

## “Flavius Josephus Rejected the Deuterocanon”

### Background

Flavius Josephus lived from roughly 37 AD to 101 AD. He was a Jewish historian who belonged to a distinguished priestly family in Palestine in the first century AD. When he was young, he joined the party of the Pharisees although his political and religious views differed from theirs. In the year 66 A.D., the Jews staged their first revolt against the Roman Empire. The Sanhedrin in Jerusalem chose Josephus to command the Jewish forces in Galilee. Initially, the Jews enjoyed some success, until the Roman General Vespasian attacked the region and captured Josephus in the fortress of Jotapata around 67 A.D. After his capture, Josephus was able to ingratiate himself with the General, predicting that Vespasian would one day become emperor as well as his son Titus. Vespasian eventually did become emperor and Josephus was released. He accompanied the Roman troops in battle and witnessed the fall of Jerusalem and the destruction of the Temple in 70 A.D..

Josephus is known for his historical works. Most famous of these is the book *The Jewish War*, in which he provides a somewhat self-glorifying account of the fall of Jerusalem and the suppression of the Jewish Revolt. He also penned a work called, *The Jewish Antiquities*, which recounts Jewish history from the Creation of the World to the Jewish Revolt in 66 A.D. Around 90 A.D., he wrote an autobiography as well as an apologetic against the Alexandrian pagan grammarian Apion called, appropriately enough, *Against Apion*.

### Against Apion

Apion charged Josephus' depiction of Jewish history in his *Jewish Antiquities* was fraudulent arguing that the origin of the Hebrew race could not have been so ancient since the Jews were not mentioned in the best Greek histories until a relatively recent date. Josephus stakes out his defense of the trustworthiness of those antiquities that “contain the history of five thousand years, and are taken out of our sacred books, but are translated by me into the Greek tongue.”<sup>1</sup> Josephus begins his apology by asserting that the sacred histories of the Greeks were written more to impress the reader with their literary ability than to produce an accurate account of antiquity. This is why, Josephus argued, the various writings of the Greeks contradict one another.<sup>2</sup> The Jews, in contrast to the pagans, took great care to make sure their texts were properly copied and preserved from the most ancient of times. Josephus wrote:

“For we have not an innumerable multitude of books among us, disagreeing from and contradicting one another, [as the Greeks have,] but only twenty-two books, which contain the records of all the past times; which are justly believed to be divine; and of them five belong to Moses, which contain his laws and the traditions of the origin of mankind till his death. This interval of time was little short of three thousand years; but as to the time from the death of Moses till the reign of Artaxerxes king of Persia, who reigned after Xerxes, the prophets, who were after Moses, wrote down what was done in their times in thirteen books. The remaining four books contain hymns to God, and precepts for the conduct of human life. It is true, our history hath been written since Artaxerxes very particularly, but hath not been esteemed of the like authority with the former by our forefathers, because there hath not been an exact succession of prophets since that time; and how firmly we have given credit to these books of our own nation is evident by what we do; for during so many ages as have already passed, no one has been so bold as either to add any thing to them, to take any thing from them, or to make any change in them; but it is become natural to all Jews immediately, and from their very birth, to esteem these books to contain Divine doctrines, and to persist in them, and, if occasion be willingly to die for them.”<sup>3</sup>

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<sup>1</sup> Against Apion, 1.1

<sup>2</sup> Against Apion, 1.3

<sup>3</sup> Against Apion, 1.41

Protestant apologists propose two objections from this text: (1) that Josephus affirmed the shorter canon of the Bible (e.g. 22 books) and (2) that Josephus was teaching that all prophecy had ceased in Israel after the time of Artaxerxes limiting the last books of the Old Testament to the time of Esther. Let's address these two arguments in reverse order.

