

EXCURSUS I—THE CENSUS OF QUIRINIUS, LUKE 2:1-5

Bibliography¹

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1. The structure of this classic treatment of the census, as a critical review of current works, has deliberately been preserved substantially intact. For the bibliography of this question see D. Lazzarato, *Chronologia Christi seu discordantium fontium concordantia ad iuris normam* (1952), p. 44, n. 7; F. X. Steinmetze s.v. 'Census', RAC II (1954), cols. 969-72; L. H. Feldman, *Josephus* (Loeb) I (1965), pp. 556-7.

Consequently, all Palestine was now re-united in the hands of a Herodian just as it had been under Herod the Great.¹⁸¹

Meanwhile the divisions between Jews and Greeks in Alexandria were not yet ended. On the development of this issue in the reign of Claudius (A.D. 41-54) we have three papyrus documents, only one of which is of undisputed authenticity. This is the now famous letter of Claudius to the Alexandrians, first published in 1924.¹⁸² It is addressed to the city of Alexandria in response to an embassy, and was written in about October A.D. 41. The first part (ll. 1-72) concerns offers of honours to the emperor and requests for benefits to themselves made by the embassy. In lines 73-104 Claudius turns to the Jewish question and mentions that the Jews had sent two embassies (possibly that of Philo and another despatched after his accession). In the context of a strongly worded general warning to both sides to keep the peace, he orders the Alexandrians not to interfere with the customs of the Jews, and the Jews 'not to intrude themselves into the games presided over by the *gymnasiarchoi* and the *kosmetai*, since they enjoy what is their own, and in a city which is not their own they possess an abundance of all good things'. This letter probably shows that the edict preserved by Josephus, *Ant.* xix 5, 2 (279-85) cannot be genuine as it stands, for it emphasises precisely the equal rights of the Jews in Alexandria—*τοὺς ἐν Ἀλεξανδρείᾳ Ἰουδαίους Ἀλεξανδρεῖς λεγομένους συγκατοικισθέντας τοῖς πρώτοις ἐν τῷ καιροῖς Ἀλεξανδρεῖσι καὶ ἰσῆς πολιτείας παρὰ τῶν βασιλέων τετευχότας*.¹⁸³ Finally, a number of papyri report parts of the hearing before Claudius in which the leading Alexandrian anti-Semite, Isidorus, accuses the Jewish king Agrippa—either Agrippa I in A.D. 41 or Agrippa II in about A.D. 53. The question whether this text, like the other 'Acts of the Alexandrian Martyrs' is documentary or fictional is not yet decided.¹⁸⁴

Palestine from the harvest season in April/May. Philo's statements in *Legatio* 34-5 (255-69) are too definite and detailed to be dismissed as unhistorical.

Another chronology has been suggested by E. M. Smallwood, 'The Chronology of Gaius' Attempt to Desecrate the Temple', *Latomus* 16 (1957), pp. 3-17. She places the events a few months earlier. See also J. P. V. D. Balsdon, 'Notes Concerning the Principate of Gaius', *JRS* 24 (1934), pp. 19-24, and *idem*, *The Emperor Gaius (Caligula)* (1934), pp. 135-40.

181. *B.J.* ii 11, 4 (215); *Ant.* xix 5, 1 (274).

182. P. Lond. 19, 2. H. I. Bell, *Jews and Christians in Egypt* (1924), pp. 23-4. For a full treatment listing the immense subsequent bibliography, see CPJ no. 153. The translation of lines 92-5 above is taken from CPJ.

183. Note, however, L. H. Feldman, *Josephus* (Loeb) IX, *ad loc.*, who argues that the two documents are not irreconcilable.

184. See H. A. Musurillo, *Acts of the Pagan Martyrs: Acta Alexandrinorum* (1954), Text IV (arguing for A.D. 53); CPJ no. 156 (arguing for A.D. 41).

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As has been already mentioned (p. 381), after the banishment of Archelaus, the imperial legate Quirinius went to Judaea and in A.D. 6 or 7 conducted a census, *i.e.* registration, of the inhabitants and their property for taxation purposes. The evangelist Luke (2:1-5) writes of a valuation census such as that made by Quirinius, but he appears to date it near the end of the reign of Herod the Great, some ten or twelve years earlier (the preceding story of the birth of John begins, 1:5: *ἐγένετο ἐν ταῖς ἡμέραις Ἡρώδου βασιλέως τῆς Ἰουδαίας*). The question is, how is this report related to the similar one presented by Josephus? Were two different censuses conducted in Judaea by Quirinius, or has Luke mistakenly placed the census of A.D. 6/7 in the last two years of Herod the Great? To arrive at a sound conclusion on this much-debated matter, it is necessary to have some general idea of the Roman system of taxation during the imperial period.

The original Roman census as it developed during the time of the Republic² concerned only Roman citizens. It was an inventory of Roman citizens and their possessions taken for two purposes: (1) the regulation of military service, and (2) the collection of direct taxes. The person to be assessed had to report to the censor and declare his possessions; but it was the custom for the head of the family to make the declaration for himself and the whole family. No regular census was taken in Republican times of the nations subject to Rome. They were conducted here and there, but were not closely connected either with each other, or with the census of Roman citizens.³

Under the Empire, and even in the later years of the Republic, the census of Roman citizens had completely lost its original significance since they (*i.e.* the whole of Italy and colonies with *Ius Italicum*) no longer paid direct taxes or were liable to regular and universal conscription.⁴ If therefore Augustus, Claudius and Vespasian still took censuses of Roman citizens, it was only for the purpose of statistics or because of the religious ceremonies connected with them, but not for the levying of taxes. The provincial census was fundamentally different, the control of taxation being its main function.⁵ There was great diversity, too, even in this respect in the early years of the Empire. In general, however, the same principles were applied which in later juristic documents (*Digest*, I, 15: *De censibus*) are presumed to prevail everywhere. From these it is evident that there were two kinds of direct taxes for the provinces: (1) a tax on agricultural produce, *tributum soli*; and (2) a poll-tax, *tributum capitis*.⁶ The first

2. On the census of citizens in the Republic see Mommsen, *Röm. Staatsrecht* II, 1 (1887), pp. 332-415; E. Herzog, *Geschichte u. System der römischen Staatsverfassung* I (1884), pp. 754-97; Kubitschek, s.v. 'Census', RE III, cols. 1914-18; G. Pieri, *L'histoire du cens jusqu'à la fin de la République romaine* (1968); T. P. Wiseman, 'The Census in the First Century B.C.', JRS 59 (1969), pp. 59-75.

3. On the provincial census in republican times see Marquardt, *Römische Staatsverwaltung* II (1884), pp. 180-204.

4. On the census of citizens in imperial times see Mommsen, *Röm. Staatsrecht* II, 1 (1887), pp. 336-9, 415-17. The last citizen census to be fully carried out was Vespasian's in A.D. 73/4.

5. On the provincial census under the Empire see J. Marquardt, *Römische Staatsverwaltung* II (1884), pp. 204-23; Mommsen, *op. cit.*, pp. 1091-5; Kubitschek, s.v., 'Census', RE III, cols. 1918-22. For Egypt, the papyrus finds have yielded abundant material; see the literature quoted below, n. 16.

6. That there were only these two kinds of direct taxes is clear from *Digest*, E. 15, 8, 7 (from Paulus, early 3rd century A.D.) 'Divus Vespasianus Caesarienses colonos fecit, non adiecto, ut et iuris Italici essent, sed tributum his remisit capitis; sed Divus Titus etiam solum immune factum interpretatus est'. Cf. Appian, *Libyca*, 135/641: *τοῖς δὲ λοιποῖς φόρον ὤρισαν ἐπὶ τῇ γῆ καὶ ἐπὶ τοῖς σώμασιν*. Dio lxii, 3, 2-3; Tertullian, *Apologet.* 13, 'agri tributo onusti viliores, hominum capita stipendio censa ignobiliora'. See RE s.v. 'tributum', VII A, cols. 1-78.

was paid partly in kind, partly in money.⁷ The second (*tributum capitis*) included various kinds of personal taxes, namely, a property tax which varied according to a person's capital valuation, as well as a poll-tax proper at a flat rate for all *capita*.⁸ In Syria, in for example Appian's time, a personal tax was levied amounting to 1% of the property valuation.⁹ In Egypt, on the other hand, a poll-tax was levied that was not identical for all the inhabitants (as was formerly supposed from Josephus), but varied for each category of the population.¹⁰ During the earlier years of the Empire, the taxes were of many

7. According to Josephus, *B.J.* ii 16, 4 (382-6): 'the third part of the world', i.e. North Africa excluding Egypt, yielded yearly enough grain to meet the needs of the city of Rome for eight months, the deliveries from Alexandria providing for four months. The land taxes in Egypt, concerning which very precise information exists, were also paid partly in kind and partly in money; see U. Wilcken, *Griechische Ostraka aus Aegypten u. Nubien* I (1899), pp. 194-215; S. L. Wallace, *Taxation in Egypt from Augustus to Diocletian* (1938), pp. 11-16.

8. RE VII A, cols. 11, 68-70.

9. Appian, *Syr.* 50/253 καὶ διὰ ταῦτ' ἐστὶν Ἰουδαίους ἄπισιν ὁ φόρος τῶν σωμάτων βαρύτερος τῆς ἄλλης περιουσίας (or better, *περιοικίας*). ἐστὶ δὲ καὶ Σύροις καὶ Κιλιξίω ἐτήσιος, ἑκατοστὴ τοῦ τιμήματος ἐκάστῳ. The meaning of Appian's allusion to the Jews is obscure. Instead of the received *περιουσίας*, many would read *περιοικίας*, the sense being: the Jews have to pay a higher poll-tax than the neighbouring peoples because after the war of Vespasian the additional *διδραχμον* was imposed on them, *Jos. B.J.* vii 6, 6 (218); Dio lxvi 7, 2. But even so, the terminology remains surprising. Wilamowitz tried to help by resorting to more vigorous textual emendation, *Hermes*, 35 (1900), pp. 546 f. If *περιουσίας* of the received text is retained, the *φόρος τῶν σωμάτων* must be a tax on property, namely, the tax on moveable possessions as distinguished from the tax on ἄλλη περιουσία, i.e. landed property. In any case it is reported in the following passage that the Syrians and Cilicians have to pay a personal tax of 1% of the amount of the valuation. For as subject it is here necessary to read *φόρος τῶν σωμάτων*, not merely *φόρος*, as U. Wilcken proposes, *Griechische Ostraka* I, p. 247. Cf. also A. D. Momigliano, *Ann. Scuola Normale Sup. Pisa* ser. II, 3 (1934), pp. 204-13 approving the restoration '*περιοικίας*', and the Teubner text of Appian, vol. I, ed. P. Viereck and E. Roos (1962), pp. 543-4.

