

HERESY, FORGERY, NOVELTY: CONDEMNING AND DENYING INNOVATION IN JOSEPHUS

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This essay—an earlier version of which was presented at the conference held at Neve Ilan in April 2019—ties together some Josephus-related threads from my recently published book, *Heresy, Forgery, Novelty: Condemning, Denying, and Asserting Innovation in Ancient Judaism*.¹ As the modified title implies, this paper focuses on Josephus in particular, and explores the ways his works display early heresiological tendencies, by condemning innovation in some instances, by denying innovation in others.

1. Heresy, Forgery, Novelty

It is frequently asserted that heresy is a Christian invention, a notion inextricably bound to Christianity's distinctive—and notoriously unsuccessful—drive to establish a singular orthodoxy.² The earliest history of heresy can best be seen when we disentangle heresy from orthodoxy, focusing especially on one key element of heresiological accusations: the condemnation of religious novelty. As we will see, a number of Christian writers accuse heretics of dangerous innovation, a concern we will find reflected in Josephus as well.

The dangers associated with religious innovation can be seen not only in its condemnation, but also in the extensive efforts taken to evade the charge altogether. Perhaps the most salient evidence of this is the widespread practice of pseudepigraphy, which served one clear function above all: the denial of novelty by feigning antiquity. But the past could be reshaped in other ways as well, particularly by historians like Josephus, interested in establishing precedents for phenomena he valued, and denying the same to those deemed illegitimate.

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¹ Jonathan Klawans, *Heresy, Forgery, Novelty: Condemning, Denying, and Asserting Innovation in Ancient Judaism* (New York: Oxford University Press, 2019). All that follows appears in its fullest form in the book and appears here courtesy of Oxford University Press.

² For one classic articulation of this view see Alain Le Boulluec, *La notion d'hérésie dans la littérature grecque II^e–III^e siècle* (2 vols.; Paris: Études Augustiniennes, 1985). This perspective is echoed by Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Divinations; Philadelphia: University of Pennsylvania Press, 2004).

Yet there comes a time when novelty is embraced as a value, at least by some. The clearest evidence for this can be seen in the various valorizations of novelty that emerge among early Christian sources, many of which are eventually canonized in the Christian *New Testament*. And for some—as we find in the New Testament letter to the Hebrews—the virtue of valorizing innovation is undergirded by the derogation of what appeared prior. With the manifestation of such tendencies, the dynamic of old turns on its head: The heresiological charge condemning innovation inverts into a supersessionist claim for replacing what is old with what is new. Heresy can be understood as the condemnation of the new, in defense of the old. Supersessionism can be understood as the condemnation of the old, in defense of the new.

Briefly put, the dynamic we are exploring can be summarized as follows: *Heresy involves the condemnation of novelty; forgery entails the feigning of antiquity. Novelty ensues with the valorization of innovation, which can harden into supersessionism—the inverse of heresy.* With these definitions—which will be justified in light of Jewish and Christian sources—we can find:

- (1) that Christian heresiology, with its demonization of novelty, has roots in Judaism in general (with key evidence manifest in Josephus in particular).
- (2) that our evidence is muddied by Jewish and Christian lies and forgeries—often in the form of pseudepigraphs—which serve to deny or conceal innovations that would otherwise be condemned as novel.
- (3) that the Christian claim of novelty, while having roots in sectarian Judaism, goes further than its Jewish precedents by embracing the new and condemning the old in unprecedented ways. Christianity’s innovation is not heresiology, but the valorization of the new.

2. What is New? Anxieties of Innovation, Then and Now

In the early second temple period, an unknown Jewish sage writing under the pseudonym “Ecclesiastes” depressingly declared: “there is nothing new under the sun.” Yet not all of Israel shared his despair.³ Various Psalms declare, “Sing unto the Lord a new Song!” (e.g., Ps. 96.1, 98.1). A more suspecting approach to newness can be found in Deuteronomy. Twice this book warns against adding or subtracting to the divinely-revealed laws: “you must neither add anything to what I command

³ On Ecclesiastes and his despair, see Michael V. Fox, *A Time to Tear Down and a Time to Build Up: A Rereading of Ecclesiastes* (Grand Rapids, Mich.: Eerdmans, 1999); on Eccl. 1.8–10 see 167–169. For one helpful, though not unproblematic, survey of sundry things “new” in the Hebrew Bible, see R. North, “*chādhāsh, chōdhesh*,” in G. Johannes Botterweck, Helmer Ringgren, and Heinz-Josef Fabry, eds., *Theological Dictionary of the Old Testament* (15 vols.; trans. J. T. Willis et al.; Grand Rapids, MI: Eerdmans, 1974–2006), 4:225–244. For a fuller survey of biblical approaches to newness, see Klawans, *Heresy, Forgery, Novelty*, esp. 1–8.

you nor take away anything from it” (4.2; cf. 13.1).⁴ While prophets will arise in the future, their prophecies—whether true or false—are to be measured against what is already known (18.15–22; 13.2–6). Indeed, Deuteronomy concludes with the assertion that Moses was the greatest of the prophets—never to be surpassed (34.10–12): “Never since has there arisen a prophet in Israel like Moses....”⁵

Other Israelite texts, however, seem more forward-thinking in their prophetic expectations. Ezekiel anticipates an Israel endowed with new hearts and new spirits (18.31, 36.26). Deutero-Isaiah looks forward to a new earth and sky (Isa. 65.17). More famously, the prophet Jeremiah predicted that the Lord would establish a new covenant with Israel and Judah (31.31–32):

(31) The days are surely coming, says the Lord, when I will make a new covenant with the house of Israel and the house of Judah. (32) It will not be like the covenant that I made with their ancestors when I took them by the hand to bring them out of the land of Egypt—a covenant that they broke, though I was their husband, says the Lord....

This passage, perhaps more than any other in the Hebrew Bible, presents the dramatic possibilities promised by prophetic innovation.⁶ As is well-known, the passage will play a crucial role in the Christian embrace of newness vis-à-vis contemporary Judaism (to wit especially Hebrews 8.1–13). Jeremiah 31 also appears to have had at least some impact on the Dead Sea sectarians, who occasionally speak of a “new covenant,” following the restorative revelations of the Teacher of Righteousness (e.g., *Damascus Document* 6.19). Yet Jeremiah 31 is virtually ignored in rabbinic literature. The traditional Jewish view subordinates Jeremiah 31 to Deuteronomy 4 and 34: whatever Jeremiah is talking about, the law goes unchanged, and Moses’s prophetic status remains unchallenged.

