

‘FRIENDSHIP AND ALLIANCE’ BETWEEN THE JUDAEANS UNDER JUDAS
MACCABEE AND THE ROMANS (*IMACC* 8: 17–32):
A RESPONSE TO LINDA ZOLLSCHAN’S *ROME AND JUDAEA**

Altay Coşkun

University of Waterloo

Abstract: Linda Zollschan promises a highly interdisciplinary study of the report on the first Roman embassy to Rome under Judas Maccabee in *IMacc* 8. In part, she argues that the Senate did not grant the requested alliance, but only informal *amicitia*; in part, she claims that not even *amicitia* was granted but only a declaration of liberty; in part, she proposes that the ambassadors misunderstood the result of their mission, since it meant subjection under Rome without effective protection. Further results include the views that the embassy was undertaken in 162 BCE, and that the account and treaty text is based on the Aramaic report of the ambassadors Eupolemus and Jason. The contradictions and misunderstandings of Zollschan’s book are plentiful and serious. The present study engages with the questions she asks and with the answers she gives, adds substantially to the recent bibliography in the addressed areas and concludes with very different assessments: namely, that we should maintain the traditional date of 161/60 BCE for the Judaeian embassy, that the Senate granted a treaty of friendship and alliance, that the Continuator of *IMacc* inserted the (highly edited) version he found on a bronze inscription in Jerusalem, and that success was largely denied to the mission, since the ambassadors returned after Judas had died in battle.

Key words: *IMaccabees*, Judas Maccabee, Eupolemus, Demetrius I Soter, *amicitia populi Romani*, friendship diplomacy, Roman Imperialism.

* I would like to thank my friends Andreas Zack and Paul Burton for their critical advice, and their permission to quote from their emails or unpublished manuscripts. All remaining shortcomings are of course my own. Translations from ancient sources are mine, unless stated otherwise; translations from *IMacc* have been adapted from *The Greek Word*, <http://www.ellopos.net/elpenor/greek-texts/septuagint/chapter.asp?book=21> (access: 19 May 2015). By the time the present study goes to the type setter, I have got aware of two reviews of Zollschan’s book, which share much of my criticism, but largely focus on different areas than my own study (Ameling 2018; Zack 2018).

I. Introduction: A New Study on the Judaeen-Roman Relations under Judas Maccabee

According to *IMacc*, Judas Maccabee sent out Eupolemus, son of John, and Jason, son of Eleazar,¹ as ambassadors to the Roman Senate to conclude ‘friendship and alliance’ (*IMacc* 8: 17–32) with the then greatest power in the Mediterranean world (*IMacc* 8: 1–16). If we can trust the narrative framework (which we should),² this mission dates to just after the defeat of the Seleucid troops under Nicanor in March 161 BCE (*IMacc* 7: 26–50, esp. 43) and before the counterattack conducted by Bacchides in 161/60 BCE. The latter resulted in the death of Judas and the dispersal of his troops (*IMacc* 9: 1–18, esp. 3).

This first³ diplomatic exchange between Maccabean Judaea and Rome has attracted much attention among the researchers of the Classical and Biblical worlds. This is manifest from the survey of 250 years of scholarship, which introduces Linda Zollschan’s *Rome and Judaea* (2017, 1–7). As far as I see, Zollschan’s is the first monograph entirely dedicated to the formal beginning of the Judaeen-Roman relations. Given the depth and breadth of the ongoing controversies about nearly every detail of the report in *IMacc*, a book-long study on the topic has certainly been overdue. Especially welcome should be a scrutiny that comes along with the promise of a fresh methodological approach, most of all a consideration of recent advances in the study of Roman diplomacy.⁴ A glance into the massive international bibliography (pp. 281–325) seems to give further credence to this promise, and the fact that Zollschan has been working for 20 years on the subject raises the expectation even higher: the bibliography includes 13 titles by herself, starting with her 1997 MA thesis and including her 2005 PhD dissertation.

Regrettably, however, the publication of the book appears to have been rushed. First of all, much of the bibliography has not been digested, so that the potential of advancing our understanding through the lens of latest scholarship on Roman diplomacy remains underexplored. In addition, the text has escaped serious editing: as it stands, there are not

¹ On the ambassadors, their names, their families and their fates in the literary tradition, see now Sørensen 2015a and 2015b; cf. Goldstein 1976/79, 359; Schunck 1980, 291; Seeman 2013, 117.

² The chronology is controversial, see below, section III.4.

³ Note, however, that most scholars regard *2Macc* 11: 34–38 as proof of a letter exchange in 165/64 BCE: e.g., Broughton 1951, I: 439; Giovannini – Müller 1971, 170; Habicht 1979, 260; Gruen 1984, 42, 745–747 (accepts the letter, but remains unsure as to whether it dates to Antiochus IV or V, and who the addressee among the Jews were; at any rate, the letter is seen to respond to a Judaeen initiative); Gera 1998, 241–242, 249–252; Baltrusch 2002, 84–86; Parker 2007, 397–400; Schwartz 2008, 411–412; Zollschan 2017, 195 (with note 190) and 206; Dąbrowa forthcoming, note 2; also Sicker 2001, 18. If so, it would have been the Romans to initiate diplomatic contact. But the arguments against this view are overwhelming, see Mittag 2006, 276–277; also Coşkun, in prep. Without foundation is the reconstruction of a Judaeen embassy to Rome for 174 BCE based on *2Macc* 4.11b, as suggested by Zollschan 2017, 206; cf. Zollschan 2004, referenced as ‘hypothesis’ by Dąbrowa forthcoming, note 2 and rejected by Shatzman 2012, 68–69 note 149; it is not mentioned by Seeman 2013.

⁴ Zollschan 2017, 7: “Scholarship on Roman international relations has moved ahead, testing the language of diplomacy and probing the meaning of Roman diplomatic concepts. Historians have paid little attention to this recent work and none of it has found its way into the debate concerning whether the Jews entered into a treaty or friendship. This book aims to rectify that situation. The problem cannot be studied without taking a multidisciplinary approach that involves Roman law, philology and historiography, using the disciplines of Hellenistic and Jewish history to complement the picture. Thus a fresh perspective is possible with the application of some newer methodologies that are well known in other disciplines.”

only too many repetitions, but the author also speaks in multiple voices, arguing different cases in various chapters without balancing them into a consistent argument.⁵ Given this lack of coherence, readers will gain different views of what the author actually wants to argue. At least, a tentative summary of the overarching thesis might run as follows:

the transmitted text of *IMacc* 8 does not fully reflect what the Judaeans intended to achieve in Rome (namely military support through an informal friendship alliance); nor does it attest correctly what the Romans granted (declaration of freedom; the grant of friendship is at times denied, at times conceded); nor does it unveil that the Jews misunderstood what they effectively got (namely, the subjection under Roman imperial control, whereby the expected security benefits are sometimes conceded by Zollschan and sometimes denied).

I remain unconvinced of all of these claims. This is not only due to the many counter-arguments provided in the very same book, but also because of several methodological concerns. Among other things, Zollschan seems to be thinking that, if we have a firm understanding of the principles and practices of Roman diplomacy, we can work through the report of *IMacc* and distinguish between reliable information and fictitious elements, and then come up with a clear political narrative. While this sounds good in theory, her Roman diplomacy model is at times quite misinformed, and many of her arguments remain circular or inconclusive.

Zollschan is in line with a growing number of scholars who regard inconsistencies between a quoted document and an assumed knowledge of how things 'really' were as indicators of either free tampering or outright forgery.⁶ However, after studying the various documents of *IMacc* and also of Josephus' Hellenistic and early Roman accounts in *Antiquities* 12–15, I have reached a different conclusion. The insertion of these documents into those narratives was guided by a tremendous respect for those testimonies. In most cases, the adduced letters or decrees have elements that are unnecessary for the given argument, do not fully fit it or even slightly contradict it. At the same time, some unsuspicious detail can often be verified through external evidence, detail which a writer in Maccabaeen Judaea could neither have made up easily nor found out unless precisely through the very document that is being quoted. I therefore suggest that whoever inserted the documents into *IMacc* truly believed them to be what they pretend to be; in fact, he appears to be convinced that at least some of the documents, including the treaty of 161 BCE, were openly accessible to his fellow Judaeans in Jerusalem.⁷

I believe that we can gain a much better understanding of the diplomatic exchanges between the Romans and the Judaeans by acknowledging the very complex history of *IMacc*. We need to be alert to the various textual layers: the now-lost original narrative produced in Hebrew is to be distinguished from its extended version and Greek translation, and the inserted documents are to be assessed in their own right, such as the 'letter' (*IMacc* 8: 22: *epistole*) quoted as a testimony to the Judaeo-Roman relations under Judas Maccabee. It may not be surprising that Zollschan has chosen a unitarian ap-

⁵ There are also many more errors in the Greek quotations, though the latter may be the result of the conversion into the ebook edition. More annoying is that many pages throughout the book look more like write-ups than like a coherent text (e.g., p. 35).

⁶ E.g., Willrich 1895 and 1924; Gauger 1977; Seeman 2013. More differentiated are Nisula 2005 as well as Parker 2007 and 2013. For further details, see below, section V.

⁷ See Coşkun, in prep. Cf. Coşkun 2018 and forthcoming b for case studies.

proach that presupposes the identity of the author of the narrative with either the author or at least the editor or insertor of the Roman letter, for such can still be said to be the more widespread view.⁸ But it is surprising that she avoids discussing, if not mentioning at all, the most substantial analytical approaches which have very much advanced our understanding of the genesis of the narrative by reflecting on the way how the Seleucid and Roman documents were incorporated. Most prominent are the books by Nils Martola and Francis Borchardt, the latter of which is missing in Zollschan's bibliography, whereas the former is considered for various matters, but not for its crucial thesis, the multi-layered composition of *IMacc*.⁹ She likewise fails to engage with the bulk of scholarship that tries to establish the date and political context under which *IMacc* was composed, edited or translated. For this the articles by Seth and Daniel Schwartz are to be commended for suggesting a composition around 130 or 120 BCE respectively.¹⁰

Building on the aforementioned studies, I propose to distinguish between an *Urtext* of 140 BCE ending with the constitutional assembly of the same year (until *IMacc* 14: 45) and a second edition which was translated into Greek, augmented (esp. with the diplomatic passages on diplomacy), and extended (until the outlook on the rule of John Hyrcanus I, *IMacc* 16: 23–24) in ca. 129/28 BCE. The present article cannot argue this reconstruction in full. In fact, it does not have to do so, since most of the criticism unfolded here does not depend on such views, but would also be valid, if the traditional dates and even a unitarian view should be maintained.¹¹

II. Friendship or Voluntary Subjection? Notions of Roman *Amicitia*

The first two sentences of Zollschan's introduction lead us right into a central problem:

The most crucial event in the history of Judaea, given its wide-reaching repercussions, was the voluntary approach to Rome for help during the Maccabean revolt. Judas Maccabaeus could not have foreseen the ultimate tragic consequences of his decision, that Judaea would lose its independence and its temple in Jerusalem. (p. 1)

A similar belief – namely that the first Judaeo-Roman diplomatic encounter impacted the history of Judaea profoundly up to the wars waged under Vespasian (and Hadrian) – is once more expressed at the end of the same introduction:

The centrality of the first diplomatic relations with Rome to Jewish history for the next 300 years makes this volume an essential starting point for any study of Roman-Jewish relations. (p. 7)

⁸ E.g., Ettelson 1925; Bartlett 1998, 21 ('editorial work of the author rather than the later hand of an interpolator'); Honigman 2014, 5–6, 32–37; Tilly 2015 (see below). A single author of a unified narrative is also surmised, e.g., by Goldstein 1976/79, 25–26; Schunck 1980, 289–292; Stone 1984, 171; Parker 2013, 40–41; Mendels 2013, 51; Tilly 2015, esp. 183–184; Schwartz 2017, 73–74.

⁹ Martola 1984 (e.g., with Zollschan 2017, 128); Borchardt 2014. Also see Destimon 1882; Laqueur 1927 (although he ultimately identifies the later editor with the author on p. 242); Williams 1999; Nodet 2005, 407–431.

¹⁰ Schwartz 1991; Schwartz 2017. Most scholars prefer a date either late under John Hyrcanus I or under Alexander Jannaeus for the composition, whereas various dates in the 1st century BCE have been suggested for the translation into Greek. See the previous two notes for references.

¹¹ And yet, an analytical reconstruction of *IMacc* appears unescapable to me. See Coşkun, in prep.

This is not void rhetoric meant to aggrandize the topic or achievement of the book, a common place employed ever since Herodotus, and also evoked by Josephus.¹² It is, in the first place, a result of Zollschan's understanding of Roman *amicitia*: not only as an informal relationship that was concluded without treaty and was less binding in nature, as argued especially by Alfred Heuß (1933), but also as a means of Roman imperial control that gave power to the stronger side and obliged the weaker. The latter view has been proposed most pronouncedly by Ernst Badian (1958). While he found much praise for elaborating on interpersonal relations (he spoke of patron-client relations irrespective of ancient terminology) as the main channels for interstate communications, his cynical view of *amicitia*, which emptied it of any moral content, spurred much debate. The only critic of Badian that Zollschan occasionally engages with is Erich Gruen (1984), who objected (to Badian and others) that the main characteristics of Roman foreign policy in the East during the 2nd century BCE were disinterest and unwillingness to make commitments.¹³

A stronger response to Badian's a-moral understanding of *amicitia* had much earlier been voiced by Jochen Bleicken (1964). About a generation later, David Braund (1984) forcefully reset the balance. He pointed out the many areas in which interstate friendship reflected the same practices known from inner-Roman *amicitiae*. About another generation later, the discussion was moved forward by a research team at Trier University (2002–2008): together with Heinz Heinen, I conducted some and initiated several other case studies to support the view of Braund that friendship terminology mattered to the ancients, and that such interstate *amicitiae* were potentially beneficial to both sides. We conceded, however, that formal *amicitia* relations with the *populus Romanus* alone did not help much in times of crisis, unless backed up by close interpersonal ties with leading senators. Most of this work is unfortunately missing in Zollschan's bibliography, as is Ernst Baltrusch's unique handbook (2008) on ancient foreign relations, which could have provided quick access to some of those scholarly advances, or the conference volume on Rome's *amici* and *clientes* co-edited by Baltrusch and Julia Wilker in 2015.¹⁴

However, Zollschan's bibliography does include Paul Burton's magisterial book *Friendship and Empire* (2011), which provides a brilliant analysis of how deeply friendship relations shaped the interactions of Roman senators with foreign rulers, and how attentive Roman historians such as Livy remained to the fine nuances *amicitia* brought with it. Burton's monograph also contextualizes Badian's approach within the cynical rhetoric of the Cold War, a conflict which likewise informed the *Realist School* of International Relations and its more recent variations. Although Zollschan quotes Burton's work several times throughout her notes, she nowhere engages with its main theme. If she had done so, she could not but have thoroughly reconsidered her underlying notion of Roman *amicitia*.¹⁵

¹² Hdt. 1.1.1; Josephus *BJ*. pr. 1.1: 'not only the greatest of the wars in our own time, but even of all that ever occurred between cities or countries'.

¹³ Heuß 1933; Badian 1958; Gruen 1984. Cf. Zollschan 2017, 5, 10, 63–65, 72–74, 98, 113, 155–156; etc.

¹⁴ See especially Heuß 1933; Badian 1958; Bleicken 1964; Braund 1984; Coşkun 2005 and 2008b; Heinen 2006, 28–58; Baltrusch 2008, esp. 108–113; Baltrusch – Wilker 2015. Admittedly, Zollschan has included two articles from Coşkun 2008a (Coşkun 2008b, 209–233 and Williams 2008), but they are quoted only once in a hidden note each of which is irrelevant to any of their main arguments. Braund 1989, which partly summarizes, partly expands on aspects of Roman *amicitia*, is included in the bibliography, but nowhere quoted.

¹⁵ Burton 2011 (with Coşkun 2017 for in-depth discussion). Cf., e.g., Zollschan 2017, 98.

At the other end of the spectrum, the study of legal aspects within Roman interstate relations has been revived by Andreas Zack, starting with his PhD on Roman *Völkerrecht* published in 2001, and followed by a series of articles. He may rightly be labelled the main opponent of Heuß' and Badian's approaches, for he insisted that Roman *amicitia* required as much a formal treaty as any military alliance.¹⁶ Quite recently, however, Zack has come up with a much more nuanced analysis which regards the *foedus* only as one possible treaty type that could yield *amicitia (et societas)*.¹⁷ While the scholarly controversy continues to this day, the scope for dispute has thus been narrowed down without Zollschan taking notice of it. One may of course remain hesitant to accept Zack's latest view that also a lasting and mutually binding *amicitia et societas* could be formed by a *senatus consultum* without oath or sacrifice. But if so, then at least an explicit argument should have been made against it.¹⁸

¹⁶ Zack 2001, esp. 167–242. For the previous denial of the existence of a mere 'Freundschaftsvertrag', see, e.g., Heuß 1933, 16ff., followed by Dahlheim 1968, 136; Gauger 1977, 261–263 with note 208. Cf. Coşkun 2008b, 22 on the discussion.