## “All Prophecy Ceased After Esther”

Objection 1a: “*In Against Apion 1.41, the Jewish historian Josephus wrote: ‘It is true, our history hath been written since Artaxerxes very particularly, but hath not been esteemed of the like authority with the former by our forefathers, because there hath not been an exact succession of prophets since that time.’ Since, according to Josephus, all prophecy ceased in Israel shortly after the time of Esther, the disputed books that were penned after the time of Esther must be rejected. With this, Rabbis of the second and third Christian centuries echoed Josephus’ belief in the cessation of prophets. For example:*

*Seder Olam Rabbah, 30* “Until then, the prophets prophesied by means of the holy spirit. From then on, give ear and listen to the words of the Sages.”<sup>4</sup>

Tosefta Sotah 13:2 “When the last prophets – i.e. Haggai, Zechariah, and Malachi- died, the holy spirit ceased in Israel. Despite this, they were informed by means of oracles [Hebrew: bath qol].”<sup>5</sup>

*These texts and others indicate that there was a wide spread belief in Judaism that all prophecy ceased in Israel and that the disputed books, which were written well after the time of Esther, couldn't be inspired.*<sup>6</sup>

Answer: For the time being, we will consign our response only to the text of Josephus since he the first writer in antiquity to suggest a time-limited canon.<sup>7</sup> We will hold our discussion of the rabbinical texts cited until later.

There are numerous difficulties with this interpretation of Josephus.

**Difficulty #1:** The doctrine of the cessation of prophecy does not fit within the apologetic scope of *Against Apion*.

*Against Apion* is an apologetic work aimed at demonstrating that the Jewish race was of great antiquity as established by the well persevered and universally acknowledged sacred histories of the Jews. Early in *Against Apion 1.41*, Josephus confounds Apion's objections by pointing out that the twenty-two books, which contain information of the greatest antiquity, were the writings most highly esteemed and were said to be fanatically preserved by the Jews. By establishing the credentials of *these* books, Josephus vindicates his own history of the Jews against the objections of Apion. More recent Jewish histories simply were not as central to Josephus's apology. One could even argue that the whole idea of a document being prophetic was important for Josephus only in so far as it impinged upon the question of veracity.<sup>8</sup> Moreover, the distinction made between the twenty-two most ancient histories enjoying an “exact succession of prophets” while more recent histories lack such a claim lends Josephus' argument a certain rhetorical punch,

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<sup>4</sup> *Seder Olam Rabbah, 30* as quoted in Leiman, 66

<sup>5</sup> Tosefta Sotah 13:2 as quoted in Leiman, 66

<sup>6</sup> These texts are also echoed in b. Yoma 9b and b. Sotah 48b.

<sup>7</sup> See A.C. Sundberg, “The Old Testament Canon in the New Testament Church, Revisited.” In *Festschrift in Honor of Charles Speel*. Edited by Thomas J. Sienkewicz and James E. Betts (Monmouth Ill.: Monmouth College, 1997)

<sup>8</sup> For Josephus, this was especially true in regards to Moses' creation narrative. How else could Moses have known what happened at the dawn of Creation unless God gave him some sort of special prophetic revelation?

especially when one considers that the time of Artaxerxes is roughly when the earliest Greek historians began to record history.

**Difficulty #2:** Josephus did not say that “prophets” or “prophecy” ceased.

The wording of *Against Apion* also poses a substantial difficulty for our objector in that Josephus never says all prophets or prophecy ceased. Rather, he states that the latter books did not have an “exact succession of prophets.” In other words, prophets and prophecy could have continued in Israel after the time of Esther, but only without a continuous succession. One could even posit from Josephus’ wording that a *succession* of prophets could have continued in the Second Temple era, but not an *exact* succession of prophets. Therefore, our objector overstates the evidence.