10. On the poll-tax in Egypt, cf. especially Wilcken, *Griechische Ostraka* I, pp. 230-49, and the supplements: *Archiv für Papyrus-Forschung* I, pp. 135-9 (following F. G. Kenyon, *Greek Papyri in the British Museum* II (1898), pp. 17-65); see now S. L. Wallace, *op. cit.*, pp. 116-34, and V. Tcherikover 'Syntaxis and Laographia', *Journ. Juristic Pap.* 4 (1950), pp. 179-217. Wilcken showed from the ostraka that the basic rate of poll-tax was not the same all over Egypt but was specifically determined for each community (*Ostraka* I, p. 234). Moreover, within each area the privileged class of 'metropolitae' paid at a lower rate. Accordingly, what had been assumed formerly on the strength of Josephus must be rectified. He writes, *B.J.* ii 16, 4 (385) πενήτην πρὸς ταῖς ἑπτακοσίας ἔχουσα μυριάδας ἀνθρώπων δίχα τῶν Ἀλεξάνδρειαν κατοικοῦντων, ὡς ἔνεστιν ἐκ τῆς καθ' ἑκάστην κεφαλὴν εἰσφορᾶς τεκμήρισθαι. Formerly, this was generally understood to mean that Josephus simply divided the total yield of the poll-tax, which was known to him, by the number of the population, viz. 7½ millions (so also Wilcken, *Ostraka* I, p. 239, who sharply criticises Josephus on this score). This would be misleading, not only because of the inequality of the poll-tax, but also because

kinds.¹¹ Women and slaves were also liable to the poll-tax. Only children and old people were exempt. In Syria, for example, men had to pay poll-tax from the age of fourteen to sixty-five, and women from twelve to sixty-five.¹² In Egypt, the obligation lasted from the age of fourteen years to sixty or sixty-one.¹³ As far as the provincial census is concerned, i.e. the preparation of lists for the purpose of taxation, this was conducted in the same manner as the census of Roman citizens.¹⁴ In both cases the expressions *edere, deferre censum, profiteri* were used, from which it is evident that the taxpayer himself had to submit the necessary data, which were then checked by the officials. The declarations had to be made in the chief town of each taxation district; indeed, landed estates were required to be registered for taxation in the communes in which they were situated.¹⁵ It is not known for sure how often the census was renewed. A clear idea of this can only be gained in the case of Egypt, because of the abundant material which the papyrus finds in that country have brought to light. In Roman times there were two kinds of periodic registration (*ἀπογραφαί*), for which the inhabitants themselves were obliged to supply the information. (1) Every fourteen years each house-owner was required to deliver to the authorities a list of those residing in his house during the past year.¹⁶ These registers, called *κατ' οἰκίαν ἀπογραφαί*, served

children and old people were exempt from it. On the other hand, it does seem clear that Josephus used an extremely reliable statistical source in the report, *B.J.* ii 16, 4 (385); see Domaszewski, *Rhein. Museum* 47 (1892), pp. 207-18. The papyrus finds have shown that the Roman authorities at that time knew the exact number of inhabitants of Egypt through the periodical population count (see the literature mentioned in n. 16 and 21 below). It seems very likely, therefore, that Josephus obtained the figure of 7½ millions directly from an official source, and that it is only his mode of expression that is careless. Instead of saying, 'as shown by the poll-tax', he ought to have said, 'as shown by the population lists made for taxation purposes'. So also Wilamowitz in *Hermes* 35 (1900), pp. 545 f.

11. Of North Africa, Josephus says, *B.J.* ii 16, 4 (383) χωρὶς τῶν ἐτησίων καρπῶν, οἱ μὴ αἰνὸν δὲ κατὰ τὴν Ῥώμην πλῆθος τρέφουσι, καὶ ἔξωθεν παντοίως φορολογεῖνται, καὶ ταῖς χρεαῖς τῆς ἡγεμονίας παρέχουσιν ἐτόμιμος τὰς εἰσφορὰς.

12. *Digest*, L 15, 3 *pr.* (Ulpian, early 3rd century A.D.): 'Aetatem in censendo significare necesse est, quia quibusdam aetas tribuit, ne tributo onerentur; veluti in Syriis a quattuordecim annis masculi, a duodecim feminae usque ad sexagesimum quintum annum tributo capitis obligantur; aetas autem spectatur censendi tempore'.

13. S. L. Wallace, *op. cit.*, pp. 107-9.

14. For what follows see RE III, cols. 1918-22, s.v. 'Census'.

15. *Digest* L 15, 4, 2 (Ulpian, early 3rd century A.D.): 'Is vero, qui agrum in alia civitate habet, in ea civitate profiteri debet, in qua ager est; agri enim tributum in eam civitatem debet levare, in cuius territorio possidetur'.

16. For a survey of the *κατ' οἰκίαν ἀπογραφαί* see Wallace, *op. cit.*, pp. 96-115, and especially M. Hombert, C. Préaux, *Recherches sur le recensement dans l'Égypte romaine* (1952), which is now the standard work.

mainly in the assessment of poll-tax.¹⁷ Presumably, the reason for the fourteen-year period was that liability to pay poll-tax began at the age of fourteen. It was therefore not necessary to supplement the lists with birth notices within the period. On the other hand, deaths appear to have been regularly registered with the authorities.¹⁸ The lists supplied evidence for the ἐπικρίσις, or examination to determine status, and the consequent liability for poll-tax.¹⁹ (2) Each year every property-owner had to give a written record, applying to the current year, of his moveable possessions such as cattle, ships and slaves. These declarations for tax purposes were also called ἀπογραφάι.²⁰ The tax was then determined on the basis of the details supplied, these latter having been checked by the authorities. The fifteen-year indiction cycle, first attested in Egypt in A.D. 312, conceivably arose from the fourteen-year cycle of the population counts combined with a five-year indiction period first attested in A.D. 287.²¹

17. It is possible but not certain that these regular population counts were introduced under Augustus. The earliest actually attested is that of A.D. 33/4, (or possibly A.D. 19/20, see P. Mich. 478), and there is evidence for every census of the fourteen-year cycle from then till A.D. 258. It has been argued, however, that the cycle actually began in 10/9 B.C.—see esp. B. P. Grenfell and A. S. Hunt on P. Oxy. 254—and even as early as 24/23 B.C., see Wallace, *op. cit.*, pp. 97–8, and Tcherikover in Journ. Juristic Pap. 4 (1950), p. 187; for a sceptical view of the theory that the cycle began under Augustus see Hombert, Préaux, *op. cit.*, pp. 47–55.

18. On death notices, cf. Wilcken, *Griechische Ostraka* I, p. 454 f.; Wallace, *op. cit.*, p. 106. Notices of births occurring after the last ἀπογραφή do not appear to have been demanded and were in practice sent in regularly only by members of the privileged classes in order to secure the same privileges for their children, see Wallace, *op. cit.*, p. 105.

19. C. F. J. Wessely, 'Epikrisis, eine Untersuchung zur hellenistischen Amtssprache', SAW 142 (1900), no. IX. He showed that ἐπικρίσις is used in various connections, particularly as test of liability or non-liability to poll-tax. Cf. Wallace, *op. cit.*, pp. 104–12.

20. Wilcken supposed, in his *Ostraka* I, pp. 456–69, that the annual property declarations included landed property as well, and not only moveable possessions. However, Grenfell and Hunt, *Oxyrhynchus Papyri* II, pp. 177 ff., showed, on the basis of an edict of Marcus Mettius Rufus of the year A.D. 90 (P. Oxy. 237) that these declarations concerned only moveable possessions. The general inclusion of landed property only took place when there was a need for it, and was specially ordered in each case. Moreover, the official registers of landed property were kept up to date because of the notices served on each change of ownership. Cf. L. Mitteis, U. Wilcken, *Grundzüge und Chrestomathie der Papyrskunde* I (1912), pp. 202–5.

21. For this view see O. Seeck, 'Die Entstehung des Indictionencyclus', Deutsche Zeitschrift für Geschichtswissenschaft 12 (1896), pp. 279–96; likewise, Mitteis, 'Aus den griechischen Papyrskunden', Vortrag (1900), pp. 12–15. On traces of a five-yearly census period and the origin of the indiction cycle, see also Marquardt, *Staatsverwaltung* II, pp. 243–5; cf. A. H. M. Jones, *Later Roman Empire* (1964), p. 61. However, one cannot conclude from the expression πενταετία

The task of Quirinius in A.D. 6/7 concerned not only Judaea but the whole of Syria. But in Judaea, a Roman 'valuation' (ἀποτίμησις) was necessary at precisely that time because it was then, following the deposition of Archelaus, that the territory was transferred for the first time to direct Roman administration.²² That the census covered the whole of Syria is further attested by the inscription (mentioned above, p. 259) of Aemilius Secundus, who took the census in Apamea on Quirinius's order (*iussu Quirini censum egi Apamenaе civitatis millium homin(um) civium CXVII*). The year A.D. 6/7 in which the census was undertaken in Judaea (see above, p. 381) coincides approximately with the fourteen-year population-count cycle in Egypt. If this cycle dates back to the time of Augustus, Egypt must also have had a population count in the same year.²³ If it is traced back one more unit, and if one assumes that the cycle applied to Syria also, there would also have been a population count in that territory towards the end of Herod's reign in 9/8 B.C. Ramsay (in the essay mentioned on p. 400 above) followed up all these combinations and saw in them a vindication of Luke. It is, however, only possible to repeat in this context the remarks concerning the *cohors Italica* (p. 365 and n. 54). For even if all these combinations were correct, the objections to the Lucan narrative would still remain in full force, for a population count in the Roman

in the edict of Tiberius Iulius Alexander, CIG 4957=OGIS 669=G. Chalon, *L'Édit de Tiberius Julius Alexander* (1964), that there already existed in Egypt at that time a general five-yearly census period; against this, see RE III col. 1921, and Wilcken, *Ostraka* I, p. 451.

22. The following are Josephus's statements on the census of Quirinius. *Ant.* xvii 13, 5 (355) τῆς δ' Ἀρχελάου χώρας ὑποτελοῦς προσημεθείσης τῇ Σύρων πέμπεται Κυρίσιος ὑπὸ Καίσαρος ἀνὴρ ὑπατικός, ἀποτιμησόμενος τε τὰ ἐν Συρία καὶ τὸν Ἀρχελάου ἀποδωσόμενος οἶκον (the private property of Archelaus was sold or leased for the benefit of the imperial fiscus). Immediately after this observation at the end of the 17th book, there follows *Ant.* xviii 1, 1 (1–2) Κυρίσιος δὲ . . . ἐπὶ Συρίας παρῆν, ὑπὸ Καίσαρος δικαιοδότης τοῦ ἔθνους ἀπεσταλμένος καὶ τιμητῆς τῶν οὐσιῶν γενησόμενος, Κωπώνιος τε αὐτῷ συγκαταπέμπεται . . . ἡγησόμενος Ἰουδαίων . . . παρῆν δὲ καὶ Κυρίσιος εἰς τὴν Ἰουδαίαν προσθήκη τῆς Συρίας γενομένην ἀποτιμησόμενος τε αὐτῶν τὰς οὐσίας καὶ ἀποδωσόμενος τὰ Ἀρχελάου χρήματα. The passage is given *in extenso* since (read as a whole) it implies that Quirinius undertook the census in the whole of Syria. On its execution in Judaea the same passage continues: ἐν δεινῷ φέροντες τὴν ἐπὶ ταῖς ἀπογραφαῖς ἀκρόασην (therefore 'interrogations' took place when the declarations were made). *Ant.* xviii 2, 1 (26) Κυρίσιος δὲ . . . τῶν ἀποτιμήσεων πέρας ἔχουσῶν. *Ant.* xx 5, 2 (102) Κυριανίου τῆς Ἰουδαίας τιμηθέντος (ἀλ. τιμητοῦ ὄντος). *B. J.* vii 8, 1 (253) Eleazar, a son of Judas τοῦ πείσαντος Ἰουδαίου . . . μὴ ποιέσθαι τὰς ἀπογραφάς, ὅτε Κυρίσιος τιμητῆς εἰς τὴν Ἰουδαίαν ἐπέμφθη.