¹⁷ Zack 2015a and 2015b, with summary in 2015b, 115–124, esp. 115–116: 'Im sechsten Teil der „Forschungen“ wurde die Semantik der Wörter *pactio*, *sponsio*, *foedus*, *societas*, *amicitia* und *amicitia et societas* im Kontext des intergesellschaftlichen Verkehrs Roms untersucht. Die Absicht war es, die Wörter *amicitia*, *societas* und den Ausdruck *amicitia et societas* in Hinsicht auf die ihrem Gebrauch zugrunde liegenden rechtlichen Sachverhalte zu konturieren: Der Begriff *amicitia* und die Wortverbindung *amicitia et societas* waren demnach – wie auch die Wörter *pactio*, *sponsio* und *foedus* – die Benennungen für eine vom Senat und/oder vom Magistrat, auf Anfrage entweder einer Einzelperson oder eines fremden Gemeinwesens, förmlich herbeigeführte und vertragliche Verbindung mit Rom. Der Gegenstand des Vertrages war, soweit wir es bisher erschließen konnten, die individuelle oder kollektive Gewährung eines Personenstandes in der römischen Rechtsordnung, womit von Seiten Roms zugleich für die so ausgestatteten Einzelpersonen und Personengruppen die Rechtssicherheit im wechselseitigen Verkehr garantiert wurde. Im Fall der *amicitia et societas* wurde im Unterschied zur „bloßen“ *amicitia* der beschriebene Vertragsgegenstand durch die prinzipielle politische Bereitschaft der Vertragspartner zu gegenseitiger militärischer Hilfeleistung erweitert, und dies ohne dass der Abschluss eines *foedus* mit der Vereinbarung der *amicitia et societas* notwendigerweise einhergehen musste. Begegnet in der Quellendokumentation der Begriff *societas* allein stehend, dann ist dies der verkürzte Ausdruck für das zugrunde liegende Verhältnis der *amicitia et societas*' (emphasis by Zack). Later on (p. 118), he specifies the 'Feldherren-foedus' and the 'Konsensualvertrag' as alternative types, mentions the possibility of the *sponsio* (p. 120, according to Mommsen) before even including *senatus consulta*, besides *plebiscita* and *leges* (pp. 121–161), concluding (p. 122): 'Der Unterschied zwischen *foedera* und anderen Arten der Regulierung des Verhältnisses fremder Gemeinwesen zu Rom (*senatus consulta*, *plebiscita* und *leges*) war also nicht rechtlicher Art, sondern zeremonieller Natur!'

¹⁸ Zack 2015b, 121–123, 130–149. While he insists, on the one hand, on the distinction between *amicitia* (alone) and (*amicitia et*) *societas*, the bulk of evidence he adduces to support the Senate's authority does effectively only show the former and not the latter, at least as far as *societas* is understood as a lasting relation and not only effective military aid that might be revoked any time. Further problematic is Zack's interpretation of Suet. *Vesp.* 8.5: *Deformis urbs veteribus incendiis ac ruinis erat; vacuas areas occupare et aedificare, si possessores cessarent, cuicumque permisit. Ipse restitutionem Capitolii adgressus, rudibus purgandis manus primus admovit ac suo collo quaedam extulit; aerearumque tabularum tria milia, quae simul conflagraverant, restituenda suscepit undique investigatis exemplaribus: instrumentum imperii pulcherrimum ac vetustissimum, quo continebantur paene ab exordio urbis senatus consulta, plebiscita de societate et foedere ac privilegio cuicumque concessis*. To me, it is not entirely clear if the *senatus consulta* mentioned here were in fact only *de societate et foedere ac privilegio cuicumque concessis*. If they were, does *cuicumque* only relate to non-citizens, so that we could be sure that those inscriptions were exclusively related to foreign relations? Perhaps more importantly, we need to acknowledge that *societate et foedere* can barely be seen as clear distinction between two types of diplomatic relations; given that the traditional

Most relevant for Zollschan's argument on the nature of the Judaeans-Roman relations would have been to acknowledge that Roman *amicitia* could indeed be part of a *foedus*. This is attested clearly in the treaty between the Romans and the Lycians as negotiated by Julius Caesar. Besides all the relevant works of Zack, Zollschan even includes the *editio princeps* of the Lycian treaty (Mitchell 2005) into her bibliography – but it escapes her that this piece of evidence undermines her principal argument. She should have been cautious not to deny even the *possibility* that the agreement the Judaeans ambassadors reached with the Senate might have resulted in a *foedus*.¹⁹

Zollschan's book thus falls short of its inaugural promise to advance our understanding of Judaeans-Roman relations based on recent scholarship in the field of Roman Diplomacy. But it likewise falls short of providing an argument consistent with more dated standards. Zollschan is of course right to point out the inconsistent usage of *amicitia* and *societas* in our ancient sources, as has been emphasized previously by Werner Dahlheim (1968), Zack and others.²⁰ But Heuß, Badian, Dahlheim and Zack would have been quite surprised about some further details of Zollschan's definition of Roman *amicitia*. E.g., she repeatedly claims that it came with a guarantee of territorial integrity,²¹ a postulate as disconnected from the ancient sources as from modern scholarship (it rather reflects imperial practices of the USA). I at least do not know an ancient alliance sworn by oath, let alone an informal agreement, that included such an assurance. But even if Zollschan were right, the problem would even be worse: the claim of a territorial guarantee would hamper her main argument that *amicitia* allowed the Romans to avoid firm obligations, a condition on which her entire thesis ultimately seems to be depending.²²

Next, the idea that *amicitia* implied voluntary subjection to the Romans seems to result from a conflation of *amicitia* with *clientela*, the latter of which was based on *deditio in fidem*, the same ritual that was used for the unconditional surrender of enemies and

type of *societas* was the *foedus*, we should rather take the expression as a hendiadys, thus relating to sworn treaties, at least for the most part. Accordingly, Suetonius does not attest that the *senatus consulta* formed a sufficient legal basis for the formation of a lasting *societas* in the Republic. The Senate may simply have stipulated the conditions for a treaty which the *populus* or *plebs* yet had to ratify. Suetonius' wording may further have been affected by the changed constitutional role of the Senate, whose vote began to replace that of the popular assemblies early in the principate. The view that the Senate could conclude treaties of alliance without a vote of the people or an oath has also been expressed previously; see, e.g., Goldstein 1976/79, 360 with further references.

¹⁹ Mitchell 2005, esp. 167 (treaty text, ll. 1, 6–7 etc.), 187 (more examples of treaties of *philia kai symmachia*). Cf. Zack 2015b, 119 with note 13 (incl. further examples). The importance of Roman *foedera* also with Greek cities or kingdoms is emphasized by Gladhill 2016, esp. 48–49 due to the concentration of according inscriptions on the Capitoline Hill.

²⁰ Zollschan 2017, esp. 69–75. Compare Dahlheim 1968; Zack 2013, 80–81; and now most importantly Zack 2015a, 36–78 (summary 75–77, graphic illustration 78).

²¹ Zollschan 2017, 174: 'One of the chief benefits to having *amicitia* with Rome, was that it obliged the Romans to guarantee the territorial integrity of her ally.' Also see p. 206: 'Being a friend of the Roman people brought with it the greatest benefit: that the Romans would guarantee one's territorial integrity.' And p. 232: 'The Romans, by granting diplomatic relations, guaranteed those borders. That is what was meant by friends of the Romans having a guarantee of their territorial integrity at the time they entered into the friendship of the Romans.' For a similarly dubious definition of *libertas* declared by Rome (p. 11), see below, IV. 1) a).

²² See, e.g., Zollschan 2017, 204: 'After Apamea, the undisputed position of Rome in the eastern Mediterranean turned *societas* into a one-sided agreement to supply military aid.'

the establishment of inner-Roman patronage.²³ To claim that the ambassadors of Judas ever debased themselves in such a way and accepted one-sided obligations to Rome appears to be contradicted by the accounts of *IMacc* and Josephus, in which terminology of friendship and alliance abounds. The Romans are even praised for their loyalty (*IMacc* 8: 1–16). Admitting this, Zollschan moves on to explain that the ambassadors did not realize what was happening to them:

It would be fair to say that the Jews thought that they were entering into diplomatic relations not as subjects of Rome, but as equal partners. [...] The wording in *IMacc* 8.20 shows that the Jews misunderstood the meaning of their inclusion on this list. They took their inclusion on the list as the formative act that made them allies of the Romans.²⁴

Yet, in a later variation of her argument, Zollschan ‘recycles’ a view that had previously been discussed by various German scholars, without much success.²⁵ She surmises that not the grant of *amicitia*, but the declaration of *libertas* had been the central outcome of the embassy of Eupolemus and John, but ‘in reality, a grant of *libertas* from the Roman senate meant the loss of autonomy’. If we wanted to follow either line of her argument, we would have to add, however, that the ambassadors of Jonathan, Simon and John Hyrcanus I did not notice either that they had been fooled; the same would be the case for the author (or rather continuator) of *IMacc*, who also failed to realize what ‘really’ had happened. And much further down the road, not even Josephus, who knew the mechanisms and results of Roman imperialism better than most other Jews, understood that the freedom of Judaea had been forfeited through Judas’ request of Roman *amicitia* (or *libertas*).²⁶

²³ Zollschan 2017, 74, 82 etc. Foundational for *deditio* is Nörr 1991. Recently, Burton 2011, 114–158 has proposed an understanding of *deditio* which somewhat dedramatizes its political implication, see Coşkun 2017, 914–915. Also see Zack 2016, who challenges the traditional view of the legal annihilation of a community through *deditio*. Zollschan does not show familiarity with this debate, although she lists Burton and Zack in her bibliography. At any rate, Zollschan 2017, 172 confuses political power and legal entitlement: ‘the *amicitia* between Rome and Antiochus and Rome and Egypt legally entitled Rome to order a halt to hostilities as part of the terms of the diplomatic relations that she held with both parties in the Fifth Syrian War. This was quite different from mediation.’ Also cf. p. 186.

²⁴ Zollschan 2017, 214; however, she contradicts herself on the same page: ‘Judas Maccabaeus and his advisors could gamble on the likelihood that Roman forces would not be waging a war in their vicinity in the near future.’ Also see the tortuous discussion of potential misunderstandings or incompatible expectations, repeated throughout the book, condensed on pp. 209–215, and summarized on p. 215: ‘The Jews had only a partial understanding of the process and the consequences of their first formal diplomatic relations with Rome. The Jews thought that they would receive a promise of military aid from the Romans ... The mutuality of their obligation to Rome – that is, the sending of military aid to the Romans – they probably preferred to defer to some distant and, at this stage, improbable future. [...] They did not realise that the senate’s decisions bound them to obey the *auctoritas* of the senate in the future. The Jews did not perceive that the Romans could use *libertas* as the first stage leading eventually to annexation of their territory.’ Also cf. pp. 217 and 218.

²⁵ Graetz 1906, 659–660; Willrich 1924, 48–49; Gauger 1977, 263–269, 337; Fischer 1980, 114–116; cf. Zack 2018, 1042–1046. Also see below, note 65.

²⁶ Zollschan 2017, 211, also: ‘*Libertas* would not have given the Jews the right to conduct their own foreign relations. Rome’s enemies and friends would henceforth be Judaea’s enemies and friends. In practice, Roman *libertas* did not provide freedom from Roman interference; rather, it constituted the preliminary stage to annexation.’ Cf. pp. 209–212 on the ‘intangible obligations’ of those freed by Rome. More on the misconstrued assumption that the Judaeans were freed by the Romans below in section IV. 1) a). Critical of an earlier draft of Zollschan’s theory of Judaeans *libertas* is Shatzman 2012, 68–69, note 149. Differently, however,

In short, Zollschan's initial claim is based on a heap of misunderstandings and cannot stand. Eupolemus and Jason neither subjected the Judaeans to Rome nor did they set in motion a chain of events that led to Roman domination over Judaea generations later. Such a view runs entirely counter to the evidence of *IMacc* and all else we know of 2nd-century history of Judaea.²⁷

A final test can be added: what role did the Roman treaty of Judas (or Jonathan or Simon or John Hyrcanus I) play when Pompey decided to wage war on Aristobulus II in 63 BCE? In his account of that year, Josephus does not even mention any previous interactions between Rome and Judaea.²⁸ Only Diodorus vaguely (and somewhat misleadingly) refers to an earlier diplomatic contact: one of three Judaeans embassies present in Damascus mentioned that the Senate had previously granted freedom to the Judaeans, hoping to win Pompey for their cause this way, but the proconsul remained quite unimpressed.²⁹ Effectively, the course of action that followed upon these negotiations has to be explained entirely on the basis of interests as they were perceived in 63 BCE. The first Roman military intervention in Judaea occurred in the same year, and resulted in its first subjection under Rome. But not even this should be seen as the root of resentments that led to the revolt in 66 CE. Judaeans-Roman relations were yet to be redefined dramatically in 57, 47, 40 and 37 BCE, before undergoing further changes under the first governors established by Augustus and the Julio-Claudian emperors.

III. *Foedus* versus *Amicitia*

A cornerstone of Zollschan's argument is to insist that the relations Judas established with Rome were 'informal'. Throughout her book, she deploys a variety of reasons resulting in the conclusion that the Judaeans-Roman agreement must *a priori* not have been a *foedus*. On this basis, it appears justified to her to reject as not authentic whatever

Goldstein 1976/79, 364–365 blames Josephus for failing to understand that the Judaeans were not capable of making a 'standard treaty' with Rome.

²⁷ Cf. the much more nuanced assessment of Baltrusch 2002, 153–157, who nevertheless traces back the roots of the later Judaeans-Roman conflicts to ultimately incompatible political concepts, supposedly visible as early as 139 BCE. More cautious is Shatzman 2012, 70: 'However, the Hasmonaean appeals and the senate's decrees made an impact: the close relationship of Judaea with Rome was publicized in the Hellenistic world during the period in question and the consciousness that the Jewish people and its rulers were *sub imperio nostro* will have taken roots at Rome.' More convincingly, Mason 2016, 200 refutes the wide-spread idea that the Judaeans could not but be intolerant of Roman rule. The start of the *Bellum Judaicum* 'had little to do with long-term antagonism [...] Judaea's real, and finally existential threats, were local'. Also cf. Dąbrowa forthcoming. Note that Zollschan 2017 once admits the same (without realizing her inconsistency) on p. 217: 'The Jewish envoys came to Rome voluntarily and they were not *dediticii*; they did not surrender to Rome.'

²⁸ Josephus, *AJ* 14.41–46; *BJ* 1.131–133.

²⁹ Thus Diod. 40.2 (= 40.4, ed. Goukowsky 2014/17), which is traditionally understood to reference the treaty of 161 BCE (also Zollschan 2017, 197; cf. pp. 175, 189, 213), whereas I argue elsewhere (Coşkun, in prep.) that the context requires the identification with an embassy of 128 BCE; also see below, section IV. 1) a). Note that Eckhardt 2010 rejects the third embassy of 63 BCE as invention. Also cf. Dąbrowa forthcoming, on Pompey's motivations.

makes *IMacc* 8: 23–30 look like the copy of a formal treaty, or at least as a part thereof.³⁰ As we shall see, however, her explanations do not stand up to scrutiny.

1) The Readiness of the Romans to Offer a *Foedus*

Zollschan claims that the Romans avoided the obligations of a full-scale military alliance after the Peace of Apamea (188 BCE).³¹ Her rigorous insistence on this paradigm is, however, contradicted by the several well-known examples of treaties that were sworn by the Romans throughout the 2nd and 1st centuries BCE. Most relevant due to its proximity to the Judaeans embassy is the treaty with Rhodes from 164 BCE.³² It is true though that the Romans were more hesitant to commit themselves fully outside of Italy in this period. This hesitation notwithstanding, they were still assessing every specific case for its advantages and disadvantages. To deny even the possibility of a Roman *foedus* in the 160s BCE is a counterfactual *petitio principii*.

2) The ‘Escape Clause’, Intentions and Expectations

Zollschan rightly cautions us not to accept that the so-called ‘escape clause’ allowed the Romans to back off from an alliance whenever they wanted without committing perjury.³³ Clauses that render the duty of military assistance conditional (‘as the situation will permit them’) are known from various Hellenistic or Roman treaties, and the agreement preserved in *IMacc* attests such even twice.³⁴ The now-widespread idea that this clause allowed them to fence off the request for aid whenever it felt inconvenient is indeed problematic. In the particular case of *IMacc* 8: 25, such an interpretation would be even more surprising, since the commitment was pledged to be ‘wholehearted’ (καρδίᾳ πλήρει).³⁵

This is, however, not to deny that *kairos* clauses, as I would call them, did offer some flexibility. At any rate, *foedera* do not normally specify the exact procedure and the expected time line according to which military support would be solicited and delivered. One may assume that the duty to help became incumbent only a reasonable time after an official request had reached the Senate or a Roman magistrate. It deserves to be pointed out that neither *IMacc* nor Josephus anywhere reports that either the Judaeans or the

³⁰ Zollschan 2017, 6, 10, 69–86, 216, 217.

³¹ Zollschan 2017, 159, 204. However, on p. 217, she seems to be admitting one exception: ‘The Jewish envoys came to Rome voluntarily and they were not *dediticii*; they did not surrender to Rome. A treaty was unlikely in these circumstances.’ This is yet another misunderstanding, since *deditio* excluded a treaty, unless it was undone by the grant of freedom. Also see above, n. 23 on *deditio*.

³² Polyb. 30.31; cf. Gruen 1984, 39–42. For other treaties, see Gruen 1984, 731–744; Zack 2015a, esp. 53, note 58.

³³ Zollschan 2017, 155–156 and 203, pointing out that this clause only allowed for a reasonable time to organize military assistance. Differently, e.g., Gruen 1984, 42: ‘That document ... has even induced some to brand it as fictitious. The surprise, however, depends on an erroneous assumption: that the treaty’s terms were to be taken seriously or interpreted literally. They were not.’ Also p. 44: ‘The customary loophole also reappears: implementation of the terms will take effect only if circumstances permit.’ Cf. Gauger 1977, 208–210: *kairos* clause implies support ‘nach Möglichkeit’; Baltrusch 2002, 95: ‘Einschränkungsklausel’; 153: ‘Denn mehr als diplomatische Beziehungen waren die Verträge und ihre Erneuerungen nicht.’

³⁴ *IMacc* 8: 25: ὡς ἂν ὁ καιρὸς ὑπογραφῇ αὐτοῖς; cf. 8.27.

³⁵ See Gauger 1977, 210–211 and Tilly 2015, 187 for a potential Hebrew or biblical background to this expression, but also Goldstein 1976/79, 367–368 for a Greek diplomatic tradition. Zollschan 2017, 146 suggests Aramaic influence.