**Difficulty #3** – Josephus, in his other writings, acknowledges the existence of prophecy or prophetic gifts being exercised after Artaxerxes. Rebecca Gray’s work, *Prophetic Figures in Late Second Temple Jewish Palestine* effectively destroys this idea that Josephus did not believe that prophets or prophecy existed after Artaxerxes. Gray provides a number of examples from Josephus of such gifts being mentioned, such as:

“Cleodemus the prophet”	(Antiquities 1.240-41) <sup>9</sup>
John Hyrcanus	(Antiquities 3.218) <sup>10</sup>
Judas	(Jewish War 1.78-80; Antiquities 13.311-13) <sup>11</sup>
Menahem	(Antiquities 15.373-79) <sup>12</sup>
Simon	(Jewish War 2.112-13; Antiquities 17.345-48). <sup>13</sup>

As well as the Sign Prophets:

Theudas	(Antiquities 20.97-99) <sup>14</sup>
An unnamed group	(Jewish War 2.258-60; Antiquities 20.167-68)
The “Egyptian”	(Jewish War 2.261-63; Antiquities 20.169-72) <sup>15</sup>
An unnamed man under Festus	(Antiquities 20.188) <sup>16</sup>
Unnamed man under Felix	(War 2.258-60; Antiquities 20.167-68) <sup>17</sup>
Unnamed man in 70 A.D	(Jewish War 6.283-87) <sup>18</sup>
Jonathan	(Jewish War 7.437-50; Life 424-25) <sup>19</sup>
Onias	(Antiquities 14.22-24) <sup>20</sup>
Pollion and Samaias	(Antiquities 14.172-76; 15.3-4, 370) <sup>21</sup>
Pharisees in the Court of Herod the Great	(Antiquities 17.41-45) <sup>22</sup>
Jesus, Son of Anaias	(Jewish War, 6.300-309) <sup>23</sup>

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<sup>9</sup> Rebecca Gray, *Prophetic Figures in Late Second Temple Jewish Palestine: The Evidence from Josephus*. London (Oxford: Oxford University Press, 1997), 15 – Since Josephus lifts this title from a quote from Greek historian Polyhistor, it is uncertain whether Josephus agreed with the appellation, “the prophet.”

<sup>10</sup> Gray, 16-23

<sup>11</sup> Gray, 92-95

<sup>12</sup> Gray, 95-101

<sup>13</sup> Gray, 101-105

<sup>14</sup> Gray, 114-116

<sup>15</sup> Gray, 116-118

<sup>16</sup> Gray, 122-123

<sup>17</sup> Gray, 118-120

<sup>18</sup> Gray, 120-121

<sup>19</sup> Gray, 121-122

<sup>20</sup> Gray, 145-147

<sup>21</sup> Gray, 148-152

<sup>22</sup> Gray, 152-158

<sup>23</sup> Gray, 158-163

Gray's masterful study of these prophetic figures indicates that Josephus *did* believe that the prophetic gift continued in Israel, but were these figures true "prophets" (in the Old Testament sense) or mere seers? Gray answers:

"There is a tendency on the part of modern scholars to distinguish 'mere prediction' from 'genuine prophecy,' but Josephus did not share this view. For him, prophets were, above all, individuals with special insight into the future. ...Predictors of the future in Josephus thus run the gamut from those we would describe as "apocalyptists" to those we might call 'seers' or simple 'forecasters,' but for Josephus, they were all 'prophets.' He does, to be sure, make some distinctions among these figures. The most important of these derive from his view that the prophets of the past were more glorious than similar figures in his own day. Josephus did not think, for example, that he or other prophets of his day were capable of the kind of grand, distant, and precise predictions made by Daniel. Their abilities were modest.... The differences between ancient and modern prophetic figures were differences in degree, not of kind."<sup>24</sup>

**Difficulty #4** – Josephus' knowledge that all prophecy ceased could only have come through Jewish tradition or divine Scripture. Since Protestants reject the validity of oral tradition, Josephus must have based his knowledge on the Old Testament Scripture. Yet, those scriptures that are commonly cited to "prove" this point are far from conclusive (Ezekiel 13:2-6; 13:9; Daniel 9:24; Psalm 74:9-10 1 Mac 4:45-46. 1 Mac 9:27). These texts only report that there was no prophet present in Israel at a given time. They do not state that this situation was shared universally throughout Israel or that God decreed that there will be a fixed span of time beginning at the reign of Artaxerxes when he still stop sending prophets. Since Josephus's could not come from a sacred source, he may well have erred.

