

Section III

The Period of Herod

Chapter XVI

The Siege of Jerusalem

*Part I of the Sabbath
Year of 36/35 B.C.E.*

Now we come to the evidence which, according to the advocates of systems “B” and “D,” is the heart of the matter. The entire case for systems “B” and “D” rests upon the popular interpretation and translation of Josephus, *Antiquities*, 14:16:2, par. 475, which is part of his discussion about Herod’s conquest of Jerusalem in 37 B.C.E. Josephus, as common translations would have it, writes:

And acting in desperation rather than with foresight, they (the people of Jerusalem) persevered in the war to the very end—this in spite of the fact that a great army surrounded them and that they were distressed by famine and the lack of necessities, for a ἑβδοματικὸν (*hebdomatikon*, i.e. seventh) year happened to fall at that time. (Jos., *Antiq.*, 14:16:2)

As observed by Professor Placid Csizmazia,¹ a noted expert in the ancient Greek language at the University of Dallas, the term ἑβδοματικὸν (meaning “seventh”), which is utilized in this passage, means more than “the seventh year” in the general sense. If simply the “seventh” year was intended, the term ἑβδομον would be used. Rather, it is “a formal, specific expression” denoting “the ritual, legal sense.”² Josephus’ use of the Greek term ἑβδοματικὸν, therefore, is a specific reference to a “sabbatical” year. This term, as a result, is often simply rendered “sabbatical” by translators.³

The advocates of systems “B” and “D,” arguing from this premise, then concluded that at the time of Herod’s siege of Jerusalem a sabbath year was in progress. Since the capture of the city is variously dated by these chronologists anywhere from the summer to the early fall of 37 B.C.E., this evidence, it is claimed, proves system “B,” which would date this sabbath year from Tishri, 38 until Tishri, 37 B.C.E., or system “D,” from Nisan of 37 until Nisan of 36 B.C.E.

A Contradiction?

All would seem well for the above interpretations except for the fact that shortly thereafter in *Antiquities*, 15:1:1–2, Josephus openly contradicts it.

¹ For Professor Placid Csizmazia see above Chap. XIII, p. 184, n. 24.

² Letter to the author dated 09–08–87.

³ E.g. Whiston, *Jos.*, p. 313; Marcus, *Jos.*, vii, p. 689; etc.

While discussing the time shortly AFTER Herod the Great took the city, he makes the following comment:

And there was no end to their troubles, for on the one hand their greedy master (Herod), who was in need (of money), was plundering them, and on the other hand the seventh year, WHICH CAME AROUND AT THAT TIME, forced them to leave the land unworked, since we are forbidden to sow the earth in that year. (Jos., *Antiq.*, 15:1:2)

Though Ben Zion Wacholder, who advocates system “C,”⁴ and Don Blosser, who advocates system “B,”⁵ disagree with each other as to which year represents the shemithah (year of rest), both do agree that this above passage from Josephus presents historians with a contradiction.

The Greek phrase “ἐνειστήκει γὰρ τότε,” translated to mean, “which came around at that time,” refers to the arrival of a sabbath year after Herod took the city. Wacholder writes that the sentence “seems to suggest that the Shemithah fell not during the siege but after it had ended, i.e., while Herod was master of Jerusalem.”⁶

A fairer translation of this passage from Josephus is confirmed by experts in ancient Greek. Professor Juan Gamez of East Texas State University,⁷ after analyzing this verse, concluded that the meaning of the Greek phrase “ἐνειστήκει γὰρ τότε” is much stronger than what Marcus and others would lead us to believe. Gamez states that Josephus used “the imperfect and not the aorist” and that the intent of the passage is to say that the Jews were “forced” or “compelled” to leave their fields unworked because “the seventh year was coming” or “was approaching.” In his mind there is no doubt that Josephus was announcing the arrival of a sabbath year “after” Herod had mastered Jerusalem.⁸ Professor Csizmazia of Dallas University likewise concurred that this was the most obvious meaning of the phrase.⁹

Jerusalem Captured during a Non-Sabbath Year

If the popular view of *Antiquities*, 14:16:2, is correct, that a sabbath year was in process BEFORE Herod took Jerusalem, then Josephus has contradicted himself on the subject within just a few pages: on the one hand saying that during the siege the Jews were observing a sabbath year, while on the other saying that at sometime AFTER Herod took the city a sabbath year approached. Neither can there be two sabbath years (i.e. a sabbath followed by a Jubilee). Not only did the Jews abandon the observance of the Jubilee years by this date but the nearest Jubilee, based upon Hezekiah’s observance of a

⁴ HUCA, 44, pp. 166f.

⁵ HUCA, 52, p. 135.

⁶ HUCA, 44, p. 166.

⁷ Professor Gamez holds a Ph.D. in Spanish Languages and Literature, with M.A.s in Theology and Philosophy, a second major in Latin and Greek, and B.A.s in English and Italian with minors in German and French. Professor Gamez is now retired from the University. He has been of great assistance to the author on a number of occasions for which we offer him our thanks.

