod controlled and his own enterprises point to the prominence of these sources of revenue in his kingdom. The kingdom included various semi-autonomous cities, namely, Gaza, Gadara, Hippos, Azotus, and Jamnia. He refounded and rebuilt a number of others, notably, Samaria-Sebaste, Strato’s Tower (Caesarea), Anthedon (Agrippias), Pegae (Antipatris), Geba, and Esbus. Trade between and within these cities, and transit trade through them, would normally have attracted tolls and duties.290

Of even greater importance is the control of the long-distance trade routes that Herod obtained with the expansion of his kingdom. I empha-
sized in chapter 2 that Joppa and the Great Plain, which Julius Caesar
restituted in 47 B.C.E. to Judea, were crucial to the Jewish state. Apart from
opening the Jewish state to sea trade through the port at Joppa, acquisi-
tion of the territory gave the Jews some control over the via maris running
north into Syria and beyond, and south into Egypt. The Romans consid-
ered the revenues from the region so significant that Julius Caesar
imposed a special tribute on Hyrcanus II to compensate for the loss of the
tolls and duties that Rome had collected there.291 Herod reinforced and
extended his control and vastly increased the revenues, by rebuilding old
Pegae into Antipatris and Strato’s Tower into Caesarea. Josephus says
that Herod built Caesarea in order to remedy the insufficiencies of the
seaport at Joppa (A.J. 16.331–34). At its completion in 10 B.C.E., Caesarea
was the largest harbor in the Mediterranean. By virtue of its location and
facilities, the city along with its harbor remained for centuries to come
one of the principal sea-port entries into Palestine and Syria, controlling
and rearranging the patterns of trade in the region.292 Tolls remained an
important source of income in Caesarea long after Herod. John the toll
collector (πελώνης) was singled out in 66 C.E. by Josephus as one of the
principal citizens (δυνατοί) of the city (B.J. 2.287). To Joppa and Caesarea,
Herod added Anthedon (Agrippias).

Anthedon stood between Gaza and Ascalon, where Herod had a
palace (A.J. 17.321; B.J. 11.98). Gaza was an important commercial center.
It was the coastal outlet for the overland southern trade routes from Ara-
bia. Gaza was also a meeting point between these overland routes and the
coastal route, the via maris.293 The southern routes brought frankincense

291. Ze’ev Safrai (Economy of Roman Palestine, 223) notes that “the Romans levied on
Hyrcanus a yearly land tax and harbor tax for Joppa to the amount of 20,665 modia (Ant.
14.206) or approximately 135.5 tons of wheat. Joppa was the major Jewish port, and a tax of
135.5 tons of wheat was ridiculously low, proving that there was only a minimal amount of
export from the city.” I noted in chapter 2 that it was difficult to say what the relationship
might have been between the amount Hyrcanus paid in tribute for the territory and the
actual amount raised in tolls and duties at Joppa. What is essential for our point is that the
region was significant enough in Roman estimation to attract a special tribute.

292. Kenneth Holum and Robert Hohlfelder, eds., King Herod’s Dream: Caesarea on the
Roller, Building Program, 133–44; Peter Richardson, Herod, 178–79; also de Laet, Portorium,
339–41.

293. See Jones, Cities, 290; Peter Richardson, Herod, 57, 64. On the centrality of Gaza for
the southern trade routes during the Hellenistic period, particularly from the evidence of
the Zenon papyri, and during the Roman period, see Victor A. Tcherikover, “Palestine
Under the Ptolemies: A Contribution to the Study of the Zenon Papyri,” Mizraïm 4–5
(1937): 24–30; Préaux, L’économie royale, 362–63; A. Negev, “The Date of the Petra-Gaza
Road,” PEQ 98 (1966): 89–98; Daniel T. Potts, “Trans-Arabian Routes of the Pre-Islamic
Period,” in Itinéraires et voisinsages (ed. Jean-François Salles; vol. 1 of L’Arabie et ses mers bor-
and myrrh, pepper and other spices, cotton, and probably silk from southern Arabia, eastern Africa, India, and as far east as China through Arabia and the Mediterranean coasts to Palestine, Syria, Egypt, Rome, and the West. Spices and incense were very expensive items, but were consumed in enormous quantities because they had become essential to life in the Roman world. They were necessary ingredients in food, medicines, and cosmetics, and particularly in cultic life. Large amounts of incense were needed for temple services in Jerusalem, for example. The exorbitant costs that these items commanded in the Roman world were mostly due to the tolls, dues, and the costs of transportation and protection, which were paid in transit.

The southern trade routes were controlled by the Nabateans, and Idumea connected Nabatean Arabia to Gaza. The rise of the Idumean


295. On frankincense and myrrh, see Pliny, Nat. 12.51–71; on the route through Gaza in the first century and the duties incurred he writes (63–65): “[Frankincense] can only be exported through the country of the Gebbanitae, and accordingly a tax is paid on it to the king of that people as well. Their capital is Thomma, which is 1487½ miles distant from the town of Gaza in Judea on the Mediterranean coast; the journey is divided into 65 stages with halts for camels. Fixed portions of the frankincense are also given to the priests and the king’s secretaries, but beside these the guards and their attendants and the gate-keepers and servants also have their pickings: indeed all along the route they keep on paying, at one place for water, at another for fodder, or the charges for lodging at the halts, and the various octrois; so that expenses mount up to 688 denarii per camel before the Mediterranean coast is reached; and then again payment is made to the customs officers of our empire. Consequently the price of the best frankincense is 6, of the second best 5, and the third best 3 denarii a pound.” Strabo (Geogr. 16.4.24), writing earlier in the first century, traces the overland route to Rhinocolura south of Gaza: “Now the loads of aromatics are conveyed from Leucé Comē to Petra, and thence to Rhinocolura, which is in Phoenicia near Aegypt, and thence to the other peoples.” See in general, Gus W. Van Beek, “Frankincense and Myrrh,” BA 23 (1960): 70–95; J. Innes Miller, The Spice Trade of the Roman Empire: 29 B.C. to A.D. 641 (Oxford: Clarendon, 1969); Manfred G. Raschke, “New Studies in Roman Commerce with the East,” ANRW 2.9.2:604–1361. Raschke’s work provides helpful correctives to Miller’s views. Groom, Frankincense and Myrrh; Millar, Roman Near East, 515–16; Broshi, “Role of the Temple,” 33–35.

Herod as king was closely linked with the city of Gaza and Nabatean trade. According to Josephus (A.J. 14.10), Herod’s Idumean grandfather, Antipas, was appointed “the governor of the whole of Idumaea” by Alexander Janneus and his successor wife, Alexandra. It was reported that Antipas “made friends of the neighbouring Arabs and Gazaeans and Ascalonites, and completely won them over by many large gifts.” It was important for the Jewish state and its control of the trade routes that the governor of Idumea be Idumean, and thus able to build the bridge between the Arabs and the Gazaeans. This privileged position enabled Antipas to amass the wealth and influence that permitted his son, Antipater, and grandson, Herod, later to supplant the weakened Hasmonaeans in Judea (A.J. 14.8; B.J. 1.123). Antipater, Herod’s father, confirmed the connection between Idumea and Arabia by marrying into the Arabian aristocracy (B.J. 1.181; see A.J. 14.121–22).

Herod himself showed no less political astuteness in appointing the Idumean Costobarus “governor of Idumaea and Gaza.” Herod bound Costobarus further to his family by marrying his sister Salome to him (A.J. 15.254). Much like Herod’s own grandfather and father, Costobarus “set no limit to his hopes,” and had in view to become sole ruler of Idumea “and achieve greater things.” He had “good reason for this,” says Josephus, “both in his lineage and in the wealth which he had acquired through continual and shameless profit-seeking” (A.J. 15.257). Antony, however, refused to accept Costobarus’s offer to give Idumea to Cleopatra. Until 30 B.C.E., therefore, Herod continued to exercise as much control over the trade routes as the Hasmonaeans before him had gained in

297. See discussion in Kasher, Jews, Idumaeans and Ancient Arabs, 89–90, 109; Peter Richardson, Herod, 62–64, 78–79. Richardson (p. 78 and n. 105) intimates, erroneously, that it was Antipater, rather than his father, Antipas, who had been the governor of Idumea. Josephus makes frequent references to Antipater’s “clout” with the Arabs: Antipater used his influence with Aretas III, with whom he was “a very good friend,” to persuade the Arab king to receive Hyrcanus II and then to invade Judea in the attempt to install Hyrcanus as king in Jerusalem (A.J. 14.14–18; B.J. 1.123–26). In 62 B.C.E. Scaurus, who was marching against Petra, sent Antipater as his envoy to Aretas “because of their friendly relations.” Antipater’s diplomacy stemmed the arm of war, as the Arab agreed to pay three hundred talents, for which Antipater himself was surety (A.J. 14.80–81; B.J. 1.159). Antipater left sums of money in deposit with the Arabs and Herod himself passed on money to Aretas’s successor, Malchus. When Herod fled from the Parthians in 40 B.C.E., however, Malchus was “unduly forgetful of the ties of friendship with his [Herod’s] father” and refused to give him any help (see A.J. 14.370–73; B.J. 1.274–76).

298. See Sullivan, Near Eastern Royalty, 215, who suggests that Cypros might have been the daughter of Aretas III; also the discussion in Peter Richardson, Herod, 62–63.

299. Pardoned for this treachery, Costobarus continued in his post until about 27 B.C.E., when, now divorced from Salome, he was executed by Herod for hiding Herod’s enemies and Antigonus’s allies (the sons of Baba) since 37 B.C.E. (A.J. 15.258–66). See Peter Richardson, Herod, 221–22.
Idumea. When Octavian added Gaza to Herod’s kingdom in 30 B.C.E.,\textsuperscript{300} he handed Herod complete control of the territory and the trade routes, along with the immense income that came from them. The income from Gaza reverted to the Romans, as we learn from Pliny (\textit{Nat.} 12.65), when Gaza was reattached to the province of Syria after Herod’s death.\textsuperscript{301} Augustus, by later extending Herod’s kingdom to include Auranitis, Batanea, and Trachonitis, also gave Herod a hold on the trade route going north across Transjordania to Damascus.