Romans ever requested military aid from each other in the second century.³⁶ I disagree with Zollschan when she takes this circumstance as proving the absence of a *foedus*, understanding that the Judaeans did not ask for help because they did not expect it to be granted.³⁷ This reasoning fails to take into account that *amici*, too, could request and receive military support,³⁸ and while the dispatch of an army may have been only an occasional result, the Romans would regularly take diplomatic action to protect the interests of their friends or allies.

3) Potential Effects of Diplomatic Relations with Rome

A different matter is whether Roman diplomacy was effective or not. Scholarship is quite divided on this, especially for the post-Pydna era. But exceptional trespasses such as Rome's dubious role in the Galatian-Attalid conflict of 167 BCE³⁹ reflect the crisis of her friendship with Pergamum, rather than an understanding that the Romans did not feel bound by moral obligations towards their friends. At all events, we have to acknowledge that the most positive testimony for Roman loyalty from all antiquity is to be found in the very chapter of *IMacc* 8: the prelude to the Judaeans embassy is usually known as the *laus Romanorum* (8: 1–16).⁴⁰ The same book – or, more specifically, its extended Greek version – proudly presents ample documentation for the support that the Judaeans under Maccabaeans leadership had received from Rome in the form of letters addressing, if not threatening, kings and cities.⁴¹ We might even go further and ask ourselves if military

³⁶ Cf. Coşkun forthcoming b.

³⁷ Zollschan 2017, 155–156 and 203. She here forgets that Roman intervention via the letter to Demetrius (*IMacc* 8: 31–32) was real, even though too late to save Judas.

³⁸ Occasionally, Zollschan 2017 does admit this, too, e.g., p. 174: 'Should there occur any military reverses in the future, Judas' *amicitia* with Rome permitted him to appeal to Rome to intervene with the Seleucids. His death prevented the implementation and activation of his *amicitia* with Rome.' Also see p. 217: 'The Jews may have thought that a letter to Demetrius from the senate would have the same effect. *Amicitia* may have been seen by the Jews as quite an effective weapon against the Seleucids.' See the next section for further discussion.

³⁹ See Coşkun, *APR* s.v. Solovetios on the treacherous mission of Crassus.

⁴⁰ Cf. Baltrusch 2002, 152 on how the Judaeans perceived the Romans: 'Die Stadt am Tiber schien direkte Herrschaft nicht ausüben zu wollen, hatte keine monarchische Ordnung, proklamierte in der ersten Hälfte des 2. Jahrhunderts v. Chr. allerorten Autonomie, schien sich auch als „ehrlicher Makler“ zu präsentieren und führte überhaupt nur Krieg gegen die „Großen“, wenn die „Kleinen“ riefen. ... Rom war im eigenen Herrschaftsinteresse sehr an Gemeinsamkeiten interessiert, beteiligte seine Verbündeten an den eigenen Erfolgen, um sich ihrer Loyalität zu versichern.' This is followed by Ehling 2008, 134–135, who further underlines that Rome was forbidding the Seleucid king to take action against secessionists in his own kingdom. Also see Borchardt 2014, 97–99 (cf. Martola 1984, 161), who discusses the inefficiency of the treaty mainly from a strictly narrative perspective, but adds (p. 99): 'the Romans not following through on their threat to Demetrius may be seen as normal Roman diplomacy by modern historians'; cf. Gelb 2010, 166. Borchardt fails to consider the *laus Romanorum*. He neither takes the letter into account, but focusses his argument on the negative outcome, which he equates with Roman unwillingness to get involved. For more on the *laus Romanorum*, see below, with note 71.

⁴¹ Cf. Dancy 1959, 129: 'More probably he was shrewd enough to expect nothing more than he got, namely a letter from Rome to Antioch; but that might well have been sufficient to stay the hand of a weaker king than Demetrius.' Goldstein 1976/79, 368–369 explains the failure of Roman diplomacy with the lateness of the Judaeans ambassadors' return. See Coşkun, in prep. for further detail, and above, with note 39 for Zollschan's view. Differently, Ehling 2008, 143–144 understands that Demetrius simply refused to pay

support was really intended, given its potentially perilous side-effects,⁴² when timely and skillful diplomacy might achieve more, and this at lower costs for both allied parties. Add to this the potential political value that such letters might have had to enhance the prestige of Judas or his kin in the face of domestic critics.⁴³

This is what Zollschan occasionally seems to be conceding herself.⁴⁴ But, for the most part, she drops this line of argument, favouring the view that Judas wanted a *foedus* in order to be allowed military assistance, which, however, he failed to achieve. She further specifies that Judas was routed at Elaza in 161 BCE, because he was not an ally of the Romans (with a *foedus*); otherwise the Romans would have prevented his defeat.⁴⁵ But the plot of *IMacc* and Josephus is a rather different one: Judas requested ‘friendship and alliance’, achieved it in the form of a treaty following a positive decree of the Senate, and received, as a first service of the Romans to their new friends and allies, letters in their favour. With this letter, they were trying to exert political pressure on the Seleucids, demanding to respect the Judeans’ autonomy. The same pattern would later reoccur under Simon and John Hyrcanus I. Admittedly, many uncertainties relate to those communications, and tradition may have got some details wrong. None of this, however, alters the overall picture that the narrator of the Hebrew account of *IMacc* (or rather its continuator and Greek translator), besides Josephus, were convinced that the treaty had been effective and the letters were its tangible results.⁴⁶

Last but not least, the clear-cut chronology that is underlying the narrative of *IMacc* seems to imply that Judas’ ambassadors simply returned too late to Judaea to make an attempt at testing the Roman letter’s weight. To conclude on the purpose of a letter that came late by pointing to the effect it did not have due to its lateness is an inadmissible circularity. To be fair to Zollschan, however, she suggests a new time line, to which we are turning now.

4) The Chronology of the Judean Embassy Reconsidered

Next to be considered is Zollschan’s suggestion of a new chronology: according to her, the embassy left Judaea in September and returned in November 162 BCE. To support such an early departure, she first casts away the consistent evidence that would seem to compel us to date the departure of Eupolemus and Jason after the Battle of Adasa, thus to spring or summer 161 BCE. Instead, she draws on a misunderstanding in *IMacc* regarding a detail of the Roman constitution: she hence spins a theory of the dominant role

attention to the Roman threat. Surprisingly, Grainger 2012, 48 denies ‘even any diplomatic assistance. Rome was not about to become involved in a war in the eastern end of the Mediterranean on behalf of rebels.’

⁴² The risk of losing independence to an ‘allied’ army is best exemplified with the involvement of Pompey in 63 BCE. But the presence of even allied military forces could lead to serious repercussions, as is drastically illustrated in Cicero’s *Maniliana* (e.g. 37–38 and 64–65).

⁴³ See, e.g., Gruen 1984, 45: ‘some international recognition might be a valuable element in their struggle’; Seeman 2013, 125–126, 130, 133, who argues that the embassy did not seek to change the status of Judaea effectively, but rather to gain a political edge over those Judeans favouring the High Priest Alcimus and those willing to collaborate with the Seleucids.

⁴⁴ Zollschan 2017, e.g., 217.

⁴⁵ Zollschan 2017, 3, 10, 155–156, 215. Also see below, section 4) on Zollschan’s chronology. On the year of the Battle of Elaza, see Coşkun, in prep.

⁴⁶ Cf. Coşkun forthcoming b; also see Baltrusch 2002, 96.

of the Roman *princeps senatus*, who allegedly held quasi-monarchical prominence during the *interregnum* of 162 BCE. Even if all of those wild speculations were granted, the assumed time frame for the travel through the Mediterranean and for preparing a hearing in the Roman Senate would still remain highly unrealistic.⁴⁷ The obvious reason for such an implausible reconstruction is the desire to present additional 'proof' against the '*foedus* hypothesis': the new chronology would seem to give Judas enough time to call on Roman support prior to the first military confrontation with Demetrius I's general Nicanor at Adasa in March 161 BCE; that Judas did not ask for Roman help is then meant to 'prove' that he did not have a *foedus*.⁴⁸

5) Loyalty among Friends

Zollschan hopes to gain yet another argument from her high chronology: if the embassy had been sent before Judas revolted against Demetrius, Judaea would still have formed part of the Seleucid Kingdom, to which the Romans were bound as friends and allies.⁴⁹ Zollschan thinks that the Romans shunned the outright betrayal of Demetrius and therefore preferred to offer the Judaeans informal *amicitia* rather than a *foedus*; the situation might have been evaluated differently after the Judean victory of March 161, which gained them effective freedom, if only for a short time. This explanation does not hold ground either, since concluding *amicitia* and *societas* in itself implies the recognition of independence, as Zollschan herself at times acknowledges.⁵⁰ Where she does so, she tries to escape the problem by conceding that the Romans did not even grant *amicitia*, but only declared *libertas*. But even if we should concede this (although it runs against the evidence), her purpose would not be served either: for such reasoning would still not suffice to deflect the accusation of betrayal.

Be this as it may, the more obvious question to ask is whether the Romans felt bound to King Demetrius by the same *amicitia* relation that they had entertained with his predecessors. Zollschan makes great efforts to affirm precisely this. She therefore rejects the

⁴⁷ Zollschan 2017, 28–39; cf. Zollschan 2007, with *IMacc* 8: 16, for the misinformed claim that the Senate was under the rule of one man. The argument based on the *interrex* in particular, but also the attempt at dating the embassy to 162 BC is also rejected by Ameling 2018. I shall resume the chronological discussion elsewhere (Coşkun, in prep.). Also see below, section 5.

⁴⁸ For the argument, also see Zollschan 2017, 35, 155, 160.

⁴⁹ Zollschan 2017, 28–39. But she admits uncertainty on p. 202: 'This threat falls in the period of the cooling of *amicitia* relations with Rome, when Demetrius, like Rhodes in 167–164 BCE, found himself in limbo: he was neither a friend nor an enemy of Rome. It is not clear whether Demetrius had his friendship with Rome restored in 160/59 BCE.' Zollschan 2017, 202 voices yet another speculation, namely that the Romans made an adjustment to the treaty of Apamea in response to the request from Judaea. But that treaty had defined the conditions of friendship with Antiochus III (Polyb. 21.42.1, quoted below, note 134), it was legally and politically irrelevant under Demetrius I. Cf. the most recent discussion by Elvidge 2017, 27–42.

⁵⁰ Zollschan 2017, 179: 'Consequently, for relations of *amicitia* or for a state of treaty relations to exist with Rome, a state, people, city or community needed to be independent, whether *de facto* or after Rome had taken steps to ensure that state of independence by means that satisfied her criteria.' And p. 180: 'In the case of a state that was not independent, neither *amicitia* nor a *foedus* could be entered into. In these circumstances, the declaration of *libertas* came into play, as will be seen later.' Also cf. how Nodet 2005, 164 tries to avoid the problem: 'Il ne s'agit pas de défendre la Judée, qui n'est qu'une partie d'une satrapie séleucide, mais bien tout un ethnos qui vu de Rome doit être une entité notable.' This does neither explain our sources nor the historical situation.

traditional view that treaties or informal friendship relations ended with the death of the partner; she even goes as far as to re-interpret the frequently attested notion of *amicitiam renovare* as a mere expression of loyalty of a successor ‘to an already-existing and continuing relationship.’⁵¹ Inevitably, Zollschan gets entangled in circular claims and outright contradictions.⁵² We should certainly admit that, in a case of regular succession, the death of the monarch did not result in a complete breakdown of relations; the expectation would rather be that friendship be continued, and, for this purpose, also formally renewed. Be it conceded that the lack of doing so would of course not result in a state of hostility, even though some uncertainty can be expected to have come with an undefined status.⁵³

In our particular case, the evidence is, however, pretty clear: Demetrius had fled from Rome against the explicit will of the Senate, and caused the death of the king recognized by Rome. This did everything but make him a legitimate successor in the eyes of the Senators, the majority of whom held a grudge against him. It required the embassy of T. Sempronius Gracchus, who was favourably disposed towards him, and the subsequent mission from the Antiochene court to Rome until he was finally recognized as king in 159 BCE. But not even then, as it seems, was he granted an uncontested kind of ‘friendship.’ In fact, the limbo continued.⁵⁴ At any rate, before 159 BCE, he got very close to being declared

⁵¹ Zollschan 2017, 187–189, contradicting, e.g., Täubler 1913/64, 249–250. Also see Zollschan 2017, 229: ‘Diplomatic relations had to be established afresh, revived and re-constituted, not renewed.’ In contrast, Zollschan 2017, 91–92 accepts several cases in which friendship with Rome was renewed. On the renewal of friendship relations, also see Burton 2011, 92, 95, 169, 220, note 99, 280, 336–337.

⁵² E.g., Zollschan 2017, 177: ‘Demetrius had escaped, leaving Rome furtively without senatorial approval, and was in Antioch by the time the envoys arrived in Rome. Antiochus V and his guardian Lysias were dead on the orders of Demetrius, who had no diplomatic connections with Rome. Within this hiatus, until Demetrius declared himself king, the senate could act and declare the Jews autonomous and not subject to the Seleucids.’ And p. 188: ‘By his secret escape from Rome, Demetrius had overruled the senate’s decisions that he remain a hostage. Under these circumstances, there could be no *amicitia* between Demetrius and Rome.’ Versus p. 187: ‘The latter were friends and allies of Rome and both they and their territory stood in a firm treaty relationship with the Republic. ... Despite all the ruthlessness in politics, the Romans held themselves exactly to the decorum and forms of international law. Moreover, Roman recognition of the Judaeans rebels as allies of the Romans would have been close to a declaration of war by Rome on Demetrius.’ And p. 189: ‘The senate may not have welcomed the news that Demetrius had proclaimed himself king, but neither did it launch a war against him, showing that it was not yet prepared to go back on its friendship and alliance with the Seleucids, a bond that remained unbroken. ... Therefore, from the Roman point of view, the Republic still had formal diplomatic relations with Syria, which any treaty with the Jews would have called into question.’ And for yet other contradictions, see p. 203: ‘The senate used the same procedure of a declaration of *amicitia* (sc. with the Judaeans under Judas – A.C.) to make a declaration of friendship with Simon.’ And p. 207: ‘Treaties were permanent and not renewed, unless perhaps they needed to be modified. Friendship, however, could be renewed.’ And p. 230: ‘Friendship was intended to be permanent.’

⁵³ The case is in fact more complex. I do not share the assumption that the Seleucid Kingdom was a state, but we should rather regard it as a very heterogenous agglomeration of power relations, a condition which contributed to its vulnerability, as has recently been shown by Wenghofer forthcoming. As a result, a formalized friendship could only exist with a king who was recognized. Moreover, we should not take for granted either that the *amicitia* relation with the Romans had been smoothly passed on from Antiochus IV to his son Antiochus V. The harshness of the embassy of Octavius, who burnt the Seleucid fleet and hamstrung his elephants, cautions against such a view. See Polyb. 31.2.6–11, with Scolnic forthcoming.

⁵⁴ Polyb. 32.2f. Burton 2011, 220–221 remains undecided as to Demetrius’ status, but puts some weight on Polybius’ rendering of the encounter between T. Sempronius Gracchus, who was ‘very well disposed’ to the king (Polyb. 31.33.4) after Demetrius had promised ‘to do everything for the Romans’ (Polyb. 31.33.3).

a *hostis*, something that his *amici* in the Senate could just prevent. Not only the friendly reception of the Judaeans attests to Demetrius' undefined diplomatic status, but also the recognition of Timarchus as King of Media in winter 162/1 BCE⁵⁵ does not leave the least doubt that the Senate did not treat Demetrius as a friend in 162 or 161 BCE. A claim to the contrary is both counterintuitive and counterfactual.

6) The Ritual of Swearing

Yet another argument that Zollschan adduces against accepting a sworn treaty is that Jews could not participate in the required swearing ritual because this involved the sacrifice of a pig.⁵⁶ This inconvenient detail notwithstanding, it is worthwhile noting that neither the author or translator of *IMacc* nor Josephus seem to be concerned about religious obstacles when they attest treaties for Judas, Jonathan, Simon, Hyrcanus I and Hyrcanus II. Zollschan is unaware of the latter's case and rejects all the evidence for the 2nd century BCE.⁵⁷ But one should not underestimate the ancients' flexibility when it came to adapting rituals to any given need: nothing prevented a Roman consul from swearing according to Roman rites and a representative of the Judaeans according to Jewish religious traditions. The Romans might appear formalistic from a modern perspective, but the ancients would have known them for their pragmatism.⁵⁸

To me, however, this reflects more Polybius' and the Scipios' positive attitude to Demetrius, whereas the lack of positive evidence for official friendship and the indifferent or negative treatment remain striking. The crisis of the Roman-Seleucid relation was only overcome when the Senate accepted the precious gift delivered by the ambassador Menochares (cf. Seeman 2013, 130); but they refused to accept (and punish) Leptines, the murderer of Cn. Octavius. According to Polybius (32.2–3, esp. 3.12), they intended to leave the grievance open and keep a means to act against Demetrius, when they wished. Also cf. Seeman 2013, 128–130, who wonders if Octavius had at all acted at the behest of the Senate, or if the Senate was at all pursuing any consistent policy at the time.

⁵⁵ Thus also pointed out by Dancy 1959, 128: 'Rome's motive in these cases was not ambition but fear, fear of the strong Demetrius I as of his strong uncle Antiochus IV. Foiled in their attempt to keep him from his throne, the Senate had done everything they could by diplomatic means to shorten his occupation of it: negatively by refusing him recognition, positively by encouraging his enemies.' Cf. Goldstein 1976/79, 365; Gruen 1984, 44; see Ehling 2008, 122–130 for details on Timarchus. Similarly, Seeman 2013, 130–132 dates Timarchus' defeat to early 161. Differently, Zollschan 2017, 34: 'If these calculations are indeed correct, Timarchus was inspired by the example of Judas'; cf. pp. 217 and 279. Add to this that later in 153 BCE, the Senate even gave some endorsement to Alexander Balas, see Polyb. 33.18; Ehling 2008, 147–148.