There is yet another discourse regarding newness, one that emphasizes the cyclic nature of renewal.⁷ This can be seen first of all in the semantic and conceptual relationship between the Hebrew word *chadash* (understood as “new”) and the related term *chodesh* (month, which traditionally begins with the renewal of a lunar cycle). Other references to renewal that can be understood as restorations include Samuel’s renewal of the monarchy (1 Sam. 11.14); Jehoash’s renovations of the sanctuary (2 Chron. 24.4, 12); and, most famously, Lamentations’ hopeful, exilic

⁴ On this important verse, see Bernard M. Levinson, *Legal Revision and Religious Renewal in Ancient Israel* (Cambridge: Cambridge University Press, 2008), 12–14.

⁵ On Moses’s prophetic uniqueness in the context of Mosaic discourse, see Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism* (JSJSup 77; Leiden: Brill, 2003), 36–39.

⁶ For an analysis of Jeremiah’s prophecy in the context of biblical covenantal ideas, see Delbert R. Hillers, *Covenant: The History of a Biblical Idea* (Baltimore: Johns Hopkins University Press, 1969), 166–168.

⁷ North, “*chādhāsh, chōdhesh*,” 229–236.

declaration: “Renew our days *as of old*” (5.21). Given the cyclical nature of renewal—and ancient Hebrew’s lack of the English language’s ever-helpful prefix, “re-”—we are left with a striking conundrum: was Jeremiah’s new covenant to be understood as innovative or restorative?⁸

Given all that is at stake for Judaism and Christianity, this question cannot be answered in a completely disinterested way. But the traditional Christian embrace of newness soon becomes clear enough, as we see in Hebrews above all, but also some early versions of the Eucharistic words (Luke 22.20 [longer version]; 1 Cor. 11.25). Indeed, a fuller examination of the New Testament material reveals a trajectory of novelty-appreciation that extends from Jeremiah 31, grows in the Gospels and Paul, and crystallizes in Hebrews, where, possibly for the first time, the embrace of the new is combined with the derogation of the old. This process culminates in some respects with the eventual adoption of the term “New Testament” for the relatively recent Christian scriptures included in Christian Bibles.⁹

For those Jews who rejected Jesus, all this Christian newness was just too much. Rabbinic Judaism affirms the claim of Deuteronomy, that Moses was Israel’s greatest prophet (e.g., *Lev. Rab.* 1.3), and the Torah remains unsurpassed (e.g., *m. Avot* 5.22).¹⁰ Of course, the rabbis bequeath an enormous body of interpretive

⁸ The understanding of Jeremiah’s prophecy as one of renewal is championed by (among others) Shemaryahu Talmon, “The Community of the Renewed Covenant: Between Judaism and Christianity,” in Eugene Ulrich and James C. VanderKam, eds., *The Community of the Renewed Covenant* (Notre Dame: University of Notre Dame Press, 1994), 3–24 (esp. 12–13). By contrast, see North, “*chādhāsh, chōdhesh*,” which understands Jeremiah’s prophecy in relation to an entirely unprecedented “interiorization of religion” (237). The shifts and tensions here can also be seen by comparing Rodney Hutton’s annotations to Jer. 31.31–37 in Michael D. Coogan, et al., eds., *The New Oxford Annotated Bible, New Revised Standard Version with Apocrypha* (4th edn.; New York: Oxford University Press, 2010), 1111 (which begins with a reference to the “renewed covenant”) with Louis Stulman’s annotations to the passage in Coogan et al., eds., *New Oxford Annotated Bible* (5th edn.; New York: Oxford University Press, 2018), 1125 (which begins with a reference to the “new covenant”).

⁹ For a survey of NT usages relating to “new,” see Johannes Behm, “καίνος, κτλ.,” in Gerhard Kittel and Gerhard Friedrich, eds., *Theological Dictionary of the New Testament* (10 vols.; G. W. Bromiley, trans.; Grand Rapids, Mich.: Eerdmans, 1964–1976), 3:447–454. On the phrase “New Testament” as a heading for Christian scriptures, see Wolfram Kinzig, “Καινή διαθήκη: The Title of the New Testament in the Second and Third Centuries,” *JTS* n.s. 45.2 (1994): 519–544. There is nothing new in recognizing the Christian fondness for newness. For one brief notice, one that I doubtless read many times long ago, see, Shaye J. D. Cohen, *From the Maccabees to the Mishnah* (Philadelphia: Westminster Press, 1987), 9.

¹⁰ For one survey of rabbinic traditions on these themes, see Abraham Joshua Heschel, *Heavenly Torah: As Refracted through the Generations* (Gordon Tucker ed. and trans.; New York: Continuum, 2007), esp. 299–320, 517–537, 587–588 (on Moses’s unsurpassed prophecy) and 321–340, 368–386 (on the heavenly Torah). Heschel also attends to the human side of all this, allowing for Mosaic influence on the Torah (see esp. 478–501).

literature. But the rabbis do not claim originality for their work.¹¹ Rather, they maintain that their teachings are part of an unbroken chain extending from Moses (e.g., *m. Avot* 1.1).¹² For the most part, legal development in rabbinic literature is concealed: much of it masked as interpretation; explicit change, when occasionally recognized, is typically retrojected into the past.¹³ Although later rabbis distinguish the “oral Torah” from its written counterpart, they nevertheless trace both back to Moses and Sinai, a claim justified by an appeal to the (written) Torah itself. According to the *Sifra* (*Behuqotai* 8.12 [ed. Weiss 112b]), we are to understand—based on the plural *torot* in Leviticus 26.46—that “the Torah was given with its laws, specificities and explanations through Moses at Sinai.”¹⁴ Scholars of course do not accept this assertion as factual; but the radical rabbinic denial of innovation is rendered no less important by its unbelievability.