23. The years mentioned in n. 17 above are the years for which the declarations were to be made. The ἀπογραφαί themselves, however, always took place in the following year. Hence, if it is permissible to go so far back, an ἀπογραφή for the year A.D. 5/6 must have taken place in the year A.D. 6/7.

province of Syria would not prove that a similar count took place in King Herod's territory, and in any case, a population count in the year 9/8 B.C. would in no circumstances have occurred in the time of Quirinius, but in that of Sentius Saturninus. Moreover, these combinations are extremely questionable. It is difficult to accept that the fourteen-year Egyptian cycle applied also to Syria, since the census of Quirinius was not based on a fixed cycle, but was a special mission, as Josephus's statements clearly show. The mission to Judaea in A.D. 6/7 was brought about directly by the deposition of Archelaus, the temporal coincidence with the Egyptian cycle being quite fortuitous. Besides, the direct evidence available for the Egyptian cycle does not begin until A.D. 33/4.²⁴

In the passage referred to (2:1-5), Luke states that around the time of the birth of Jesus, apparently still during the reign of Herod the Great (Lk. 1:5; cf. Mt. 2:1-22), a decree (*δῶγμα*) went out from the emperor Augustus requiring that 'the whole world should be registered', *ἀπογράφεσθαι πᾶσαν τὴν οἰκουμένην*. From the known usage of the phrase among the Romans, 'the whole world' can only mean the whole Roman empire, the *orbis Romanus*. Strictly speaking, this concept includes both Italy and the provinces. But it would be a pardonable inaccuracy if it in fact concerned only the provinces.²⁵ The verb *ἀπογράφεω* primarily means 'to register', and is therefore more general than the definite *ἀποτιμᾶν*, 'to value'.²⁶ But no other purpose of the 'register' is conceivable other than that of taxation (for the Jews were exempt from military service); and Luke understood the word in that sense anyway, for in v. 2 he associates this 'register' with the well-known census of Quirinius, whether identifying the two or not. In v. 2 he continues: *αὕτη [ἡ] ἀπογραφή πρώτη ἐγένετο ἡγεμονεύοντος τῆς Συρίας Κυρηνίου*. Whether the article is to be inserted before *ἀπογραφῆ* or not, is difficult to say; important manuscripts may be cited in favour of both readings.²⁷ At any rate, the order *πρώτη ἐγένετο* is to be maintained against the isolated readings *ἐγένετο πρώτη* (K) and *ἐγένετο ἀπογραφῆ πρώτη* (D). As far as the sense is concerned, it is almost immaterial whether the article is retained or not, for in the first case a translation would run, 'This census took place as the first', and in the second, 'This took place as the first census'²⁸ while Quirinius was governor of Syria'. But in what sense does Luke use 'first'? Does he

24. See Hombert, *Préaux*, *op. cit.*, pp. 47-53. Cf. n. 17 above.

25. So Wieseler, *Beiträge*, pp. 20-2.

26. Cf. Wieseler, *Beitr.*, pp. 19 f.; Zumpt, *op. cit.*, pp. 94-6. On *ἀπογραφῆ*, see RE I, col. 2822; on the Egyptian *ἀπογραφαί* see above pp. 403-4.

27. Most manuscripts have the article; it is missing in BD, also in K, which reads *αὕτη ἀπογραφῆν*.

28. P. Buttmann, *Grammatik des neutestamentl. Sprachgebrauchs*, p. 105.

mean that it was the first general imperial census,²⁹ or the first Roman census in Judaea,³⁰ or that it was the first among several taken by Quirinius?³¹ The first of these alternatives would show that Luke believed in several general imperial censuses. But if, as will become apparent, even the one imperial census under Augustus is doubtful, several repetitions of it is still more dubious. It would be well, therefore, not to ascribe unnecessarily such a serious error to the evangelist. As for the second alternative, this should stand if it emerges that Quirinius organized only one census in Judaea and that Luke had this in mind. Provisionally, therefore, the words may be taken to mean that the general imperial census ordered by Augustus for Judaea was the first taken there by the Romans, and that it occurred while Quirinius was governor of Syria. In verses 3-5, Luke reports further that, in compliance with the decree, all (in Jewish territory) went to be taxed, each *εἰς τὴν ἑαυτοῦ πόλιν*,³² everyone, that is to say, who was not in his ancestral place (his *οἶκος*) had to go there to be registered. So Joseph travelled from Galilee to Bethlehem because he was of the house of David, to be registered together with Mary to whom he was betrothed (*σὺν Μαρίας* should be read with *ἀπογράψασθαι*, not with *ἀνέβη* which is much further removed).

This account raises five issues.

I. History does not otherwise record a general imperial census in the time of Augustus.

Apologetical: Huschke, *Census u. Zeit d. Geb. J. Chr.*, pp. 2-59; Wieseler, *Synopse*, pp. 75-93, *idem*, *Beiträge*, pp. 50-64; Rodbertus, *Jahrb. für Nationalökonomie und Statistik*, 5, pp. 145 ff., 241 ff.; Zumpt, *Geburtsjahr Christi*, pp. 147-60; Marquardt, *Römische Staatsverwaltung*, II (= 1884), pp. 211 f.

Huschke endeavoured to establish that such an imperial census actually took place by means of data the inconclusiveness of which is now recognized, to some extent at least, by even the firmest defenders of Luke's narrative. Thus Huschke (p. 11 ff.) and even Wieseler³³ appealed to the *rationarium* or *breviarium totius imperii*, a register of the resources of the whole empire which Augustus as a good financier drew up with

29. So Huschke, *Ueber den zur Zeit der Geburt Jesu Christi gehaltenen Census*, p. 89.

30. So, for example, Wieseler, *Beiträge*, pp. 24, 27; Hilgenfeld, *ZWT* (1870), p. 157; A. Höck, *Röm. Gesch.* I, 2, p. 417.

31. So Zumpt, *Geburtsjahr Christi*, pp. 188-90.

32. To be read thus, according to K' BDL E, with Tischendorf (ed. 8), Weiss, Westcott and Hort, and Nestle, instead of the *εἰς τὴν ἰδίαν πόλιν* of the *textus receptus*.

33. *Synopse*, pp. 82 f.; *Beiträge*, pp. 52, 93.

the idea of introducing some order into the badly disorganized imperial economy (Suet. *Div. Aug.* 28, 101; Dio liii 30, 2; lvi 33, 2; Tac. *Ann.* i. 11).³⁴ But Zumpt rightly remarked³⁵ that while this speaks for the soundness of the political administration, it provides no argument for an imperial census.³⁶ More unfortunate still was Huschke's appeal (pp. 37-45) to Dio liv 35, 1, and lv 13, 4; for the former passage seems to be a reference to a registration of senatorial property (including that of Augustus himself), and the other alludes only to a census of Roman citizens in Italy with property of over 200,000 *sesterces*; it probably concerned the establishment of a jury panel of *ducenarii*.³⁷ Finally, Huschke's attempt to use the *Res Gestae* (on which, cf. p. 66 above) as evidence for a general imperial census breaks down completely, in proof of which it is enough to refer to Marquardt.³⁸

Accordingly, of the numerous items of evidence which Huschke assembled as pointing to a general imperial census there remain only Cassiodorus, Isidorus Hispalensis and the Suda.³⁹ These undoubtedly speak of such a census in the time of Augustus.⁴⁰ But their testimony

34. Tacitus, *loc. cit.*, describes its contents as follows: 'Opes publicae continentur, quantum civium sociorumque in armis, quot classes, regna, provinciae, tributa aut vectigalia, et necessitates ac largitiones. Quae cuncta sua manu perscripserat Augustus addideratque consilium coercendi intra terminos imperii, incertum metu an per invidiam'.

35. *Geburtsjahr Christi*, p. 154.

36. It has been deduced from Tacitus's statement that Augustus held censuses even in the territories of *reges socii*. But, as may be seen, there is no suggestion here that the *regna* paid tribute, let alone that censuses were taken in their territories.

37. See A. H. M. Jones, 'The Censorial Powers of Augustus', *Studies in Roman Government and Law* (1960), pp. 21-6.

38. *Röm. Staatsverwaltung* II (²1884), pp. 211-12.

39. Cf. Huschke, *op. cit.*, pp. 3 ff.; Wieseler, *Synopse*, pp. 77 f.; *Beiträge*, pp. 53-6; Rodbertus, *op. cit.*, V, pp. 241 ff.; Zumpt, *op. cit.*, pp. 149-55; Marquardt, *op. cit.*, p. 212, n. 2.

40. Cassiodorus, *Variae* iii 52, 6-7 'Augusti siquidem temporibus orbis Romanus agris divisus censuque descriptus est, ut possessio sua nulli haberetur incerta, quam pro tributorum susceperat quantitate solvenda. Hoc auctor Heron metricus redegit ad dogma conscriptum, quatenus studiosus legendo possit agnoscere, quod deberet oculis absolute monstrare'.

Isidorus, *Etymologiae* v 36 4, 'Aera singulorum annorum constituta est a Caesare Augusto, quando primum censu exagitato romanum orbem descripsit. Dicta autem aera ex eo, quod omnis orbis aes reddere professus est reipublicae'. On the Spanish era of 38 B.C., the origin of which Isidorus here seeks to explain, see RE I, cols. 639-40.

The Suda, *Lex.*, s.v. ἀπογραφή (ed. Adler, I, p. 293) ὁ δὲ Καίσαρ Αὔγουστος ὁ μοναρχήσας εἰκόσων ἀνδρας τοὺς ἀρίστους τὸν βίον καὶ τὸν τρόπον ἐπιλεξάμενος ἐπὶ πᾶσαν τὴν γῆν τῶν ὑπηρετικῶν ἐξέτεμψε, δι' ἧν ἀπογραφὰς ἐποιήσατο τῶν τε ἀνθρώπων καὶ οὐσιῶν, ἀτάκτῃ τινὰ προστάξας τῷ δημοσίῳ μοῖραν ἐκ τούτων εἰσφέρεισθαι. αὕτη ἡ ἀπογραφή πρώτη ἐγένετο, τῶν πρὸ αὐτοῦ τοῖς κεκτημένοις τι μὴ ἀφαιρουμένων, ὡς εἶναι τοῖς εὐπόροις δημόσιον ἐγκλημα τὸν πλοῦτον.

loses much of its value in that all three were Christians and lived in a much later period (in the 6th, 7th, and 10th centuries A.D.); there is thus a very strong suspicion that they simply drew their information from Luke. The confused report of the Spaniard Isidorus was not considered even by Wieseler⁴¹ and Zumpt⁴² as independent evidence. As for the Suda, his dependence upon Luke is evident. Finally, Cassiodorus certainly used older sources, namely, the writings of the land surveyors, but who can guarantee that he did not take over from Luke his statement about the census? At any rate it is hazardous, in view of the silence of all the older sources (the *Res Gestae*, Cassius Dio, Suetonius), to accept his isolated notice as historical.⁴³ The 'testimony' of Orosius, on which Riess again laid great stress, undoubtedly also rests only on Luke.⁴⁴

Many have found indirect support for the hypothesis of an imperial census during the time of Augustus in his alleged imperial land-survey. But even this is very doubtful.⁴⁵ It is known that Agrippa, the friend of Augustus, collected material for a map of the world, and that after his death this map was executed in marble and exhibited in the *Porticus Vipsania*. These *commentarii* of Agrippa were especially valuable for

41. *Synopse*, p. 78.