⁵⁶ Zollschan 2017, 107–110, 155; cf. Liv. 1.24. Contrast this with Zollschan 2017, 154: 'The Romans permitted their treaty partner to use their own priests and their own choice of sacrificial animal, and to swear by their own gods.'

⁵⁷ Zollschan 2017, 229–269. Note that Gauger 1977, 216–217 saw a cautious indication of the oath in the wording of *IMacc* 8: 26: καὶ φυλάττονται τὰ φυλάγματα.

⁵⁸ Cf. Baltrusch 2008, 28: 'So wurde auf römischer Seite darauf verzichtet, die jüdischen Partner bei den Verträgen nach 161 v.Chr. auf die römischen Götter schwören zu lassen – jeder verpflichtete sich vor *seinen* Göttern.' Also Scharff 2016, 264–282, for the conditions of oaths in the ancient Greek world: the selection of sacrificial animals and divinities formed part of flexible negotiations; there was a clear understanding that different traditions might require some accommodation, and there are indications for occasional variations of the oath sworn by each party, even though mostly one formula was designed for both parties. Without addressing the specific case of the Judaeans, Zack 2015b, 130–149 unfolds alternative options to embark on a treaty of friendship and alliance that do not involve the consumption of a pig or swearing to gods. In an email addressed to me on 29 Aug. 2017, he takes some middle ground between my and Zollschan's explanation: 'Die *amicitia* und die *amicitia et societas*, die, wie die Inschriften zeigen, stets mit konkreten Regulierungen

These, then, are the pillars on which Zollschan buttresses her rejection of even the *possibility* that there might have been a sworn treaty of friendship and alliance between Judas and the Romans. While I would insist that her arguments need to be firmly rejected, I concede that this in itself does not yet prove the reliability of the tradition attesting to a *foedus* relation in general or its stipulations in particular. More thus remains to be discussed.

IV. The ‘Formalities’ of Establishing ‘Informal’ *Amicitia* (According to Zollschan)

One of Zollschan’s most original – though no less problematic – contributions is to explain in much detail how ‘informal’ *amicitia* was made with the Romans. Repeatedly, she defines a sequence of four official stages:⁵⁹ 1) friendship had to be requested from the Senate; 2) friendship had to be declared, normally by the Senate; 3) the new friend had to be enrolled into the *formula amicorum et sociorum*; 4) the agreement had to be documented on bronze tablets, to be displayed on the outer walls of one of the Capitoline temples. Zollschan does not clarify how other important steps pertain to this four-fold structure, such as the exchange of gifts, whose importance she rightly acknowledges,⁶⁰ or further acts of communication that involved the Senate or the magistrates, which she is also aware of.⁶¹ There is, however, another step that gradually emerges as constitutive in her argument without triggering an adjustment of her four-fold model albeit:⁶² the Senate’s deliberation whether the request of friendship came from a free political entity qualified for diplomatic engagement; if the answer was negative or at least uncertain, the Senate had to decide whether to reject the request or to declare freedom unilaterally. Following Zollschan’s own logic, this should have yielded a distinct stage between the first and the second. We shall address the topic of *libertas* under 1) a) for the sake of convenience.

des Verhältnisses der beteiligten Parteien verbunden waren, konnten für sich einen “Staatsvertrag” oder “Internationalvertrag” ausmachen, und in manchen Fällen konnte zu der anfänglichen *amicitia* oder *amicitia et societas* auch ein *foedus* (mit Schweineopfer) hinzutreten. Das war im Fall der Juden ausgeschlossen, so dass man aus Gründen der Reinheit des religiösen Zeremoniells die Urkundenausfertigung des *foedus* (imperativer Stil) in das SC hineinlegte und so die Notwendigkeit des *foedus* Opfers umging.’

⁵⁹ Zollschan 2017, 76, 204.

⁶⁰ Zollschan 2017, 79–82. Technically, the offer of a gift precedes the request for *amicitia*; the Senate would have a formal deliberation whether or not to accept the gift, and whether or not to give a gift in return. For more detail, see now Zack 2015b, 130–132, 135–143, 146–155, with abundant documentation and the conclusion that the gift exchange played a constitutive role in the making or renewal of friendship. As to Zack’s analysis, however, it is not entirely clear whether the *acceptance* of the gift or its *reciprocation* marked the conclusion of friendship – though one may assume that reciprocation regularly followed on the acceptance, even if this is not always mentioned in our sources. Also see Braund 1984, 27–37; Verboven 2002; Burton 2011, 63–69; Mendels 2013, 94–104. Note that *IMacc* 8 does not refer to gift exchange, in contrast to the narrative on the embassy of Numenius under Simon (*IMacc* 14: 24; 15: 18, 20). The omission of this aspect in the case of Judas may be due to various circumstances: that the insurgents simply lacked the resources for an adequate gift, that the continuator of *IMacc* lacked experience in diplomatic matters, or that his main source was not a complete report on the embassy.

⁶¹ On the latter, see below, chapter V.

⁶² At one point, however, Zollschan 2017, 208 specifies a three-fold order, see below, note 72.

1) Request of Roman *Amicitia*

A study of Burton's book would have discouraged the view that the Romans were always the ones to be approached with a request of *amicitia*, although this did become the common trend in the 2nd century BCE.⁶³

1) a) Declaration of *Libertas*

We know indeed of some isolated cases in which the Roman Senate had to inquire whether a request of friendship (and alliance) came from a free community. But there is no hint that such a clarification was anything usual in Roman diplomatic procedure. Zollschan's discussion of parallels unfortunately lumps together declarations of freedom for defeated enemies, for subjects of defeated enemies, for subjects of friends and for yet unknown people. She even loses sight of the distinction whether a community actually requested *amicitia* or not.⁶⁴ Likewise, her attempts at defining *libertas* are vague and inconsistent.⁶⁵

Be all of this as it may, *IMacc* 7–9 does not support the view that the Romans anyhow questioned the free status of the Judaeans. This is not even contradicted by the fact that Seleucid troops still held the Acra, for even if this should have mattered in theory, the Senators do not seem to have known it.⁶⁶ Zollschan, however, points to various thoughts and expressions in *IMacc* 8 that seem to imply that the Judaeans were yet awaiting their liberation. Admittedly ambiguous is their request 'that Rome might "lift

⁶³ Burton 2011 discusses the cases of Attalus III (84–87), the Camertes (88–90), the Aetolians (90–94), Syphax (94–102), the Achaeans (102–105), Antiochus III (105–107), Ptolemy II (107–108), Massinissa (108–113).

⁶⁴ Zollschan 2017, 180–183, 189–196; e.g., p. 190: '... Then in 218 BCE, Cn. Cornelius Scipio renewed old alliances in Spain and formed new ones – *renovandis societatibus, partim novis instituendis*, as recorded in Livy 21.60.3 – in an area that also included Saguntum' (but Saguntum had ceased to exist in 219 BCE!). Another odd reasoning on p. 194: 'The history of Rome, in having overthrown her own kings, gave credence to her ability to uphold freedom from monarchy.' The question whether a factual statement on the status of a foreign community was meant to have the same effect as a performative imperial command is not addressed by Zollschan.

⁶⁵ Zollschan 2017, 194 (cf. 196): '*Libertas* provided political and religious autonomy and was underwritten by the power of Rome. Roman power after 168 BCE demonstrated that Rome was able to guarantee the *libertas* that the senate granted.' But this is entirely contradicted on p. 209: 'Conversely, for their part, the Romans considered themselves as not bound by it (sc. *libertas* – A.C.). ... *Libertas* did not guarantee Roman military protection. The freed city had to maintain its own territorial integrity.' Some of these thoughts are indebted to Gauger 1977, who argued that the embassy requested *amicitia*, but was granted only *libertas* (pp. 261–273) and that this implied the right to live according to one's *patrioi nomoi* (pp. 271–272). But he emphasized the subjective and non-binding quality of the grant (p. 268): 'dass die Anerkennung der Souveränität eines Staates im völkerrechtlichen Sinne vom *eigenen* politischen Standpunkt abhängt, der von anderen Völkerrechtssubjekten nicht geteilt werden muß'. As a result, he admits that the value was close to meaningless (p. 273): 'Rom reagiert – wie auch in anderen Fällen – zunächst nur mit einer rechtlich nichtssagenden, politisch nicht allzu wirkungsvollen, aber für Rom selbst propagandistisch effektiven Freiheitserklärung auf die Judas-Gesandtschaft.'

⁶⁶ Differently, Zollschan 2017, 189: 'In 162 BCE the Jews could not claim sovereignty over Jerusalem and the Seleucids still had sovereignty over them. A prior condition for formal diplomatic relations was that one be *in sua potestate*, which the Jews were not. Herein lies the reason a treaty was not possible and a declaration of *libertas* was required. An interval of time occurred between *libertas* and a *foedus* at a later stage. In the course of one embassy, only *libertas* or *libertas* with *amicitia* would have been possible in 162 BCE.'

the yoke” of Seleucid slavery’ (*IMacc* 8: 18; cf. 8: 31).⁶⁷ But it is misleading to draw on the stipulation that they had to supply weapons if called upon to help by the Romans (*IMacc* 8: 26) as revealing prior liberation through Rome.⁶⁸ She further overstrains the Roman letter threatening King Demetrius (*IMacc* 8: 31–32) as proof of the declaration of freedom, not without causing much confusion on the nature of this letter.⁶⁹ But the text, as it stands, explicitly and consistently refers to the request and the according grant of ‘(friendship and) alliance.’ In fact, Zollschan even admits that the theme of *libertas* has been downplayed deliberately, lest to diminish the glory of the Maccabees, who were not given freedom as a gift, but conquered it.⁷⁰ This is once more surprising, given the effuse *laus Romanorum* that precedes the narrative of the embassy and also the repeated heralding of diplomatic support from Rome throughout *IMacc*. The Western superpower is rather qualified as a near-soteriological force, a manifestation of the divine will, so to say.⁷¹ But Zollschan is quick to once more change her line of argument, positing a deliberative climactic arrangement of the narrative culminating in the grant of freedom⁷² – which, however, is not expressed in the text.

⁶⁷ Zollschan 2017, 198. This is not to say that the Judeans’ diplomacy, at least as reflected in *IMacc* 8, was free of inconsistencies, as Seeman 2013, 117 and 125 notes. Questionable, however, is his claim (pp. 119, 125) that *IMacc* 8: 31–32 implies the general recognition of Demetrius’ sovereignty over the Judeans.

⁶⁸ Zollschan 2017, 198: ‘In verse 26 there is mention of the Jews’ obligation to supply weapons (ὀπλα) in the event that Rome should call on them for military aid. This mention of the Jews supplying arms in a conflict in the international sphere of action meant that the Romans already had granted to the Jews the *right* to use weapons. Such a right, by its very nature, is a recognition of the independence of the Jews. Therefore we may see verse 26 as an indication that, prior to the declaration of *amicitia*, the Jews had received *libertas*, whose definition in the context of *amicitia et societas* incorporated the right to bear arms.’ Also cf. p. 202. The argument is nonsensical not only because Zollschan elsewhere (pp. 206, 217, see below, note 129) rejects the text as fabrication of the ambassadors, but also because the use of weapons had been effective and efficient for some years.

⁶⁹ Zollschan 2017, 199: ‘However, the principal evidence from the text itself of 1 Macc. 8.20–32 that the Jews received a declaration of *libertas*, remains the last two verses, 31 and 32.’ Also see p. 201: ‘The *inclusio* brackets the text and provides strong grounds for beginning the document of the Roman-Judean agreement in verse 23 and for concluding it at verse 32, at the end of the letter to Demetrius. The document does not end at verse 30. This would appear to make the letter an integral part of the Roman document and not an addendum.’ Cf. p. 217.

⁷⁰ Zollschan 2017, 202–203: ‘Why *libertas* was not explicitly stated in 1 Macc. 8.20–32, is bound up with the aims of the author of 1 Maccabees. ... The author displays a tendency to exaggerate the heroic deeds of the Hasmonaeans. Perhaps to attribute liberation to anyone or any power other than Judas and Simon would run contrary to the editorial stance of the book. The author of 1 Maccabees was not interested in detracting from the achievements of the Hasmonaeans, if the liberation of Jerusalem were attributed solely to a grant of *libertas* from the Roman Senate.’ Similarly, Seeman 2013, 126.

⁷¹ On the representation of Rome, see, e.g., Goldstein 1976/79, 347–349 and also Tilly 2015, 181–186 (despite some distortions which are due to the late date they surmise for the text). Also cf. Seeman 2013, 126–127: praising the Romans meant implicitly praising the Maccabees due to their recognition by Rome.

⁷² Zollschan 2017, 208: ‘The order in which the three arrangements made by the senate are stated in 1 Macc. 8.20–32 merits some discussion. They occur in reverse order. Verse 20 mentions the enrolment in the *formula*, verses 24–28 contain the *amicitia et societas* (that is, *amicitia*) and verses 31–32 the letter indicating *libertas*. The correct order should be *libertas*, *amicitia*, and the enrolment as friend and ally. Why has the order been reversed? ... What we find occupying this last place in chapter 8, is the letter to King Demetrius; its position there indicates that it represents the climax of the diplomatic mission in 162 BCE.’

Even so, Zollschan hampers her own argument by asserting that the Romans only conceded *libertas*, not *amicitia*: this is stunning not so much because it contradicts the narrative and documentary evidence of *IMacc*, but more so because the main goal of her book had so far been to argue that *amicitia* and not a *foedus* was granted by the Romans.⁷³ She even misses the opportunity to balance those two alternatives when she addresses the question how much time had to pass between the declaration of *libertas* and the grant of *amicitia*. Such inconsistencies cannot but leave the reader puzzled.⁷⁴

At any rate, to support her claim that *libertas* was formally declared, Zollschan resorts to Justin. The author of the *Epitome Historiarum Philippicarum* provides no more than a vague one-sentence-summary of early Judaeans-Roman relations: 'After they had deserted from Demetrius, they requested the friendship of the Romans and were the first of all Orientals to receive liberty, whereby the Romans then generously granted which belonged to someone else.'⁷⁵ In this part of her argument, Zollschan closely follows the investigation of Jörg-Dieter Gauger. But are we really entitled to draw on this testimony to 'correct' the account of *IMacc* and Josephus?⁷⁶

Zollschan insists on the terminological accuracy of Justin – an author who is otherwise known as notoriously unreliable. To endorse his authority as a witness, however, Zollschan not only conveys an arbitrary understanding of the latest scholarship on the epitomator,⁷⁷ but also glosses over the stunning historical flaw contained in the very sentence that matters so much to her: several kings and dynasts had previously abandoned the Seleucids; the first to do so with the support of the Romans were the Attalids, after which most principalities of Asia Minor followed suite. Besides, Timarchus deserves to be mentioned as the first example under Demetrius I; Zollschan's suggestion that he approached the Romans *after* being encouraged by the success of Judas cannot stand for

⁷³ Zollschan 2017, esp. 63–106, e.g., 64: 'How *amicitia* was established and the reasons the senate would choose this diplomatic method over a *foedus*, are key to understanding that *amicitia* was the outcome of Judas' embassy.'

⁷⁴ Zollschan 2017, esp. 185–186 on the time interval; differently, she concedes on p. 196 that *amicitia* could be formed in the same session of the Senate in which freedom had been declared.

⁷⁵ Just. 36.3.9: *A Demetrio cum descivissent, amicitia Romanorum petita primi omnium ex orientalibus libertatem acceperunt, facile tunc Romanis de alieno largientibus*. This is quoted (with variation) and translated (with variation) and discussed by Zollschan 2017, 9, 174, 187, 197; cf. Zollschan 2008.

⁷⁶ Gauger 1977, 263–269, 337: 'Aus Just. XXXVI 3,9 ist zu entnehmen, daß sich die Juden ca. 161/60 zwar um die Freundschaft Roms bewarben (*amicitiam petere*), vom Senat jedoch eine Freiheitserklärung erhielten (*libertatem accipere*) (8.2.1), an die sich eine Erinnerung auch bei Diod. XL 2 erhalten hat (8.2.2); in the formula *amicorum* sind die Juden nicht aufgenommen worden. ... unverbindliche Erklärung...' cf. Zollschan 2017, 174: 'Justinus reports in Book 36.3.9 that the Jews sought *amicitia* and received *libertas*. Justinus' testimony states that the Jews did not receive a treaty (*foedus*).' And p. 197: 'In this passage Justinus separates *amicitiam petere* from *libertatem accipere* – that is, between the wish of the Jews to obtain friendship and the reaction of the senate in offering *libertas*.' And see above, n. 25, for further references.

⁷⁷ Zollschan 2017, 174: 'Justinus was quite careful in his use of legal language. This may be seen in his use of *exhibere* in 9.2.7, 11.10.9 and 22.1.3. He also used other legal phrases, such as *possessio uacua* in 19.3.6 and *bona inuadere* in 21.2.10. One can be certain that Justinus did not confuse *libertas* or *amicitia* with a *foedus*. When the occasion called for it, he was quite capable of using the term *foedus*. Yet *libertas* and *amicitia* are the terms used by Justinus.' Cf. p. 175: 'One was accustomed in the past to dismiss Justinus as a careless historian, but his reputation for soundness has been growing in the last few decades, principally as a result of the work of Jal and Franga.' But see below, with the two subsequent notes.

chronological reasons.⁷⁸ The preceding sections of the digression on Jewish history have more to offer: Justin starts with the claim that the Jews originated from *Damascus* and that they had consisted of *10 kingdoms*, later he makes Moses the son of Joseph – statements that are quite representative of the level of Justin’s ‘accuracy.’⁷⁹

At all events, let us concede that Justin might have got it right this time and that we have to take his terminology seriously. If so, I would, however, understand his sentence to imply that the Romans did grant the requested *amicitia* and that this was instrumental to obtaining freedom from Demetrius. Or perhaps we should rather say: it was instrumental merely to maintain their freedom – because they had acquired it previously: in the preceding context, Justin has just stated that the Judaeans had ‘reclaimed their freedom with weapons’ and had ‘substantial forces’ under their control.⁸⁰ Accordingly, it would be a counter-intuitive reading of Justin’s narrative to press his wording to imply that the Romans were asked for *amicitia*, but only granted *libertas* without *amicitia*. If we add the (much more authoritative) tradition of *IMacc* and Josephus, we are in fact compelled to reject Zollschan’s (and Gauger’s) interpretation entirely.