There is a great deal more to be said about the promises, possibilities, and perils of the new in the Hebrew Bible, the New Testament and other Jewish and Christian literature. Anxieties of innovation¹⁵ can be discerned in the Hebrew Bible, a phenomenon that will continue and indeed flourish in ancient Judaism. These fears then impact how any given instance of novelty is measured or acknowledged. While some may hold out hope for an unprecedented innovation—or dramatic reform—others may understand the same or some other similar development to be a

¹¹ In Martin S. Jaffe’s words, the rabbis in their own eyes “are not authors, but repeaters...they do not invent, they merely transmit.” See Jaffee, “Rabbinic Authorship as a Collective Enterprise,” in Charlotte Elisheva Fonrobert and Martin S. Jaffee, eds., *The Cambridge Companion to the Talmud and Rabbinic Literature* (New York: Cambridge University Press, 2007), 17–37 (25).

¹² See Boyarin, *Border Lines*, 74–86 and Amram Tropper, *Wisdom, Politics, and Historiography: Tractate Avot in the Context of the Graeco-Roman Near East* (Oxford: Oxford University Press, 2004), 208–240.

¹³ See Aaron D. Panken, *The Rhetoric of Innovation: Self-Conscious Legal Change in Rabbinic Literature* (Lanham, Md.: University Press of America, 2005), esp. 333–334, where he summarizes the rabbinic “anxiety of innovation.” See also Albert I. Baumgarten and Marina Rustow, “Judaism and Tradition: Continuity, Change, and Innovation,” in Ra’anan S. Boustan, Oren Kosansky, and Marina Rustow, eds., *Jewish Studies at the Crossroads of Anthropology and History: Authority, Diaspora, Tradition* (Jewish Culture and Contexts; Philadelphia: University of Pennsylvania Press, 2011), 207–237 (esp. 211–217).

¹⁴ Heschel reviews this and similar traditions in *Heavenly Torah*, 552–588. Alongside “maximalist” traditions like the one quoted here, Heschel identifies and discusses more “minimalist” traditions, ones allowing for an accumulation of Torah knowledge over time (esp. 586–587).

¹⁵ The phrase “anxiety of innovation” is influenced in part by Harold S. Bloom, *The Anxiety of Influence: A Theory of Poetry* (2nd edn.; New York: Oxford University Press, 1997); I also acknowledge Panken’s use of the phrase in *Rhetoric of Innovation*, 333. The modern predicament (as Bloom understands it) is quite different from the ancient Jewish one: while modern poets (and, I should add, modern scholars) struggle to establish originality vis-à-vis their predecessors, ancient Jewish writers—as well as a number of the earliest Christian ones—largely struggled to conceal their identities and deny any authorial originality.

renovation, a renewal, a resetting.¹⁶ Novelty, therefore, cannot be objectively determined or measured. It will be claimed or denied with ever-renewable degrees of subjectivity.

For all these reasons, granting all these complexities, I am not here interested in tracing actual religious innovations—except insofar as we find developments in ancient Jewish and early Christian rhetoric concerning newness. There are times when the religious condemnation of perceived innovation sharpens acutely. And there are times when claims of newness emerge with striking clarity. By examining such occurrences, I hope to shed light on an overlooked dynamic common to both ancient Judaism and early Christianity, one that finds echoes in Josephus in particular.

3. A Tradition of Condemning What is New

The flourishing of developed Christian heresiology by the late second century of the common era is undeniable.¹⁷ Church authorities like Irenaeus (c. 135–202 CE), Tertullian (c. 160–230 CE) and Hippolytus (c. 170–235 CE) have left us a rich (if disturbing) literary legacy.¹⁸ Important later works include Epiphanius’s *Panarion* and—though of a different genre—Eusebius’s *History* (c. 260–340 CE). On the whole, the Christian heresiological library catalogues and condemns what the writers perceived to be the dangerous theological innovations introduced by various non-conforming Christian groups, sundry “gnostic” movements prominent among them.¹⁹

¹⁶ See Michael Satlow, “Tradition: The Power of Constraint,” in Robert A. Orsi, ed., *The Cambridge Companion of Religion* (New York: Cambridge University Press, 2011), 130–150 (esp. 133–135, 145–146).

¹⁷ For a recent survey of scholarship on Christian heresiology see David W Jorgensen, “Approaches to Orthodoxy and Heresy in the Study of Early Christianity,” *Religion Compass* 11.7–8 (2017): e12227. The modern classic work—discussed in some detail by Jorgensen—remains Walter Bauer, *Orthodoxy and Heresy in Earliest Christianity* (2nd edn.; Georg Strecker, ed.; Robert A. Kraft et al. trans.; Philadelphia: Fortress, 1971 [1934]). For an interesting examination of pre-medieval Christian heresiology—as compared to rabbinic Jewish, classic Islamic, and neo-Confucian parallels—see John B. Henderson, *The Construction of Orthodoxy and Heresy: Neo-Confucian, Islamic, Jewish, and Early Christian Patterns* (Albany: State University of New York Press, 1988). For a fuller survey of Christian heresiology as well as the academic denials of Jewish backgrounds, see Klawans, *Heresy, Forgery, Novelty*, 9–17.

¹⁸ Serviceable English translations of works such as Tertullian’s *Against Marcion*, Irenaeus’s, *Against Heresies*, and Hippolytus’s *Refutation of all Heresies* can be found—in print and online—in the classic 1885–1887 collection, *Ante-Nicene Fathers* (henceforth, *ANF*), edited by Roberts and Donaldson. See especially *ANF* 1:309–578 (Irenaeus); 3:269–475 (Tertullian), and 5:3–162 (Hippolytus).