42. *Geburtsjahr Christi*, p. 151.

43. Mommsen also thought that Cassiodorus derived his statement about the census from Luke. See 'Die libri coloniarum' in *Die Schriften der römischen Feldmesser*, ed. Blume, Lachmann and Rudorff, II (1852), p. 177.

44. Orosius, vi 22, 6 'Eodem quoque anno (2 B.C.) tunc primum idem Caesar . . . censum agi singularum ubique provinciarum et censeri omnes homines iussit, quando et Deus homo videri et esse dignatus est. tunc igitur natus est Christus. Romano censui adscriptus ut natus est'. Cf. Riess, *Das Geburtsjahr Christi* (1880), pp. 69 ff.

45. The material relating to this question is well summed up in Marquardt, *Römische Staatsverwaltung* (²1884), pp. 207-11. In this work, p. 207, the special literature is also given, to which may be added: F. Philippi, *Zur Reconstruction der Weltkarte des Agrippa* (1880); E. Schweder, *Beiträge zur Kritik der Chorographie des Augustus I-III* (1876-83); D. Detlefsen, *Untersuchungen zu den geographischen Büchern des Plinius*, I. *Die Weltkarte des M. Agrippa* (1884); O. Cuntz, 'Agrippa und Augustus als Quellenschriftsteller des Plinius in den geogr. Büchern der *naturalis historia*', *Jahrb. für class. Philol.* 17 Supplbd. (1890), pp. 473-526; L. Traube, 'Zur Chorographie des Augustus', *SAM*, 1891, pp. 406-9; Schweder, 'Ueber die Weltkarte und Chorographie des Kaisers Augustus', *Jahrb. für class. Philol.* (1892), pp. 113-32, and 'Ueber die Weltkarte und Chorographie des Kaisers Augustus', *Philologus* 54 (1895), pp. 528-59; 56 (1897), pp. 130-62. Cf. also E. Hübner, *Grundriss zu Vorlesungen über die röm. Literaturgesch.* (⁴1878), p. 180 (bibliographical list); M. Schanz-C. Hosius, *Gesch. der röm. Literatur* II (⁴1935), pp. 329-35; A. Klotz, 'Die geographischen Commentarii des Agrippa und ihre Überreste', *Klio* 24 (1931), pp. 38-58, 386-466; M. Reinhold, *Marcus Agrippa* (1933), pp. 142-8; J. O. Thomson, *History of Ancient Geography* (1948), pp. 332-4.

their numerous and exact measurements.⁴⁶ But it is very doubtful whether they were based on a general survey of the empire undertaken by Augustus. It is asserted by a few late cosmographers (Iulius Honorius and Aethicus Ister) that such a survey was begun under Caesar and completed under Augustus. But it is questionable whether this statement derives from ancient sources.⁴⁷ And even if Augustus did undertake a general imperial survey, this probably had nothing to do with a census. As geographical sources of the following period show, it could have been concerned only with geographical facts, and above all with road surveys and distances from one place to another.

In consequence, even though it is established that apart from Luke no historical evidence exists of a general imperial census under Augustus, the possibility still remains that Luke alone has preserved a record of it. But this possibility needs to be qualified. There can, above all, be no question of an imperial census but, at the most, only of one involving the provinces, since Italy is to be excluded (cf. pp. 401-2). But even with respect to the provinces, the great difference between them was that some were governed by imperial *legati*, others by *proconsules*. It is not very likely that the cautious Augustus, always careful to respect the rights of the Senate, would have ordered, by means of one and the same edict, a census for his provinces and for those of the Senate.⁴⁸ In addition, it is definitely known that during

46. The extant observations regarding them (especially those made by Pliny) were collected by A. Riese, *Geographi Latini minores* (1878), pp. 1-8; cf. his *Proleg.*, pp. vii-xvii; see now Klotz, *op. cit.*, pp. 386-466. The principal evidence is Pliny, *NH* iii 2/17, 'Agrippam quidem in tanta viri diligentia praeterque in hoc opere cura, cum orbem terrarum urbi spectandum propositurus esset, errasse quis credat? et cum eo divum Augustum? Is namque complexam eum porticum ex destinatione et commentariis M. Agrippae a sorore eius inchoatam peregit'.

47. The texts of Iulius Honorius and Aethicus Ister are given in Riese, *op. cit.*, pp. 21-55 and 71-103. The statement concerning the imperial survey is made by both at the very beginning. Iulius Honorius is earlier than Cassiodorus. But it is worthy of note that in the *Cod. Parisin.* 4808, saec. VI, which contains the oldest recension of his work (in Riese designated as A), the statement about the imperial survey is missing. On Aethicus Ister, see A. v. Gutschmid, *Kleine Schriften* V, pp. 418-25; H. Berger, *RE* I, cols. 697-9.

48. In general, it may be assumed that the emperors claimed from the outset the right to order censuses, even in senatorial provinces. Dio liii 17, 7, reckons it as a matter of course among the privileges of the emperors that they ἀπογραφὰς ποιοῦνται. But in spite of the dearth of material, Mommsen and Hirschfeld found it worthy of remark that there is as yet no evidence of imperial valuation officers in the senatorial provinces during the first century of the Empire. Among the instances assembled by Marquardt (*op. cit.*, p. 216) and G. F. Unger, *Leipziger Studien zur class. Philol.* 10 (1887), pp. 1 ff., are two *legati ad census accipiendos* in the senatorial provinces, one in Gallia Narbonensis (Unger, *op. cit.*, n. 1 = CIL XIV 3602 = ILS 950) and the other in Macedonia (Unger, *op. cit.*, n. 6 = CIL III 1463 = ILS 1046). But the former was the regular proconsul of the province and as such had been appointed to organise the census; in the case of the latter,

the reign of Augustus no Roman census had yet been organized in certain provinces.⁴⁹ All that can be conceded therefore is that in the time of Augustus censuses were taken in many provinces.⁵⁰ And this is in any case probable, for there must have been a need for them after the confusions of the civil war and Augustus doubtless regarded it as his duty to restore order. Juristic sources from the beginning of the 3rd century A.D. (*Digest.* L 15) already presuppose a fair amount of uniformity in regard to the valuation procedure, but there is no justification for supposing that this unifying process was due to Augustus.

II. Under a Roman census, Joseph would not have been obliged to travel to Bethlehem, and Mary would not have been required to accompany him there.

Apologetical: Huschke, *Census z. Zeit d. Geb. J. Chr.*, pp. 116-25; Wieseler, *Synopse*, pp. 105-8; *Beiträge*, pp. 65-9, 46-9; Zumpt, *Geburtsjahr Christi*, pp. 193-6, 203 f.

In a Roman census, landed property had to be registered for taxation in the locality within which it was situated (see above, p. 403). Moreover, the person to be taxed had to register in the place where he lived or in the chief town of his taxation district. By contrast, Luke's report that Joseph travelled to Bethlehem because he was of the house of David implies that the preparation of the taxation lists was made according to tribes, genealogies and families, which was by no means

whose abbreviated title was only *cens(itor) provinciae Macedoniae*, his position was perhaps the same (so Unger). Moreover, the inscription belongs to the second century A.D. An imperial *procurator ad census accipiendos Macedoniae* (therefore in a senatorial province alongside the proconsul) appears on an inscription at Thysdrus in Africa (Unger, *op. cit.*, n. 31 = CIL VIII 10500 = ILS 1409). But this is also from the second, or third, century (Pflaum, *Carrières*, no. 217). Great weight should, admittedly, not be laid on these facts, for it is possible that the same principles apply even to the imperial provinces, namely, that in the earlier days of the Empire the governors were entrusted with censuses, and that it was not until later that special census officers were appointed to work with the governors. Cf. generally on the imperial right of a census in the senatorial provinces (and against the hypothesis of an imperial census under Augustus): Mommsen, *Staatsrecht* II 2 (1887), pp. 1091-3; O. Hirschfeld, *Die kaiserlichen Verwaltungsbeamten* (1905), pp. 55-68. Cf. P. A. Brunt, *Italian Manpower 223 B.C.-A.D. 14* (1971), pp. 113 f.

49. Zumpt, *op. cit.*, pp. 176 f.

50. Zumpt is in basic agreement here; cf. *op. cit.*, p. 147 f., 163 ff., 211 f. (only he traces back to one edict the various provincial censuses held at different times). So, too, Marquardt, *op. cit.*, pp. 211 f.; Sherwin-White, *Roman Society and Roman Law in the New Testament* (1963), pp. 168-9.

the Roman custom. It is therefore usually assumed that in this census a concession was made to Jewish practice. But whereas it is true that the Romans frequently adapted their measures to institutions already in existence, in this particular case an 'indulgence' of such a nature would have been very odd, for it would have resulted in much more trouble and inconvenience than the Roman method. In addition, it is very doubtful whether a registration according to tribes and genealogies was possible; many were no longer able to establish that they belonged to this or that family.⁵¹ It is strange, also, that Luke gives the impression that Mary was obliged to travel with Joseph for the census (verse 5: ἀπογράψασθαι σὺν Μαρίας). There would have been no such necessity in a Roman census. For although women were liable to poll-tax, in Syria at least (see above, p. 403), there is no evidence that they were required to appear personally.⁵² The particulars needed, as may be concluded from the analogy of the earlier Roman censuses, could be supplied by the father of the family.

There is in fact no detailed evidence as to the nature of the procedures imposed on individuals by the carrying out of a provincial census, except in Egypt. But even where the evidence of Egyptian papyri is clear in itself, it remains an open question whether it can be applied to other provinces.

None the less, it has been widely held that Egyptian evidence shows that there every person was invariably required to return to his *idia* for the census, and hence offers confirmation for Luke's narrative. But the precise significance of the term *idia*, whether 'place of birth', 'place of legal enrolment', or actual 'place of residence', remains obscure;⁵³ moreover, the order by the Prefect for each person to return to his *idia* was made separately from the order for the census itself and cannot be shown to have followed it invariably.⁵⁴ It is precisely the Prefectoral edict most quoted in this context, that of C. Vibius Maximus in A.D. 103/4, that indicates how dubious is the

51. See vol. II, § 23. The 15th Ab, on which, according to mTaan. 4:5, 'those of unknown descent' brought wood for the altar of burnt-offerings, is described elsewhere as the day when everyone brought wood. Only particular families delivered it on special days. With these families are also connected the traces of a register of genealogies still extant in the time of Jesus (see vol. II, § 24). On the establishment of genealogies in this period, see J. Jeremias, *Jerusalem in the Time of Jesus* (1969), pp. 275-302.