Unfortunately, again, our sources do not permit us to determine directly for which items and at what rate, generally, tolls and duties were paid. It is impossible to estimate how much money poured into Herod’s coffers from indirect taxes. It is clear, however, first, that Herod’s wealth derived in large part from his family’s involvement with the Nabatean trade and other business interests in Idumea, Gaza, and Ascalon. Second, Herod himself continued to reap vast profits from these trade routes and from the new ones that his greatly expanded kingdom made available to him.\textsuperscript{302}

\begin{center}
\textbf{Sales Taxes}
\end{center}

Evidence that Herod imposed duties on sales in his kingdom comes from demands made after Herod’s death that Archelaus remove “the taxes that had been levied upon public purchases and sales and had been ruthlessly exacted” (\textit{A.J.} 17.205).\textsuperscript{303} Our information is, again, very limited. As a result, we do not know exactly what kinds of sales and which parts of the kingdom were affected by the tax, and what rates were assessed. In about 37 C.E. Vitellius, the governor of Syria, is said to have “reMITTED to the inhabitants of the city all taxes on the sale of agricultural produce,” on the occasion of his visit to Jerusalem.\textsuperscript{304} About forty-one years lay between

\begin{itemize}
\item[300.] It is generally recognized that Gaza was not in Herod’s kingdom before this grant, contra Jones, \textit{Cities}, 269 and 460–61, n. 57, who, on the basis of \textit{A.J.} 15.254, holds that Antony in 40 B.C.E. gave the city to Herod. Josephus’s statement in this passage that Costobarus was appointed “governor of Idumea and Gaza” soon after 30 B.C.E. results from Josephus’s retrojecting Costobarus’ title after 30 B.C.E. into the earlier period.
\item[301.] See de Laet, \textit{Portorium}, 333–34 and the passage cited in n. 295 above.
\item[302.] See Peter Richardson, \textit{Herod}, 56 and 64. Applebaum (“Economic Life,” 665) concedes that “[t]he customs and excise of his [Herod’s] ports and inland duties must have yielded no mean revenue.”
\item[303.] \textit{A.J.} 17.205: όρθεις τῶν τελῶν ἀ ἐπὶ πρῶτον· ἡ ὁμοία δημοσίεως ἐπιβάλλετο προσόμενα πικρὰς ἑτούντων· in the parallel passage in \textit{B.J.} 2.4 the protesters demanded “the abolition of the duties” (ἀναφέρειν τά τέλη).
\item[304.] \textit{A.J.} 18.90: Οὐπέλλιος τά τέλη τῶν ὁμοσμένων καρπῶν ἀνίσησεν εἰς τό πάν τοὺς ἀνάμεσα κατοικοῦσιν.
\end{itemize}
Herod’s death and Vitellius’s visit to Jerusalem. Judea had meanwhile been under direct Roman rule since 6 C.E. Nonetheless, scholars usually equate the taxes remitted by Vitellius with the dues that Herod is said to have imposed on sales. F. M. Heichelheim, whose view is often repeated, writes therefore: “We also know of a market duty in Jerusalem from the time of the Jewish kings to the first procurators, which Vitellius abolished in 36 A.D.”

The obstacle to postulating a continuity of sales taxes from Herod to Vitellius is that Josephus’s accounts of the events after Herod’s death clearly indicate that Archelaus consented to remove the duties. We are not told, however, whether he actually removed them once he returned from Rome. If, as is likely, Archelaus did remove the taxes, the duties that were later abolished by Vitellius would have been imposed by the Roman praefecti after Archelaus had been banished. It is noteworthy that, whereas Herod’s sales taxes appear to have affected the whole of Judea, the later taxes only affected the city of Jerusalem. Moreover, these duties were imposed only on produce and food items, probably brought into the city for sale (τὰ τέλη τῶν ὄνοματῶν κυριώτων). This might explain why the taxes were so onerous. On the contrary, Josephus’s vague statement that Herod levied duties on “public purchases and sales” (ἐπὶ πρᾶσεων ἡ ὀνοματικὴ δημοσίας) could mean that Herod’s taxes were paid on a variety of items sold in the public forum—the marketplace. Schalit would be correct, in this event, in estimating that the tolls levied by Herod were collected in the marketplaces in Jerusalem. He overdraws the meaning of Josephus’s...
passage, however, when he speculates that it implies that Herod registered all sales in his kingdom and kept records of them in Jerusalem.308

House Tax

Josephus writes that Agrippa I, when he arrived at Jerusalem after receiving Archelaus’s former ethnarchy from Claudius in 41 C.E., “recompensed the inhabitants of Jerusalem for their goodwill to him by remitting to them the tax on every house, holding it right to repay the affection of his subjects with a corresponding fatherly love” (A.J. 19.299). On the strength of this statement, Heichelheim comments: “In Jerusalem under the Roman administration there was a house tax, which probably went back to the time of Herod, until Agrippa I came to the throne.”309 In the note following his observation Heichelheim points to the following evidence:

M. Baba Bathra I 4/5 speaks of a contribution of the citizens of a town towards the building and the restoration of the walls. In the second century A.D., i.e. at the date of the passage, the contribution was levied in proportion to property; but there is a tradition in the Mishna (loc. cit.) that an earlier regulation imposed a levy on each house, which might have been the house-tax of Josephus.310

The region that Agrippa received in 41 C.E., it must be recalled, had been under direct Roman rule since 6 C.E. Here again, however, Heichelheim’s view that the said “house tax” is to be traced back to Herod has been a staple among scholars.311

The “earlier regulation” about which Heichelheim speaks is the passage in the Mishnah that states:

One [who dwells in a town] is compelled [to contribute towards the cost of] a wall for the town [and towards the cost of] double doors and a bolt. Rabban Simon ben Gamaliel says, Not all cities need a wall. How long must one be in a town to be deemed as of the citizens of the town?—

310. Ibid., 236, n. 33.
311. For instance, Schalit, König Herodes, 290 and n. 504, who cites Heichelheim and writes in turn: “Es ist sehr wahrscheinlich, daß die Einrichtung der Haussteuer in Judäa erstmalig das Werk des Herodes war.” Smallwood (Jews under Roman Rule, 197) observes that one of Agrippa’s “earliest actions in 41 was to remit the house tax in Jerusalem (a tax normally paid by all householders in walled towns for the building and upkeep of the walls)—a blatant bid for popularity.”
Twelve months. If one bought a dwelling-house therein, he is straightway considered as of the citizens of the town. (m. B. Bat. 1:5)

Of significance here is the phrase “if one bought a dwelling-house therein.” The plain meaning of the whole passage is to establish the legal grounds on which a person could be considered a resident of a town, and therefore liable to contribute to the building of the walls of the town. Correctly speaking, the tax under consideration should be termed a “wall tax.” Those who lived in a town for twelve months were also liable, whether or not they owned a house. Ownership of real estate only meant that one was instantly qualified as a resident and was subject to paying the tax, no more. The discussion in b. B. Bat. 7a and 8a indicates that wherever and whenever this tax might have been levied, it was either paid “according to means” (that is, in proportion to one’s assessed income rather than as a flat, head tax) or according to the “proximity of his house to the wall.” The passage in the Mishnah does not tell us how the contribution was assessed. There is nothing either in the Mishnah or in the discussion in the Talmud to suggest, as Heichelheim assumes, that the contribution for the building of a city wall was assessed and referred to as a “house tax.”

Moreover, Heichelheim’s reference to the mishnaic passage as an “earlier regulation” fudges the issue of the date when the practice of imposing taxes for the building and upkeep of city walls began. Rabban Simon ben Gamaliel, to whom the tradition in the Mishnah refers, is most likely Simeon ben Gamaliel II. He flourished under the emperors Hadrian and Antonius Pius (ca. 117–160). The tradition therefore dates to the period after 70 C.E. Even if one were to give the tradition the most

312. Cited by Heichelheim, “Roman Syria,” 236, n. 33. See also Smallwood in n. 311 above.

313. Heichelheim ("Roman Syria," 236, n. 33) juxtaposes this passage with the discussions in b. B. Bat. 7a and 8a, which he quotes: "R. Eleazar (c. 130–160 A.D., Palestine) inquired of R. Johanan: 'Is the impost (for the wall) levied as a poll-tax or according to means?' He replied: 'It is levied according to means, and do you, Eleazar my son, fix this ruling firmly in your mind.' According to another version R. Eleazar asked R. Johanan whether the impost was levied in proportion to the proximity of the resident’s house to the wall or to his means. He replied: 'In proportion to the proximity of his house to the wall.' . . . Rabbi (c. 135–210 A.D., Sepphoris) levied the impost for the wall on the Rabbis. . . . Rabbi has explained that (in Ezra, VII, 24) minda means the king’s tax, belo the poll tax and halach denotes annona."

314. See Schürer, History, 2:372–73 and 368, n. 51: "In the Mishnah, the much-mentioned Rabban Simeon ben Gamaliel is as a rule to be understood as the son of Gamaliel II, especially in mAb. 1:18. Besides mAb. 1:17, only mKer. 1:7 relates perhaps to Simeon son of Gamaliel I." See also George Foot Moore, Judaism in the First Centuries of the Christian Era: The Age of the Tannaim (2 vols.; Cambridge, Mass.: Harvard University Press, 1927–30), 1:86–89.
generous interpretation and assume that Simeon ben Gamaliel I is meant, the practice it implies would still belong to the period of direct Roman rule in Judea. Simeon ben Gamaliel I was prominent at the time of the revolt in 66 C.E. (see B.J. 4.159; Vita 190–98). The conclusion would be that the Romans, from an unspecified time, required the inhabitants of walled cities in Palestine to pay for the walls of their city. The discussion in b. B. Bat. 7a and 8a, in comparing this requirement to the Roman poll tax, supports this conclusion. Josephus’s “house tax,” therefore, should not be confused with the rabbinic “wall tax.”

The meaning of Josephus’s phrase “the tax on every house” (τὰ υπὲρ ἐκώτις οἰκίας) cannot be established with certainty. The closest examples of such a tax are Roman. Lucullus, according to Appian, imposed “taxes on slaves and house property” (τέλη γὰρ τοῦ θεράπουσι καὶ ταῦς οἰκίας) on the province of Asia in 71/70 B.C.E., in order to raise money to pay for the debt that the province still owed on a fine imposed on them by Sulla (Hist. rom. 12.83). Similarly, Appius Claudius imposed a house tax on the province of Cilicia (Cicero, Fam. 3.8.3–5; also Att. 5.16.2), and at the outbreak of the civil war in 49 B.C.E. Scipio, Pompey’s general, exacted extraordinary contributions including a house tax on the inhabitants of Asia. The Roman taxes come in an assortment of names: exactio ostiorum, ostiario (a doortax), and columnarium (a pillartax).  

315. Schalit (König Herodes, 290, n. 504) notes that the “house tax” existed in the Greco-Roman world. For evidence he cites, besides Heichelheim, Rostovtzeff, Hellenistic World, 316, 954, 962, 994. In his survey of Egypt under the early Ptolemies Rostovtzeff (Hellenistic World, 1:316) writes: “On the other hand, there were elaborate taxes on property, for example, on houses and on slaves . . . .” Rostovtzeff offers neither evidence nor description of the taxes on houses about which he speaks. As Préaux (L’économie royale, 387–92) describes it, the Ptolemaic tax on houses, the σταγμὼς, was the obligation to give lodging in one’s house to soldiers, cleruchs, and visiting administrative officials. It was a requisition in use when necessary, especially in times of war and military maneuvers, but which, because of the scarcity of inhabitable space in Egypt, became a constant levy. There are no house or other property taxes known from Seleucid Syria. Bickerman (Institutions des Séleucides, 118) writes apropos: “Dans notre relevé des taxes séleucides on cherche vainement plusieurs impôts sur la propriété, sur le capital ou sur le revenu, par exemple sur les successions, sur le bétail, etc., que nous retrouvons si nombreux dans l’Egypte ptolémaïque.”