¹⁹ There is a movement afoot to question—if not abandon—the terms “Gnostic” and “Gnosticism.” Like “heresy,” these terms come to us from patristic literature, which speak of “gnostics” and “gnosis” with some frequency and little sympathy. The full traditional title of Irenaeus’s heresiological masterwork is *Refutation and Overthrow of Knowledge [gnosis] Falsely so-Called*

The Christian heresiological condemnation of novelty manifests itself in a number of ways. Generally, heretics are accused of inventing all sorts of allegedly unfounded ideas, the falsehoods of which become evident when put in proper contrast with older truth, as found in scripture or tradition. This can be seen in the accusations Tertullian raises against his Marcion—the charge of inventing his own god (*Against Marcion* 1.8.1, 1.9.1).²⁰ Irenaeus approached the matter similarly, accusing a whole host of heretics—Marcion, Valentinus, Basilides, Simon, the “so-called gnostics”—of inventing their own false deity (*Against Heresies* 4.6.4). Here we see also a second manifestation of the heresiological concern with novelty. Christian writers frequently assign to each condemned group a distinct founder, a figure from recent history who can be specifically (and individually) credited with inventing the distinctive breaks in tradition that constitute the given heresy. Irenaeus makes this point abundantly clear (*Against Heresies* 3.4.3):

For prior to Valentinus, those who follow Valentinus had no existence; nor did those from Marcion exist before Marcion; nor, in short, had any of those malignant-minded people, whom I have above enumerated, any being previous to the initiators and inventors of their perversity....²¹

It is for this reason that heresiologies can read like name-books: Marcion, Valentinus, Basilides, Carpocrates, and so forth.²²

The novelty of heresy is further ensured by a master narrative, one that traces a line of descent that goes back to a single father of all heretics, Simon Magus, known from Acts 8.²³ Irenaeus frequently identifies Simon as the person “from whom all sorts of heresies derive their origin” (*Against Heresies* 1.23.2). Indeed, “all those

(cf., e.g., Eusebius, *History* 5.7). For arguments against the terms, see: Karen L. King, *What Is Gnosticism?* (Cambridge, Mass.: Harvard University Press, 2003) and Michael A. Williams, *Rethinking “Gnosticism”: An Argument for Dismantling a Dubious Category* (Princeton: Princeton University Press, 1996). While this matter is not of direct concern here, the issues are related. Can contemporary academics usefully make use of terms and categories born of hostility? For a general review—and a brief defense of the term “gnostic”—see Marvin Meyer, *The Gnostic Discoveries: The Impact of the Nag Hammadi Library* (New York: HarperCollins, 2005), esp. 38–43. See also Klawans, “The Essene Hypothesis: Insights from Religion 101,” *DSD* 23.1 (2016): 51–78 (esp. 70–72).

²⁰ See Judith M. Lieu, *Marcion and the Making of a Heretic: God and Scripture in the Second Century* (Cambridge: Cambridge University Press, 2015), 50–85, 406–408.

²¹ Trans. *ANF* 1:417. See also Tertullian, *Prescription*, 34: “if indeed they had then existed their names would be extant.”

²² As it happens, Irenaeus was also the first authority we know of who attributed each of the four canonical Gospels to named apostolic authorities (Matthew, Mark, Luke and John); see *Against Heresies* 3.1.1 (*ANF* 1:414). This process further affirms the priority of the written records Irenaeus accepts as authoritative and true over against the heresies he deems to be later.

²³ For a provocative analysis of this passage, see Morton Smith, “The Account of Simon Magus in Acts 8,” in Saul Lieberman, ed., *Harry Austryn Wolfson Jubilee Volume* (3 vols.; Jerusalem: American Academy for Jewish Research, 1965), 2:735–749.

who in any way corrupt the truth...are the disciples and successors of Simon Magus of Samaria” (1.27.4; cf. 2.pref.1; 3.pref; 3.4.3). Eusebius too minces no words: Simon was the “first author of all heresy” (*History* 2.13.5).²⁴ What is important about this is Simon’s place in Christian history. Appearing on the scene in the years following Jesus’s death, this master narrative underscores the degree to which heresy, in all its multifarious forms, is understood to be newer than the true faith taught a generation earlier by Jesus himself.

Finally, and most importantly, early heresiologists define heresy precisely in terms of its novelty. This can be seen clearly in Tertullian’s classic definition, associated with his condemnation of Marcion (*Against Marcion* 1.1.6) in which a heretic is defined “as one who, forsaking that which was prior, afterwards chose out for oneself that which was not in times past.”²⁵ Or, put in modern academic English, heresy entails the accusation of religious novelty in a context where authority is rooted in tradition.

Certainly, there are many important aspects and complexities of Christian heresiology that are not captured in this snapshot. What is more, and to be clear, by defining heresy in relation to religious innovation, we are not suggesting that notions deemed heretical are empirically newer than what is by contrast considered traditional. As Walter Bauer demonstrated long ago, orthodoxy is no older than heresy.²⁶ Indeed, “orthodox” constructions of the past are often false, and frequently forged. Heresiological accusations of novelty must, therefore, be treated with sufficient suspicion. Our purpose here is narrower: to reclaim the centrality of novelty (perceived or alleged) for an academic understanding of what constitutes an accusation of heresy. And we do this not primarily to shed light on Christianity (whether in “orthodox” or “heretical” forms), but rather to highlight an overlooked Jewish background for this central element of Christian heresiology.

4. Constructing and Condemning the Fourth Philosophy

We turn now to Josephus.²⁷ Our goal is to discern and appreciate a number of the distinctively heresiological features of Josephus’s condemnatory description of

²⁴ Trans. Lake (LCL); Simon’s priority among Christian heretics is also asserted in the briefer heresiological work (mistakenly) attributed to Tertullian, *Against all Heresies*, 1 (ANF 3:649).

²⁵ Trans. ANF 3:272; cf. Tertullian, *On Prescription Against Heretics*, 29–31; e.g.: “the priority of truth and the lateness of falsehood” (31; ANF 3:258). See Lieu, *Marcion*, esp. 62–63, 406–408. Ironically—and not irrelevantly—Tertullian eventually falls victim of his own construct, for his adoption of Montanism (with its recognition of ongoing prophecy) will eventually be deemed yet another classic example of dangerous novelty by the emerging Nicene (“Orthodox”) Christianity.

²⁶ See Bauer, *Orthodoxy and Heresy*, as well as the discussion in Jorgensen, “Approaches.”