52. As was assumed by Wieseler, *Beitr.*, pp. 46-9, and Zumpt, *op. cit.*, pp. 203-4.

53. See Hombert, Préaux, *op. cit.*, pp. 67-70; H. Braunert, 'IDIA', *Journ. of Jur. Papyrology* 9-10 (1955-6), pp. 211-328.

54. V. Martin, 'Recensement périodique et réintégration du domicile légal', *Atti IV Cong. int. di papirologia* (1936), pp. 225-50. Cf. O. W. Reinmuth, *The Prefect of Egypt from Augustus to Diocletian* (1955), pp. 67-8; Wallace, *op. cit.*, p. 398, n. 29.

support given by this evidence. For the relevant part runs: 'The house-to-house census having started, it is essential that all persons who for any reason whatever are absent from their homes be summoned to return to their own hearths, in order that they may perform the customary business of registration and apply themselves to the cultivation which concerns them.'⁵⁵ The intention was for people to return to their normal places of residence and work. Luke's own narrative represents this as having been Nazareth (2:4, 39). Furthermore, the Egyptian evidence suggests that normally the person responsible for making the return on each house had to present it personally, but gives no indication that others had to appear in person.⁵⁶ In short, the papyri do not disprove, but do nothing to prove, the historicity of the narrative of Luke.

III. A Roman census could not have been carried out in Palestine during the time of King Herod.

Apologetical: Huschke, *Census z. Zeit d. Geb. J. Chr.*, pp. 99-116; Wieseler, *Synopse*, pp. 93-8; *Beiträge*, pp. 79-94; Zumpt, *Geburtsjahr Christi*, pp. 178-86, 212 f.

It was quite in order for Quirinius to organize a Judaeian census in A.D. 6/7, for by that time the territory had become a province. Luke, on the other hand, suggests that a Roman census took place in Palestine during the reign of Herod the Great, when the country was still an independent kingdom though under the ultimate suzerainty of Rome. From everything known of the position of the *reges socii* in relation to the Romans, and particularly of Herod's position, this seems impossible. Pompey admittedly imposed a tribute on Jewish territory⁵⁷ and Caesar reorganized the system of taxation by means of a series of edicts.⁵⁸ Also, Antonius imposed a tribute on Herod when he appointed him king.⁵⁹ But even granting that Herod continued to pay this tribute under Augustus, it is still unthinkable that a Roman census should have been organized within the bounds of his kingdom. Augustus

55. P. Lond. 904 II. 18-38; Mitteis, Wilcken, *Grundzüge und Chrestomathie I.*, no. 202; A. S. Hunt and C. C. Edgar, *Select Papyri II* (1934), no. 220, from which this translation is quoted.

56. See Hombert, Préaux, *op. cit.*, pp. 75-6.

57. *Ant.* xiv 4, 4 (74); *B.J.* i 7, 6 (154).

58. *Ant.* xiv 10, 5 (201). Cf. above, pp. 271f.

59. Appian, *B.C.* v 75/319: ἰσθη δέ πη καὶ βασιλέας, οὓς δοκιμάσειεν, ἐπὶ φόροις ἄρα τεταγμένους, Πόντου μὲν Δαρειὸν τὸν Φαρνάκου τοῦ Μιθριδάτου, Ἰδουμαίων δὲ καὶ Σαμαρῶν Ἡρώδη, κ. τ. λ. See A. Momigliano, *Ricerche sull' organizzazione della Giudea*, *Ann. d. r. scuola norm. sup. Pisa*, ser. 2, III (1934), pp. 41-4; cf. A. Schalit, *König Herodes* (1969), pp. 161-2.

might have ordered such an internal administrative measure after Palestine had become a province, but not while it was the territory of a *rex socius*.

Similar instances have been pointed to in which an allegedly Roman census took place in the domain of a *rex socius*. Thus Tacitus remarks on a census undertaken among the Cietae,⁶⁰ Tac. *Ann.* vi 41: 'Per idem tempus Cietarum natio Cappadoci Archelao subiecta, quia nostrum in modum deferre census, pati tributa adigebatur, in iuga Tauri montis abscessit locorumque ingenio sese contra imbelles regis copias tutabatur'. But there is no mention here of a Roman census being held in the realm of King Archelaus; it is said only that Archelaus wished to make a census according to the Roman pattern (*nostrum in modum*) among the Cietae subject to him.⁶¹ Zumpt argued that the revolt of Judas the Galilean on the occasion of the census of Quirinius in A.D. 6/7 proves that this census extended not only over the territory of Archelaus (Judaea and Samaria) then made into a province, but also over Galilee, since Judas must have received his nickname from the scene of his activities.⁶² But Josephus writes expressly only of the territory of Archelaus as that affected by the census;⁶³ and the nickname is to be explained by the fact that Judas, who came from Gaulanitis,⁶⁴ which in the wider sense could be attributed to Galilee, organized the revolt not in Galilee but in Judaea, and was then named 'the Galilean' after his homeland by the inhabitants of Judaea.⁶⁵

To prove Herod's subjection and the possibility of a Roman census in his domain, it is recalled that he was not allowed to wage war independently,⁶⁶ that he asked the emperor's permission to execute his sons,⁶⁷ that his subjects had to take the oath of allegiance to the

60. Huschke, *op. cit.*, pp. 102-4; Wieseler, *Synopse*, p. 94, and *Beiträge*, p. 94.

61. On Archelaus, cf. p. 321 above.

62. *Geburtsjahr Christi*, p. 191, note. On the description of Judas as a Galilean, see *Ant.* xviii 1, 6 (23) ὁ Γαλιλαῖος Ἰούδας. *Ibid.* xx 5, 2 (102) Ἰούδα τοῦ Γαλιλαίου. *B.J.* ii 8, 1 (118) τις ἀνὴρ Γαλιλαῖος Ἰούδας. *Ibid.* ii 17, 8 (433) Ἰούδα τοῦ καλουμένου Γαλιλαίου. Acts 5:37 Ἰούδας ὁ Γαλιλαῖος.

63. *Ant.* xviii 1, 1 (2) παρῆν δὲ καὶ Κυρίνιος εἰς τὴν Ἰουδαίαν, προσθήκη τῆς Συρίας γενομένην, ἀποτιμησόμενός τε αὐτῶν τὰς οὐσίας καὶ ἀποδωσόμενος τὰ Ἀρχελαίου χρήματα. Cf. in general the passages cited on p. 405 above. Notice that it is Pharisees of Judaea who (in Jerusalem) put the question to Jesus about the tribute money (Mt. 22:17; Mk. 12:14; Lk. 20:22). Galilee at that time paid no imperial κῆσος or φόρος.

64. *Ant.* xviii 1, 1 (4).

65. That this is correct becomes quite evident especially from *B.J.* ii 8, 1 (118), where Judas is called τις ἀνὴρ Γαλιλαῖος, which can only mean a native of Galilee. On the issue of the census and tribute in Zealot thought see M. Hengel, *Die Zeloten* (1961), pp. 132-45.

66. *Ant.* xvi 9, 3 (289-91).

67. *Ant.* xvii 10-11 (300-404); xvii 5, 7 (131-41); xvii 7 (182-7).

emperor as well,⁶⁸ that his will required the emperor's confirmation⁶⁹; even the athletic contests in honour of Augustus and the temples dedicated to him are made to prove the possibility of a census.⁷⁰ As though this were evidence of anything but the undoubted dependence of the Jewish vassal king on the Roman emperor! Wieseler believed also that he could turn Jewish coins to good account in defence of Luke.⁷¹ The only noteworthy point in this is that Palestinian coins of Augustus exist from the years 36, 39, 40 and 41, which, reckoning by the Actian era (31 B.C.), would partly belong to the age of Archelaus, and therefore to the time when Judaea still possessed a native prince. But these numbers are based on the Augustan era from the 1st January 27 B.C. So the year 36 would correspond to A.D. 5/6.⁷² It is quite wrong to invoke the fact that Augustus 'included him [Herod] among the procurators of Syria, and ordered that everything was to be done in accordance with his judgement'.⁷³ For this is evidence, not of Herod's subjection,⁷⁴ but on the contrary, of the great trust he enjoyed with his patron and friend. The same applies to the threat once uttered by Augustus under extreme provocation, when he said ὅτι πάλαι χρώμενος αὐτῷ φίλῳ, νῦν ὑπηκόῳ χρήσεται, *Ant.* xvi 9, 3 (290), a passage which, oddly enough, Wieseler used in support of his thesis.⁷⁵

An exact definition of Herod's constitutional position is assuredly not easy to give since Josephus fails to provide one in the very passage where it might have been expected.⁷⁶ In 30 B.C. Herod was again apparently confirmed in the possession of his kingdom by a *senatus consultum*.⁷⁷ But Josephus gives no details regarding the contents of this decree. Even Cassius Dio's observation that Augustus, when he was regulating conditions in Syria in 20 B.C., 'organized the subject territory according to the Roman method, while allowing the confederate princes to rule in accordance with customs of their forefathers',⁷⁸ is too general to permit any very definite inference. But in

68. *Ant.* xvii 2, 4 (42). On this oath, cf. above, p. 376. From other known forms of oath, its wording may be presumed to have been fairly general.

69. *Ant.* xvii 8, 4 (202); II, 4-5 (317-23).

70. Wieseler, *Beiträge*, pp. 90-2.

71. *Beiträge*, pp. 83-9.

72. On these coins, cf. above, p. 380, and the bibliography given there.

73. *Ant.* xv 10, 3 (360) ἐγκαταμίγνυσι δ' αὐτὸν [αὐτὴν, Niese] τοῖς ἐπιτροπέουσι τῆς Συρίας ἐντειλάμενος μετὰ τῆς ἐκείνου γνώμης τὰ πάντα ποιεῖν. Somewhat different is *B.J.* i 20, 4 (399) κατέστησε δὲ αὐτὸν καὶ Συρίας ὅλης ἐπίτροπον . . . ὡς μηδὲν ἐξείναι δίχα τῆς ἐκείνου συμβουλίας τοῖς ἐπιτρόποις διοικεῖν. Cf. above, p. 319.

74. As suggested by Wieseler, *Beitr.*, pp. 89 f.

75. *Synopse*, p. 96; *Beiträge*, p. 83.

76. On the constitutional position of *reges socii* see above, pp. 316-17.

77. *Ant.* xv 6, 7 (196); cf. *B.J.* i 20, 2-3 (391-7).

78. Dio liv 9, 1 ὁ δὲ Αὔγουστος τὸ μὲν ὑπήκοον κατὰ τὰ τῶν Ῥωμαίων ἔθη διώκει, τὸ δὲ ἐνασπονδὸν τῷ πατρίῳ σφίσι τρόπῳ εἶα ἄρχεσθαι.

any case it does not encourage the view that a Roman census took place in Herod's territory. And the same may be said of the expressions used by Josephus to describe the conversion of Judaea into a province. They prove fully that in his opinion Judaea only then became Roman territory subject to the Romans.⁷⁹

A study of the Herodian taxation system as revealed by Josephus leads further than these general observations. It appears throughout that Herod acted independently with regard to taxes and there is no sign whatever of his paying any dues to the Romans. He remits now a third,⁸⁰ now a quarter⁸¹ of the taxes; he even exempts the Jewish colony in Batanaea from taxes altogether.⁸² After his death the Jews demanded from Archelaus (who was therefore also independent in this respect) a reduction of the oppressive taxation,⁸³ and the Jewish deputation in Rome complained of the burdensome taxes under Herod to support their request that no Herodian should again rule over Palestine. But there is no mention of Roman taxes.⁸⁴ Herod in other words dealt without restriction with taxation in Palestine. It is therefore legitimate to sustain the view that even if he did pay tribute to Rome, a Roman census and a Roman system of taxation could not have been introduced in his kingdom.⁸⁵

IV. *Josephus knows nothing of a Roman census in Palestine during the reign of Herod; he refers rather to the census of A.D. 6/7 as something new and unprecedented.*

Apologetical: Wieseler, *Synopsis*, pp. 98-105; *Beiträge*, pp. 94-104.