At any rate, there is yet another important detail that needs discussion: who actually is that Demetrius in whose reign the Judaeans gained freedom? In combination with the evidence of *IMacc* 8, an identification with Demetrius I (162–150 BCE) seems obvious not only to Zollschan, but also to most other scholars.⁸¹ But some alternatives deserve to be considered, before a decision is made: a second or third possibility would be the

⁷⁸ See above, note 55 on Timarchus. Otherwise, Zollschan remains unconcerned with chronological problems, rather explaining on p. 174: ‘I venture to suggest that what makes this the first example in the East of this Roman practice, is the use of the two-stage process against the Seleucid Empire. In other words, it is proposed here that what Justinus is saying is that the Jews were the first to be made free from the Seleucids so that diplomatic relations with Rome could be formed.’ Seeman 2013, 123, too, seems to accept Trogus’ (i.e. Justin’s) claim that the Judaeans were the first Orientals to be set free by the Romans, but contradicts the claim later on (p. 135–136) without drawing any conclusions on Justin’s reliability.

⁷⁹ Just. 36.2.1, 14 on Damascus; 36.2.3–5 and the first kings *Adores et Abrahames et Israhel*, followed by the subdivision into ten kingdoms under the sons of *Israhel*; 36.2.11 on Moses. To Justin’s defense: not all errors are his own fault: e.g., Pomp. Trog. *Prol.* 36 confuses Simon with his son John Hyrcanus I, and Damascene origin seems to go back to Nicolaus of Damascus (via Trogus), who ascribes Abraham the rule over Damascus while on his way from Mesopotamia to Canaan; see Josephus, *AJ* 1.7.2 (159–160) and 7.5.2 (101–103), cf. Wacholder 1989, 150. Justin does not even claim to be a historiographer, but his epitome is better regarded as a rhetorical exercise for educational purposes: see *praef.* 4, with Bartlett 2014. Also see van Wickevoort Crommelin 1993, 6: ‘Die angedeutete moderne Geringschätzung des Pompeius Trogus dürfte dagegen zu einem guten Teil auf den späteren Auszug des Iustinus zurückzuführen sein, der in seiner Blütenlese durch oftmals willkürliche Auslassungen und Verknüpfungen sowie sprachliche Entstellungen das Original nur ungenügend wiedergab.’

⁸⁰ Just. 36.1.10: *Iudaeos quoque, qui in Macedonico imperio sub Demetrio patre armis se in libertatem vindicaverant, subegit. Quorum vires tantae fuere, ut post haec nullum Macedonum regem tulerint domesticisque imperiis usi Syriam magnis bellis infestaverint.*

⁸¹ The combination of Just. 36.3.9 with *IMacc* 8 and thus the identification of Demetrius with Demetrius I is also taken for granted, e.g., by Dancy 1959, 128; Giovannini – Müller 1971, 167–168; Yardley – Develin 1994, 231, note 6; Seeman 2013, 123: ‘Trogus explicitly assigns the events to Demetrius I.’ Gauger 1977, 263–269 (with survey and argument in n. 209) is an exception in that he feels obliged to defend the identification: 1) the family relations are described correctly in Just. 36.1.2) Just. 36.19.9 and 10 distinguishes two groups that Antiochus VII subjected: first *civitates* that had revolted at the beginning of his brother’s rule (*initio fraterni imperii*) and second under his father (*sub Demetrio patre*). Justin’s testimony is not discussed by Ehling 2008; Dąbrowa 2010; Grainger 2012; Eckhardt 2013; Tilly 2015.

first⁸² or second rule of Demetrius II (145–138, 129–125 BCE), under whom the Judaeans revolted as well; yet another option would be a conflation of Demetrius I and II – the merging of two different kings of the same dynasty would at least be something quite typical for Justin.⁸³ Most likely, however, is that Justin was thinking of Demetrius II, as an analysis of the broader context and a comparison with the parallel account of Pompeius Trogus, as reflected in the *Prologi*, reveals.⁸⁴

None of these problems is addressed by Zollschan. She rather adduces a section from Diodorus,⁸⁵ once more together with Gauger, as further 'corroborating evidence' for the view 'that the Jews had received "freedom and autonomy" prior to 63 BCE from the Roman Senate. There is no talk here of a treaty when the envoys went to Rome at the time of Demetrius, being Demetrius I.'⁸⁶ Admittedly, Zollschan is in good company when she takes for granted that Diodorus mentioned King Demetrius I.⁸⁷ It would exceed the

⁸² Sicker 2001, 25–26 relates Justin's testimony to ca. 142 BCE (without discussion); the same is implied in Willrich 1895, 71; cf. Willrich 1900, 66.

⁸³ The merging of historical personalities is probably not always due to sloppiness, but occasionally more likely the result of deliberate simplification of his plot. E.g., Justin 36.4.1 conflates Eumenes II and Attalus II; and 'King Eumenes of Bithynia' in 27.3 is a weird conflation of Eumenes I and Attalus I of Pergamon with Ziaelas of Bithynia. On Justin's methods and aims, see now Bartlett 2014.

⁸⁴ Pomp. Trog. *Prol.* 36: *Sexto et tricensimo volumine continentur haec. Ut Trypho pulso Syria Demetrio captoque a Parthis bellum gessit cum fratre eius Antiocho cognomine Sidete. Ut Antiochus interfecto Hyrcano Iudaeos subegit. Repetita inde in excessu origo Iudaeorum. Ut rex Asiae Attalus Caenos Thracas subegit successoremque imperii Attalum Philometora reliquit. Mortuo denique Philometore <rege frater eius Aristonicus> regno Asiae occupato bellum cum Romanis gessit, quo captus est.* On the structure of Trogus' text, see van Wickevoort Crommelin 1993, 79–80, 176–177, who suggests that Trogus was closely following Posidonius here. For a historical commentary, see Coşkun, in prep.

⁸⁵ Diod. 40.2 (= 40.4, ed. Goukowsky 2014/17): 'Ὅτι περὶ Δαμασκὸν τῆς Συρίας διατρίβοντος Πομπηίου ἦκε πρὸς αὐτὸν Ἀριστόβουλος ὁ τῶν Ἰουδαίων βασιλεὺς καὶ Ὑρκανὸς ὁ ἀδελφὸς ἀμφισβητοῦντες περὶ τῆς βασιλείας. οἱ δὲ ἐπιφανέστατοι πλείους ὄντες τῶν διακοσίων κατήντησαν πρὸς τὸν αὐτοκράτορα, καὶ ἀπεφάναντο τοὺς προγόνους αὐτῶν ἀρεσθηκότας τοῦ Δημητρίου πεπρεσβεύκεναι πρὸς τὴν σύγκλητον, καὶ παρελθόντας τὴν προστασίαν τῶν Ἰουδαίων ἐλευθέρων καὶ αὐτονόμων, οὐ βασιλεὺς χρηματίζοντος ἀλλ' ἀρχιερέως τοῦ προεσθηκότος τοῦ ἔθνους.' While Pompey was staying near Damascus in Syria, he was approached by Aristobulus the king of the Judaeans and his brother Hyrcanus, who were in dispute over who should be king. The most eminent of the Judaeans, more than two hundred in number, met the imperator and explained that their ancestors, when they rebelled from Demetrius, had sent envoys to the senate, and received the leadership over free and autonomous Judaeans, whereby not a king, but a high priest, as the leader of the people, was consulting (their matters). The Greek version is quoted from Lacus Curtius, based on the Loeb edition by Walton 1967, the English translation is adapted from Attalus.org (also cf. Stern 1974, I: 185–187, no. 64); for an important textual problem, see below, with note 88. For a parallel account, see Josephus, *AJ* 14.34–47, esp. 14.41 on he third embassy.

⁸⁶ Zollschan 2017, 197; cf. pp. 175, 189, 213. And Gauger 1977, 269–271, 314–316, 337.

⁸⁷ Zollschan 2017, 197; cf. pp. 175, 189, 213. Likewise, Gauger 1977, 269–271, 314–316 and 337 connects the claim of the third embassy with *IMacc* 8, although he claims otherwise (e.g., pp. 264–269, 282, 337) that the embassy of 161 BC had failed, friendship was established only in 143/42 or 140 BC, the treaty was fabricated later and inserted into *IMacc* only in 63 BC. To be consistent, Gauger should have related Diodorus' testimony to the first rule of Demetrius II. For a connection with the embassy of 161 BCE, also see Stern 1974, I: 185–187, no. 64; Goldstein 1976/79, 365 and 366; Baltrusch 2002, 183, note 54; Wirth 2008, 545; Dąbrowa 2010, 33, note 90; Regev 2013, 162; Seeman 2013, 120–122; Goukowsky 2014/17, 239, note 39. The passage of Diodorus is not discussed by Schürer 1973/87; Tcherikover 1959/99; Ehling 2008; Grainger 2012, whereas the treatments by Eckhardt 2010; 2013 show no interest in specifying the chronology, because the third embassy is considered a fabrication anyway.

scope of this paper to address the many difficulties that the interpretation of Diodorus' testimony involve, but a crucial point is that the transmitted text does not even read the name of any Seleucid king.⁸⁸ Moreover, the mention of the 'great' or 'high priesthood' in Diodorus' account requires a *terminus a quo* of 152 BCE, when Jonathan assumed the high priesthood. In fact, the combination of this role with secular rule (ἀρχιερώς τοῦ προεσθηκότος τοῦ ἔθνους) implies an even lower *terminus a quo* of 140 BCE, when Simon combined religious and political leadership of the Judaeans.⁸⁹

As a result, it should be clear that Justin and Diodorus confirm independently from each other – and in full agreement with Josephus⁹⁰ – that Judaeans (or Maccabaeans) independence from the Seleucids was ultimately gained when John Hyrcanus I revolted from Demetrius II. The accounts of Justin and Diodorus have thus no bearing whatsoever on Roman involvement in Judaea under Demetrius I.

Finally, it is only in the context of granting *libertas* that Zollschan feels the need to also account for why the Romans wanted to get involved at all. As long as she was pleading for *amicitia* as the result of the embassy, her argument remained negative, denying the obvious intention to curb or even harm Demetrius I. To motivate the declaration of freedom, however, she claims, that the Romans were inclined to support major cult centres as a general policy. This allegation remains unsubstantiated.⁹¹ Likewise unconvincing is it to regard an alleged anti-monarchical mentality (as praised in the *laus Romanorum*: *IMacc* 8: 14–16) as a driving force of Roman foreign policy. The Senate was normally unconcerned with the political constitutions of its diplomatic partners, unless perhaps there was reason to doubt their loyalty.⁹² But not even suspicions of disloyalty automatically yielded an antimonarchical move, as the encouragement of Attalus II to revolt against his brother Eumenes II may exemplify.

⁸⁸ Diod. 40.2, ed. Walton 1967 (cf. Diod. 40.4, ed. Goukowsky 2014/17): ... καὶ ἀπεφίναντο τοὺς προγόνους αὐτῶν ἀφροσθηκότας τοῦ Δημητρίου (coniecit Walton 1956, 13–14; ἐφροσθηκότας τοῦ ἱεροῦ conī. Goukowsky; ἀφροσθηκότας τοῦ ἱεροῦ codd.) πεπρεσβευκέναι πρὸς τὴν σύγκλητον ... See Coşkun, in prep. for a commentary.

⁸⁹ *IMacc* 14.35: ἔθεντο αὐτὸν ἡγούμενον αὐτῶν καὶ ἀρχιερέα – 'they made him their leader and high priest.' Cf. *IMacc* 15: 3 of 138 BCE: ἱερεὶ μεγάλῳ καὶ ἐθνάρχῃ – 'Great Priest and Ethnarch,' with Coşkun 2018b; cf. Coşkun 2018a.

⁹⁰ Josephus, *AJ* 13.254–268; cf. Ehling 2008, 208; Coşkun forthcoming b; Dąbrowa forthcoming; differently, Schwartz 2017, 71–72.

⁹¹ Zollschan 2017, 213: 'The fact that Jerusalem was a major cult centre would have inclined the Romans to grant *libertas*, as they had already in the first half of the second century shown their willingness to respect local cults.'

⁹² Zollschan 2017, 215: 'Only on two points did the Roman and the Jewish views reach any consensus. Both sides were opposed to Hellenistic monarchy for their own reasons. The Romans saw declarations of *libertas* as the means to abolish monarchies and the Jews (as well as others in the Greek world) were happy to sign on to it.' Admittedly, the early-2nd century heard much ideological talk about freedom, and particularly the end of the Second Macedonian War and the beginning of the Syrian War are linked with Rome's propagation of freedom for Greek cities, a theme closely connected with the name of T. Quinctius Flamininus; cf. the detailed documentation and discussion by Russo 2015 passim, esp. 166 with note 1 on the scholarly debate, and 200 for his negative conclusion: 'che re di regni stranieri fossero davvero un tema di propaganda è più una ricostruzione moderna che un genuino dato delle fonti antiche.' To illustrate that the Romans were certainly not principally opposed to kingship outside their own territories, may it suffice to point to kings like Eumenes II or Deiotarus I; cf. Cic. *Deiot.* 40: *Semper regium nomen in hac civitate sanctum fuit, sociorum vero regum et amicorum sanctissimum.*

We are thus on strong ground to reject Zollschan's claim that the Senate granted *libertas* instead of *amicitia* to the ambassadors of Judas.

2) Zollschan's treatment of the *appellatio*, that is the performative act of establishing friendship, is certainly beneficial, not only because it draws attention to a very specific aspect of Roman diplomatic practice, but also because it has the potential of encouraging scholars to take the performative nature of diplomatic language, and thus also friendship terminology, more seriously. This does, however, contrast with Zollschan's failure to engage with the more recent constructivist approaches to Roman diplomacy.⁹³ Besides, there is some confusion that could have been avoided.⁹⁴

3) The discussion of the *formula amicorum* contains many pieces of useful information, and is sufficiently cautious to mention the modern controversy as to whether this list was distinct from or the same as the *formula sociorum*. Following the majority of recent publications on the question, she accepts the plausible view that there was only one list.⁹⁵ Zollschan adds a new argument to the debate. She relates the expression in *IMacc* 8: 20 ('that we might be registered as your friends and allies') precisely to the enrollment into the *formula (amicorum et) sociorum*.⁹⁶ This seems to be a worthwhile hypothesis, although a couple of difficulties should be mentioned.

First, her claim that the terminology resembles that of Plutarch's *Life of Sulla* is incorrect, since Plutarch speaks of *anagraphenai*.⁹⁷ Considering the specific case of Sulla, one may also raise the question whether the outlawed (pro-) consul had taken the state's *formula (amicorum et) sociorum* with him from Rome to Greece, which I doubt.

Next, *graphenai* appears in a narrative section of *IMacc*, not in a document. As such, it is used in the request of Judas as delivered to the senators by his ambassadors. No one will reasonably assume that Judas had been aware of the details of Roman protocol when

⁹³ Zollschan 2017, 75–78; cf. 203. Involvement with Williams 2008 and Burton 2011, esp. 6–27 would have been beneficial; both authors are listed in the bibliography but not quoted in the context of *appellatio*. The same could be said for Zack 2015b, 120 (on *sponsio*) or 157: 'Senatsbeschlüsse, ... in denen nach dem Beispiel der weiteren inschriftlichen Überlieferung jeweils die *amicitia et societas* förmlich (!) mit einem Verbalakt des Senates erneuert wurde'; cf. Zack 2015a, 50–51.

⁹⁴ E.g., the reference to Josephus, *AJ* 14.388–389 is on Herod's appointment as king and not on *amicitia* (p. 76); and I would suggest better to distinguish *krinein* from *appellare* (p. 77).

⁹⁵ Zollschan 2017, 78, with Valvo 2001 and others. Note, however, that Zack 2013, esp. 66 and 92–93 (cf. Zollschan 2017, 101, note 146) is now challenging this view. His objection is mainly based on the wording of the *senatus consultum* for Asklepiades, Polystratos and Meniskos, who were enrolled as *amici populi Romani* in 78 BCE for their services in the civil war in ca. 83/82 BCE (Sherk 1969, no. 22 = Sherk 1984, no. 66, cf. Raggi 2012, with bibliography). I feel uncertain whether the omission of *socii* is not simply due to the fact that these (private) men were no longer fighting for Rome and probably not expected to resume fighting. Even if this were not conceded and the decree of 83/82 BCE were taken as evidence for the existence of two different lists, we would not be bound to assume that the distinctions of two different *formulae* was already in place nearly a century before.

⁹⁶ Zollschan 2017, 78, with *IMacc* 8: 20: 'Ἰούδας ὁ Μακκαβαῖος καὶ οἱ ἀδελφοὶ αὐτοῦ καὶ τὸ πλῆθος τῶν Ἰουδαίων ἀπέστειλαν ἡμᾶς πρὸς ὑμᾶς στήσαι μεθ' ὑμῶν συμμαχίαν καὶ εἰρήνην καὶ **γραφῆναι** ἡμᾶς συμμάχους καὶ φίλους ὑμῶν.

⁹⁷ Plut. *Sulla* 23.2 (on Sulla's grant of friendship to Archelaus, the defeated general of Mithridates VI): τὸ Ῥωμαίων φίλον αὐτὸν καὶ σύμμαχον ὑπὸ Σύλλα ἀναγραφῆναι.

sending out his envoys.⁹⁸ More plausible would be to credit his ambassadors with such procedural knowledge, whether they were instructed in Rome before entering the Senate or they later reshaped the wording after experiencing the full process. If, however, the one responsible for choosing *graphenai* has indeed been aware of the full protocol, one wonders why he not rather emphasizes the constitutive *appellatio* in the Senate, instead of alluding to the ensuing administrative act. True enough, there are expressions in Livy that focus on the enrollment into the *formula*. But they tend to mention the *formula* explicitly and are geared to an audience in Rome or Italy. Livy's readers were thus more likely to know the procedure of enrolling a friend or checking up one's status in that list. In contrast, the wording in *IMacc* would neither be understood easily nor appear very relevant back in Jerusalem.