316. See Rostovtzeff, Hellenistic World, 2:954.
318. That is, according to Caesar’s accusations (Caesar, Bell. civ. 3.32): “In capita singula servorum ac liberorum tributum imponebatur; columnaria, ostiaria, frumentum, milites, arma, remiges, tormenta, vecturae imperabantur; cuius modo rei nomen reperiri poterat, hoc satis esse ad cogendas pecunias videbatur.” See Rostovtzeff, Hellenistic World, 2:994; Lintott, Imperium Romanum, 78.
319. A “pillar tax” was probably in force in Rome in about 45 B.C.E. Cicero (Att. 13.6.1) bids Atticus: “Make sure whether I owe any pillar-tax at all (Columnarium vide ne nullum debeamus).”
Therefore, the house tax referred to by Josephus appears to have been a tax on real estate. As Josephus presents it, the tax was levied only on the inhabitants of Jerusalem.\footnote{320. The Mishnah’s tax for city walls was levied on the residents of all walled cities.} House taxes, like other capitation taxes in the late Republic, were levied by Roman magistrates as extraordinary, emergency exactions.\footnote{321. This point is repeatedly made by Rostovtzeff, *Hellenistic World*, 3:1563, n. 28; 1566, n. 41. See also Lintott, *Imperium Romanum*, 78; Rathbone, “Egypt, Augustus and Roman Taxation,” 94–95.} “The tax on every house” that Agrippa remitted might have been imposed on the inhabitants of Jerusalem by one of the Roman praefecti at an unknown time as a punishment for one of the many confrontations with the Romans (under Pilate for instance), or in an emergency about which we have no documentation.\footnote{322. See Brunt, “Revenues of Rome,” 168; contra Neesen, *Staatsabgaben*, 59.} It is thus unlikely that Herod had imposed it.

### Epilogue

If the house tax in *A.J.* 19.299 could be shown to be Herodian, it would have constituted our only evidence that Herod levied taxes on property other than land. Since this is not the case, the tax structure for Herod’s kingdom may be said with certainty to have included: (1) a land tax assessed either on the value of property or a percentage of yield; (2) tolls and duties; and (3) a tax on sales, most likely levied in the marketplace.

The economic conditions of Judea under Herod have become the battleground for the fierce ideological battles fought by scholars with regard to the causes of the Jewish revolt of 66 C.E. and the rise of early Christianity. The economic despair brought about by Herodian and Roman taxes, it is alleged, drove Judean “peasants” to the protest movement now called Christianity and to open revolt in 66 C.E. Rome, I have argued, derived no direct taxes from Herod’s kingdom, or portions of it, while the territory was governed by Herod and his descendants. In support of the view that Herod’s own taxes were excessive, scholars commonly cite three factors: (1) Herod’s “total annual royal income,” which is thought to have come from taxes and to have been very large; (2) the magnitude of Herod’s building projects; (3) Josephus’s negative evaluations of Herod’s reign.

There is now a growing body of literature, to which I shall refer below, that suggests that traditional interpretations both of the economic significance of Herod’s building program and of Josephus’s negative assessment of Herod’s economic achievements should be revised. Such revisions would require a full study of the Herodian economy, which is
now long overdue. The scope of the present study requires that we pay detailed attention only to the matter of taxation in Herod’s kingdom.

According to Josephus’s account of the events following Herod’s death, when Sabinus, Augustus’s procurator for the province of Syria, arrived in Jerusalem, he demanded the account of Herod’s estate from Herod’s treasury officials (διοικηταὶ τῶν πραγμάτων) (A.J. 17.223; B.J. 2.18). Later on, Sabinus and the governor of Syria, Varus, sent a report to Augustus “concerning the amount of the property and the size of the annual revenue” from Herod’s kingdom (A.J. 17.229; see B.J. 2.25). These statements suggest that at the time of Herod’s death Roman authorities had concrete information about the revenues that accrued to Herod from the territories subjected to him. Josephus, in his narrative of the division of Herod’s kingdom by Augustus, attaches to each territory the amount of revenue allotted to its recipient. Scholars assume in general, therefore, that the revenues reported by Josephus add up to the annual revenue of the whole of Herod’s kingdom. Momigliano was the last person who tried to demonstrate that this was indeed the case, and it is to the figures he put forward that scholars usually appeal when dealing with Herod’s tax income.

Josephus’s account of the financial implications of Augustus’s partition of Herod’s kingdom may be summarized as follows:

1. Galilee and Perea: annual revenues for both amounted to two hundred talents (paid in taxes to Antipas).

2. Batanea, Trachonitis, Aurinitis, Gaulanitis with Paneas: annual tax income of one hundred talents (paid to Philip).

3. Judea, the province of Samaria, Idumea, the seaport cities of Caesarea and Joppa, together with Samaria-Sebaste (and Jerusalem): produced annual income of six hundred talents, according to A.J. 17.319–20, or four hundred talents, according to B.J. 2.96–99 (paid to Archelaus).

323. Peter Richardson (Herod, 28) provides a summary of his views but otherwise desists from a full treatment of the question. For Antipas’s Galilee, see Freyne, “Geography, Politics, and Economics,” 104–21; and idem, “Herodian Economics.”

324. Momigliano, Ricerche, 45–50; see the speculations in Applebaum, “Judaea as a Roman Province,” 2.8:374–77.


4. Jamneia and Azotus, the palm groves of Phaselis, and the king’s palace in Ascalon together with five hundred thousand pieces of coined silver, that is, fifty talents;\(^{327}\) for a total annual revenue of sixty talents (allotted to Salome, Herod’s sister) (A.J. 17.321; B.J. 2.98).\(^{328}\)

5. Samaria (the region) had one fourth of the taxes it had previously paid to Herod remitted by Augustus (A.J. 17.319; B.J. 2.96).\(^{329}\)

6. The revenues from Gaza, Gadara, Hippus (A.J. 17.320; B.J. 2.97) (possibly also Esobonitis and Anthedon)\(^{330}\) were also lost, since these cities were reattached to the province of Syria.

Thus:

- Archelaus = 600 (Antiquities) or 400 (War) talents
- Antipas = 200 talents
- Philip = 100 talents
- Salome = 60 talents

This gives a total of 960 talents (Antiquities) or 760 talents (War).

The fact that Momigliano undertook to demonstrate how Josephus’s sums add up to the tax revenue of Herod’s kingdom should alert us to the difficulties in Josephus’s report.\(^{331}\) The first of these difficulties is the discrepancy between Antiquities and War in the figures given for Archelaus’s annual income. The difference of two hundred talents is not negligible; it is the sum that Josephus gives for the annual revenue from Galilee. This is probably why it was central to Momigliano’s calculation that he show that Archelaus’s annual revenue was six hundred talents as in Antiquities rather than four hundred talents as in War.\(^{332}\)

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327. A.J. 17.321. Herod left ten million pieces of coined silver in his legacy to Augustus (A.J. 17.190). In Herod’s previous will this sum is given as one thousand talents (A.J. 17.146; B.J. 1.646). Similarly the legacy bequeathed to the empress (and the children, friends, and freedmen of the emperor) is five million pieces of silver in A.J. 17.190, and five hundred talents in A.J. 17.146; BJ 1.646. One talent is equivalent, therefore, to ten thousand pieces of silver. This conclusion is supported by the analysis of Josephus’s talent by Friedrich Hultsch, “Das hebräische Talent bei Josephus,” Klio 2 (1902): 70–72.

328. Her territories were to remain under Archelaus’s jurisdiction (A.J. 17.322; B.J. 2.98).

329. Momigliano (Ricerche, 46) is correct that, in spite of the ambiguities in the texts, Augustus’s tax reduction could not have applied to all of Archelaus’s ethnarchy since it was a reward for not revolting. The region of Samaria alone merited the concession (A.J.17.289; B.J. 2.69).

330. The two cities are not explicitly mentioned in Josephus’s list. Both cities were attacked by the Jewish rebels in 66 C.E. (B.J. 2.458, 460). See Schürer, History, 1:104, 166.

331. Momigliano (Ricerche, 45) admits that his demonstration is complicated by the fact that the figures transmitted by Josephus raise “molti problemi preliminari.”

332. See Momigliano, Ricerche, 47–49.
In order to go from Julius Caesar to Herod, Momigliano passes, first, through Herod’s gift of Perea to his brother Pheroras. Josephus alludes to the financial objectives of the grant in two difficult and apparently conflicting passages. He writes in *War* (1.483) that Pheroras “had a private income of a hundred talents, exclusive of the revenue derived from the whole of the trans-Jordanic region.” In *Antiquities* (15.362) he writes, however, that “Herod asked of Caesar a tetrarchy for his brother Pheroras, and allotted to him from his own kingdom a revenue of a hundred talents.” According to Momigliano, the passage in *Antiquities* means that the one hundred talents came from the revenues from Perea, whereas a literal reading of the passage in *War* would give the meaning that Pheroras had a personal patrimony of one hundred talents, quite separate from Herod’s gifts. Thus, he concludes, Josephus must be interpreted to say that the income from Perea was one hundred talents, since Josephus summarizes better in *Antiquities* the clumsy passage in *War*.  

Momigliano’s second set of figures is taken from the seven hundred talents exacted by Cassius in 43 B.C.E. The Jews paid to Cassius, he argues, the tribute that they had paid through normal channels since 47 B.C.E. Seven hundred talents also was Herod’s revenue from Idumea, Judea, Perea, and Galilee: that is, one hundred talents each for Galilee and for Perea plus five hundred talents for Idumea and Judea. To this sum should be added the one hundred talents that Momigliano arbitrarily assigns to Samaria. Thus, Archaleus’s territory (Idumea, Judea, and Samaria) should be said to have yielded six hundred talents.  

Momigliano, however, does not consider the possibility that, with regard to Perea, the passage in *Antiquities* could mean that, apart from the gift of the tetrarchy, Herod also made a grant of one hundred talents to his brother. Josephus (*A.J.* 15.362) goes on, in fact, to state that Herod’s gift (of one hundred talents) was to secure Pheroras’s hold on the tetrarchy so that, in the event of Herod’s death, Herod’s sons “might not seize possession” of the tetrarchy. The προσόδους δὲ ἰδιὰς in *B.J.* 1.483 would, in this case, be the patrimony set up for him by Herod with the grant of one hundred talents. In other words, the sum of one hundred talents is

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336. See chapter 3.  
338. For the view that the income of one hundred talents was in addition to the revenues of Perea, see, for instance, Peter Richardson, *Herod*, 234: “[Pheroras] was made financially secure with a grant of one hundred talents per year plus the income of Perea.”
separate from the revenue derived by Pheroras from Perea; we have no information about the income yielded to him by Perea.

On the whole, Momigliano's theory depends on his interpretation of Caesar's decree in A.J. 14.202–6. In his view Caesar demanded that the Jews pay taxes to the Jewish authorities for the administration of Jerusalem and Joppa, as well as tribute to Rome. The sums that Momigliano computes for Herod's revenue represent these various taxes taken together, and from which Herod paid tribute to Rome. We have already seen that Momigliano's interpretation of Caesar's decree was erroneous. Since Caesar regulated only the tribute paid to Rome by the Jewish state, the decree tells us nothing about the total tax revenue of the Jewish state. The comparison that Momigliano draws between Judea's putative revenue under Julius Caesar and Herod's income is, therefore, baseless.