⁸ Taped interview with Professor Gamez, dated 09-06-1987.

⁹ Letters to the author from Professor Csizmazia dated 09-26-1987 and 10-04-1987.

Jubilee in his sixteenth year, occurred around 15 or 14 B.C.E., depending upon which sabbath cycle system one advocates.

But does Josephus really contradict himself? A close examination of the evidence proves that he did not. The error is actually made by the popular interpretation of *Antiquities*, 14:16:2, par. 475, not Josephus. What the chronologists have mistakenly assumed to have been a sabbath year in progress was in truth only a statement that a sabbath year was close at hand. In fact, the evidence from Josephus proves that a sabbath year was not possible in the year that Herod captured Jerusalem.

First, the Jews harvested crops in Judaea during the year of Herod's siege. This fact is expressly stated in Josephus, *Antiquities*, 14:16:2, shortly before the mentioning of the disputed "seventh year":

And everything on the land outside the city had been carried off, so that nothing was left that might serve as food for men or beasts; and by secret raids also they caused a lack of provisions.

During a sabbath year the Jews are forbidden to plant or harvest their crops and they would not have done so under any circumstance. If it had been a matter of simply denying the enemy a source of food, the Jews of Jerusalem would not have carried it off (presumably to the city) but would have burned or otherwise destroyed it.

Yet the clear impression left by Josephus is that crops were being produced in the fields and raids had to be made to gather this food or otherwise it would be used by Herod's forces to continue the siege. That crops would be in the field in Judaea during a sabbath year within this period of Judaeian history strains credulity.

Second, and most importantly, Josephus confirms the fact that there were many Jews in the army of Herod who were actively involved in the siege of Jerusalem—clearly an aggressive act and one that was forbidden under Jewish law during a sabbath year.¹⁰ Herod himself, though Edomite by family, had married several Jewish women and also belonged to the Jewish faith.¹¹ If this had been a sabbath year the Jews in Herod's army would not have taken part in the siege. As the *War Scroll* confirms: "But in the year of release (sabbath) they shall mobilize no man to go into the army, for it is a sabbath of rest to the sovereign (Yahweh)."¹²

From the time that Herod arrived in Palestine in the spring of 39 B.C.E., after being rewarded with the kingship of Judaea by the Romans, great numbers of Jews had joined his army. Josephus writes:

By this time Herod had sailed from Italy to Ptolemais and had collected a not inconsiderable force of both foreigners AND HIS COUNTRYMEN, and was

¹⁰ See above Chap. XIV, pp. 207ff.

¹¹ See Chap. XXV, pp. 315f, and n. 56.

¹² 1QM, 2:8–9.

marching through Galilee against Antigonus. . . . Nevertheless, Herod's strength increased day by day as he went forward, and all Galilee, except for a few of its inhabitants, came over to his side. (Jos., *Antiq.*, 14:15:1)

After taking Masada "the local inhabitants joined him."¹³ When he marched against Jericho he took "ten companies, five Roman and five Jewish, and a mixed mercenary force."¹⁴ In 37 B.C.E., just before Herod laid siege to Jerusalem, we are told that "many people streamed to him from Jericho and the rest of Judaea" and "multitudes of Jews now joined him daily from Jericho and elsewhere."¹⁵

That the Jews in Herod's army participated in the siege of Jerusalem is expressly stated by Josephus. He remarks that Herod took the city by storm and that, "soon every quarter was filled with the blood of the slain, for the Romans were furious at the length of the siege, while THE JEWS ON HEROD'S SIDE were anxious not to leave a single adversary alive."¹⁶ Their participation is simply unthinkable if this had been a sabbath year (cf. Chapter XIV). In the year following the siege, meanwhile, we hear of no aggressive military activity by Herod or his army—indicative of a sabbath year.

The Solution

All of this evidence, plus the fact that the year 36/35 B.C.E. fits precisely in the sabbath cycle sequence established since the fifteenth year of Hezekiah, dismantles the popular interpretation of Josephus, *Antiquities*, 14:16:2, par. 475, which would have Herod's siege occur during a sabbath year. How then can these two seemingly contradictory statements of Josephus both be true at the same time?

The solution to the problem lies in the period of Jewish history when there was a gradual shifting of the beginning date for the sabbath year from the first of Nisan—its original starting point—to the first of Tishri. Wacholder and others, for example, speak of "the gradual shifting of the New Year from Nisan to Tishri, which has been formalized into our Rosh Hashanah."¹⁷ But the exact period during which this shift took place remains obscure. As we shall demonstrate later on in our investigation, it was not formally adopted until the second century C.E. Nevertheless, the roots for this change extend backwards for several centuries.