To weaken the force of the *argumentum e silentio* drawn from Josephus, there have been attempts, either to discover in his writings

79. *Ant.* xvii 13, 5 (355) τῆς Ἀρχελάου χώρας ὑποτελοῦς προσηνεθηθείσης τῇ Σύρων. *B.J.* ii 8, 1 (117) τῆς Ἀρχελάου χώρας εἰς ἐπαρχίαν περιγραφείσης. *B.J.* ii 9, 1 (167) τῆς Ἀρχελάου δ' ἐθναρχίας μεταπεσοῦσης εἰς ἐπαρχίαν. *Ant.* xviii 4, 3 (93) οὗ (Archelaus) Ῥωμαῖοι παραδεξάμενοι τὴν ἀρχήν.

80. *Ant.* xv 10, 4 (365). On Herod's finances compare in general Schalit, *König Herodes*, pp. 262-98.

81. *Ant.* xvi 2, 5 (64).

82. *Ant.* xvii 2, 1 (25) ἀτελῆ τε τὴν χώραν ἐπηγγέλλετο, καὶ αὐτοῦς εἰσφορῶν ἀπηλλαγμένους ἀπασῶν.

83. *Ant.* xvii 8, 4 (205). Wieseler attempted to argue that the tax about which the Jews complained was a Roman one (*Synopses*, pp. 102 f.; *Beiträge*, pp. 98 f.).

84. *Ant.* xvii 11, 2 (304-14).

85. The question of whether Herod paid a tribute to the Romans has no bearing on the subject under consideration (the possibility of a Roman census) for the payment of a lump sum as tribute is quite different from an exaction by the Romans of direct taxes from the individual citizens of the country. But even the tribute is not at all certain; at least there is no proof of it. That Antonius imposed a tribute on Herod (Appian, *B.C.* v 75/319; see above, p. 413), proves nothing

traces of a Roman census in the time of Herod, or to deny that his silence proves anything.

Wieseler claimed to find such a trace in the revolt of Judas and Matthias shortly before Herod's death,⁸⁶ the cause of which is said to have been the census, whereas Josephus indicates as clearly as possible quite another reason.⁸⁷ Another trace is seen in the detailed information concerning the level of the revenues of Judaea, Galilee and Trachonitis given by Josephus in his reference to the partition of Palestine among Herod's three sons,⁸⁸ as though a census, and a Roman one at that, would have been necessary for him to have known these figures! It is of much greater significance that when that partition took place, Augustus stipulated that the Samaritan taxation rate should be reduced by a quarter because they had not taken part in the war against Varus.⁸⁹ It is important because it is the only reported instance of imperial interference in the matter of Judaeian taxation before the territory became a Roman province. But of course it does not follow, as Wieseler argued,⁹⁰ that a Roman tax was concerned. On the contrary, it is throughout a question of the revenues of the native princes, Archelaus, Antipas and Philip, and the very absence of any reference at this juncture to a Roman tax speaks for its non-existence. Finally, the argument by means of which Zumpt discovered the required census (prior to the one in A.D. 6/7) is particularly ingenious.⁹¹ For him,

in regard to the time of Augustus. It is said of Caligula that when he restored kings to their patrimonies he granted them 'full enjoyment of the revenues and also the produce of the interval' (during which the kingdom had been confiscated), Suet. *Calig.* 16, 'si quibus regna restituit adiecit et fructum omnem vectigaliorum et redditum medii temporis', it should not be concluded that normally the contrary of both was the rule. For Suetonius is not reporting here on a particular foolishness of Caligula, but on his generosity. Probably, it was only the reimbursement of the *reditus medii temporis* that was extraordinary. But in any case, the passage shows that there was no binding rule in such matters. In the time of Lucian, King Eupator of the Bosphorus paid an annual tribute to the Romans (Lucian, *Alexander*, 57; for the text; see above, p. 317). On the other hand, there were πόλεις αὐτόνομοι τε καὶ φόρων ἀτελεῖς (Appian, *B.C.* i 102/475); and it is unlikely that the kings were placed in a worse position. In general, payment of tribute is more likely for the later period of the Empire, when the political power of the *reges socii* was subjected to greater limitation than for the earlier. Cf. above, pp. 316-17.

86. *Ant.* xvii 6, 2 (149-54). Cf. Wieseler, *Synopsis*, pp. 100-5; *Beiträge*, pp. 98-104.

87. See above, p. 325.

88. *Ant.* xvii 11, 4 (318-20); *B.J.* ii 6, 3 (95-100). Cf. Wieseler, *Beiträge*, p. 99.

89. *Ant.* xvii 11, 4 (319) τετάρτου μέρους [Niese: τετάρτην μοῖραν] οὗτοι τῶν φόρων παράλυντο, Καίσαρος αὐτοῖς κούφισιν ψηφισαμένου διὰ τὸ μὴ συναποστῆναι τῇ λοιπῇ πληθύνει. Cf. *B.J.* ii 6, 3 (96).

90. *Beiträge*, p. 99.

91. *Geburtsjahr Christi*, pp. 201 f.

it follows from Josephus's report concerning the census of A.D. 6/7 'that Quirinius only made a valuation of Jewish assets at that time and therefore took no consideration of those who were poor and without assets'. But since the poll-tax existing in the time of Jesus presupposes a register of those without property, it must have been drawn up earlier under Herod. In this connexion only three points require to be proved: (1) that Quirinius valued 'only the assets' of the Jews; (2) that in Palestine in the time of Jesus a poll-tax was also levied on those without property;⁹² and (3) that this poll-tax was already introduced under Herod.

So, in fact, Josephus knows nothing of a Roman census during the time of Herod. One is, admittedly, disinclined to place too much reliance on *argumenta e silentio*. But in this case it has meaning. On no other period is Josephus so well informed, on none is he so thorough, as on that of Herod's last years. It is almost inconceivable that he would have ignored a measure such as a Roman census of that time, which would have offended the people to the quick, whilst faithfully describing the census of A.D. 6/7, which occurred in a period of which he reports very much less.⁹³ It should be borne in mind that a Roman census left behind it an effect; like that of A.D. 6/7, it would have provoked a revolt. Zumpt tried to weaken this argument by maintaining that the alleged Herodian census was a blameless registration (*ἀπογραφή*) of the people for the purpose of the poll-tax, whereas the census of A.D. 6/7 was a property valuation (*ἀποτίμησις*), and for that reason extremely offensive.⁹⁴ The poll-tax had to yield the tribute to be paid to the Romans, whereas the property tax had to defray the internal administrative expenses of the country.⁹⁵ But it is most improbable that the tribute to be paid to the Romans should have consisted simply of an equal amount of poll-tax for each *caput*. Appian says expressly that the Syrians paid a poll-tax of 1% of their property valuation. So if a Roman tax had been imposed in Palestine at all, it would certainly not have been a plain poll-tax. And in any case it would still have been a Roman tax. A population count, with the introduction of this tax as its aim, would therefore have provoked a rebellion just as much as a population census. But finally, the distinction between the *ἀπογραφή* mentioned in Luke 2:2 and the *ἀποτίμησις* of A.D. 6/7 breaks down before the fact that the latter, which sparked off the revolt of Judas

92. Compare the Syrian poll-tax referred to by Appian, *Syr.* 50/253. See above, p. 402.

93. Cf. above, p. 51.

94. So also Rodbertus, *Jahrbücher für Nationalökonomie und Statistik* 5 (1865), pp. 155 ff.

95. Zumpt, *Geburtsjahr Christi*, p. 196-202. Wieseler previously expressed a similar opinion (*Synopse*, p. 107; cf. 95 f., 102 f.), whereas he subsequently reverted to the idea of a poll- and land-tax (*Beiträge*, pp. 98 f.).

the Galilean, is referred to by Luke in Acts 5:37 with the same word as that used of the alleged census in the time of Herod and is called *ἀπογραφή*, which is clear proof that in both passages he has in mind the same event.

The most decisive argument, however, against a census in the reign of Herod is that Josephus characterizes the census of A.D. 6/7 as something entirely new and unprecedented among the Jews. Zumpt attempted to represent the novelty as consisting only in the property census (*ἀποτίμησις*), and Wieseler thought that only the form of the census was new and offensive, namely, the judicial examination (*ἡ ἀκρόασις*) and the obligation to confirm the evidence before a Gentile tribunal by means of a prescribed oath.⁹⁶ But these fine distinctions which can perhaps be spun from the report in *Ant.* immediately collapse when faced with the parallel account in *B.J.* ii 8, 1 (118), where Josephus expresses himself as follows: *ἐπὶ τούτου* (under Coponius) *τις ἀνὴρ Γαλιλαῖος Ἰούδας ὄνομα εἰς ἀπόστασιν ἐνήγγε τοὺς ἐπιχωρίους, κακίζων εἰ φόρον τε Ῥωμαίοις τελεῖν ὑπομενοῦσι καὶ μετὰ τὸν θεὸν οἴσουσι θνητοὺς δεσπότας*. It was therefore not the property census nor its form that was offensive, but the Roman tax itself. Such is also the assumption underlying the accounts of the rebellion given elsewhere: *B.J.* vii 8, 1 (253) *Ἰούδα τοῦ πείσαντος Ἰουδαίων οὐκ ὀλίγους . . . μὴ ποιεῖσθαι τὰς ἀπογραφάς*. *B.J.* ii 17, 8 (433) *Ἰουδαίους ὀνειδίσας ὅτι Ῥωμαίοις ὑπετάσσοντο μετὰ τὸν θεόν*. That the Romans should wish to raise a tax at all in Palestine was *νοσηρὸν ἐπιναυδῆτον*. Also, from the words quoted above with which Josephus reports the establishment of Judaea as a province, *Ant.* xvii 13, 5 (355) *τῆς δ' Ἀρχελαίου χώρας ὑποτελοῦς προσνεμηθείσης τῇ Σύρων*, it should necessarily be concluded, if they are taken strictly, that during the reigns of Herod and Archelaus no taxes were paid to the Romans. For if it was only after the banishment of Archelaus that Judaea was obliged to pay tribute, it follows that it had not been liable previously. The same conclusion may be drawn from two other passages. After his death the tetrarchy of Philip was added by Tiberius to the province of Syria, *τοὺς μέντοι φόρους ἐκέλευσε συλλεγομένους ἐν τῇ τετραρχίᾳ τῇ ἐκείνου γενομένη κατατίθεσθαι*, *Ant.* xviii 4, 6 (108). If no taxes flowed from his tetrarchy into the Roman treasury even after Philip's death, much less would this have been the case during his lifetime. But of the Jewish colony at Batanaea on which Herod conferred the privilege of absolute freedom from taxation, Josephus reports as follows, *Ant.* xvii 2, 2 (27-8) *ἐγένετο ἡ χώρα σφόδρα πολυάνθρωπος ἀδεῖα τοῦ ἐπὶ πᾶσιν ἀτελοῦς, ἃ παρέμεινεν αὐτοῖς Ἡρώδου ζῶντος. Φίλιππος δὲ υἱὸς ἐκείνου παραλαβὼν τὴν ἀρχὴν φέροντες τὴν ἐπὶ ταῖς ἀπογραφαῖς ἀκρόασιν* ('the judicial examination in connexion with the registrations').