As for his appeal to Cassius's levy, Momigliano's arguments have already been rejected by Jones. First, if Cassius's tribute was not arbitrarily determined (to meet his needs), it was based not on the total internal revenue of the Jewish state, but on its tribute to Rome. Second, it cannot be assumed that the seven hundred talents represented Judea's tribute for one year, since Cassius, as we noted, demanded as much as ten years' tribute from Asia. Finally, the tribute paid by the Jews to Rome under Caesar was in kind. Cassius's levy and the revenues of Herod's heirs are given in talents. If, as Momigliano theorizes, the level of taxation remained the same under Herod as it was set by Caesar (and exacted by Cassius), the price of wheat would need to have remained unchanged for the forty three years, that is, from 47 B.C.E. to 4 B.C.E. This is not possible.

In short, the very significant inconsistency between the sums that Josephus gives in Antiquities and in War cannot be explained away. There are other notable inconsistencies in the amounts of money reported by Josephus in relation to Herod's estate. For instance, Josephus first states (A.J. 17.146; B.J. 1.646) that Herod left a bequest of one thousand talents to the emperor. He afterwards says that Augustus gave fifty talents (from

339. Momigliano (Ricerche, 47) thinks that only B.J. 1.483 would support this conclusion.
340. Momigliano, Ricerche, 49: "basterà che noi rendiamo esplicito un elemento implicito della dimostrazione ora fatta perché sia assicurato un importantissimo elemento della politica tributaria di Erode: egli non modificò o modificò solo lievemente il gettito delle imposte quale era fissato in Giudea alla morte di Cesare" (emphasis in original).
341. Momigliano, Ricerche, 43.
342. See the discussion in chapter 2.
344. On the price of wheat, see Duncan-Jones, Structure and Scale, 143–55.
his own legacy) to Herod’s two unmarried daughters. Yet he goes on to say that Augustus “further distributed” his legacy of one thousand talents to Herod’s other children, that is, excluding the dowries for Herod’s two daughters (according to B.J. 2.99–100). In A.J. 17.322–23 Josephus writes that, besides the fifty talents given as dowries, the emperor also distributed to Herod’s children fifteen hundred talents “out of the amount left to him.” How much, then, did Herod give to Augustus? One thousand talents? One thousand and fifty talents? Fifteen hundred talents? Fifteen hundred and fifty talents, or even more?

My point is that, even if we were to assume that Augustus received precise information about Herod’s annual revenue, Josephus’s figures do not appear to represent a faithful transmission of that information. The sums reported by Josephus are best received as approximations, by Josephus himself or by his various sources, of the values of Herod’s bequests to the members of his family. We cannot, therefore, with the sources now available, determine accurately how much income Herod derived from his kingdom.

Further still, Josephus’s language consistently suggests that the incomes he allocates to Herod’s sons were tax revenues to be derived from the respective territorial allotments. He, however, does not say which taxes. Herod, we have seen, must have collected vast sums from indirect taxes, particularly from duties and tolls. Josephus does not indicate what fraction of his allocations came from such taxes. We are left with two possibilities: If the sums represent overall tax revenues from the respective regions, then they must include indirect taxes. In this event, it would be impossible to know how much Herod and his heirs received in direct taxes and how much they collected in indirect taxes. Further, we would be unable to account for the revenues that were lost when Herod’s important sources of indirect taxes, namely, Gaza (and probably Anthedon) were removed from Archelaus’s territory. If, on the other hand, indirect taxes are not included in Josephus’s figures, then we would have left out of the tally of Herod’s income an essential source of his tax revenues.

Momigliano, probably aware of these problems, makes no reference to indirect taxes in his assessment of Herod’s income, even though he ear-

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345. That is, 250,000 pieces of coined silver each. Augustus is said to have given these sums to the daughters “in addition” to “the legacy” left to them by Herod in his will. See K. C. Hanson, “The Herodians and Mediterranean Kinship,” BTB 20 (1990): 13; and Peter Richardson, Herod, 39.

346. A.J. 17.322: “To each of his two unmarried daughters, beside what their father left them, Caesar made an additional gift of two hundred and fifty thousand pieces of coined silver.”

347. Peter Richardson, Herod, 24: “The sum of these figures approximated Herod’s tax base and the relative wealth of each area.”
lier recognized the importance, under Julius Caesar, of the tolls and duties paid at Joppa. Caesarea and Anthedon, he claims, paid a minimum of taxes during Herod’s lifetime, barely ten talents in all. In his view, the revenues from Gaza, Gadara, and Hippos together would hardly have surpassed the sixty talents that Salome received from Azotus, Jamneia, and Phaselis. Both of these views are unacceptable. It is indeed possible that the direct taxes paid to Herod by the inhabitants of these cities were small. The income from tolls and duties, however, would have been very significant. Anthedon probably was in operation soon after 23 B.C.E. Although formally inaugurated in 10 B.C.E. (A.J. 16.136–41; B.J. 1.415), both the city of Caesarea and its harbor were in use already in 15 B.C.E. Archelaus received Caesarea with its harbor in full operation. The Romans (our sources explicitly state) benefited from the tolls and duties collected at Gaza, following the city’s annexation.

In spite of Momigliano’s conjectures, we know nothing actually about the taxes that Herod received from Samaria, or from Gadara, Hippos, and Esbonitis. Consequently, we do not know how Archelaus’s revenues differed from Herod’s as a result of both the 25-percent reduction granted to Samaria and the removal of the three cities from Archelaus’s domain. The revenues that Josephus attributes to Salome also raise some problems. Phaselis was not only a settlement; it was part of Herod’s development of the palm groves in the Jordan valley. We do not know how much of Salome’s income came from the exploitation of the palm groves and how much she received in the forms of indirect and direct taxes. Besides, we cannot tell whether the palace in Ascalon, added to her estate by Augustus, was only a royal residence or Herod’s means...
of maintaining a hold on family business interests in the city.\textsuperscript{357} Salome also received a one-time cash legacy of fifty talents. Josephus’s summary of her revenues is ambiguous. In \textit{B.J.} 2.98 he writes that “her revenue from all sources amounting to sixty talents” (συνήγετο δ’ ἐκ πάντων ἐξήκοντα προσόδου τάλαντα). According to \textit{A.J.} 17.321, however: “Altogether, then, she had a revenue of sixty talents yearly” (ἡ δὲ καὶ ταύτη πρόσοδος ἐκ πάντων τάλαντα ἐξήκοντα ἐπ’ ἐτος). The comment in \textit{Antiquities} implies that Salome’s “revenue of sixty talents yearly” was apart from her legacy of fifty talents.\textsuperscript{358} Josephus does not say if Salome’s revenue was derived from taxes.

In other words, even assuming the optimistic hypothesis that Josephus’s numbers represent approximations of the value of Herod’s bequests to his successors at the time of his death, we are ignorant of the relationship between these legacies and Herod’s income. Moreover, it is impossible to determine what portions of the revenues were raised through direct taxes, and what parts accrued to their beneficiaries from indirect taxes and other sources.

Momigliano tried to show that the tax revenue of Herod’s kingdom remained static from 47 B.C.E. to 4 B.C.E. Other scholars often transfer the same notion of a fixed income to the territories inherited by Herod’s children. Hence, Schürer writes, “Archelaus was to derive from his territories an income of 600 talents, Antipas 200 talents, and Philip 100 talents.”\textsuperscript{359} According to Jones, Archelaus was faced with the following quandary:

\begin{quote}
though his principality was the largest and by far the wealthiest—his revenue was 600 talents as against Antipas’ 200 and Philip’s 100—he had the unhappy distinction of possessing the capital of a much diminished kingdom. He was thus faced with the equally unpopular alternatives of either overburdening his principality with taxation in order to maintain the same scale of expenditure as his father or drastically reducing his establishment, thus causing wide-spread unemployment.\textsuperscript{360}
\end{quote}

If we assume that Archelaus’s ethnarchy yielded a tax revenue of six hundred talents annually, Archelaus can be thought of as “overburdening his

\textsuperscript{357} Nothing is otherwise known of this property. For Herod’s family connections with the “Arabs and Gazaeans and Ascalonites,” see \textit{A.J.} 14.10 and the discussion above.

\textsuperscript{358} See Peter Richardson, \textit{Herod}, 40: “[Salome] was made ruler (despôtês) of three important cities (Jamnia/Yavneh, Azotus, Phaselis), was given a one-time gift and an annual revenue, and inherited the royal palace in Ashkelon.” Momigliano, \textit{Ricerche}, 46: “60 talenti delle tre città—Azotos, Iamnia e Phasaelis—cui rediti andavano a Salome.”

\textsuperscript{359} Schürer, \textit{History}, 1:333; Hoehner, \textit{Herod Antipas}, 74–75: “As far as Antipas was concerned, Augustus allowed him to receive 200 talents for Galilee and Perea.”

\textsuperscript{360} Jones, \textit{Herods}, 166.
principality with taxation” in one of two ways: either (1) the sum of six hundred talents constitutes an excessive tax burden for his territory, as it would have been under Herod; or (2) Archelaus needed to raise new tax revenues, over and above the designated six hundred talents. Jones does not say which of the two he has in mind. He is, therefore, also vague about what Archelaus’s alternative tax policy could have been. By “drastically reducing his establishment,” Archelaus could be said either to cut taxes and, thus, collect less than six hundred talents annually or to refuse to impose higher levels of taxation.

Jones’s vagueness results from the fact that Archelaus’s six hundred talents and the other amounts given by Josephus are phantom sums: Herod’s actual tax revenues could have been more or they could have been less.361 This is evident from what Josephus says of Agrippa I: he “derived as much revenue as possible from these territories, amounting to twelve million drachmas” (A.J. 19.352),362 that is, twelve hundred talents, and apparently more than Herod’s income. Forty-five years separated Agrippa’s rule from his grandfather’s. During this time Herod’s successors had added their improvements to Herod’s projects, which would have increased their tax bases and their overall revenues. Particular mention is made of Archelaus’s village and estate in the Jordan valley; the cities of Tiberias and Sepphoris in Galilee (A.J. 18.27, 36–38; B.J. 2.168), Julia in Perea, all founded by Antipas; Caesarea in Paneas and Julias-Bethsaida in the lower Gaulanitis, both founded by Philip (A.J. 18.28; B.J. 2.168). Besides, Philip and Agrippa are said to have imposed taxes on the inhabitants of Batanea, who had been immune under Herod (A.J. 17.27–28).363 Agrippa also had additional territory, Abila, northwest of Lebanon, which was given to him by Claudius.364

Six hundred, two hundred, one hundred, twelve hundred talents may very well represent Josephus’s approximations of the annual incomes of Herod’s successors at some point in their reigns.365 It should

361. According to Jones (Herods, 166), Archelaus chose the course of “drastically reducing his establishment.” Hoehner (Herod Antipas, 75 and n. 5) speculates that “[h]igh taxes may have been also a part of Archelaus’ unbearable tyranny,” but warns that this point “should not be pressed, for his deposition is adequately explained by the fact that he was a bad ruler.” Smallwood (Jews under Roman Rule, 116), on the contrary and in line with Jones’s views, thinks that Archelaus’s reign was marked by “a personal lack of initiative, and economic stagnation in his ethnarchy may have contributed to the discontent which grew among his subjects through his reign.”