**Difficulty #5** – People other than Prophets can author inspired writings

As we have already addressed earlier, it is not true that one had to be an anointed prophet to write an inspired book.<sup>25</sup> Therefore, even if all anointed prophets ceased to appear in Israel, it is still possible for inspired texts to be written.

**Difficulty #6** – Josephus' views would contradict that of Philo of Alexandria.

If Josephus did believe that prophecy ceased, it appears that all Jews did not share his belief. For example, Philo, who was a contemporary of Jesus, taught that prophecy and prophetic writings continued up to his own time. As Meyers explains:

"In contrast to the Rabbi. Philo has a doctrine of inspiration orientated to Plato. This means that he sees no point in the limitation of prophetic literature which is to be regarded as normative, and that he deliberately ascribes the sway of the prophetic spirit to the present."<sup>26</sup>

Even if Josephus did teach the time limited canon theory, it only reflects the belief of a portion of Judaism as a whole.

**Difficulty #7** – If all prophecy ceased long before the New Testament, why did so many people in Jesus' times assume that He and others were prophets?<sup>27</sup>

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<sup>24</sup> Gray, 165,167

<sup>25</sup> cf. Chapter 3 – "Only Prophets Write Inspired Books"

<sup>26</sup> Meyers, TDNT, 3.980

<sup>27</sup> See Matthew 10:41; 11:9; 14:5; 21:11; 21:26; Mark 6:15; 11:32; Luke 7:16; 36; 20:6; 24:19; John 1:21; 4:19; 9:17; Act 13:6; 1 Cor. 14:37.

**Difficulty #8** – The strict interpretation would make Josephus go far beyond the opinions of later rabbis. As John Barton notes, later rabbis admit that prophetic oracles continued through the Bat Kol [Hebrew Daughter’s voice] and not directly by the holy spirit as in times past.<sup>28</sup>

*Objection 1b: “After the time of Artaxerxes, oracular prophecy still continued in Israel, but prophetic writings (i.e. inspired texts) ceased.”*

Answer: Although this modified objection is an improvement over the former, it produces new problems of its own.

**Difficulty # 1** – This interpretation departs even farther from the words of Josephus and the Scriptures mentioned earlier.

It is very difficult (if not impossible) to point to a definitive statement in Scripture that indicates that God intended to stop speaking to His People through prophets after the time of Artaxerxes. But where in Scripture do we find God decreeing that that all *written prophecy* will cease after a certain time, but *oracular prophecy* would be permitted to continue? Scripture makes no such distinction.

**Difficulty #2** – Not all Jews before Josephus believed that all inspired writings ceased.

We have already seen above that that Alexandrian Jewish philosopher Philo held that prophetic literature was still being written during his own time. The grandson of Sirach also believed that he was translating a book that was inspired by God and he expected it to be part of the canonical Scriptures.<sup>29</sup> Yet, Sirach was penned hundreds of years after the time when all inspired writing is said to have ceased!<sup>30</sup> As we shall see later, the Alexandrian / Palestinian canon theory, upon which these authors rely, has been proven untenable.<sup>31</sup> With the collapse of this theory, it is no longer possible to hold that Sirach’s claims to inspiration represent only the ideas of the more liberal Alexandrian Jews. On the contrary, Sirach was originally written in Hebrew and it likely originated in Palestine for a Jewish audience.

The last and perhaps the most difficult question to be explained by our objector is how the New Testament came to be accepted as inspired by Jewish Christians in Palestine. According to Objection 1a and 1b, it was Jewish dogma that the Spirit of God no longer inspires texts after Ezra. Yet, the Gospels circulated without debate or controversy among those Jews who accepted Jesus as the Messiah even though they were written hundreds of years after the time of Ezra. They contain no apologies or defenses explaining how they could be prophetic when all prophetic writing had ceased hundreds of years earlier.<sup>32</sup> There does not appear to be any awareness, even in New Testament books of later composition, of any protest on the part of the Jews against these writings because of the time-limited theory. This is because the time-limited theory was a development in rabbinical Judaism well after the apostolic period.<sup>33</sup>

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<sup>28</sup> John Barton, *Oracles of God: Perceptions of Ancient Prophecy in Israel after the Exile*, (New York / Oxford: Oxford University Press, 1990), 115. This reference to oracles made the “Bath Kol” or “Bath Qol” is from *Tosefta Sotah 13:2* cited in Objection 1a.