Considering this, it would be more convincing to assume that the notion of writing had been employed in the ambassadors' report or simply in the book's narrative without any technical meaning. Accordingly, it would be feasible to understand *graphenai* as a metaphorical expression, just as we might say to 'enlist' someone among one's friends without thinking of an actual 'list'.⁹⁹ And yet, a more literal meaning is not abject either, especially in the face of the obsession with written documents that we see in (the additions by the continuator of) *IMacc*. The item that the writer may have had in mind was, however, not a list to be archived anywhere in Rome, but rather a letter to be read or an inscription to be displayed in Jerusalem (*IMacc* 8: 22). The next section will tease out this train of thought in more detail.

4) Bronze tablets play a prominent role, both within the narrative of *IMacc* and the argument of Zollschan. Right after reporting that the Senate responded favourably to the request of the Judaeans (8: 21), *IMacc* continues as follows (8: 22): 'And this is the copy of the letter which they wrote on bronze tablets and sent to Jerusalem, in order to remind them there of the peace and alliance.'¹⁰⁰ Zollschan admits that something must have gone wrong here, because normally letters were not delivered on bronze tablets, but on papyrus. Josephus (or his source),¹⁰¹ as it seems, tried to correct this apparent error by distinguishing between the copy of the senatorial decree sent to Jerusalem and the text

⁹⁸ Cf. Liv. 44.16.7 (on a certain Onesimus, 169 BCE): *senatus in formulam sociorum eum referri iussit*, as quoted by Zollschan 2017, 134 in a different context.

⁹⁹ For more and less literal meanings of 'enlisting,' see the examples in *LSJ*, rev. ed. 1996, 360, s.v. *grapho*, B (Medium) 2. Admittedly, the regular usage of the verb in the sense of letter writing would require the dative as indirect object (A 4); but to 'write someone down' or 'address someone in writing' as a friend is at least a theoretical possibility. In an email of 12 May, D. Schwartz has shared with me his thought that unidiomatic usage of (*pro-*) *graphenai* in *IMacc* 10.36 and 13.40 might reveal a Hebraism; he refers to 'a passage in the Mishnah, Qiddushin 4:5, [which] refers to people who had been "listed as in the royal army," using a rare passive form of the Hebrew root KTV "write" along with the Greek loanword, *strateia*, for "army." But a specific Greek usage is also possible. Tilly 2015, 267 regards the term as technical for army recruitment, comparing it to Xen. *Cyr.* 4.3.21: ἐμὲ μὲν οὖν, ἔφη, γράφε τῶν ἱππεύειν ὑπερεπιθυμούντων.

¹⁰⁰ *IMacc* 8: 22: καὶ τοῦτο τὸ ἀντίγραφον τῆς ἐπιστολῆς, ἧς ἀντέγραψεν ἐπὶ δέλτοις χαλκαῖς καὶ ἀπέστειλεν εἰς Ἱερουσαλὴμ εἶναι παρ' αὐτοῖς ἐκεῖ μνημόσυνον εἰρήνης καὶ συμμαχίας.

¹⁰¹ Josephus, *AJ* 12.416. See Nodet 2005, 407–431 and Borchardt 2014, 31–32, 40 etc. for the assumption that Josephus' version of *IMacc* was significantly different from ours; cf. Williams 1999, 108, 122; Bartlett 1998, 17–19.

that the Romans engraved on bronze and deposited on the Capitoline Hill.¹⁰² Zollschan contextualizes this epigraphic practice more generally, emphasizing that senatorial decrees were occasionally hung up on the outer temple walls of the Capitol, especially on the temple of Jupiter Optimus Maximus.

While it is true that this practice conveyed more publicity, we should not underestimate Jupiter's and Fides' roles as witnesses to oaths and thus as guarantors of sworn treaties.¹⁰³ This central aspect is omitted from Zollschan's account, since it would contradict her insistence on the informal and oathless nature of the diplomatic relation. And yet, it is clearly misleading to state that such a display on bronze tablets was a common practice for interstate friendship relations – unless as part of sworn treaties.¹⁰⁴ This notwithstanding, Zollschan tries to buttress her claim on evidence provided by Josephus and an inscription from the time of Augustus. As far as the Flavian historiographer is concerned, she only refers back to the case of Judas' embassy, for which she herself had just admitted that it is a correction of the account of *IMacc* 8: 22. Hence this testimony is inadmissible, and even more so, since the text itself, as quoted in *IMacc* 8: 23–30 and by Josephus, has the formulations typical of a treaty (for which reason Zollschan ultimately rejects both accounts, see below).

The second inscription adduced by Zollschan has been the object of her first chapter.¹⁰⁵ The prominence given to it is due to her understanding that she is producing hitherto overlooked evidence for the nature of the Judaeo-Roman relations. It is a short passage from the *Mirabilia Urbis Romae*, 'a popular mediaeval guidebook to Rome for the use of Christian pilgrims. This guide recommends that the Greek church of San Basilio should be visited solely on account of a bronze tablet that had once been affixed to its wall':

¹⁰² See Goldstein 1976/79, 366 for a useful discussion, concluding: 'No ancient text other than our verse says that the copy sent from Rome to the other party was on a bronze tablet. Hence Josephus *may* be right. Indeed, it was the Jews for whom it was important to have the text written on durable material, and they may have copied it onto bronze, following a practice well attested in Greek cities.' Cf. Dancy 1959, 130; Tilly 2015, 190: 'völlig unüblich ... Josephus ... scheint seine Vorlage in diesem Punkt zu korrigieren'; Zollschan 2017, 208.

¹⁰³ Cf. Baltrusch 2008, 27–28, 33, 40, 108–110.

¹⁰⁴ Zollschan 2017, 78: 'Not all decrees of the senate were routinely engraved and displayed on the Capitol in Rome. The purpose in making them visible was not so that they were archived for reference purposes. Their presence on the walls of temples testified to their authority as a legal document. The tablets appear to have been regarded as a witness to the historical circumstances that created the senatorial decree. The engraved decree served as a memory of the event and a guardian of that memory. We are informed about senatorial approval to erect bronze tablets regarding *amicitia* from inscriptions on stone found on the Capitol, from Josephus and from an inscription from the time of Augustus. By the Late Republic, the whole of the Capitol was covered in such tablets. The tablets were attached to the outside walls of temples, the most important of them to the Temple of Jupiter Optimus Maximus. Typically the bronze tablet recorded in its text the location in which it was to be placed. It was illegal to tamper with the bronze tablets in any way. The tablet was intended to be permanent and an eternal witness to the friendship with the Romans. As long as the friendship endured, the tablet remained on the wall of the Temple of Jupiter Optimus Maximus on the Capitol. If the friendship were renounced, the tablet was taken down, as the act of removal constituted the cancellation of the decree.'

¹⁰⁵ Zollschan 2017, 9–27; cf. Zollschan 2012.

Attached to the wall of [the church of] San Basilio was a large bronze tablet where there was written, in a suitable and conspicuous place, friendship between the Romans and the Jews in the time of Judas Maccabaeus.¹⁰⁶

In her diligent antiquarian scrutiny, Zollschan dates the beginning of the monastery to the mid-10th and the *Mirabilia* to the mid-12th century. The relevance of the find is explained with the fact that the church was built on what had been left over from the Temple of Mars Ultor in the Forum Augustum. This location is seen as key to accepting the ‘authenticity’ of the now-lost bronze tablet. She suggests that, under Augustus, the treaty had probably been copied onto a new bronze tablet from the original version that would have been exhibited on the temple walls of Jupiter Optimus Maximus.¹⁰⁷

In other words, Zollschan asks us to believe – once again – that we should trust the abovementioned testimony of Josephus that indeed a bronze inscription was produced by the Senate, although we know that Josephus’ only source does not attest this and although Zollschan herself claims that the text was not a treaty. Nothing of this is tenable, but may it be granted for the sake of argument. Next, we are to assume that the bronze tablet survived the fire in the temple of Jupiter Capitolinus during Sulla’s conquest of Rome (82 BCE). Unlikely, but also granted. Moreover, we would have to accept that Augustus, when the temple of Mars Ultor was dedicated in 2 BCE, had an interest in displaying copies of the earliest friendship decree for the Hasmonaeans, although Jerusalem had been conquered by Pompey in 63 BCE, the dynasty – after the ephemeral appointment of Hyrcanus II as high priest and ethnarch in 47 BCE – had been replaced by Herod the Great in 40 BCE, and the latter had been succeeded by Herod Archelaus in 4 BCE. Very unlikely, but granted not less. In addition, however, one would need to assume that this Augustan copy was not removed during the Judaeen Wars of Nero & Vespasian, Trajan and Hadrian, and miraculously survived yet another millennium to be displayed in San Basilio. I regret to say that this is speculation at its wildest.¹⁰⁸

This, then, seems to be Zollschan’s main line of argument for the existence of bronze tablets in Rome attesting to the *amicitia* with the Judaeans concluded under Judas. But when presenting this, she has forgotten how vigorously she has elsewhere rejected the idea that the decision to grant friendship to the Judaeans required a senatorial decree; she rather insisted that the grant of friendship was simply based on an administrative ‘order’ of the Senate.¹⁰⁹ Such an idiosyncratic distinction has no foundation in Roman state law,

¹⁰⁶ *Mirabilia* 24 (quoted after Zollschan 2017, 10, together with the translation above): *in muro S. Basilio fuit magna tabula aenea, ubi fuit scripta amicitia in loco bono et notabili, quae fuit inter Romanos et Iudaeos tempore Iudae Machabaei*.

¹⁰⁷ Zollschan 2017, 10–14; cf. Zack 2015a, 53, note 58.

¹⁰⁸ For another unconvincing attempt to add strength to her argument, see Zollschan 2017, 23: ‘Some stone inscriptions were forged in the Middle Ages; there are some factors suggesting that the bronze tablet about Rome and the Jews was not. The forgeries date from the fourteenth century, long after the bronze tablet had disappeared, and they were not on bronze.’ Zollschan 2017, 182 is aware of the fire on the Capitoline in 69 CE followed by the replacement of many inscriptions (Suet. *Vesp.* 8), but this does not affect her argument on the treaty under Judas. Critical of the whole chapter on the *Mirabilia* is also Ameling 2018, who points out, among other things, that we have no other evidence for interstate treaties from the Forum Augustum.

¹⁰⁹ Zollschan 2017, 134 purports that *iubere* in Liv. 2.27.5; 3.25.9; 27.28.13; 29.33.8; 44.16.7 does not imply a Senatorial decree, but only an ‘order’ ‘given orally’: ‘Livy then informs us of the procedure: *senatus in formulam sociorum eum referri iussit* (44.16.7). In other words, there was no vote, and therefore

but results from a futile attempt at downplaying the Senate's betrayal of the *amicitia* with Demetrius – which Zollschan insists that it should have been inherited from Antiochus V – whom the same Demetrius had murdered. Such a skewed line of argument is even more astonishing in light of the clear evidence for the fact that the Roman Senate did not treat him as a friend before 159 BCE, but nearly as an enemy.¹¹⁰

In yet another context, Zollschan comes up with a third version to explain the nature of the inscription:

With no dedication of a bronze tablet in Rome, there was no witness and guarantee of the terms of the agreement in perpetuity. Here lies the explanation for the change in procedure: the memorial to the agreement would be erected in Jerusalem in a location in consonance with the Jews' religious traditions. How a bronze tablet testifying to friendship between the Romans and the Jews at this time came to be located in the church of San Basilio in the Middle Ages, is a mystery.¹¹¹

This last version deserves to be mentioned here because it would seem to be Zollschan's final explanation, unless she contradicted it immediately in the subsequent section (without even taking notice of this further inconsistency).¹¹² She here at least accepts the claim of *IMacc* that the tablets with the text ended up effectively in Jerusalem and not on the Capitoline Hill. Surprisingly, however, she adduces 'the Jews' religious traditions' as the reason for this unique practice. Which traditions these were, we are not told.¹¹³ At the same time, the understanding that the exhibition of friendship decrees on bronze tablets on the Capitoline Hill is still upheld.

Zollschan's methodology is indeed noteworthy: in order to decide on the nature of the Judaeo-Roman relations reported in *IMacc* 8, she first wants to define general procedures for establishing Roman *amicitia*; for these she claims the display on bronze tablets solely based on two sources both of which directly depend on *IMacc* 8, and whose value as sources Zollschan herself largely rejects in other contexts. Though left with not a single source with authority, the established regular procedure still stands, and is then used to further prove that *IMacc* 8 actually attests *amicitia* and not a *foedus*¹¹⁴ –

no *senatus consultum*. The mechanism was to instruct a magistrate to carry out an order from the senate. *Iubere* means to order or to direct that something be done. ... There is no mention in our sources that a *senatus consultum* was required to enrol an ally in the *formula sociorum*. To suggest that the Jews needed a senatorial decree in order to be enrolled, as the author of 1 Maccabees says they were in verse 20, goes against the evidence.'

¹¹⁰ On Rome's relation with Demetrius I, see above, section III. 5.

¹¹¹ Zollschan 2017, 208.

¹¹² Zollschan 2017, 208: 'As we saw in Chapter 1, the tablet was a testimony to *amicitia* in the time of Judas Maccabaeus, once located where the Temple of Mars Ultor had stood. Augustus wished to supersede the Temple of Jupiter Optimus Maximus on the Capitol with regard to international diplomacy. It may have been reinscribed from a tablet taken from the Capitol. However, this can only be speculation. What we do know, is that not only treaties and military diplomas were inscribed on bronze, but also decrees of friendship.'

¹¹³ But see Zollschan 2017, 154–155 on Old-Testament traditions, focusing on the ban of treaties with 'neighbours'.

¹¹⁴ This is not to say that decrees relating to *amicitia* were never displayed on bronze inscriptions. A good example would be the decree that Julius Caesar passed during his second dictatorship (48/47 BCE) to appoint John Hyrcanus II as high priest and ethnarch, and to confirm his status as friend and ally, besides other privileges; Caesar ordered that this decree be published on bronze tablets on Capitoline Hill, in Sidon, Tyre and Ashkelon, in Greek and Latin (Josephus, *AJ* 14.190–198). This does not, however, attest a regular procedure but rather an extraordinary honour.

unless *IMacc* 8 has to be rejected due to its underlying misunderstandings. Add to this that Zollschan repeatedly even denies that the Senate granted *amicitia* (only conceding *libertas*), and the *aporia* could not be worse.

After all, the testimony of the *Mirabilia* is not really mysterious. We may well concede that there had once been an inscription in San Basilo, mentioning the friendship between the Roman Senate and the Judaeans under Judas Maccabee. But the most likely explanation is that the monks produced this inscription based on the report in *IMacc*, without necessarily having the intention of forging anything. Such a reconstruction is also suggested by the explicit mention of Judas, for he does not figure in the section of the decree quoted in *IMacc*.¹¹⁵ While it is likely that he was addressed in the original letter (since he had dispatched the embassy), the treaty itself was between the Roman and the Judaeans peoples.¹¹⁶

Still open is the question what to do with the ‘letter which they wrote on bronze tablets and sent to Jerusalem, in order to remind them there of the peace and alliance’. We can only guess, but a plausible explanation would be that the author of this sentence had seen precisely such bronze tablets in Jerusalem. The fact that he claims their immediate origin from Rome seems to imply that the inscribed text was not in Hebrew or Aramaic, but in Greek. Hence, he draws the naïve conclusion that it must have been produced in Rome and brought to Jerusalem by the ambassadors.¹¹⁷ The same assumption, by the way, reemerges in the narrative when the Romans and Spartans are said to have encouraged Simon through letters to renew diplomatic relations with them.¹¹⁸ Allegedly, these letters were also carved on bronze tablets (*IMacc* 14: 18), although only a letter by the Spartans is quoted, and this does not even prove the initial claim (*IMacc* 14: 23).¹¹⁹

¹¹⁵ Judas is neither mentioned in Josephus’ account. Note the difference to the later version in *5Macc* 13, where ‘Judas and his family’ figure as treaty partners of the Romans. This modification obviously reflects a later attempt to heighten Judas’ importance. The same motivation also led to the omission of the Judaeans ambassadors and the claim that the initiative had been taken by the Romans (the conflation with the anachronistic letter of *2Macc* 11.34–38 is apparent). For a critical edition of the Arabic text, with an English translation and commentary, see Sørensen 2015b.

¹¹⁶ This ambiguity may be due to the fact that he did not hold an official leadership position among the Judaeans. Also see below, notes 145–146.

¹¹⁷ Tilly 2015, 280 rejects this document as fictitious, and regards the reference to the inscription as a historiographical device to enhance the credibility of the document (just as the references to the copies in *IMacc* 14: 22–23).

¹¹⁸ Giovannini – Müller 1971, 167 emphasize that the author of *IMacc* could not produce any evidence for the renewal of the *amicitia* with Rome; p. 170f. they explain that this was impossible because the treaty of 161 BCE had been made with the people of the Judaeans, not with Judas.

¹¹⁹ In addition, it is noteworthy that Tilly 2015, 279 does not identify a single Hebraism in the Spartan letter. Note besides that also the report of the ‘constitutional assembly’ which most formally confirmed Simon as High Priest of the Jews (and whose original must have been in Hebrew) is said to have been displayed on bronze tablets on Mount Zion (*IMacc* 14: 26, 48) and archived in the treasury (14.49). Not even Tilly 2015, 281–288 doubts the historicity of the document, although he somewhat surprisingly concludes that the text implies that the inscription was no longer visible when *IMacc* was composed (p. 285; cf. 288).