ὀλίγα τε καὶ ἐπ' ὀλίγοις αὐτοὺς ἐπράξετο. Ἀγρίππας μέντοι γε ὁ μέγας καὶ ὁ παῖς αὐτοῦ καὶ δμῶνυμος καὶ πάννυ ἐξετρώχωσαν αὐτοὺς, οὐ μέντοι τὰ τῆς ἐλευθερίας κινεῖν ἠθέλησαν. παρ' ὧν Ῥωμαῖοι δεξάμενοι τὴν ἀρχὴν τοῦ μὲν ἐλευθέρου καὶ αὐτοὶ τηροῦσι τὴν ἀξίωσιν, ἐπιβολαῖς δὲ τῶν φόρων εἰς τὸ πάμπαν ἐπέσσαν αὐτοὺς. Hence it is quite evident that the imposition of a Roman tax in that region began only when it was no longer ruled by its own princes, whereas formerly, these (Herod the Great, Philip, Agrippa I, Agrippa II) levied or did not levy taxes as each of them thought best.

From all this it must be concluded that Roman taxes could not possibly have been levied in Palestine during the reign of Herod, and in consequence no Roman census was taken either.

V. A census held under Quirinius could not have taken place in the time of Herod, for Quirinius was never governor of Syria during Herod's lifetime.

Like Matthew (2:1 ff.), Luke (1:5) supposes that Jesus was born during the lifetime of Herod; he therefore places the census mentioned by him during Herod's reign. But he also says expressly that it was held ἡγεμονεύοντος τῆς Συρίας Κυρηναίου, which can only mean 'while Quirinius had supreme command over Syria', i.e. when he was governor of Syria.⁹⁷ Now it is known that Quirinius arrived in Syria as governor in A.D. 6; it has also been argued, incorrectly, that he may have held the same office even earlier, in 3-2 B.C.⁹⁸ But in any case, he cannot have been governor in Herod's time. For from about 10/9 B.C. to about 7/6 B.C. the office was held by Sentius Saturninus; and from 7/6-4 B.C. by Quinctilius Varus. The latter had to suppress the revolt which broke out in Palestine after Herod's death and was therefore in Syria for at least the following six months. But the probable predecessor of Saturninus was Titius.⁹⁹ Thus during the last five or six years of Herod's reign—it can be a matter of only this period—there is definitely no room for Quirinius.

This point has caused the greatest difficulties even to the defenders of Luke. Some of the arguments advanced may be considered here.

I. Lutteroth devised the following explanation to dispose of the above exegetical points.¹⁰⁰ When it is said of John the Baptist in Lk. 1:80 that he remained in the desert εἰς ἡμέρας ἀναδειξέως αὐτοῦ πρὸς τὸν Ἰσραήλ, by ἀνάδειξις is to be understood, not his public appearance

97. The official title is *legatus Augusti pro praetore*. See above, p. 255.

98. See above, pp. 257-8.

99. For the evidence, see above, p. 257.

100. *Le recensement de Quirinius en Judée* (1865), pp. 29-44.

as a preacher of repentance, but his 'presentation before the people' as a 12-year-old boy according to the requirements of the law. To this occasion belongs the following notice, that ἐν ταῖς ἡμέραις ἐκείναις was issued the emperor's census edict carried out by Quirinius, which also led to Joseph's journey to Bethlehem. As a subject of Herod Antipas, he was of course under no obligation to do this, for the census applied only to Judaea, but he wished to emphasize that he was a native of Bethlehem by making a voluntary appearance there. So Luke quite correctly dates the census of Quirinius to the time when John the Baptist was twelve years old. The end of Lk. 2:5 should be translated, 'to be registered with Mary, whom he had married when she was already pregnant' (hence twelve years before the census). Verse 6 then refers back again to this earlier time: it was also in Bethlehem that Mary (twelve years before the census) bore her first son. It is one of those explanations which arouse admiration for their ingenuity but need no refutation.

Huschke,¹⁰¹ Wieseler,¹⁰² Ewald,¹⁰³ Caspari,¹⁰⁴ Lagrange¹⁰⁵ and Heichelheim¹⁰⁶ understand the superlative πρῶτος comparatively, and translate: this census occurred as the first, before (or earlier than) Quirinius was governor of Syria. Luke therefore expressly distinguishes between the earlier census taken under Herod and the later one under Quirinius. This translation can if necessary be justified grammatically (cf. Jn. 1:15, 30).¹⁰⁷ But this does not mean that it is also the right one. Why should Luke have made the futile observation that this census took place earlier than when Quirinius was governor of Syria? Why does he not name the governor under whom it did take place? It is said that he distinguishes between the earlier census under Herod, and the later one under Quirinius. But according to this translation, this is precisely what he does not do. He does not say, 'this census took place earlier than that taken under Quirinius' (which would have

101. *Census z. Zeit d. Geb. J. Chr.*, pp. 78 ff.

102. *Synopse*, pp. 116-21; *Beiträge*, pp. 26-32; *Stud. und Krit.* (1875), pp. 546 ff.

103. *Gesch. d. Volkes Israel V* (1868), p. 205.

104. *Chronolog.-geogr. Einl. in d. Leben J. Chr.*, p. 31.

105. M.-J. Lagrange, 'Où en est la question du recensement de Quirinius?' *RB* (1911), pp. 60-84.

106. *Economic Survey of Ancient Rome*, ed. Tenney Frank, IV (1938) *Roman Syria*, pp. 160-2.

107. But only if need be, for of the many instances which Huschke (*op. cit.*, pp. 83-5) assembled to show that πρῶτος can have a comparative sense, if the totally irrelevant are set aside, there remain only those in which two parallel or analogous ideas are compared with each other, but not, as here, two wholly disparate ideas (the census under Herod and the governorship of Quirinius). For uses of πρῶτος see W. Bauer, *Wörterbuch zum Neuen Testament* (1958), s.v.; Bauer-Arndt-Gingrich, *Lexicon*, s.v.

required something like this: *αὐτὴ ἡ ἀπογραφὴ πρώτη ἐγένετο τῆς Κυρηναίου Συρίας ἡγεμονεύοντος γενομένης*), but, 'this census took place earlier than when Quirinius was governor of Syria'. Wieseler translated similarly, and the analogy of all the instances adduced by him (*Synopse*, pp. 118 f.; *Beiträge*, pp. 30-2) admits of no other rendering. But an unprejudiced person would have difficulty in making sense of these words. Moreover, it is strange that Luke should express himself so clumsily and misleadingly, when elsewhere he shows such lucidity and polish. No one, except by using fragile hypotheses, can take *πρώτη* otherwise than as a superlative, and *ἡγεμονεύοντος τῆς Συρίας Κυρηναίου* otherwise than as a genitive absolute. This is the view of Winer,¹⁰⁸ Buttman,¹⁰⁹ Zumpt,¹¹⁰ Bleek,¹¹¹ to name only a few.

3. Others, for instance Gumpach,¹¹² Steinmeyer,¹¹³ and J. C. K. v. Hofmann,¹¹⁴ emphasize *ἐγένετο* and translate: this census 'came into effect' (Gumpach) or 'was carried out' (Steinmeyer, Hofmann) while Quirinius was governor of Syria. Luke distinguishes between the promulgation of the order for the census under Herod, and its implementation ten to twelve years later under Quirinius. This hypothesis, which is apparently the simplest but in fact the weakest, founders, as one sees immediately, on the story of the journey of Joseph and Mary to Bethlehem, according to which not only the order for the census, but its implementation also, fell in the time of Herod. Such an interpretation would only make sense if another meaning were given to the simple *ἐγένετο*, i.e., 'came to a close'; but even the above-named commentators have not dared to do this.¹¹⁵

Ebrard¹¹⁶ effected a supposed improvement by accentuating *αὐτὴ ἡ ἀπογραφὴ* and translating, 'the tax levy itself, however, took place only when Quirinius was governor of Syria'. Luke therefore does not distinguish, as the others believe, between the order for the property census and its implementation, but between the property census (its order as well as its implementation) and the tax levy based on it. The noun *ἀπογραφὴ* thus acquires a completely different meaning from that given to the verb *ἀπογράφεσθαι*, which in view of the close coherence of the passage is quite impossible. Noun and verb alike mean, 'to

108. *Grammatik*, sect. 35, 4, note 1.

109. *Grammatik des neutestamentl. Sprachgebr.*, p. 74.

110. *Geburtsjahr Christi*, p. 22.

111. *Synopt. Erkl. der drei ersten Evangelien I*, p. 71.

112. *ThStKr* (1852), pp. 666-9.

113. *Die Geschichte der Geburt des Herrn*, pp. 36 ff.

114. *Die heilige Schrift des Neuen Testaments zusammenhängend untersucht VIII*, I, p. 49; X, pp. 64 ff.

115. Against this view, cf. especially Wieseler, *Synopse*, pp. 114-16; *Beiträge*, pp. 25 f.

116. *Wissenschaftl. Kritik d. ev. Gesch.*³, pp. 227-31.

register' and 'registration', and in the narrower sense are both used specifically of the valuation and registration of property. The contention that the census of Quirinius was ordinarily designated by the term *ἀπογραφὴ*, and that in consequence the word (in this one particular instance) means the levying of a tax (pp. 224 f., 229 f.), is wholly without basis. For an appeal to Acts 5:37 and *Ant.* xviii 1, 1 (1-3) is inappropriate here. Instead of *αὐτὴ ἡ ἀπογραφὴ* it should read something like *ἡ δὲ τῶν φόρων ἐκλογή* or *εἰσπραξίς*. Finally, history also contradicts this view. For Quirinius did not simply levy taxes in A.D. 6/7 on the basis of an earlier census, but first and foremost undertook an *ἀποτίμησις* himself.