363. See above.

364. A.J. 19.275: “But he [Claudius] also added Abila, which had been ruled by Lyons, and all the land in the mountainous region of Lebanon as a gift out of his own territory.”

365. Daniel R. Schwartz (Agrippa I, 112–13 and n. 22) argues that Agrippa’s income
be evident, however, that these were not fixed incomes. Moreover, as with Herod and his sons, we cannot determine what percentage of Agrippa’s revenue was derived from the Jewish portions of his extensive kingdom. Neither can we apportion his revenue according to his sources of income. The result is that in Agrippa’s case, as in the cases of his predecessors, we do not know what Josephus means when he says that a territory “produced a revenue of . . . talents.”

Since it is not known how much was paid by the Jews to Herod in taxes, the attempts to evaluate, for the most part negatively, the impact of his tax policies on Jewish Palestine are at best impressionistic and fictional. Hoehner gives a simple formulation of the first ground for the assessments: “Herod’s building programme was so immense that taxes must have been heavy.” There is, in other words, a direct correlation between Herod’s expenditure, if a value could be put on it, and the levels of direct taxation that Herod imposed on his Jewish subjects. This connection is belied, however, by two considerations to which only brief attention needs to be paid in this study. (1) Herod had available to him a wide range of resources, apart from direct and indirect taxes. (2) Herod’s enterprises were not mere white elephants, and there exists an observable relationship between the expansion of his kingdom and the largesse of his undertakings.

(two thousand talents, according to his conversion of the drachma) is given for Agrippa’s whole reign (see also pp. 150–51). In any event, the sum “simply indicates Josephus’ calculations concerning Agrippa’s potential income” (p. 151).

366. Pace the mostly fantastic speculations by Oakman, Jesus and the Economic Questions, 68–72.


368. Hoehner, Herod Antipas, 75. See, among many other authors, Richard A. Horsley, Galilee, 218: “Herod’s expenditures were obviously enormous. . . . Herod engaged in extensive building projects. . . . He made numerous gifts on a grand scale both to imperial figures and to Hellenistic cities. Some of the resources he needed to meet these huge expenses were derived from the extensive royal estates, including the highly profitable balsam plantation near Jericho. But most of his revenues were derived from the ‘rich crops of the chôra’ (Ant 15.109, 303). Herod’s ‘income’ from all his territories amounted to over 900 talents annually toward the time of his death (Ant. 17.317–21).”

369. Richard A. Horsley (Galilee, 218–19) writes of Herod Antipas: “Such heavy taxation by a client-ruler continued under Antipas, whose revenue from Galilee and Perea was 200 talents a year. The rebuilding of one city and the foundation of a completely new one were ambitious projects for a ruler with such a limited revenue base. . . . The first part of his reign would have had a severely draining effect on the producers in villages and towns of Galilee and Perea, whose ‘surplus’ product was virtually his only economic base.”

The immensity of Herod’s enterprises points not to crushing tax burdens, but rather to the prosperity of his realm and to his personal wealth. If, to take one critical example, the temple could have been rebuilt on the Herodian scale at the cost of taxing Jewish peasants, one would wonder why it had not been rebuilt by the pious Hasmoneans who ruled Judea for more than a 125 years. The temple and many of Herod’s other enterprises were paid for with funds from his personal resources, which included the following:

1. Family and personal wealth, to which, at the deaths of his brothers Phasael and Joseph, Herod came into sole possession. Herod’s early involvement in the Roman administration of the province of Syria, within and beyond the confines of the Jewish state, gave him ample opportunity to be individually wealthy before coming to the throne. He was governor of Galilee and of Coele-Syria (and Samaria) under Julius Caesar, governor of Coele-Syria under Cassius, and tetrarch of the Jewish state under Antony. As king, Herod, in an exchange of gifts, received from Augustus “half the revenue from the copper mines of Cyprus.” Augustus also “entrusted him with the management of the other half” (A.J. 16.128).
Herod probably received and managed other, less significant, imperial domains to his own profit.

2. The estate of the extinct Hasmonean dynasty, which Herod acquired, in cash, treasures, land, and palaces. To these should be added the property confiscated from the members of the Jewish aristocracy who had been sympathetic to the Hasmoneans or were in other ways opposed to Herod (see A.J. 15.5–6; 17.307; B.J. 1.358–59; 2.84). He is likely also to have obtained the estate of the dynasts—Zenodorus, for instance, whose territories were added by Augustus to his domain.

3. Revenues from landed estates and other natural resources that Herod exploited. The issue of “private estates” in Jewish Palestine has remained contentious. There can be no doubt, in any case, that Herod exploited sections of his kingdom, within and outside of Jewish Palestine, for his own profit. Best known are the balsam and palm estates in Jericho and Phaselis. Herod appears to have owned and exploited landed properties in or near Arabia, part of which was rented as grazing land by the Arabs. Proceeds from the royal exploitation of domains, mines, quarries and other natural resources within Herod’s kingdom were for the king’s revenues. When Josephus distinguishes between “public funds” and the king’s “private” revenues, he means by the former only the temple treasury. State revenues were one and the same as the king’s wealth.

376. For instance, money (χρήματα), about three hundred talents, was left untouched in Jerusalem by the Parthians in 40 B.C.E. (A.J. 14.363; B.J. 1.268).

377. See Applebaum, “Judea as a Roman Province,” 2.8:355–95; Fiensy, Social History; Pastor, Land and Economy; Freyne, “Herodian Economics,” 32–35. See also the literature cited in chapter 2.

378. With this foundation, Josephus says, Herod “made the surrounding region, formerly a wilderness, more productive through the industry of its inhabitants” (A.J. 16.145; 18.31; see B.J. 1.418; 2.167). Josephus calls it “the palm-groves of Phaselis” (B.J. 2.167). Other indications by Josephus of royal land under Herod are vague. Herod is said to have left, in his penultimate will, “large tracts of territory” to his relatives (B.J. 1.164; see A.J. 17.147). He is supposed otherwise to have “dedicated groves and meadow-land” to communities, while “[m]any cities, as though they had been associated with his realm, received from him grants of land” (B.J. 1.422–23).

379. They withheld payment of rent when Herod was humiliated by Augustus for attacking them (A.J. 16.291).

380. See A.J. 14.113: “Now there is no public money among us except that which is God’s” (ἡμῖν δὲ δημόσια χρήματα οὐκ ἔστιν ἡ μόνα τα τοῦ θεοῦ). Hence, Agrippa I initiated
4. That Herod earned revenues from money-lending ventures is known especially from his dealings with the Arabs. According to A.J. 16.343, he lent five hundred talents to the Arab viceroy Syllaeus.\(^{381}\) In A.J. 16.279 Herod is said to have given sixty talents in loan to the Arab king Obadas through Syllaeus.\(^{382}\) The terms of the loans were that when time for payment expired Herod “should have the right to recover the amount of the loan from all of Syllaeus’ country” (A.J. 16.343).\(^{383}\) Herod probably also lent money to other needy dignitaries and to cities. There is no direct evidence for this, however, except the numerous debts and taxes that Herod is said to have discharged. “[I]t was thus, for instance,” Josephus writes, “that he lightened the burden of their annual taxes for the inhabitants of Phaselis, Balanea and various minor towns in Cilicia” (B.J. 1.428).\(^{384}\) Gabba suggests that this passage “must be understood in the context of Herod’s having had a concession from the Roman state to collect either the domain income (vectigalia) and/or the direct (stipendium) and indirect (vectigalia) taxes in these areas, and of his being able to afford the generosity of renouncing part of the proceeds.”\(^{385}\) This is not tenable.\(^{386}\) Josephus’s statement that Herod relieved communities of their “debts and taxes” most probably means that he paid off the money that they owed, as he did for the inhabitants of Chios in Asia.\(^{387}\) Some of the

the rebuilding of the walls of Jerusalem “at the public expense,” that is, with funds from the temple treasury (A.J. 19.326–27; see B.J. 2.218–19; 5.147–52; see Tacitus, Hist. 5.12).\(^{381}\) Josephus uses the term ἐπιτραπέζιος in B.J. 1.487. Strabo (Geogr. 16.4.23) also refers to him by this title. On Syllaeus, see A.J. 16.220–25; B.J. 1.487; Strabo (Geogr. 16.4.23–24); Bowersock, Roman Arabia, 46–53.

382. It is not clear from Josephus’s account whether the same loan is meant.

383. Mediation by the governors of Syria, Saturninus and Volumnius, failed to persuade the Arabs to repay the loan. This default on the loan is given as a reason why Herod invaded Arab territory in about 9 B.C.E. (A.J. 16.280–85, 343–55; see B.J. 1.574–77). Jones (Herods, 91–92) thinks that Herod “had reduced the Nabatean kingdom to economic vassalage.” This seems to be an exaggeration. See Peter Richardson, Herod, 279–81; Kasher, Jews, Idumaeans and Ancient Arabs, 156–73.

384. B.J. 1.428: καθαπερ Φασηλίταις καὶ Βαλαινέωταις καὶ τοῖς περὶ τὴν Κιλικίαν πολιχνίοις τὰς ἐπίσημους εἰσφοράς ἐπεξεφοίτησεν.


386. Gabba links the concession to collect taxes to Josephus’s notice that Herod had been associated by Augustus with the procurators of Syria (A.J. 15.360; B.J. 1.399). He cites Momigliano (Ricerche, 54), in whose view this function might imply that Herod was involved with the collection of taxes in Syria. As we observed above, this is an improbable reading of Josephus’s passage. As for Gabba’s argument from Josephus’s terminology, it suffices to reiterate that terminological precision, in Josephus or in other ancient authors, is a poor guide in the effort to define specific kinds of payment. In fact, in B.J. 1.428, Josephus uses the Greek words φόρος and εἰσφορά interchangeably; he writes in the first part: “The enumeration of the debts and taxes discharged by himself would be endless” (ἀνίγνωστον ἂν εἰς χρέων διαλύσεις ἢ φόρον ἐπεξείναι).

debts he forgave, however, might have been from money that he himself had lent.

There now exists a sizable body of scholarly debate about the "strategy and rationale" for Herod’s very complex and daunting program of foundations and munificences. Josephus introduces his list of Herod’s enterprises with the statement: “Thenceforth he advanced to the utmost prosperity; his noble spirit rose to greater heights, and his lofty ambition was mainly directed to works of piety” (B.J. 1.400).388 He then goes on to list the projects according to various kinds of “piety” that motivated Herod: piety toward Judaism and its temple; piety toward his imperial patrons (Antony, Augustus, and Agrippa), piety toward the members of his family; and piety toward his own self (B.J. 1.401–21).389 Following Josephus’s lead, at least in part, scholars have often viewed Herod’s enterprises as “memorials” (see μνήμης in B.J. 1.419), “unproductive monuments,”390 undertaken out of paranoia and megalomania. More recent and detailed studies of these projects have shown that Josephus’s categorizations of Herod’s motives, and the negative scholarly evaluations that depend on them, are all too simplistic.