V. The Nature of the Documentary Evidence and of the Diplomatic Relation

The kind of innocence that is revealed through the misunderstanding regarding the bronze tablets seems to be typical of the continuator of *IMacc* who inserted all the Roman and Spartan documents: more than once he demonstrates the limitations of his diplomatic knowledge and analytical skills. We thus have good reason to assume that *IMacc* 8: 22–32 is yet another example of a later insertion of documentary evidence.¹²⁰ If this is a correct inference, the original Hebrew narrative might have ended the account of the embassy to Rome by noting the Senate's approval (8: 21). Distinguished critics, however, have gone even further and identified the whole 'Roman' chapter starting with the *laus Romanorum* (8: 1–17) as a later addition. Considering the literary analysis by Nils Martola and Francis Borchardt, it is indeed likely that the entire chapter had not yet formed part of the original narrative.¹²¹ If cut out, the account of chapters 7 and 9 appears seamlessly coherent.¹²² Either way, a later insertion would not automatically render chapter 8 or parts thereof as forgery.¹²³

This finally leads us to the crucial question on the very nature of the text transmitted in *IMacc* 8: 23–30/32. It is traditionally regarded as the treaty of 'friendship and alliance' between the Romans and the Judaeans as agreed on in 161 BCE, whereby all terminological imprecision is explained as the result of multiple translations.¹²⁴ But some scholars have doubted the classification of the text as *foedus*, arguing instead for only a Senate's decree specifying the terms of a less formal friendship relation.¹²⁵ This is,

¹²⁰ See above, note 47 (on the misleading information relating to the Senate); note 60 (on gift exchange); section IV. 4) (on bronze tablets) for more examples, and Coşkun, in prep. for a comprehensive discussion.

¹²¹ Martola 1984, 161, 276–279; Borchardt 2014, 34–35, 97–99, 164–168; cf. Willrich 1895, 72–74; Laqueur 1927, 242; Gauger 1977, 337–339. Differently, however, Williams 1999, 132 (cf. Borchardt 2014, 37–41, 99–102) and Tilly 2015. For further discussion, see Coşkun, in prep.

¹²² *IMacc* 7: 50: 'Thus the land of Juda was in rest a little while' (καὶ ἡσυχασεν ἡ γῆ Ἰούδα ἡμέρας ὀλίγας). And *IMacc* 9: 1: 'Furthermore, when Demetrius heard that Nicanor and his host were slain in battle, he sent Bacchides and Alcimus into the land of Judaea the second time, and with them the right wing of his army' (Καὶ ἤκουσε Δημήτριος ὅτι ἔπεσε Νικάνωρ καὶ αἱ δυνάμεις αὐτοῦ ἐν πολέμῳ, καὶ προσέθετο τὸν Βακχίδην καὶ τὸν Ἀλκιμον ἐκ δευτέρου ἀποστεῖλαι εἰς γῆν Ἰούδα καὶ τὸ δεξιὸν κέρας μετ' αὐτῶν). Cf. Laqueur 1927, 248; Goldstein 1976/79, 346: 'If ch. 8 had been omitted, no modern reader would have missed it.'

¹²³ Cf. Laqueur 1927, passim, esp. 232: 'Da die Fälschung, wenn es sich um eine solche handelt, mit aller Geschicklichkeit gemacht ist, müssen wir an ihren Verfasser dasselbe Maß von Logik anlegen, wie an den Verfertiger einer echten Urkunde.'

¹²⁴ Täubler 1913/64, 241–243; Dancy 1959, 127–128 (but contradicting himself slightly on p. 129: 'senatorial decree'); Giovannini – Müller 1971, 167 (though based only on a *senatus consultum*); Goldstein 1976/79, 362–365 (he is undecided between translation errors, the Jews' incapacity of concluding a standard treaty and acknowledging variety in Roman procedures; forgery is, however, explicitly rejected); Gruen 1984, 43; Gera 1998, 306; Baltrusch 2002, 86, 94. For Mommsen as the originator of the 'multiple-translation theory', see the reference in Zollschan 2017, 3 and 7, note 9; also cf. pp. 118, 135, 139–141, 150. Or, more precisely, we should say it presents the major part of such a treaty, since it is obviously incomplete.

¹²⁵ Thus Heuß 1933 and others, including (in part) Zollschan herself; see above, section II with note 13. Also cf. P. Burton, who suggests in an email to me (29 Aug. 2017) 'that the author(s) have exaggerated an informal friendship into a *foedus* since (as you say) they are interested in making the Maccabees look as good and virtuous as possible'. Yet other scholars hold middle ground in that they accept the nature of a binding

however, barely compatible with the stipulation of military assistance. Yet others have suggested that the document has been misplaced and belongs to a later period of Judaeo-Roman history.¹²⁶ A third and a fourth group have qualified the text either as vague recollection of some official documentation¹²⁷ or as mere fabrication,¹²⁸ whether this be a literary invention or an intentional forgery. Zollschan favours the latter trends, but then puts forward a new hypothesis, namely, that the text, as we have it, is a Greek translation of a misconstrued Aramaic report written by the ambassadors Eupolemus and Jason.¹²⁹

Her argument is based on a detailed commentary that provides a lot of parallels to individual items of the treaty-like text and further offers several linguistic discussions designed to identify the author of the text as a non-native speaker. If considered with caution, much of this material will be useful in future discussion, irrespective of the fact that I disagree with Zollschan's method: 'The profusion of Semitisms has not been fully appreciated because they have not been previously collated. The section below presents the many Hebraisms that have been identified already by various scholars in the Macabaeian document. Scholars have found 18 Hebraisms in all in the text of the Jewish document.' To this she adds multiple Aramaisms.¹³⁰ At a first glance, this seems to make for a massive argument, but quantity does not replace quality.

Zollschan reports the main-stream assumption coined by Theodor Mommsen that the Latin original as defined in the Senate underwent translation first into Greek for communication with Judas, next into Hebrew for the inclusion into the first version of *IMacc*

treaty, which was, however, based not on a *foedus* but on a Senate's decree without oath: Giovannini – Müller 1971, 167; Goldstein 1976/79, 361–362; and see above, note 58 on Zack's position.

¹²⁶ Thus especially Willrich 1895, 72–74 and Gauger 1977, 337–339: the text reflects the treaty of Simon in ca. 140 BCE, since *IMacc* 8: 9–10 refers to the destruction of Corinth and the mention of ships in the treaty (*IMacc* 8: 26) presupposes the conquest of the harbour city of Joppa. Others, however, regard the inclusion of ships as part of the standard formula; Dancy 1959, 130 calls it 'academic'. For further discussion, see Coşkun, in prep.

¹²⁷ E.g., Gauger 1977, 222–223: 'Es lässt sich durchaus vorstellen, daß dem Verfasser ein (mit einiger Wahrscheinlichkeit hebräisches bzw. aramäisches) Original – in welcher Form auch immer – vorlag, das er frei bearbeitete, kürzte, umstellte, mit einem neuen Akzent versah. Insgesamt ist festzustellen, daß der Verfasser eine Auffassung von der korrekten Wiedergabe des Urkundentextes hatte, die über das in der griechisch-römischen Literatur Übliche weit hinausgeht, da der Verfasser ja ausdrücklich behauptet, ein *antigraphon* des Senatsschreibens, mithin auch des Urkundentextes zu bieten.' And pp. 336–337: 'Der Vertragstext selbst hat keinen hohen Authentizitätsgrad (Kapitel 5): Eine Analyse des I.Makk. 8,23–30 überlieferten Textes zeigt, daß es sich weder um ein SC über einen abzuschließenden Vertrag noch um ein sogenanntes "Senatsbündnis" handelt (5.6 und 5.6.1), aber auch nicht um eine Fälschung, sondern um eine Kompilation (5.7), gearbeitet nach einer wahrscheinlich nur in Reminiszenzen dem Verfasser gegenwärtigen (hebräisch-aramäischen?) Vertragsvorlage. Die bei Josephus tradierte Vertragsvision weicht zwar erheblich von I.Makk ab, erweist sich jedoch als noch fragwürdiger als der Text von I.Makk. 8,23–30 (5.6.2.1).' Cf. p. 239.

¹²⁸ For a fabrication, see Willrich 1924, and, most recently, Seeman 2013, 117 (though accepting the excerpt from the Roman letter to Demetrius I on p. 119) and Tilly 2015, 188–190, 280.

¹²⁹ Zollschan 2017, 152–153, with reference to Josephus, *AJ* 12.10.6 (419) (the same had also been accepted by Goldstein 1976/79, 366, though without a linguistic argument. Zollschan 2017, 206 suggests that the wording of the speech of the ambassadors in *IMacc* 8.20 can be ascribed to them rather than the narrator of *IMacc*. Also see p. 217: 'The senate did not need to give the Jews a letter, as their diplomatic relations were based on declarations and not a formal treaty text. Therefore, a record of the senatorial declarations was made, as is the conclusion reached here, by the envoys themselves.' Similarly, Zollschan 2005, as followed by Seeman 2013, 117 with notes 19–20 (p. 425).

¹³⁰ Zollschan 2017, 135–153. Cf. Tilly 2015, 187–188 for at least six, probably more Hebraisms.

and finally back into Greek for the Septuagint version of the book.¹³¹ She does not, however, sufficiently engage with the cutting-edge discussions of interlinguistic phenomena in Biblical writings.¹³² Nor does she sufficiently engage with the various models that trace the genesis of the Hebrew version of *IMacc*, the incorporation of documentary evidence (whether authentic or not), and the book's translation into Greek.

At any rate, I prefer to uphold my theory (as outlined in the introduction) that most Greek documents were included into the text only at a later stage, probably around the same time when the Hebrew original was translated into Greek. This seems to be a necessary conclusion from the observation that some of the encapsulated letters are basically free from Hebraisms and others show them only to a very limited degree. This fact reinforces the view that Laqueur and Martola hold on the basis of lacking narrative cohesion. But if it is admitted, we should be cautious not to attribute all documents with a high density of Hebraisms (or perhaps Aramaisms) automatically to the Hebrew original of *IMacc*, as Zollschan, Tilly and others want us to do. We should rather acknowledge that documents may have had complex lives inbetween the times of their first composition and their inclusion into the narrative as part of which they have come down to us. In other words, we should be open to the idea that the composer of the narrative sections of *IMacc* 8 is not only different from the author of the book's *Urtext*, but also from the drafter of the encapsulated documents.

For this view, I find additional evidence in hitherto overlooked terminological discrepancies. The Judaeans had been instructed to request 'friendship and alliance' (*philia kai symmachia*) by Judas (*IMacc* 8: 17), which is in line with the request voiced to the Senate that they be 'enlisted' as *philoi kai symmachoi* (*IMacc* 8: 20); the Senate is said to have granted this (*IMacc* 8: 21). The words echo the terminology of the document quoted shortly thereafter: the agreement states three times that either the *ethnos* of the Judaeans or the Romans 'will fight together' (*IMacc* 8: 25, 27, 28: *symmachesei* and *symmachesousi* respectively); and the latter part speaks of 'our friends (and) allies, the Judaeans' (*IMacc* 8: 32).¹³³ Oddly, the narrative twice speaks of 'alliance and peace' (*IMacc* 8: 20, 22: *sym-*

¹³¹ See above, note 124 for references.

¹³² One wonders why the leading-edge discussion of Davila 2005 has not been taken into account, which tries to establish a 'methodology for establishing Semitic interference due to translation from a Semitic Vorlage' (p. 3). Also missing in Zollschan's bibliography are the discussions of Nisula 2005 and Borchardt 2014, 44. Note the translation project of D. Schwartz that promises to yield further insights into the history of the text(s) of *IMacc*.

¹³³ *IMacc* 8: 16 και πιστεύουσιν ἐνὶ ἀνθρώπῳ τὴν ἀρχὴν αὐτῶν κατ' ἐνιαυτὸν καὶ κυριεύειν πάσης τῆς γῆς αὐτῶν, καὶ πάντες ἀκούουσι τοῦ ἐνός, καὶ οὐκ ἔστι φθόνος οὐδὲ ζήλος ἐν αὐτοῖς. 17 καὶ ἐπέλεξεν Ἰουδᾶς τὸν Εὐδόλεμον υἱὸν Ἰωάννου τοῦ Ἀκκῶς καὶ Ἰάσωνα υἱὸν Ἐλεαζάρου καὶ ἀπέστειλεν αὐτοὺς εἰς Ρώμην στήσαι αὐτοῖς **φιλίαν καὶ συμμαχίαν** 18 καὶ τοῦ ἄραι τὸν ζυγὸν ἀπ' αὐτῶν, ὅτι εἶδον τὴν βασιλείαν τῶν Ἑλλήνων καταδουλουμένους τὸν Ἰσραὴλ δουλείᾳ. 19 καὶ ἐπορεύθησαν εἰς Ρώμην, καὶ ἡ ὁδὸς πολλὴ σφόδρα, καὶ εἰσῆλθον εἰς τὸ βουλευτήριον καὶ ἀπεκρίθησαν καὶ εἶπον· 20 Ἰουδᾶς ὁ Μακκαβαῖος καὶ οἱ ἀδελφοὶ αὐτοῦ καὶ τὸ πλῆθος τῶν Ἰουδαίων ἀπέστειλαν ἡμᾶς πρὸς ὑμᾶς στήσαι μεθ' ὑμῶν **συμμαχίαν καὶ εἰρήνην** καὶ γραφῆναι ἡμᾶς **συμμάχους καὶ φίλους** ὑμῶν. 21 καὶ ἤρεσεν ὁ λόγος ἐνώπιον αὐτῶν. 22 καὶ τοῦτο τὸ ἀντίγραφον τῆς **ἐπιστολῆς**, ἧς ἀντέγραψαν ἐπὶ **δέλτοις χαλκαῖς** καὶ ἀπέστειλεν εἰς Ἱερουσαλὴμ εἶναι παρ' αὐτοῖς ἐκεῖ μνημόσυνον **εἰρήνης καὶ συμμαχίας**. 23 «Καλῶς γένοιτο Ρωμαίοις καὶ τῷ ἔθνει Ἰουδαίων ἐν τῇ θαλάσῃ καὶ ἐπὶ τῆς ξηρᾶς εἰς τὸν αἰῶνα, καὶ ρομφαία καὶ ἔχθρὸς μακρυνθῇ ἀπ' αὐτῶν. 24 ἐάν δὲ ἐνστὴ πόλεμος ἐν Ρώμῃ προτέρα ἢ πᾶσι τοῖς συμμάχοις αὐτῶν ἐν πάσῃ κυρεῖα αὐτῶν, 25 **συμμαχήσει** τὸ ἔθνος τῶν Ἰουδαίων, ὥς ἂν ὁ καιρὸς ὑπογραφῇ αὐτοῖς καρδία πλήρη. 26 καὶ τοῖς πολεμοῦσιν οὐ δώσουσιν οὐδὲ

machia kai eirene). This is in so far surprising as the Romans and the Judaeans had never been at war before. Zollschan may be right in explaining this with regard to the Peace of Apamea, which had been the most relevant example of establishing *amicitia* with Rome in the area. This notwithstanding, some more commentary would have been desirable,¹³⁴ and some more reflection on the linguistic implication would have been in place as well: should we not expect that the documentary sections would have been rendered likewise as *symmachia kai eirene*, if they were the translation from the Hebrew version by the same Judaeans courtier who is responsible for the wording of the narrative?

This observation thus reconfirms our previous conclusion that the statement on the bronze tablets (*IMacc* 8: 22) imply that the editor indeed accurately copied an inscription that was publicly accessible. While this reconstruction still leaves open who translated the Latin decree into Greek,¹³⁵ who edited the text for the bronze inscription and who bears responsibility for the Hebraisms, it does leave us with two important conclusions: we are safe to assume that the continuator of *IMacc* drew on official documents in their Greek version, at least part of which were openly accessible; and we should be confident that he was careful to maintain the original wording of every constitutive text passage. Accordingly, *IMacc* 8: 23–30/32 seems to quote precisely what was legible on the tablets as they were displayed in Jerusalem; whether it was the complete text of the Jerusalem inscription, we cannot say.

ἐπαρκέσουσι σίτον, ὄπλα, ἀργύριον, πλοῖα, ὡς ἔδοξε Ρωμαίοις· καὶ φυλάσσονται τὰ φυλάγματα αὐτῶν οὐθὲν λαβόντες. 27 κατὰ τὰ αὐτὰ δὲ ἂν ἔθνη Ἰουδαίων συμβῇ προτέροις πόλεμος, **συμμαχήσουσιν** οἱ Ρωμαῖοι ἐκ ψυχῆς, ὡς ἂν αὐτοῖς ὁ καιρὸς ὑπογράφη· 28 καὶ τοῖς **συμμάχοις** οὐ δοθήσεται σίτος, ὄπλα, ἀργύριον, πλοῖα, ὡς ἔδοξε Ρώμῃ· καὶ φυλάσσονται τὰ φυλάγματα αὐτῶν καὶ οὐ μετὰ δόλου. 29 κατὰ τοὺς λόγους τούτους ἔστησαν Ρωμαῖοι τῷ δήμῳ τῶν Ἰουδαίων. 30 ἂν δὲ μετὰ τοὺς λόγους τούτους βουλευσώνται οὗτοι καὶ οὗτοι προσθεῖναι ἢ ἀφελεῖν, ποιήσονται ἐξ αἰρέσεως αὐτῶν, καὶ ὃ ἂν προσθῶσιν ἢ ἀφέλωσιν, ἔσται κύρια. 31 καὶ περὶ τῶν κακῶν, ὧν ὁ βασιλεὺς Δημήτριος συντελεῖται εἰς αὐτοὺς, ἐγράψαμεν αὐτῷ λέγοντες: ‘διατὶ ἐβάρυνας τὸν ζυγὸν σου ἐπὶ **τοὺς φίλους ἡμῶν τοὺς συμμάχους Ἰουδαίους**; 32 ἂν οὖν ἔτι ἐντῶχος κατὰ σοῦ, ποιήσωμεν αὐτοῖς τὴν κρίσιν καὶ πολεμήσομεν σε διὰ τῆς θαλάσσης καὶ διὰ τῆς ξηρᾶς’.