<sup>29</sup> *The Interpreters Dictionary of the Bible*, (Nashville / New York: Abingdon Press, 1962), 5.499.

<sup>30</sup> “The late R. H. Pfeiffer, for example, argued that, unlike the Palestinian Jews, the Jews of the Diaspora believed that prophecy did not cease after Ezra but continued on.” McDonald, 90-91 (emphasis his). Also see, A Robert and Robert A Tricot, *The Guide to the Bible: An Introduction to the Study of Holy Scripture*, (New York: Desclee Company, New York), 1.81-83.

<sup>31</sup> We will examine this theory and its difficulties later in this chapter. For now, it is enough to note that it is no longer possible to maintain a sharp distinction between the Alexandrian Jews and those in Palestine upon the Alexandrian / Palestinian canon theory rests.

<sup>32</sup> Note that the writings of the New Testament are prophetic documents in both senses of this term: They contain divine revelation as well as predictive revelation about the Fall of Jerusalem and the end of the world.

<sup>33</sup> cf. Meyers, TDNT, 3.980, FN 64.

The idea of the cessation of prophecy after Esther is not founded upon Scripture nor upon Josephus, but solely upon the rabbinical tradition. Lee M. McDonald summarizes three concerns raised by David Aune about this objection:

“...First, many of the texts in the post-canonical literature do not antedate the second century CE. Second, early Judaism had greater variety than many scholars have previously thought. And third, not all of the texts Leiman cites actually claim that prophecy ceased in Israel. He shows evidence from T. Sotah (ca. 300 CE) that the Jews were informed during that period by oracles (bath qol). He points to numerous examples within Judaism of the first century BCE-CE that indicate that there was an equally strong belief during that time that prophecy and the presence of the Spirit had not ceased in Israel. He concludes that *the rabbinic sages of the second century and later did not consider themselves as inspired but rather as traditionalists, and they therefore promoted the notion of the cessation of prophecy as a means of legitimating their own positions as the successors of the prophetic tradition*. As support for his view he cites rabbinic scholar Samuel Sandmel, who argued that “outside the circle of the Rabbinic Sages the view that prophecy had ended simply did not exist.” This is, of course, most certainly true of the Qumran community, which believed that the Spirit was quite active in their community. Aune examines each of the biblical texts noted above and concludes that there was no clear view that prophecy had ceased in Israel, even though the *rabbinic traditions* may well have emerged from an interpretation of these texts.”<sup>34</sup>

It is not completely accurate to name Josephus as the earliest witness to propose a time-limited canon because Josephus’ main concern, in *Against Apion*, was establishing the veracity of the earliest Jewish “histories,” not the limits of the canon. According to Gray, Josephus likely formulated his idea of the “exact succession of prophets” based upon the fact that there is a continuous historical narrative from Genesis to Esther.<sup>35</sup> After Esther, the historical narrative becomes sporadic and therefore they were not as highly esteemed as the earlier documents.<sup>36</sup> This notion offers Josephus a tremendously powerful defense of his *Jewish Antiquities*. For example, one might expect the more recent histories to have the highest veracity and integrity. The opposite is true for Jewish history. The oldest writings were the most jealously guarded. Although it is not mentioned by Josephus (but likely would not have been missed by his Greek readers), the most recent of these most highly esteemed Jewish histories end during the time where the most ancient Greek histories began.<sup>37</sup> It is this stratum of Jewish history that was the most complete, most cogent, and intact writings of the collection of sacred literature.<sup>38</sup>

## Positive Evidence

If Josephus did hold to a closed canon after Esther, is there any evidence that he accepted the disputed books? Gigot suggests this to be the case:

“At the close of his *Antiquities of the Jews*,<sup>39</sup> a work which narrates the history between the Creation and the twelfth year of Nero, Josephus affirms that his only authorities have been the *sacred writings* (ἱεραὶ βιβλοὶ), although in the course of his volume he

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<sup>34</sup> McDonald, 51 (emphasis mine).