In addition to the dynamics of Hellenistic kingship and the demands on client kings to participate in imperial, international politics,391 economic needs and interests were at the heart of many of Herod’s foundations within and without his kingdom. Most significant among those within his realm are the facilities in Caesarea, Sebaste, Agrippias, Antipatris, and Phaselis. As Peter Richardson suggests, these projects and numerous others that Herod undertook in the 20s and afterwards fell within an overall strategy of stimulating the economy of Judea, especially by opening up the territory to trade and by providing employment.392 To this list must be added the temple, one of the greatest adornments of its time and certainly one of the reasons why Pliny thought that Jerusalem in the first century was “by far the most famous city of the East and not of Judea only” (Nat. 5.70).393

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73; Schalit, König Herodes, 417; and Roller, Building Program, 127–28 and n. 15. Gabba (“Finances,” 163, n. 16) rejects this understanding of the text. See also Peter Richardson, Herod, 272–73 and n. 46.

388. B.J. 1.400: ἐνεχέν ἐπὶ πλείστον μὲν εὐδαιμονίας προϊκοφεν, εἰς μείζον δὲ ἐξήρθη φρόνημα καὶ τὸ πλέον τῆς μεγαλονομίας ἐπέτεινεν εἰς εὑμβείαιν.

389. Josephus (B.J. 1.422–28) then goes on to catalogue Herod’s gifts “to the whole world.” See Peter Richardson, Herod, 191; also Roller, Building Program, 260. Roller points out that Josephus’s list—probably originating from Nicholaus of Damascus—"shows the type of philosophical cataloguing in which Hellenistic historians delighted."


393. Pliny, Nat. 5.70: “Hierosolyma longe clarissima urbs Orientis non Judeaeae
It is in connection with his projects on the Temple Mount that we have Herod’s only comments on his motivations for his building enterprises (A.J. 15.382–87). He reportedly told his Jewish subjects that his projects had brought benefits (including security) not only to himself, but also to all of them. He had been mindful of their needs. The buildings in Judea and beyond had been a “most beautiful adornment” that has “embellished our nation.” His projects on the Temple Mount, he said, would be “the most pious and beautiful of our time.” He was now able to undertake this enterprise because he had “brought the Jewish nation to such a state of prosperity as it has never known before,” since it had enjoyed “a long period of peace and an abundance of wealth and great revenues.”

Security, adornment, piety, and the expression of prestige and prosperity; none of these motivations should be isolated from the others or from the economic objectives of his enterprises. Reportedly undertaken in order to rectify his and his predecessors’ long neglect of “pious duty” (A.J. 15.386–87), Herod’s buildings on the Temple Mount were a beautiful tribute to world Judaism, a place of worship, and a vast economic enterprise. At its construction and for more than eighty years afterwards work on the temple provided employment for thousands of Jewish builders and artisans. In about 64 C.E., when it appeared that all

modo . . . .” Josephus himself comments that the three towers built by Herod into the walls of Jerusalem were “for magnitude, beauty and strength without their equal in the world.” Herod had built them because of “his innate magnanimity and his pride in the city” (B.J. 5.161–62). In the speech announcing the project to rebuild the temple, Herod points at “the various buildings which we have erected in our country and in the cities of our land and in those of acquired territories,” as self-evident proof of the prosperity of the nation (A.J. 15.384). Recent archaeological excavations have revealed the extent and splendor of Herod’s architectural undertakings on the Temple Mount, elsewhere in Jerusalem, and in Palestine generally. A complete listing of the extensive publications in this field cannot be given here. On Jerusalem and the temple, see, among others, Kathleen M. Kenyon, “Some Aspects of the Impact of Rome on Palestine,” JRAS 2 (1970): 181–91; Benjamin Mazar, The Mountain of the Lord (Garden City, N.Y.: Doubleday, 1975); idem, “Herodian Jerusalem in the Light of the Excavations South and South-West of the Temple Mount,” IEJ 28 (1978): 230–37; Meir Ben-Dov, In the Shadow of the Temple: The Discovery of Ancient Jerusalem (trans. Ina Friedman; Jerusalem: Keter, 1982; repr., New York: Harper & Row, 1985); N. Avigad, Archaeological Discoveries in the Jewish Quarter of Jerusalem: Second Temple Period (Jerusalem: Israel Exploration Society & the Israel Museum, 1976); Peter Richardson, Herod, 185–86, 195; Roller, Building Program, 176–78; also Ephraim Stern et al., eds. NEAEHL (4 vols.; Jerusalem: Israel Exploration Society & Carta, 1993), 2:719–47.

394. On the speech, see Roller, Building Program, 260–61; also Peter Richardson, Herod, 247–48.

work on the temple had been completed, Josephus says that Agrippa II
consented that the eighteen thousand workers who were thus about to
lose their employment (A.J. 20.219–22) be paid out of temple funds to
pave the streets of Jerusalem with white stones. Herod made provisions
for commercial activities in the temple complex. The most
important economic value of the huge expansion of the temple complex
remains, however, that its prestige drew hundreds of thousands of Jews
each year from Palestine and the Diaspora to Jerusalem on pilgrimage.
The pilgrims from the Diaspora brought to Jerusalem large sums of money,
collected abroad, in temple taxes and votive gifts. Everyone spent money
in Jerusalem and the surrounding territory for lodging, food, and on
whatever else was needed for themselves, and for sacrifices and worship.
Herod’s temple was a national treasury, an employer of tens of
thousands of Jewish builders, tradesmen, and craftsmen and an incentive
to national and international trade. It became, for these reasons, one
of the most important factors in the economy of Jerusalem and the Jew-
ish state.

The view that Herod’s buildings and munificences were not paid for
principally by the direct taxes he imposed upon Jewish peasants is borne
out by the clear correlation that exists between the chronology of his most
extensive projects and the dates of the expansion of his kingdom.
Between 37 B.C.E. and 30 B.C.E. Herod’s territory was limited to Judea,
Galilee, Samaria, Idumea, and Perea. Besides, sometime after 37 B.C.E.
Herod lost Joppa and complete control over the lucrative Jericho estates.
During this period, his principal projects were the following:

1. The fortress Alexandrium was restored by Herod in 39/38 B.C.E.
while he was still reconquering his kingdom (A.J. 14.419; B.J.
1.308).

395. See the discussion of the temple in Sanders,
Judaism, 47–102, in particular pp. 83–92.
mentions that the foundation of the temple had to be raised “in the time of Nero.” According to
B.J. 5.36, before the revolt of 66 C.E., “the people and the chief priests” decided to underpin
the temple and raise it. Agrippa II “at immense labour and expense, brought down from
Mount Libanus the materials for that purpose, beams that for straightness and size were a
sight to see.” See also John 2.20.
397. Agrippa refused the request to raise the height of the east portico.
398. See Peter Richardson, Herod, 188.
A Jewish City in the Greco-Roman Orbit,” in Jerusalem: Its Sanctity and Centrality to Judaism,
400. See Roller, Building Program, 87, 129–31; Peter Richardson, Herod, 198.
2. Antonia, the Hasmonean fortress *Bari*, was rebuilt by Herod, soon after 37 B.C.E., into a fortress/palace, which Herod named after his patron, Antony (A.J. 15.409).  

3. The fortress Hyrcania had been the refuge for Antigonus’s sister, and Herod did not capture it until sometime before 31 B.C.E. It is possible that at about this time Herod began the work (which would last for the next fifteen years) of embellishing it (B.J. 1.364).  

4. Masada, although it was certainly refortified by Herod early, its embellishment belongs to the later and more opulent period of Herod’s reign.  

5. Macherus, leveled by Gabinius, might have been refortified during the early years of Herod’s reign but, like Masada, it was adorned much later.  

6. Cypros (A.J. 16.143; B.J. 1.407, 417) and the Hasmonean palace in Jericho were refortified by Herod probably before 30 B.C.E. The palace was the scene of the murder (by drowning) of Herod’s brother-in-law Aristobulus III in about 35 B.C.E. (A.J. 15.53–56; B.J. 1.437).  


403. See Roller, *Building Program*, 170–71; Peter Richardson, *Herod*, 198; contra Jones (*Herods*, 75), who thinks that this fortress had already been restored by 35/34 B.C.E. when Herod was summoned by Antony to Laodicea.  


406. Peter Richardson (*Herod*, 198, 199) dates the fortress Cypros to the 30s B.C.E. and the reconstruction of the palace to sometime between 37 and 35 B.C.E. Roller (*Building Program*, 171, 182–83) thinks that Herodian projects in Jericho might not have begun until after 30 B.C.E., when Herod received back full ownership of the territory. He (p. 88), however, considers Cypros and “Herodeion, in Peraia” to date probably from the early period.
Herod’s building program, as it has been noted, began slowly.\footnote{Roller, *Building Program*, 87–8.} In the seven years between 37 and 30 B.C.E. Herod rebuilt some existing fortresses in his kingdom and refurbished some palaces. He founded no city, nor did he build any civil structure in his kingdom or any building outside his realm. During this period he was clearly preoccupied with security from both internal and external opposition. It is from his activities during these years that the charge of paranoia as a motivation for his building program comes. This charge is exaggerated, given that Herod did not afterwards continue to fortify his territory.\footnote{The accusation derives to a large degree from the interpretation that Josephus gives to Herod’s building projects that he gathers together in *A.J.* 15.292–98. The passage begins with a long list of fortresses. He writes with regard to the building of Samaria-Sebaste (\textit{A.J.} 15.296–98): “And at this time, being eager to fortify Samaria, he arranged to have settled in it many of those who had fought as his allies in war . . . . This he did because of his ambition to erect it as a new (city) . . . and even more because he made his ambitious scheme a source of security to himself . . . . He surrounded the city with a strong wall . . . and seeing the necessity of security, he made it a first-class fortress by strengthening its outer walls.” Caesarea, he says (\textit{A.J.} 15.293), was built by Herod as “a fortress for the entire nation.” Kasher (\textit{Jews and Hellenistic Cities}, 200–201) commenting on these passages, postulates that Herod built the two cities “on the basis of an obvious geo-strategic concept. According to that concept, control of the Sebaste-Caesarea axis and the Samaria region would gain Herod greater internal security. . . .” It is very doubtful, however, that Herod’s urban projects in both cities and elsewhere, Josephus notwithstanding, had military or security purposes. See Peter Richardson, *Herod*, 225.} In comparison with his later enterprises, Herod’s early projects betray the economic constraints under which he worked.\footnote{Roller (\textit{Building Program}, 87–88) finds an explanation in the political instability in Herod’s kingdom and the insecurity resulting from the intrigues of Antony and Cleopatra.} Securing his kingdom, a frontier of the Roman Empire, was all he had the resources to achieve.