4. Since nothing is to be gained by exegesis, attempts have been made to justify Luke's report without it by resorting to historical speculation. Indeed, since the discovery of the inscription supposedly showing two governorships of Quirinius in Syria, some have thought that everything has been cleared up. But as we have seen (p. 420), the inscription in fact settles nothing. Even a dual governorship (which is in any case not proved by the inscription) would not justify Luke's report. For the first governorship of Quirinius cannot have begun, at the earliest, until six months after Herod's death (see above, p. 258), whereas according to Luke, Quirinius must already have been governor in Herod's lifetime. Zumpt¹¹⁷ and later Pölzl¹¹⁸ and Corbishley¹¹⁹ assumed—relying on a passage in Tertullian¹²⁰—that the census was started by Sentius Saturninus (9-6 B.C.), continued by Quinctilius Varus (6-4 B.C.) and finished by Quirinius during his first governorship. It was from Quirinius, as the person who completed the work, that the census received its name; it is also why Luke states that it took place under him. As far as Tertullian is concerned, however, Zumpt himself asserts in another passage¹²¹ that the church fathers 'generally lack all historical sense in their interpretation of the Gospel narrative'. Nothing may safely be built on their statements, therefore. For the rest, Zumpt's theory only harks back to that of Gumpach and others, referred to above. If the situation was as Zumpt envisaged it, either a verb such as *ἐτελέσθη* should be in place of *ἐγένετο*, or instead of Quirinius, that governor should be named in whose term of office the fact recorded by Luke (the journey of Joseph and Mary

117. *Geburtsjahr Christi*, pp. 207-24.

118. Wetzer-Welte, *Kirchenlex.*, ed. 2, III, cols. 5-7.

119. Th. Corbishley, 'Quirinius and the Census: a Re-study of the Evidence', *Klio* 29, N.F. 11 (1936), pp. 81-93.

120. Tertullian, *adv. Marcion.* IV 19 'Sed et census constat actos sub Augusto nunc in Iudaea per Sentium Saturninum, apud quos genus eius inquirere potuissent'.

121. *Geburtsjahr Christi*, p. 189, note. Cf. also Wieseler, *Synopse*, p. 113, note.

to Bethlehem) took place,¹²² for the mention of the name is intended to define the time of which the evangelist is speaking. Thus, as the words read, there is necessarily the underlying idea that the birth of Jesus occurred in the time of Quirinius, which is impossible. Moreover, it is inconceivable that the ἀπογραφή as represented by Zumpt, viz. as a mere registration of the people without a property census, should have lasted from three to four years, while the much more difficult ἀποτίμησις of A.D. 6/7, which had in addition to cope with popular opposition, was completed within one year.¹²³

Wandel agreed with Zumpt to the extent that he too placed the census under Sentius Saturninus. He thereby openly acknowledged Luke's error:¹²⁴ 'He was aware of the second census under Quirinius, he knew that Quirinius had been in Syria once before at about the time of Herod's death; he knew further that Christ was born in the period of a census, and mistakenly conjectured that the census under which the Saviour was born was also held under Quirinius and in the time of his first praetorship.'

The difficulties of Zumpt's interpretation disappear, of course, if it is accepted with Gerlach,¹²⁵ Quandt,¹²⁶ and Hahn,¹²⁷ that Quirinius was sent to Syria with Quinctilius Varus (6-4 B.C.) as extraordinary legate and undertook the census as such. Sanclemente presented this theory most precisely by assuming that Quirinius was despatched to Syria as *legatus ad census accipiendos*, equipped with a higher authority than the regular Syrian legate of that time, Sentius Saturninus.¹²⁸ But the evangelist's words do not admit of this expedient, since ἡγεμονεύοντος τῆς Συρίας Κυρηνίου can only mean 'when Quirinius had supreme command (or the office of governor, which is the same thing) over Syria'. Luke without doubt, that is to say, considers Quirinius to be the regular legate of Syria. But it is historically established that this office was occupied in the last years of Herod, not by Quirinius, but by Sentius Saturninus (?10/9-?7/6 B.C.), and then Quinctilius Varus (7/6-4 B.C.).¹²⁹ It was a step back from Sanclemente's argument when Ramsay suggested that authority was divided in such a way that

122. Therefore, according to Zumpt, Sentius Saturninus.

123. It was started after the banishment of Archelaus, at the earliest in the summer of A.D. 6, and, according to *Ant.* xviii 2, 1 (26), completed in the year 37 of the Actian era = autumn A.D. 6-7, hence at the latest in the autumn of A.D. 7.

124. NKZ 1892, p. 743.

125. *Die römischen Statthalter in Syrien und Judäa*, pp. 33-5.

126. *Zeitordnung und Zeitbestimmungen in den Evangelien* (1872), pp. 18-25.

127. *Das Evangelium des Lucas I*, p. 177.

128. Sanclemente, *De vulgaris aevae emendatione* IV, 6 (pp. 443-8). For the evidence on *legati* and *procuratores ad census accipiendas* see above, n. 48.

129. Cf. Huschke, *Ueber den zur Zeit der Geburt Jesu Christi gehaltenen Census*, pp. 75 f., who also argued against the theory in question.

Saturninus or Varus controlled the internal administration of Syria, while the military command was transferred to Quirinius in view of the war against the Homanadenses.¹³⁰ It would have been very odd if Luke had dated the census by the governor who had nothing whatever to do with the internal administration and therefore with the census! Thus the Lucan report can be justified historically only if it can be proved that Quirinius was already in the time of Herod the regular and sole governor of Syria. But such a proof can never be produced, since the contrary is an established fact. A further variant of this view was provided by Accame,¹³¹ who argued that in 9-8 B.C., while Sentius Saturninus was the regular *legatus* of Syria, Quirinius had a *maius imperium* which included Syria in order to fight the Homanadenses.

Zahn, Weber and Lodder were more radical in their attempt to salvage Luke; they simply rejected the precise statements of Josephus.¹³² Quirinius was only once governor of Syria, not as Josephus states in A.D. 6/7, but after the death of Herod in 4/3 B.C. (the governorship began a few months after Herod's death in the autumn of 4 B.C.; see NKZ (1893), pp. 647, 650). Zahn justified his criticism of Josephus's account on the following grounds. Josephus reports two depositions from office of the High Priest Joazar, (1) by Archelaus after the death of Herod, *Ant.* xvii 13, 1 (339), and (2) by Quirinius at the time of the census of A.D. 6/7, *Ant.* xviii 2, 1 (26). He also reports two rebellions by Judas, (1) during the troubles after the death of Herod, *Ant.* xvii 10, 5 (271-2); *B.J.* ii 4, 1 (56); cf. above, p. 332, and (2) on the occasion of the census under Quirinius in A.D. 6/7, *Ant.* xviii 1, 1 (4-10). In both cases, Josephus duplicates a single fact, but both are connected with the census. This took place either in 4/3 B.C. or A.D. 6/7, and Luke shows that the first date is the correct one. The ingenuity of this criticism is attractive and stimulating. Nevertheless, it must certainly be rejected. Josephus is so well informed on the history of the High Priests, and the stories of the two rebellions of Judas are so different, that in both cases the theory of a mistaken duplication is unjustifiable. Equally unwarranted is the rejection of the exact date of the census, *Ant.* xviii 2, 1 (26): in the 37th year after the battle of Actium, which implies that the census was necessarily connected with the deposition

130. The Expositor (1897), p. 431; *Was Christ born at Bethlehem?* (1898), p. 238. *The Bearing of Recent Discovery on the Trustworthiness of the New Testament* (1915), pp. 293-4 (cf. the full discussion of the census question here, pp. 238-300); JRS 7 (1917), pp. 271-5.

131. S. Accame, 'Il primo censimento della Giudea', *Riv. di filol.* 72/3 n.s. 22/3 (1944/5), pp. 138-70.

132. Th. Zahn, 'Die syrische Statthalterschaft und die Schätzung des Quirinius', NKZ 4 (1893), pp. 633-4, and *Einkl. in das Neue Testament* II, pp. 395 f., 415 f. Cf. W. Weber, 'Der Census der Quirinius nach Josephus', ZNW 10 (1909), pp. 307-19; W. Lodder, *Die Schätzung des Quirinius bei Flavius Josephus* (1930).

of Archelaus; and, according to Dio (lv 27, 6), this took place in A.D. 6. But even if all Zahn's arguments were sound, nothing would be gained for New Testament apologetics. For again according to Zahn, Quirinius did not become governor until some months after the death of Herod, and only then undertook the census. Luke's error is thus exposed.

Finally, the suggestion made by H. Braunert¹³³ and A. N. Sherwin-White¹³⁴ may be noted, that Luke did in fact explicitly intend to date the birth of Jesus by the well-known census of Quirinius in A.D. 6/7. Braunert further infers that Luke derived the synchronism from a tradition in the Palestinian church which linked the birth with the origin of the Zealot movement. This view may gain further support from P. Winter's argument¹³⁵ that Luke 1:5-80 is in origin a birth narrative of John, subsequently adapted for insertion into the Gospel. Consequently there is no need to be troubled by the discrepancy between 2:1 and 1:5, ἐγένετο ἐν ταῖς ἡμέραις Ἡρώδου βασιλέως τῆς Ἰουδαίας.

This interpretation does less violence to the text of Luke than any other. But it does so only at the cost of the conclusion that Luke both followed a different chronology from Matthew (2:1) and asserted an historical absurdity, namely that Joseph and Mary travelled from Nazareth in the tetrarchy of Herod Antipas (which was their normal residence, see above p. 413) to the new Roman province of Judaea in order to be enrolled in the census, and then returned.

There is in fact no alternative but to recognize that the evangelist based his statement on uncertain historical information. The discrepancy is a dual one: (1) Luke ascribes to Augustus the order that a census should be taken throughout the whole empire. There is no historical record of such an imperial census. It is possible that Augustus undertook censuses in many, perhaps in most, of the provinces, and that Luke had some vague information about them. But these varied provincial censuses, differing in time and form, cannot be traced back to one particular edict. Luke therefore generalizes here, as he does in connection with the famine under Claudius. In the same way that, of the numerous famines that afflicted various parts of the empire in quite an unusual manner in the time of Claudius, he makes one extending ἐφ' ὅλην τὴν οἰκουμένην (Acts 11:28; see below, § 19), so the various provincial censuses of which he knew have been combined to form a single imperial census. (2) The evangelist also knows that at about the time of the birth of Jesus a census took place in Judaea under

133. H. Braunert, 'Der römische Provinzialzensus . . .', *Historia* 6 (1957), pp. 192-214.

134. A. N. Sherwin-White, *Roman Society and Roman Law . . .* (1963), pp. 162-71.

135. P. Winter, 'The Proto-Source of Luke I', *NT* 1 (1956), pp. 184-99.

Quirinius. He uses it to account for the journey from Nazareth to Bethlehem made by the parents of Jesus and therefore seems to place it exactly at the time of his birth, under Herod, i.e. about ten to twelve years too early. For that Luke had in mind the census of Quirinius, and was aware only of that one, is confirmed by Acts 5:37, where he refers to it simply as 'the census'.

Whoever believes that Luke could not have made such 'mistakes' needs only to be reminded that Justin Martyr, who was also an educated man, regarded King Ptolemy, at whose instance the Hebrew Bible was translated into Greek, as a contemporary of King Herod (*Apol.* I, 31). Moreover, this would not be the only historical error in Luke. For Theudas, who in the speech of Gamaliel is placed chronologically before Judas the Galilean (Acts 5:36 ff.) must, in fact, be the Theudas known to have lived about forty years later (see § 19).¹³⁶

136. H. R. Moehring's final paragraph is worth quoting (*op. cit.*, p. 160): 'Once we recognize [the] apologetic function of the census in Luke we need no longer worry about the details of chronology. Luke was a forthright and open apologist for Christianity. He has no need of the forced apologetic devices of modern scholars more interested in pseudo-orthodoxy than history.'