<sup>35</sup> Gray, 12-13.

<sup>36</sup> See Steinmueller, 57.

<sup>37</sup> Artaxerxes’ reign (464 – 424 BC) roughly corresponds roughly to the period covered by Herodotus and Thucydides (ca. 460 – 400 BC). See, Steve Mason “Josephus And His Twenty-two Book Canon,” *The Canon Debate* (Massachusetts: Hendrickson), 2002, 115.

<sup>38</sup> See Bruce, 33.

<sup>39</sup> Book 20, Chapter 11 § 2.

has freely used the first book of the Machabees and transcribed literally several passages from the deutero-canonical fragments of the books of Esther.”<sup>40</sup>

In a similar fashion, Josephus claims that his history drawn from the “sacred books” spans five thousand years.<sup>41</sup> However, the twenty-two books mentioned at in *Against Apion* 1.41 cover only “[a] little short of three thousand years....”<sup>42</sup> H.E. Ryle claims that Josephus must have been exaggerating and that he really meant to say that he relied on the sacred texts for only part of his work.<sup>43</sup> But Ryle’s explanation is based on the belief that Josephus believed all inspired writings terminated after Esther. Since this does not appear to be the case, it is certainly possible that Josephus counted the longer version of Esther and the Books of Maccabees among the *ἱεραὶ βιβλοὶ* [sacred texts].

*Objection #2 – “Josephus clearly shows that the books written before the time of Esther were inspired because he states that “...[H]ow firmly we have given credit to these books of our own nation is evident by what we do; for during so many ages as have already passed, no one has been so bold as either to add any thing to them, to take any thing from them, or to make any change in them...” Clearly, Josephus is here speaking of a fixed official text in which no alteration can be made, and a fixed text speaks of an inspired text since no Jew would dare alter the word of God.”*

Answer: Josephus here is surely using hyperbole. Scholars are relatively certain that there was not a single “fixed text” in existence in Judaism until, at the earliest, 100 AD. Before this time, biblical texts were quite fluid.<sup>44</sup> Josephus certainly would have known this. To be sure, the Jews took great care in persevering the sacred texts, but one single authoritative fixed text did not exist in Judaism before Josephus.

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<sup>40</sup> Francis E. Gigot, *General Introduction to the Study of the Holy Scriptures*, (New York: Benzinger Brothers, 1900), 33, commenting on Jewish Antiquities Book 12, Chapter 5, § 1- Book 13, Chapter 7, Books 11, Chapter 6 § 6, etc.

<sup>41</sup> Jewish Antiquities, Preface, chapter 3.

<sup>42</sup> *Against Apion*, Book 1.41.

<sup>43</sup> Ryle, 170-171.

<sup>44</sup> “As Cross summarizes the result of the work of Lagarde and those who followed him: ‘These studies seemed to establish that about A.D. 100, in the days of Aqiba, the rabbis had fixed an authoritative Hebrew text, chosen arbitrarily from the more or less fluid textual traditions alive in the pre-Christian period, and that this official text in effect destroyed all variant lines of tradition in normative Judaism.’ The manuscript finds at Qumran and Murabba‘at have served to demonstrate the essential soundness of Lagarde’s view. At Qumran was found, especially among the approximately one hundred biblical manuscripts in Cave 4, evidence for a variety of textual traditions: text which can be said to be proto-Massoretic (i.e. which stand in the textual tradition which came to be established as the one official text); text—especially from the historical books Joshua, Samuel, Kings, from Jeremiah, but also from the Pentateuch as ... Thus, the variety of textual tradition in Hebrew prior to the fixing of the text is amply witnessed.” (Swanson, 216)