¹³⁴ Zollschan 2017, 64 (cf. p. 68): ‘Jews would have interpreted such language in terms of how their Seleucid (and earlier Ptolemaic) overlords were bound to Rome.’ But there is a tension when she goes on as follows: ‘*Amicitia*, not treaties, was the method by which Rome formed her first connections with Hellenistic leaders.’ But note that the Peace of Apamea was a treaty to define the conditions of *amicitia*, not *societas*; see Polyb. 21.42.1: ἦν δὲ τοιαύτη τις ἡ τῶν κατὰ μέρος διάταξις: **φιλίαν** ὑπάρχειν Ἀντιόχῳ καὶ Ῥωμαίοις εἰς ἅπαντα τὸν χρόνον ποιοῦντι τὰ κατὰ τὰς συνθήκας. Less convincing is the reading of Goldstein 1976/79, 362, according to whom the wording implies that, to pious Jews, a military alliance was only acceptable if it created peace rather than war; cf. p. 367. A particularly interesting case is *IMacc* 10: 3–4 where Demetrius I speaks of a ‘peace ... against us’, which comes close to the notion of *symmachia*; cf. Mendels 2013, 47–50. Tilly 2015, 187–188 and 210, however, does not identify this usage as Hebraism, which I suppose it is albeit. See, e.g., Porphyr. *BNJ* 260 F 45 on the so-called robber treaty between Philip V and Antiochus III: *Philippus quoque rex Macedonum et Magnus Antiochus pace facta adversum Agathoclem et Ptolemaeum Epiphanem dimicaverunt, sub hac condicione ut proximas civitates regno suo singuli de regno Ptolemaei iungerent*. Contrast this with classical terminology, e.g., in Liv. 34.57.7–9: *esse autem tria genera foederum: unum, cum bello victis dicerentur leges; alterum, cum pares bello aequo foedere in pacem atque amicitiam venirent; tertium esse genus, cum, qui numquam hostes fuerint, ad amicitiam sociali foedere inter se iungendam coeant; eos neque dicere nec accipere leges ...*

¹³⁵ One should expect that the Consul Fannius dictated the letter immediately in Greek, unless he ordered one of his slaves to translate it. However, two possible alternatives should also find consideration: the letter might have been written in Latin by Fannius and translated into Greek only in Jerusalem; or the Judaeans ambassadors assisted Fannius with the translation into Greek. See Coşkun, in prep. for some more thoughts on documentary philology.

More confusing is the awkward characterization in the Greek version of *IMacc* (8: 22), which I here repeat once more: 'And this is the copy of the letter (*epistole*) which they wrote on bronze tablets (*delta*) and sent to Jerusalem, in order to remind them there of the peace and alliance.' The misunderstanding triggered by the bronze tablets has been addressed sufficiently. Attention needs yet to be paid to the notion of 'letter'. The text lacks the typical greeting formula at the beginning and the typical wishes and date at the end. And Zollschan is right that neither the narrative nor the document itself mentions a magistrate who would figure as the author of such a diplomatic letter. But such omissions are – *pace* Zollschan – barely indicative of a forgery or fabrication, which, on the contrary, would most likely have filled such apparent gaps.¹³⁶ In this particular case, we are in the lucky position to refer to a letter which C. Fannius, the consul of the very year 161 BCE, wrote to assist Judaeans ambassadors on their way home. As many scholars have seen previously, the evidence that forces us to connect this with the mission of Eupolemus and Jason is overwhelming. In contrast, Zollschan's counterarguments have little force, and are mainly driven by her attempt to date the embassy a year earlier, i.e. to 162 BCE.¹³⁷

What else is missing in the 'letter'? Whether a full treaty, a senatorial decree or only a diplomatic letter, all of them would normally have included a narrative section providing background, which the current text does not. The inclusion of such information, however, would have duplicated needlessly the information provided in the preceding verses (*IMacc* 8: 17–22). It thus remains the possibility that the continuator of *IMacc* used such a section from the document to elaborate freely on this for his narrative. If he did so, he would have shortened the document quotation, holding back from rewriting parts of the document itself.¹³⁸ This method would equal the way in which the continuator of *IMacc* dealt with dates: there are some instances where a precise date with Seleucid era closely follows the document citation, but as part of the narrative.¹³⁹ Since there is no date in chapter 8, I am inclined to believe that this was already

¹³⁶ *Pace* Zollschan 2017, e.g., pp. 119–128 ('A Comparison of the text in *IMacc* 8.23–32 with extant Roman treaties'), concluding: '*IMacc* 8.22 does not say that it is giving a partial transcript; it is quoting a copy of a senatorial letter.' And pp. 129–135: ('Discrepancies between a senatorial letter and *IMacc* 8.23–32'), concluding: 'In summary, the document in *IMacc* 8.23–32 is neither a senatorial letter nor an official Roman document.' Also see pp. 206, 217.

¹³⁷ Josephus, *AJ* 14.233, with Niese 1906, 818–823; Broughton 1951, 443 (but differently Broughton 1952, 222, 262, 272, 365, 565); Dancy 1959, 129; Giovannini – Müller 1971, 167–168; Goldstein 1976/79, 346; Gruen 1984, 43, note 161; Ameling 2018. Contrast this with Zollschan 2017, 31, 33, 133–135 (cf. Zollschan 2007), stressing the incompatibility of the plural 'senatorial decisions' (συγκλήτου δόγματα) with *IMacc* 8; also see above, section III. 4) on Zollschan's new chronology. Bernhardt 2017, 366, note 195 is an exception in that he rejects the early date of the letter, but maintains the embassy of 161 BC. I intend to elaborate elsewhere on the Fannius letter (Coşkun, in prep.). Note that Seeman 2013, 334–337 dates it to 49 BCE. At any rate, the Consul Fannius must not to be confused with the Praetor Fannius, who authored a different letter (Josephus, *AJ* 13.259–266). For more on Fannius, see notes 135 and 145.

¹³⁸ The declaration *philia kai symmachia esto* might have suffered a similar fate. For it can surely be expected to have formed part of the original treaty. If so, duplication with the report (*IMacc* 8: 20–21, i.e. the request of the ambassadors which was granted by the Senate) was avoided here as well. However, we cannot take for granted that the senatorial decree, which was to define the treaty stipulations, in fact included this general formula.

¹³⁹ E.g., *IMacc* 13: 41; 15: 9. I am currently preparing a study of the use of Seleucid Era years in *IMacc*. For the time being, see Bickerman 1980, 22–26, 70–78; Bar-Kochva 1989/2002, 562–564; Gleßner 2004; Nodet 2005, 60–66, 73–74, 382–383; Tilly 2015, 307–310.

omitted in the inscription. It is, moreover, unsurprising to find the Roman swearing formula suppressed, both in the literary tradition and in the publicly displayed inscription: the invocation of gods other than Yahweh would have caused outcry in Jerusalem. We can be sure that this part was omitted by the editor who prepared the text for the inscription.¹⁴⁰

It thus seems that the epigraphic version concentrated on constitutive content rather than formalities, without eschewing them entirely, as is clear from the wish of good fortune for both partners (*IMacc* 8: 24). None of the omissions speaks for fabrication. The same is true for the peculiarities that do show up positively in the text. Somewhat surprisingly, the relevant stipulations of the treaty (*IMacc* 8: 25–28) are followed by a narrative conclusion (*IMacc* 8: 29): ‘According to these articles did the Romans make a covenant with the people of the Judaeans.’¹⁴¹ It is hard to decide who authored this sentence. Was it part of the original letter by the consul Fannius, or was it added by the continuator of *IMacc*? My guess is that this sentence was drafted to replace further stipulations that were omitted here, and to link up with the concluding formula of the original treaty, namely, that any change would require mutual agreement (*IMacc* 8: 30).¹⁴² After all, the most likely candidate for adding *IMacc* 8: 29 is therefore the official who edited the letter from Rome for the bronze inscription in Jerusalem. That he did not shy away from heavy editing is not only implied by the omissions, but also by the several Hebraisms that have been mentioned above. The continuator of *IMacc*, in turn, copied what he read with little or no omission and without rephrasing. Obviously, he was afraid that any deviation from the wording of the openly accessible document might reduce the credibility of his account.

This reconstruction would finally also be the best explanation for the awkward addition of the excerpt from a Roman letter to Demetrius I. *IMacc* 8: 31–32 has clearly never been part of the *foedus* proper, neither of the Senate’s decree specifying the terms of the oath. Rather it formed part of a later decree that specified the action to be taken in support of the new friend and ally, and possibly also to use this opportunity to enhance the pressure on the unruly king. Whether in full or in summarized versions, both decrees were communicated in the same letter that the consul wrote to the Judaeans, to account for the actions taken by the Senate.¹⁴³ The according section reads as follows:

¹⁴⁰ Zollschan 2017, 218 denies that *IMacc* 8.23–30 is a treaty text because of the missing *horkoi*. See above, section III. 6) on the religious implications.

¹⁴¹ κατὰ τοὺς λόγους τούτους ἔστησαν Ῥωμαῖοι τῷ δήμῳ τῶν Ἰουδαίων.

¹⁴² εἰάν δὲ μετὰ τοὺς λόγους τούτους βουλευσώνται οὗτοι καὶ οὗτοι προσθεῖναι ἢ ἀφελεῖν, ποιήσονται ἐξ αἰρέσεως αὐτῶν, καὶ ὃ εἰάν προσθῶσιν ἢ ἀφέλωσιν, ἔσται κύρια. ‘If, however, hereafter the one party or the other should wish to add or delete anything, they may do it at their pleasures, and whatsoever they shall add or take away shall be ratified.’ Täubler 1913/64, 242 ascribes this sentence not to the original treaty, but to the author of *IMacc*, a view that Goldstein 1976/79, 363 accepts only with hesitation, pointing to the assumed difficulties that Jews had with the standard treaty form. But see above, section III. 6) against such a rigid view.

¹⁴³ Differently, Giovannini – Müller 1971, 167 regard this section as an ‘unechte Klausel’, so that its authenticity is rejected, because it is ascribed to the decree, rather than to the letter. J.R. Bartlett 1973, 111 thinks that the quotation from the letter to Demetrius serves as a link to the plot. More convincingly, Goldstein 1976/79, 368–369 defends the authenticity of the letter, explaining that it simply reached the Levant too late to save Judas.

And as regards the evils that Demetrius does to the Judaeans, we have written him, saying: 'Wherefore you made your yoke heavy upon our friends and confederates the Judaeans? / If therefore they complain any more against you, we will do them justice, and fight with you by sea and by land.'¹⁴⁴

The first person plural most likely implies that the consul presiding over the Senate is here presenting himself also as the spokesman of the Senate or the Roman People. Less certain is the implication of the formulation 'evils that Demetrius does to the Judaeans'. That they appear in the third person in this narrative part of the letter seems to imply that the addressee of the consul's letter had been Judas. After all, he was the authority who had dispatched the ambassadors in the first place.¹⁴⁵

This leads us to our last conclusion: It is unlikely that the staunchly pro-Maccabaeen (author or) continuator of *IMacc* left out an inscription naming Judas,¹⁴⁶ given his (or their) interest in endorsing Maccabaeen dynastic ideology.¹⁴⁷ This silence seems to be further evidence for the view that he reliably copied what he found in the bronze inscription, and shunned making anything up to enhance his case. It is more difficult to explain why the editor of the inscription omitted Judas' name. To answer this question, we first need to establish a plausible date for the production of the bronze tablets. Given the lateness of the ambassadors' return to Jerusalem, Judas' death at Elaza and the ensuing control of the temple by Alcimus, we have to consider a time when Jonathan made an arrangement with the Seleucid court. The explicit threat against Demetrius allows for a further specification, namely that Jonathan had already betrayed the king and changed over to Alexander Balas in 152 BCE.¹⁴⁸ Most likely, Demetrius was still alive, so that

¹⁴⁴ *IMacc* 8: 31: καὶ περὶ τῶν κακῶν, ὧν ὁ βασιλεὺς Δημήτριος συντελεῖται εἰς αὐτούς, ἐγράψαμεν αὐτῷ λέγοντες: 'διὰ τὴν ἐβάρυναν τὸν ζυγὸν σου ἐπὶ τοὺς φίλους ἡμῶν τοὺς συμμάχους Ἰουδαίους; 32 ἐὰν οὖν ἐτι ἐντύχῃσι κατὰ σοῦ, ποιήσομεν αὐτοῖς τὴν κρίσιν καὶ πολεμήσομεν σε διὰ τῆς θαλάσσης καὶ διὰ τῆς ξηρᾶς'.

¹⁴⁵ Uncertainty remains, since neither Judas nor the two ambassadors are named in the letter, and Demetrius might in theory be identified with Demetrius II. We know indeed that the Romans addressed Demetrius II in a letter on behalf of the Jews in 142 BCE (*IMacc* 14: 38–39 and 15: 22, with Coşkun 2018 and forthcoming b on the chronology). However, the aggressive tone of *IMacc* 8: 31–32 would be more fitting for the strained relation that the Romans had with Demetrius I in 161 BCE; see above, section III. 5). And that the diplomatic exchange of this earlier year yielded more than one written document is further supported by the Fannius letter; see above, note 137.

¹⁴⁶ The remarkable fact that the 'letter' or 'inscription' quoted in *IMacc* 8: 23–32 does not directly address Judas as the authority behind the embassy has also been noted, e.g., by Giovannini – Müller 1971, 168–170 and Goldstein 1976/79, 358, who explain that the effective authority would have lain not with the *guerrillero* Judas but with the *gerousia* or the *ethnos* of the Judaeans, on which also see *2Macc* 4:11 and 11: 34–38. For the same reason, Josephus is believed to have 'corrected' the account by making Judas high priest (*AJ* 12.414; 419), having Alcimus die early accordingly, despite *IMacc* 9.54–57. See Scolnic 2005 on the historical Alcimus and the distortion of his biography in the literary tradition, and Coşkun in prep. on Josephus' source, a strongly revised version of *IMacc*. Also see Seeman 2013, 123–124, who argues that the dispatch of a Judaeen embassy required a compromise between Judas and parts of the aristocracy, to find acceptance in Rome despite the bypassing of the High Priest Alcimus. The argument is, however, based on the (erroneous) interpretation of Diod. 40.2 (see above, section III. 1) a) with n. 85) and also of the (questionable) assumption that the Romans were in a position to verify the social status of the ambassadors and their backing in Judaea.

¹⁴⁷ On the dynastic ideology of *IMacc*, see Schwartz 2017 and Ms. 2017; cf. Goldstein 1976/79, 62–89; Schwartz 1991, 91; Stone 1984, 172–174; Mendels 2013; Regev 2013; Coşkun, in prep.

¹⁴⁸ An alternative option might be the time when Jonathan abandoned Demetrius II to ally with Antiochus VI in ca. 144 BCE, although, not long thereafter, he is said to have sent ambassadors to Rome himself – if we can

152/50 BCE provides plausible conditions. Perhaps at this time, a somewhat more modest approach was in place. The focus would have been less on the ruler (Judas had never been high priest in his life) than on the autonomous Judaeans, who took pride in their diplomatic support by the Romans. In addition, the well-known fact that Judas had died at the hand of the Seleucids not long before, might have been seen as undermining the ideological force of a treaty naming Judas as the ally of the Romans.

VI. Conclusions

After centuries of intense scholarship on *IMacc* 8, controversies around the first Judaeans embassy to Rome, beginning with its aims and outcomes and extending to its literary tradition, continue to abound. This has neither changed with the first monograph dedicated to the topic by Linda Zollschan nor by the present discussion the same book has triggered. In many regards, the evidence is too uncertain to allow for firm conclusions. And yet, in contrast to Zollschan, I would like to insist that the available sources still favour the traditional view that Judas did send out his ambassadors some time after the Battle of Adasa in ca. March 161 BCE, that the Senate accepted the request of friendship and alliance between the Romans and the Judaeans, that an oath as defined by the Senate after negotiation with the envoys was sworn by both peoples or rather their representatives, that the consul C. Fannius reported the Senate proceedings in a letter to Judas, and, finally, that the ambassadors returned to the East too late to avoid the defeat of Judas at Elasa in 161/60 BCE.

This said, I agree with Zollschan that we can deepen our understanding of the events by subjecting our sources to systematic philological work and historical analysis. This endeavour requires, however, much more consistency and sophistication: philological scrutiny must not be limited to a schematic count of Hebraisms or formal deficiencies as compared to other known documents, but needs to pave the way to understanding more precisely how the text, as we have it, came about – rather than rejecting it as fabrication and filling the gaps with our preconceived ideas. To this end, we need more documentary philology that sheds light on the whole life-span of official texts: from their drafting over their communication and archiving to their quotation and editing for incorporation into ancient works, not to forget the textual transmission up to their critical edition in modern times. We also have to broaden the perspective by taking the complex genesis of *IMacc* into account and isolating the various hands that drafted or edited the narrative and documentary sections respectively. Further refinement can be achieved by systematically considering the results of modern translation theory.

This philological work needs to go hand in hand with historical analysis, under due consideration of ancient diplomatic practices, in which the notion of friendship played an outstanding role. While both the Romans and the Judaeans had been under the broad influence of Near Eastern and Hellenistic traditions in their interstate communications,

trust *IMacc* 12.17–23. A *terminus ante quem* is the succession of Simon, who sent ambassadors to Rome in 142 BCE and accepted to overlordship of Demetrius II in 142 BCE. For the chronology, see Ehling 2008; Coşkun 2018 and forthcoming b.

we should not underestimate the flexibility with which legal concepts and traditional ceremonies could be used or adapted to serve the political needs of the time. The treaty of 161 BCE should thus be seen as a prime example of both the skilful instrumentalization of *amicitia* relations and the prerogative of politics over foreign relations predetermined by law, tradition and formalism.

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