²⁷ For a fuller account of what follows, see Klawans, *Heresy, Forgery, Novelty*, 39–79, which expands upon Klawans, “Heresy Without Orthodoxy: Josephus and the Rabbis on the Dangers of Illegitimate Jewish Beliefs,” *Journal of the Jesus Movement in its Jewish Setting* 1 (2014): 99–126. For the author’s fuller approach to Josephus as a source for ancient Judaism in general (and Pharisees, Sadducees, and Essenes in particular), see *Josephus and the Theologies of Ancient Judaism* (New York: Oxford University Press, 2012).

Judas the Galilean’s rebellious “Fourth Philosophy” (*Ant.* 18.4–10, 23–25; cf. *War* 2.118).²⁸

We can be certain, of course, that Josephus was uninfluenced by the Christian heresiologists who appear decades after his death. Yet we can establish that the earliest heresiologists—Justin, Tertullian, and Irenaeus—were at least generally familiar with Josephus.²⁹ We can be certain Hippolytus had access to Josephus, because a significant portion of the *Refutation*’s description of ancient Jewish groups (9.18.2–9.29.3) appears to be based on Josephus’s descriptions of Essenes, Pharisees, and Sadducees in *Jewish War* (2.119–66).³⁰ For all these reasons, considering possible Josephan backgrounds for Christian heresiology matters greatly for the present argument, while holding out import for a fuller understanding of the origins of Christian heresiology.

Josephus names and numbers three schools of Jewish thought—Pharisees, Sadducees, and Essenes—in both *War* and *Antiquities* (*War* 2.199, *Antiquities* 13.17, and 18.11). In these instances, the counting does not appear to imply chronology, for the numbering shifts among the reports.³¹ The “fourth” school is counted as such only in *Antiquities* 18.9, 23 but in this case, the numeration may well imply novelty. This group is the illegitimate fourth recent addition to the traditional prior three.

²⁸ Generally, see Martin Hengel, *The Zealots: Investigations into the Jewish Freedom Movement in the Period from Herod I until 70 A.D.* (David Smith, trans.; Edinburgh: T&T Clark, 1989); but compare the critique of M. Smith, “Zealots and Sicarii: Their Origins and Relations,” *HTR* 64.1 (1971): 1–19. See also the more recent review of some of this material in Mark Andrew Brighton, *The Sicarii in Josephus’s Judean War: Rhetorical Analysis and Historical Observations* (EJL 27; Atlanta: Society of Biblical Literature, 2009).

²⁹ See Michael E. Hardwick, *Josephus as an Historical Source in Patristic Literature through Eusebius* (BJS 128; Atlanta: Scholars Press, 1989) and Heinz Schreckenberg, “Josephus in Early Christian Literature and Medieval Christian Art,” in Heinz Schreckenberg and Kurt Schubert, *Jewish Historiography and Iconography in Early and Medieval Christianity* (CRINT III.1; Assen: Van Gorcum, 1992), 1–138.

³⁰ The matter is disputed. Some argue that Hippolytus drew on an earlier independent source also used by Josephus; see, e.g., M. Smith, “The Description of the Essenes in the Josephus and the Philosophumena,” *HUCA* 29 (1958): 273–313. Others believe Hippolytus drew on an intermediary source that edited Josephus; see Albert I Baumgarten, “Josephus and Hippolytus on the Pharisees,” *HUCA* 55 (1984): 1–25. I have argued that the simplest solution—one also in line with what the latest scholarship has established with regard to Hippolytus’s approach to other received materials—is that the heresiologist used Josephus’s work directly and adapted it for his needs in light of his views (see Klawans, *Josephus*, 223–228).

³¹ While Pharisees are listed first in *War* 2.199 and *Ant.* 13.171, Essenes are listed first in *Ant.* 18.11. Josephus’s subsequent descriptions do not follow the order of his numbering—Pharisees are described third in *War* 2 and first in *Antiquities* 18. Indeed, Josephus claims that these three groups extend “from the most ancient times” (*Ant.* 18.11). The equal antiquity of the sectarian triad is also implied by mentioning all three—for the first time, chronologically speaking—in *Antiquities* 13.171.

Josephus's description of the Fourth Philosophy falls into two parts. In *Antiquities* 18.4–10, Josephus introduces the group's founder Judas³² and his Pharisaic supporter Zadok (18.4). After describing their rebelliousness and the movement's growth among the populace in generally unfavorable terms (18.5–8), Josephus proceeds to lay the nation's ruin at the feet of their "intrusive [ἐπεΐσακτον] fourth philosophy" (18.9). This group, Josephus emphasizes, stands in contrast to the three schools that have characterized Jewish thought from ancient times (18.11): the Pharisees (18.12–15), Sadducees (18.16–17) and Essenes (18.18–22). Following this review, Josephus returns to the Fourth Philosophy once again, and presents a cumulative description of this group's beliefs (18.23–25):

(23) As for the fourth of the philosophies, Judas the Galilean set himself up as leader of it. This school agrees in all other respects with the opinions of the Pharisees, except that they have a passion for liberty that is almost unconquerable, since they are convinced that God alone is their leader and master. They think little of submitting to death in unusual forms and permitting vengeance to fall on kinsmen and friends if only they may avoid calling any man master. (24)...I have no fear that anything reported of them will be considered incredible. The danger is, rather, that the report may minimize the indifference to the excess of suffering they have accepted. (25) By this madness [ἄνοιά] the nation began to be afflicted [βοσσεῖν]....³³

Here too Josephus leaves no doubt that the group was dangerously innovative, breaking with tradition in such a way as to sow the seeds of the nation's destruction.

What are this group's dangerous innovations? In most matters, we are told, the Fourth Philosophy agrees with the Pharisees (18.23), in line with the stated affiliation of the group's co-founder, Zadok (18.4).³⁴ Yet Josephus explicitly identifies two important ways in which their views are distinctive. First, advocates of the Fourth Philosophy believe that "God alone is their leader and master"

³² In *Antiquities* 18.4, this Judas is identified as a Gaulanite; in *Ant.* 18.23, *War* 2.118 (and also *Acts* 5.37), this Judas is identified as a Galilean. The latter epithet is more commonly used to identify this figure.

³³ Translation follows LCL (Feldman); the translation of 18.24–25 has been edited in light of the translation and analysis in Hengel, *Zealots*, 77–78.