The major phase of Herod’s building program began in 27 B.C.E. with the foundation of Samaria/Sebaste and accelerated in the late 20s and early 10s to dazzling speed and proportions. Work on Sebaste and the other foundations was initiated at least three years after Octavian had greatly expanded Herod’s kingdom in 30 B.C.E. (and again in 23 B.C.E.). With these new territories, Herod had available to him the revenues derived not only from a tax base that extended beyond Judea, but especially from the estates and from tolls and duties collected in the cities and trade routes that he now controlled.\footnote{In the general context of Herod’s “ambitious” projects and the “generosity” of his benefactions, Josephus claims, “Caesar himself and Agrippa often remarked that the extent of Herod’s realm was not equal to his magnanimity, for he deserved to be king of all Syria and of Egypt” (\textit{A.J.} 16.141). There is a clear connection between the extent of one’s territory and the resources one commands.}  

The second ground for the negative evaluations of Herod’s tax poli-
cies is formulated (also simply) by Menahem Stern: “we hear of grave complaints concerning the heavy taxes which weighed upon the people in Herod’s reign. They were undoubtedly heavy…” The “complaints” against Herod’s taxes are contained in three segments of Josephus’s works and are mostly related to the end of Herod’s life. The first set of complaints is in the demands made by the Jews to Archelaus after Herod died (A.J. 17.204–5; B.J. 2.4). The second set is in the speech by the Jewish embassy to Augustus (A.J. 17.306–8; B.J. 2.85–86). The third is in Josephus’s summaries of Herod’s legacy (A.J. 16.154–56; 17.191; 19.329).

A detailed analysis of these various negative assessments must be undertaken within a study of their contexts and of Josephus’s sources. Such an investigation is well beyond the scope of our present study. Nevertheless, it is clear that what Josephus writes about Herodian taxation is part of Josephus’s and his sources’ polemics against Herod. The charges of economic mismanagement stand in stark contrast to Josephus’s narrative of events, and to many other passages in which Josephus celebrates the prosperity and benefits of Herod’s rule. Hence, Josephus sums up Herod’s life by writing (A.J. 17.191) that “[h]e was a man who was cruel to all alike and one who easily gave in to anger and was contemptuous of justice. And yet he was as greatly favoured by fortune as any man has ever been . . . .” This image of Herod contrasts sharply with that of the man who, Josephus says in B.J. 1.400, “advanced to the utmost prosperity; his noble spirit rose to greater heights, and his lofty ambition (μεγαλονοιας, or “noble generosity”) was mainly directed to works of piety.” This is the Herod, Josephus says (B.J. 1. 428–30), whose “noble generosity (μεγαλονοιας) was thwarted by the fear of exciting either jealousy or the suspicion of entertaining some higher ambition,” whose “genius was matched by his physical constitution.”

Josephus’s personal explanation (A.J. 16.150–59) of what he sees as Herod’s conflicting character offers some insight into the causes of the polemics against Herod and the charges of maladministration. While there might be some truth to the view that Herod was in conflict with his Jewish subjects because they failed to indulge his craving to be honored, Josephus’s objection to Herod’s economic policy is that:

414. See Peter Richardson, Herod, 191 and n. 59.
415. Herod expected the Jewish upper classes to make gifts to the distinguished guests who visited Judea (see, for instance, B.J. 1.512 and the accusation in A.J. 17.308). Josephus thinks that Herod expected his Jewish subjects to give him “the very same attentions which
since he [Herod] was involved in expenses greater than his means, he was compelled to be harsh toward his subjects, for the great number of things on which he spent money as gifts to some caused him to be the source of harm to those from whom he took this money. And though he was aware of being hated because of the wrongs that he had done his subjects, he decided that it would not be easy to mend his evil ways—that would have been unprofitable in respect of revenue,—and, instead, countered their opposition by seizing upon their ill-will as an opportunity for satisfying his wants. (A.J. 16.154–55)

Herod, in other words, despoiled his (Jewish) subjects for the sake of his expenditure in “gifts” to individuals and communities outside of Judea. He operated a “tax-and-spend” economic policy for the benefit of “foreigners and those who were unattached to him.”

This, in essence, is also the charge against Herod that the Jewish embassy brings to Augustus:

For he had tortured not only the persons of his subjects, but also their cities; and while he crippled the towns in his own dominion, he embellished those of other nations, lavishing the life-blood of Judea on foreign communities. In place of their ancient prosperity and ancestral laws, he had sunk the nation to poverty and the last degree of iniquity. (B.J. 2.85–86)

Further:

To be precise, he had not ceased to adorn neighbouring cities that were inhabited by foreigners although this led to the ruin and disappearance of cities located in his own kingdom. He had indeed reduced the entire nation to helpless poverty after taking it over in as flourishing a condition as few ever know. (A.J. 17.307)

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he showed to his superiors” by offering him the same gifts as he himself gave to others. However, Josephus says, the Jews “found it impossible to flatter the king’s ambition with statues or temples or such tokens” because “the Jewish nation is by law opposed to all such things and is accustomed to admire righteousness rather than glory” (A.J. 16.157–58). On the conflict that might have resulted from Jewish rejection of wealth as a status indicator, and of “evergetism” as a means of earning political and social prestige, see Goodman, Ruling Class of Judaea, 124–33; and idem, “Origins,” 39–53. For the role of evergetism in the Greco-Roman world, see Paul Veyne, Le pain et le cirque: sociologie historique d’un pluralisme politique (Paris: Éditions du Seuil, 1976).

416. See A.J. 16.159. Josephus’s reflection comes at the end of his list of the benefactions that Herod “conferred on the cities in Syria and throughout Greece and on whatever places he may have happened to visit” (A.J. 16.146–49).

417. Josephus reports that Herod’s son, Alexander, hoped to escape condemnation for killing his father by bringing similar charges against Herod before Augustus. According to the speech attributed to Alexander by Eurycles, “he would first proclaim to the world the
There is plenty of archaeological and literary evidence, including Josephus’s own works, which shows that Herod adorned cities outside of his realm as well as cities within his kingdom that his observant Jewish subjects would have considered foreign cities. There is, therefore, much basic truth to the complaint. The connection that is made, however, between Herod’s projects in “foreign cities” and his impoverishment of Judea is invidious. First, the Judea over which Herod became king in 40 B.C.E. was not “in as flourishing a condition as few ever know”; the conditions in the country at the end of Herod’s life cannot be compared, therefore, with nostalgia for the territory’s “ancient prosperity.”

Second, it is certainly false that Herod built and adorned foreign cities, whereas he abandoned the cities within his kingdom to “ruin and disappearance.” Josephus expresses this view in the last of his summaries of Herod’s reign (A.J. 19.329):

> It was generally admitted that he was on more friendly terms with Greeks than with Jews. For instance, he adorned the cities of foreigners by giving them money, building baths and theatres, erecting temples in some and porticoes in others, whereas there was not a single city of the Jews on which he deigned to bestow even minor restoration or a gift worth mentioning.

The accusation is as curious as it is false, seeing that Josephus himself refutes it. Most of Herod’s enterprises, and all of his most significant projects, were situated in Judea and in the adjacent territories that formed part of his kingdom. If Herod took something of “the life-blood of Judaea” in taxes, he also spent enormous sums of money in the territory, much more than he is known to have spent in foreign nations. His expenditures outside of his domain were often in areas with large communities of Diaspora Jews. These benefactions could not have been the cause of Judea being reduced to “helpless poverty.”

The constant element in these charges of maladministration is the perception that Herod visited a twofold woe on the Jewish people: he overthrew their “ancestral laws,” replacing them with “the last degree of iniquity,” and he “lavished the life-blood of Judaea on foreign communi-
ties.” Some of his Jewish subjects objected to Herod’s benefactions, especially where these were seen to contravene Jewish law. This objection is turned into the accusation that he “crippled” his own kingdom through excessive taxation in order to enrich foreign nations. Josephus writes in the same vein about Herod’s great grandson, Agrippa II, and his benefactions to Berytus: “He thus transferred to that place well-nigh all the ornaments of the kingdom. The hatred of his subjects for him consequently increased because he stripped them of their possessions to adorn a foreign city” (A.J. 20.211–12).

What Josephus says of Herod and Agrippa II may be compared with what he says about Agrippa I, the latter’s father. Agrippa I probably raised much more revenue than Herod did from the kingdom (A.J. 19.352). He imposed taxes on territories that had been immune from taxation under Herod (A.J. 17.28). We learn also that Agrippa was more spendthrift and extravagant than his grandfather. Both were equally φλότιμος and equally rejoiced in εὐψημία. Both spent profligately on their Roman patrons. Agrippa indulged in the same kinds of objectionable activities in the Greek cities as Herod did, and in very significant ways he went even further from Jewish custom than Herod had gone.

420. This passage comes in the midst of Josephus’s description of Agrippa II’s actions in Judea under Albinus (governor from 62 to 64 C.E.). Although Agrippa was not king of Judea, the cities Tiberias and Traricheae (in Galilee), and Julia (in Perea) were given to him by Nero (A.J. 20.159; B.J. 2.252). The subjects of Agrippa’s “kingdom,” are very likely Jews. See Daniel R. Schwartz, Agrippa I, 157 and n. 41. In Vita 52, Josephus reports the rumor that Agrippa would be put to death by Nero “on the indictment of the Jews.” See Braund, Rome and the Friendly King, 66–67.

421. See the discussion above.

422. See above. It is noteworthy that in spite of the reportedly heavy taxes that Agrippa and his son imposed on them, the inhabitants of Batanea apparently remained tenaciously faithful to the two kings, as may be seen by the events during the revolt of 66 C.E. (A.J. 17.29–31; B.J. 2.421, 481–83, 556; Vita 46–61, 177–84, 407–9).

423. Agrippa I was hailed as a god in Caesarea. He died soon after (A.J. 19.344–50; see Acts 12:20–23).

424. See Josephus’s lengthy description of Agrippa’s extravagance in A.J. 18.147–237.

only recorded building activity in Judea, the fortification and extension of the walls of Jerusalem, was undertaken with the use of public (temple) funds. The project remained unfinished by the order of Emperor Claudius.\footnote{A.J. 19.326–27; B.J. 2.218–19; 5.147–52; see above. Tacitus (Hist. 5.12) writes, however: “Moreover, profiting by the greed displayed during the reign of Claudius, they had bought the privilege of fortifying their city, and in time of peace had built walls as if for war.” See Daniel R. Schwartz, *Agrippa I*, 140–44.} Agrippa managed his estate worse than Herod had done.\footnote{Herod, when he died, left behind thousands of talents in cash and treasures. Agrippa left behind a trail of debts. Josephus is laconic on the issue: “he borrowed much, for, owing to his generosity, his expenditures were extravagant beyond his income, and his ambition knew no bounds of expense” (A.J. 19.352). “From so extensive a realm wealth soon flowed in to Agrippa, nor was he long in expending his riches” (B.J. 2.218). Momigliano (Ricerche, 80) sees in Agrippa’s maladministration the reason why his kingdom was absorbed into the province of Syria after his death in 44 C.E. See Jones, *Herods*, 213; Daniel R. Schwartz, *Agrippa I*, 149–53.} Yet Josephus contrasts Agrippa I with Herod:

Now King Agrippa was by nature generous in his gifts and made it a point of honour to be high-minded towards gentiles; and by expending massive sums he raised himself to high fame. He took pleasure in conferring favours and rejoiced in popularity, thus being in no way similar in character to Herod, who was king before him. The latter had an evil nature, relentless in punishment and unsparing in action against the objects of his hatred. (*A.J.* 19.328)

Whereas Herod was seen to have lavished his resources on foreign nations and done nothing for the Jews that was worth mentioning, “Agrippa, on the contrary, had a gentle disposition and he was a benefactor to all alike. He was benevolent to those of other nations and exhibited his generosity to them also; but to his compatriots he was proportionately more generous and more compassionate” (*A.J.* 19.330).