³⁴ Contrast *War* 2.118, which suggests (implausibly) that Judas's group was utterly unlike the other three schools in all or most respects; this passage then proceeds to briefly explain the group's key distinctions: rebelliousness and a refusal to accept human masters. Josephus's claim (in *Ant.* 18.23) that the Fourth Philosophy agrees largely with the Pharisees—combined with Zadok's Pharisaic allegiance (18.4)—confirms, for some, the Pharisaic origins for the movement; see, for example, Hengel, *Zealots*, esp. 86–88 and, more thoroughly, Israel Ben-Shalom, *The School of Shammai and the Zealots' Struggle against Rome* [Hebrew] (Jerusalem: Yad Ben-Zvi, 1993), esp. 157–171, 289–292. For a critical review of this particular line of thinking, see David M. Goodblatt, *Elements of Ancient Jewish Nationalism* (Cambridge: Cambridge University Press, 2006), esp. 88–91.

(18.23).³⁵ Second, their fearlessness of death leads not only to risking their own lives (like the Essene martyrs; see *War* 2.152–153), but also, ostensibly uniquely, to permitting vengeful bloodshed on their own countrymen (*Ant.* 18.23). A third important difference then extends from these. While the properly named three schools (Pharisees, Sadducees, and Essenes) have characterized Jewish religious thought from time immemorial (18.11), Josephus deems the Fourth Philosophy to be perilously innovative. Alone among the sects, this group has a single named founder, situated in the recent past, whose rebellious ways stem neither from scripture nor tradition. It is precisely this characteristic—dangerous innovation—that puts this group (but not the others) outside of the Jewish polity.

Scholars are rightly skeptical of Josephus's construction, as only he uses the term "Fourth Philosophy." Indeed, it is difficult even to find clear external verifications for the independent existence of coherent named sub-groups such as the Zealots or the Sicarii, let alone a singular "Fourth Philosophy."³⁶ What is more, Josephus's own narrative of the revolt in *War* does not restrict rebellious activity to any given group. Indeed, he assigns positions of leadership in the revolt to himself (and he claims Pharisaic allegiance in *Life* 12),³⁷ as well as to Simon son of Gamaliel (*War* 4.159; identified as a Pharisee in *Life* 191),³⁸ and John the Essene (*War* 2.567, 3.11, 19).³⁹ This militates against the veracity of Josephus's claim that there was a distinct rebellious philosophy so easily separable from the others. As is widely

³⁵ On this aspect of their beliefs, see the exhaustive treatment in Hengel, *Zealots*, 90–110, as well as the more recent review in Goodblatt, *Elements*, 88–99.

³⁶ See M. Smith, "Zealots." It is in this important respect that Josephus's account of the Fourth Philosophy is distinct from his descriptions of Pharisees, Sadducees, and Essenes. We can easily confirm that these other groups existed. Therefore, the accuracy of Josephus's descriptions of these groups can be tested (and, I believe, generally confirmed) by comparison with this other evidence; see Klawans, *Josephus*, and also "Essene Hypothesis." By these standards, Josephus's account of the Fourth Philosophy compares poorly.

³⁷ Some doubt the veracity of *Life* 12 by identifying anti-Pharisaic observations in Josephus's *oeuvre* (e.g., *Ant.* 17.41–45); see, e.g., Steve Mason, *Flavius Josephus on the Pharisees* (SPB 39; Leiden: Brill, 1991), esp. 325–341; on *Ant.* 17.41–45, see 260–280. More recently, Mason has also suggested that *Life* 12 casts doubt upon Josephus's identifying himself as a true Pharisee; see Mason, *Life of Josephus: Translation and Commentary* (FJTC 9; Leiden: Brill, 2001), 21 n. 91. I have tried to demonstrate that Josephus's own ideology in his writings largely matches that of the Pharisees, *as he describes them* (Klawans, *Josephus*, 6–7, 81–91, 110–111, 119, 133–134, 137–139, 168–170, 211–212).

³⁸ On this passage and Simon son of Gamaliel, see Mason, *Life* (FJTC 9), 98–99 n. 844.

³⁹ It is possible that Josephus describes John as being from the town of Essa; see Steve Mason, with Honora Chapman, *Judean War 2: Translation and Commentary* (FJTC 1b; Leiden: Brill, 2008), esp. 384 n. 3396 (on *War* 2.567). Even so, Josephus elsewhere describes the Essenes' heroic martyrdoms during the war (*War* 2.152–153), so their participation in the revolt remains implied by Josephus in any event.

suspected, the isolation of this group likely reflects Josephus's effort to direct blame away from many, and onto a few.⁴⁰

But perhaps Josephus's greatest prevarication involves his effort to establish the group's distinctive novelty by denying its characteristic ideas any basis in scripture or tradition.⁴¹ Although we cannot be certain, it stands to reason that any historical Fourth Philosopher pledging political allegiance to "God alone" (*Ant.* 18.23) would have likely appealed to scripture for justification, citing passages such as Judges 8.23 and 1 Samuel 12.12 which oppose monarchy on theological grounds: only God is rightly the king. Josephus, of course, does not allow for any such understanding of the group—both of these passages being elided in Josephus's biblical paraphrase (*Ant.* 5.232, 6.91).⁴² And as Hengel and Feldman both note, Josephus carefully rewrites the Phinehas episode (*Num.* 25.1–19) so as to downplay the role of zeal in his violent actions (*Ant.* 4.150–164).⁴³ Josephus also carefully revises 1 Maccabees' account of the rise of Mattathias (*Ant.* 12.265–285 // 1 Macc. 2.1–70) so as to elide the references to Phinehas's zeal, thereby once again undermining the likely claims of religiously-motivated rebels to root their kin-killing vengeance in scripture and history.⁴⁴ By doing this, Josephus furthers his goals which are to (mis-) characterize this group's views and behavior as dangerously novel. While the Pharisees, Sadducees, and Essenes are bona fide Jewish sub-groups, the Fourth Philosophy remains an illegitimate actualization of the self-serving sophistry of its founder, Judas the Galilean.

Some will no doubt remain interested, first and foremost, in the task of understanding how we can read behind Josephus's elisions to reconstruct the views of the historical Fourth Philosophers—Zealots, Sicarii, and others.⁴⁵ But such efforts are hampered by the case we are building here, to the effect that Josephus's account displays a consistent desire to delegitimize the Fourth Philosophy by characterizing it as recent, innovative, and well-defined. On the other hand, and for

⁴⁰ E.g., M. Smith, "Zealots," 5; Cohen, *Josephus in Galilee and Rome* (Leiden: Brill, 1979), 181–183; Ben-Shalom, *School of Shammai*, 19–20, 130–131; Goodblatt, *Elements*, 89.

⁴¹ In this respect, Hengel's classic remains particularly useful, as he collects manifold evidence for rooting these perspectives within the Jewish tradition; see *Zealots*, esp. 90–110; Goodblatt also assembles evidence in favor of biblical (and Hasmonean) justifications for priestly rule and zeal (*Elements*, 71–107).

⁴² See Klawans, *Josephus*, 164.

⁴³ Hengel, *Zealots*, 154–155; Louis H. Feldman, "The Portrayal of Phinehas by Philo, Pseudo-Philo, and Josephus," *JQR* 92.3–4 (2002): 315–345 (esp. 332–333).

⁴⁴ Hengel, *Zealots*, 154–155; Feldman, "The Portrayal of Phinehas," 318–319, 327–328.

⁴⁵ Those interested in such questions can consult Hengel, *Zealots*; Goodblatt, *Elements*, and Ben-Shalom, *School of Shammai*. Martin Goodman pursues a middle ground, recognizing Josephus's exaggerations, but allowing that Judas the Galilean did espouse a kind of anarchy hitherto unknown in Jewish society; see *The Ruling Class of Judaea: The Origins of the Jewish Revolt against Rome A.D. 66–70* (Cambridge: Cambridge University Press, 1987), 93–96. Even Goodman, however, allows the difficulty of discerning between a "novelty" and the revival "of long-buried ancient notions" (96).

all the same reasons, Josephus's creatively hostile account should play a greater role in discussions of Jewish heresiology. Josephus appears to be following—or, as far as we can tell, establishing—the heresiology rule-book. Josephus constructs an identifiable group, characterized by distinct, erroneous theological positions. Moreover, he provides a label for it, identifying a “Johnny come lately” putative founder, carefully denying the group legitimate roots in scripture or tradition. Indeed, anticipating Epiphanius and Irenaeus, Josephus depicts the Fourth Philosophy as a contagious illness of madness (*Ant.* 18.25).⁴⁶ And while the group is not deemed “satanic” as are some Christian heretics, Josephus nevertheless depicts the Fourth Philosophy as having brought the nation to ruin, which is about as demoniacal as things can get in Josephus.⁴⁷ From this perspective, those who view constructing and characterizing groups in order to highlight their danger and thus to justify their delegitimization as developing first in Christian contexts and coming to Judaism only later, will need to reconsider.⁴⁸

5. Condemnations and Assertions of Innovation in Ancient Judaism

While I cannot think of any ancient Jewish writer who condemns novelty in the way that Josephus does, there is one widespread phenomenon in ancient Jewish literature that attests to the profound anxiety of innovation that characterizes the period, pseudepigraphy.

While much remains debated about Jewish pseudepigraphy, scholars are in broad agreement on one important and obvious point. The primary motivation for falsely attributing any given work was to set it in the past in order to claim for it greater antiquity—and greater authority—than the work would otherwise merit or receive.⁴⁹ Widespread pseudepigraphy is therefore the canary in the mine, a leading

⁴⁶ I do not want to push terminological or metaphorical coincidences too far, but it is of interest to note that Irenaeus speaks of heresy as “madness” or “folly” (ἀνοία; *Against Heresies*, preface 2), just what Josephus says of the Fourth Philosophy (*Ant.* 18.25). Moreover, Epiphanius's conception of the “medicine chest” (πανάριον) is presaged by Josephus's speaking of the Fourth Philosophy as a contagious illness (18.6: ἀνεπλήσθη; 18.25: νοσεῖν).

⁴⁷ According to Robert M. Royalty Jr., the rhetoric of demonization is integral to the discourse of heresy; see *The Origin of Heresy: A History of Discourse in Second Temple Judaism and Early Christianity* (New York: Routledge, 2013), 111–112; cf. 26, 174.

⁴⁸ E.g., Boyarin, *Border Lines*, 49–54; see also Adiel Schremer, *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity* (New York: Oxford, 2010), 49–68. Despite their various disagreements, Boyarin and Schremer both agree that the pre-rabbinic Jewish evidence is largely devoid of heresiological discourse. As far as the rabbis are concerned, Boyarin finds more early evidence than Schremer allows, and argues for a stronger influence of Christianity on what is found.

⁴⁹ See e.g., Levinson, *Legal Revision*, 81–83 and Najman, *Seconding Sinai*, 14–15. Virtually all ancient Jewish pseudepigraphs are set in an earlier timeframe than their likely date of origin. Even the setting of *Letter of Aristeas* in the days of Ptolemy II (r. 281–246 BCE) precedes the timeframe of its likely author by a century or more. Admittedly, this chronological disparity pales in comparison to what separates *Jubilees* from the time of Moses; but most ancient Jewish

indicator. Just like market shifts can indicate economic changes long underway, so too pseudepigraphy testifies to the pervasive power and influence of ancient Jewish condemnations of innovation.

At Qumran, we find an occasional intimation of novelty, above all in the *Damascus Document*'s occasional reference to that "New Covenant" in the land of Damascus (e.g., 6.19).⁵⁰ But the dominant rhetoric from Qumran concerns not innovation, but recovery and renewal. Wells are dug so that laws once hidden are finally revealed (3.16–17; 6.3–11). Covenants of old are remembered (6.4), penitents are restored (6.4–5). And there is another discourse from Qumran, one that sidesteps time altogether: namely, the Two Ways discourse of the *Rule of the Community* (3.13–4.26) in which we find an a-chronological discourse. Over and against claims of newness, renewal, or recovery, the fundamental fissure identified in this discourse is essentially moral (right versus wrong). This dualistic division between light and darkness, setting good against evil, goes back to the very beginning of time, lasting until the end of days. So at Qumran we find, among some pseudepigraphs, these two non-pseudepigraphic strategies for evading the charge of novelty: (1) the rhetoric of recovery and (2) an a-chronological dualism.