The public perceptions of the two kings by some of their Jewish subjects stood at opposite ends of the spectrum. The reason for the perception was not the respective tax policies of the two rulers and their contributions to the economy of the Jewish state. On the contrary, the policies and contributions were evaluated in light of the perceptions. Agrippa, in Josephus’s view, could do nothing wrong.\footnote{See Jones, *Herods*, 212: “Agrippa could do with approbation what for Herod was wicked impiety.” Jones argues that between the reign of Herod and the reign of Agrippa the Jewish “public sentiment” had changed and that, consequently, at least some Jews “were now prepared to allow that a man might be a good Jew and yet conform, at any rate outside Judaea, with the ways of the world.”} The only Jewish protest that Josephus records against him, by a certain Simon who questioned the
king’s religious credentials, is offered by Josephus as an example of Agrippa’s reconciliatory character (A.J. 19.332–34). Josephus sees nothing contrary to the law about Agrippa’s building of a theater and other structures in Berytus or in Agrippa’s attendance at theaters there and elsewhere (A.J. 19.335–37). In Josephus’s view, Agrippa’s provision of fourteen hundred gladiators, for fights in the amphitheater in Berytus, was an illustration of the king’s “noble generosity.” Such gladiatorial combats were not reprehensible, since they led to the annihilation of criminals “so that while they were receiving their punishment, the feats of war might be a source of entertainment in peace-time” (A.J. 19.337).

Agrippa’s reign, therefore, is viewed as a period of prosperity for the Jews, while Herod is said to have taxed the Jews into misery. When Agrippa died, there were apparently neither demands for tax reductions nor Jewish delegations to Claudius decrying Agrippa’s excesses.

Agrippa was not perceived as a Jewish king who disregarded Jewish law; Herod was. The complaint against Herod was that he spent Jewish resources outside Judea on projects that were not sanctioned by the Law. Josephus actually never says that Herod’s taxes were per se “heavy,” in the same way that he says that Cassius’s exactions in 43 B.C.E. were beyond the people’s ability to pay. The Jewish envoys to Augustus

429. Agrippa I continued the games instituted by Herod in Caesarea, and he attended them (A.J. 19.343–45). Herod, on the contrary, was said to have introduced “practices not in accord with their custom, by which their way of life would be totally altered, and [for] his behaving in appearance as the king but in reality as the enemy of the whole nation” (A.J. 15.281). An assassination plot was hatched against him because of the images on the trophies in the theater that Herod is said to have built in Jerusalem (see A.J. 15.276–91).

430. Josephus writes concerning Herod’s provision of gladiatorial combats: “When the practice began of involving them [exotic animals] in combat with one another or setting condemned men to fight against them . . . to the natives it meant an open break with the customs held in honour by them. For it seemed glaring impiety to throw men to wild beasts for the pleasure of other men as spectators, and it seemed a further impiety to change their established ways for foreign practices” (A.J. 15.274–75).

431. Thus, Aharoni and Avi-Yonah, Atlas, 185: “his reign was regarded as the last peak in the Second Temple period, before disaster overcame the nation.” Menahem Stern ("Herod," 259–60) suggests that the increase in revenue under Agrippa “can be partly explained by the development of additional agricultural areas of the kingdom.” Under Herod, he adds, the “Jewish peasantry bore the main weight of taxation.” Stern offers no evidence either for the agricultural plots developed by Agrippa or for any tax reform inaugurated by Agrippa that would have redistributed the tax burden “equally among all parts of the population.”

432. The inhabitants of Caesarea and Samaria-Sebaste reveled at his death. Josephus (A.J. 19.356–59) thinks that this reaction was unjust; both cities, he says, had forgotten the king’s benefactions. It is probable, however, that the Greek inhabitants of Agrippa’s kingdom, unlike some of his Jewish subjects, paid attention to the consequences of his administration of their territory and reacted to his death with celebrations.

433. See chapter 3.
reportedly accused Herod’s tax officials of extortion. Likewise, the sales taxes in Jerusalem were said to have been “ruthlessly exacted.” Those who clamored to have these taxes removed by Archelaus also wanted him to “lighten” their annual taxes (A.J. 17.204–5; B.J. 2.4). However, this demand in itself is not an indication of the level of taxation. Augustus, as we noted, reduced the taxes of the region of Samaria by a quarter. This reduction was to reward the region’s loyalty; the reduction is not evidence that the region’s taxes were proportionately too heavy.

In the ancient world, no less than in our times, taxes were always an irksome nuisance to be avoided if possible. Colonial taxes, “exactions” paid to a government of occupation, the impositions of tyrannical and unpopular rulers, are by their very nature oppressive. Complaints about excessive taxation and economic maladministration are sometimes political, not economic, statements. Herod was very unpopular with some Jews, whose views we read in Josephus’s negative assessments of Herod’s reign; they experienced the taxes they paid to him as an oppressive burden, regardless of the actual levels of taxation. Herod appears, nonetheless, not to have been insensitive to the economic needs of his kingdom and to the political implications, among his Jewish subjects, of his external expenditures. He had some grasp of the economics and politics of tax cuts.

Thus, Herod received no tax revenues for the year 28/27 B.C.E. Josephus says that on account of the drought and subsequent famine that afflicted Herod’s kingdom that year, Herod was “deprived of the revenue [taxes] which he received from the (products of the) earth” (A.J. 15.303). Instead, he undertook a national relief and economic recovery program

434. A.J. 17.308: “In addition to the collecting of the tribute [taxes] that was imposed on everyone each year, lavish extra contributions had to be made to him and his household and friends and those of his slaves who were sent out to collect the tribute [taxes] because there was no immunity at all from outrage unless bribes were paid.” The parallel in B.J. 2.84–86 does not have these charges.

435. The Jewish embassy to Augustus had the political aim of abolishing the Herodian monarchy. They needed to bring such charges against Herod as would impress the emperor and secure their objective (A.J. 17.304; B.J. 2.80). Likewise, the inhabitants of Gadara, in search of autonomy (which meant the removal of their city from Herod’s kingdom), accused Herod of “violence and pillage and the overthrowing of temples” (A.J. 15.357). See Peter Richardson, *Herod*, 23–32, 233–34. The Jewish and Samaritan embassy against Archelaus apparently accused him of “cruelty and tyranny.” Augustus took the charges seriously and banished Archelaus (A.J. 17.342–44; B.J. 2.111–13; Dio, Hist. 55.27.6). Subjects could bring complaints against a king for the political end of deposing him. The nature of the charges they presented to the emperor seems to depend on what would achieve their political goal. Braund, *Rome and the Friendly King*, 66–67. On complaints by provincials against governors and Roman magistrates, see Millar, *Emperor in the Roman World*, 443–44; P. A. Brunt, “Charges of Provincial Maladministration Under the Early Principate,” in *Roman Imperial Themes* (Oxford: Clarendon, 1990), 53–95.

436. See above. For the dating of the famine, see Peter Richardson, *Herod*, 222 and n. 17; and Schürer, *History*, 290–91 and n. 9.
(A.J. 15.303–16). In 20 B.C.E., at the height of his building projects, he reduced by one third the taxes paid by the Jews (A.J. 15.365). He reduced them again by a quarter in 14 B.C.E.

The political context of this last reduction is particularly significant. Herod had just returned from Asia, where, after his campaign with Marcus Agrippa, he had devoted his resources to the needs of some of the cities there, especially those cities with large Jewish populations. He had won also a more direct victory for the Diaspora Jews, and for the temple in Jerusalem, by securing the right of the Ionian Jews to collect the temple tax and send it to Jerusalem. He could confidently declare, therefore, to his Jewish subjects in Jerusalem that “thanks to him they [the Jews of Asia] would be unmolested in future” (A.J. 16.63). He was also aware that his expenditures on the Greek cities would draw sharp criticism from his opponents at home. By remitting the taxes on his Jewish subjects, he sought to do something that would be to the “advantage” of the Jews within his kingdom. In addition, he wanted to reassure them that his benefactions abroad were not economically ruinous for his kingdom, that they did not spell more taxes for his subjects. The “general picture of his good fortune and his government of the kingdom” that he presented to them was indeed real.

Josephus reports that the tax reduction of 14 B.C.E. favorably impressed Herod’s Jewish subjects, who “went away with the greatest joy, wishing the king all sorts of good things” (A.J. 16.65). Herod sought to avert the very charge that was later brought against him, namely, that he despoiled

437. In his summaries of the effects of Herod’s actions, Josephus speaks of how Herod’s “solicitude,” “goodwill and protective attitude” (εὐνοία καὶ προστασία), “munificence and zeal,” “solicitude and the timeliness of his generosity” brought about a reversal of attitude toward Herod in Judea, even among his most hostile critics, improved relations with his neighbors in Syria, and earned him an international reputation (A.J. 15.308, 311, 315–16). On Herod’s εὐνοία, see, for instance, Dittenberger, OGIS, no. 414. For an analysis of Josephus’s double portrait of Herod in the 20s, see Peter Richardson, Herod, 222–26.

438. Josephus’s “at this time” refers back to A.J. 15.354, and Augustus’s visit to Syria. Herod has just received the grant of the territory of Zenodorus (A.J. 15.360) and also ceded Perea to his brother Pheroras (A.J. 15.362). According to A.J. 15.365, Herod remitted the taxes “to the people of his kingdom” (τοῖς ἐν τῇ βασιλείᾳ). Since, however, Josephus says that this was done in order to win the goodwill of those who had been disaffected because of “the dissolution of their religion and the disappearance of their customs” (A.J. 15.365), it must be that the reduction affected mostly the Jewish sections of Herod’s kingdom. Josephus says that Herod reduced the taxes “under the pretext of letting them recover from a period of lack of crops” (A.J. 15.365). It is not clear what, in Josephus’s view, was the religious and political disaffection that Herod was aiming to counter. Peter Richardson (Herod, 236–37) argues that the tax reduction was related to the Sabbatical Year.

439. “After giving a general picture of his good fortune and his government of the kingdom, in which, he said, he had not neglected anything that might be to their advantage, in a cheerful mood he remitted to them a fourth of their taxes for the past year.”

440. See chapter 2.
the Jews to enrich Greek cities. He obviously failed. The odium and sense of oppression that persisted among some of his Jewish subjects, nonetheless, cannot be expressed in percentages of produce.\textsuperscript{441} This means that, in spite of the “complaints” against Herod, the question of his oppression of his Jewish subjects must be separated from the assessment of the actual scale of Herodian taxation. If the reductions in 14 B.C.E. did not apply only to the taxes for that year,\textsuperscript{442} then Herod would have reduced the taxes he received from the Jewish parts of his realm by about 50 percent (33 percent and again 25 percent of the new rate) in the six-year period from 20–14 B.C.E. These reductions indicate that the Jews paid less, rather than more, taxes as Herod’s reign progressed. They probably paid considerably less than the taxes paid by the other inhabitants of Herod’s dominion.

\textsuperscript{441} See also Pastor, \textit{Land and Economy}, 110–15.

\textsuperscript{442} \textit{A.J.} 16.64: “he remitted to them a fourth of their taxes for the past year” (τὸ τέταρτον τῶν φόρων ἀφίησιν αὐτοῖς τοῦ παρελθὼν ἑτεροῦ).