In the New Testament, things move in a different direction altogether. In this material, we see something strikingly different, and I daresay, new: an open, undisguised embrace of newness.⁵¹ We find important hints of this in both the Gospels and Paul, which speak occasionally of the "New Covenant" (e.g., Luke 22.20 [longer version]; 1 Cor. 11.25), and even more frequently of new/recent prophecy (e.g., Matt. 11.9–14; 1 Cor. 11.4–5). This valorization of newness becomes more full-blown in Hebrews where, for the first time, the embrace of novelty is supported by a rejection of what precedes it. This, as we have said, is what we can meaningfully call supersessionism.⁵² If heresy is the condemnation of novelty in the service of defending the traditions of old, supersessionism constitutes its inversion—the condemnation of the traditions of old in the service of valorizing what is new. This will become the predominant view among early Christians, though there remains an intriguing strand of early Christian documents, such as the

pseudepigrapha resemble *Jubilees* in this respect more than *Aristeas*. While feigning antiquity is one primary motive for pseudepigraphy, there may well be some ancient Jewish exceptions to this rule, as surely there are early Christian exceptions. Some deutero-Pauline letters may have been composed late in Paul's lifetime or shortly thereafter; see on this (and on all matters pertaining to Christian literary forgery), Bart D. Ehrman, *Forgery and Counterforgery: The Use of Literary Deceit in Early Christian Polemics* (New York: Oxford University Press, 2013), 155–190. For a fuller discussion of pseudepigraphy, see Klawans, *Heresy, Forgery, Novelty*, 21–36.

⁵⁰ For a fuller assessment of the approach to novelty taken at Qumran, see Klawans, *Heresy, Forgery, Novelty*, 80–116.

⁵¹ For a fuller assessment of the approach to novelty taken in the New Testament, see Klawans, *Heresy, Forgery, Novelty*, 117–158.

⁵² For a fuller discussion of this term, see Terence L. Donaldson, "Supersessionism and Early Christian Self-Definition," *Journal of the Jesus Movement in its Jewish Setting* 3 (2016): 1–32.

Didache, that downplay the distinction between old and new in favor of a more dualistic division between “Two Ways.”

It must be emphasized, once again, that my interest here is primarily in claims and accusations of novelty, much less in establishing any particular instantiations of it. But these claims are important. The various texts that come to be included in the New Testament articulate the boldest embrace of the new that can be found in ancient Jewish society. But Christians of course will come to demonize novelty too. The emerging Christian tradition is particularly Janus-faced, condemning from one side the Israel it now claims to replace, while condemning from the other the heretics who would, allegedly, embrace the demonic new in place of what has now already been established. It is, I believe, Christianity’s open embrace of novelty (and its derogation of the old) that constitutes the break with the past. In its heresiological condemnation of novelty, however, Christianity follows Jewish tradition.

6. Conclusions and Hypotheses⁵³

1. *Heresy’s Jewish Roots*

Although Josephus’s works do not resemble heresiological literature in the larger sense, his construction of the Fourth Philosophy displays many of the rhetorical devices employed by later heresiologists: identifying a recent founder, providing a group label, and condemning the group so constructed for its problematically innovative breaks with tradition. To be sure, there is nothing in Josephus to suggest that the author understood heresy as deviating from a singular orthodoxy. To the contrary, Josephus’s heresiology was targeted, pointing primarily at the single group he chose to leave outside of the broader Jewish consensus that included other subgroups like Pharisees, Essenes and even Sadducees. In these respects, Josephus presages the later rabbis, who also directed their heresiological ire against select targets (like the *minim*), without establishing the contours of a singular orthodoxy. All this brings us to reiterate our first conclusion: the Christian heresiological condemnation of novelty derives from Jewish precedents.

2. *Widespread Denial of Innovation*

Our second conclusion emphasizes the manifold ways in which ancient Jewish sources concealed, denied, or otherwise shunned novelty. These efforts go hand in hand with the various means of establishing antiquity—pseudepigraphy prominent among them—all testifying to a profound ancient Jewish unease about newness. This anxiety is the first and largest ingredient from which Jewish heresiological condemnation of novelty is made.

⁵³ For further elaborations on the conclusions and hypotheses summarized here, see Klawans, *Heresy, Forgery, Novelty*, esp. 159–172.

3. The Novelty of Asserting Innovation

And this brings us to our third conclusion: the Christian embrace of newness constitutes an important innovation, irrespective of whether those claims of innovation can be objectively measured.

4. A Two-Sided Dispute on the New

Finally, I want to conclude with a suggestive hypothesis—there is no proof of what I want to suggest, just some compelling indications pointing in this direction. We have no reason to believe that Josephus’s opposition to novelty was influenced by Christians in Rome or elsewhere. Nevertheless, Josephus’s position is the inverse of the roughly contemporaneous work, *Hebrews*. In *Hebrews*, the new is embraced unabashedly, while the old is derided—and this is what we can call “supersessionism.” In Josephus, we find the reverse—the embrace of the old, and the derogation of the new (heresy). The appearance of a two-sided discourse surrounding the matter of novelty suggests reason to suppose that ancient Jews did in fact disagree on such matters, with some accusing early Christians of unabashed novelty (heresy), and Christians coming, in turn, to double down on novelty, turning the polemic on its head. Or, put more simply, Josephus allows us to see that it was certainly possible, in the first century, for Jews to accuse other Jews of dangerous theological innovation. Maybe, just maybe, this played a part in the emerging rift between early Christians and other Jews in the ancient world.⁵⁴

⁵⁴ I am grateful to Bar Ilan University and the Israel Academy of Sciences and Humanities for supporting my participation in the conference held at Neve Ilan in April 2019. I also thank Michael Avioz and Meir Ben Shahr for inviting me to participate (and, in response to that invitation, for listening to my stories about time spent at Neve Ilan as a child, teenager, and young adult). This paper was revised and improved in light of discussions that took place at the conference and in response to suggestions and corrections offered by anonymous peer reviewers, editors and copyeditors for this journal.