To begin with, Josephus informs us that Nisan "was the first month for the festivals" and was reckoned "as the commencement of the year for everything relating to divine worship,"¹⁸ which surely would include the sacred sabbath year. Even as late as the time of the Rosh ha-Shanah (written near the start of the third century C.E.), "the first of Nisan is the New Year for

¹³ Jos., *Antiq.*, 14:15:1.

¹⁴ Jos., *Antiq.*, 14:15:2.

¹⁵ Jos., *Antiq.*, 14:15:12, *Wars*, 1:17:6.

¹⁶ Jos., *Antiq.*, 14:16:2, par. 479, *Wars*, 1:18:2, par. 351.

¹⁷ HUCA, 44, p. 155.

¹⁸ Jos., *Antiq.*, 1:3:3.

kings and feasts.”¹⁹ But in the days of the Rosh ha-Shanah a change had been officially established. Now “the first of Tishri” was not only “the New Year” of foreign kings (i.e. the Greek or Seleucid era) but was extended to include the Jewish “Year of Release (sabbath year) and Jubilee years.”²⁰

This late second century C.E. Jewish Talmudic interpretation, nevertheless, is replete with errors. The rabbis of this late period misread Leviticus, 25:8–10, to mean that the trumpet of “liberty” was to be sounded in the seventh month of the 49th year in the Jubilee cycle, when in reality it was to be in the seventh month of the 50th year. The conclusion of this late rabbinic view naturally followed that the seventh month of the 49th year was thought to be the first month of the Jubilee celebration.²¹

To this initial error the rabbis added yet another. In an effort to “build a fence around the Law” they extended their interpretation for the Jubilee rituals to the regular sabbath years as well, thereby making the seventh month of the sixth year in the sabbath cycle the beginning of the sabbath year. There is no authority in Scriptures for this understanding.

In effect, at the time this ever expanding interpretation of building “a fence around the Law” was first adhered to, the sabbath year ritual was extended so that it would last one and one half years: from the seventh month of the sixth year until the end of the twelfth month of the seventh year. Later, when the first of Tishri became the official New Year’s day even for regular non-sabbath years, the ritual was again reduced to only a year, but this time it began and ended with Tishri.

Important for our discussion is the fact that, prior to the second century C.E., the first of every year, including the sabbath year, began with the first of Nisan (a fact to which every Jewish document concerned with the subject prior to the second century C.E. testifies). Another tradition existed, however, which is highly germane to the issue of the sabbath year in Herod’s reign. The Mishnah, in the part called the *Shebiith*, written about 200 C.E., asked:

Until what time may a tree-planted field be ploughed in the year before the seventh year? The School of Shammai says: So long as this benefits the produce (of the sixth year). The School of Hillel says: Until Pentecost. And the opinion of the one is not far from the opinion of the other.²²

Until when may a white (unshadowed by trees)²³ field be ploughed in the year before the seventh year? Until the ground has dried (about May or June), [or] such time as the ground is still ploughed for planting out beds of cucumbers and gourds. Rabbi Simeon said:

¹⁹ R.Sh., 1:1.

²⁰ Ibid.

²¹ See our comments in Chap. II.

²² Shebi., 1:1.

²³ The expression “white fields” refers to fields unshaded by trees, see Danby, *Mishnah*, p. 40, n. 5.

You put the law for each man into his own hand!— but, rather, a white field may be ploughed until Pass-over and a tree-planted field until Pentecost. Beds of cucumbers or gourds may be dunged and hoed until New Year;²⁴ so, too, irrigated fields . . . (etc.).²⁵

The school of Hillel existed in the first century C.E. at the time of Josephus and Philo. Therefore, we can conclude that, despite the fact that the first of Nisan was the beginning of the sabbath year, the Jews had by this time established the custom of observing the sabbath year ritual of not sowing or harvesting their fields during the last half of the sixth year. The entire ritual, therefore, was actually one and one half years long!

It must be remembered that when the sabbath years were first implemented there was no requirement to stop planting and harvesting crops at any time before the first of Abib (Nisan). But from the latter part of the second century B.C.E., the Pharisees built up interpretations around the Law that went far beyond scriptural commands.²⁶ These interpretations included added rules and regulations for both the sabbath day and the sabbath year. As Zion Wacholder observes:

The Pharisaic halakha required that the observance of the seventh year, like that of the seventh day, begin during the sixth year, in order to build a fence around the law.²⁷

In effect, they had “built a fence” around the sabbath year by beginning the observance of not planting the fields during the several months before the seventh year actually got underway. The theory was that it was unnecessary to plant crops during the latter part of the sixth year which were intended to be harvested in the first part of the sabbath year. The intent, no doubt, was to prevent someone from crossing the sabbath year line, something one might be tempted to do if they were allowed to plant and harvest right up until the eve of the sabbath year.

An example of this theory is pronounced in the Babylonian Rosh ha-Shanah. It asked the question, “And how do we know (from the Scriptures) that we add from the profane on to the holy,”²⁸ i.e., add from the ordinary week-day or year on to the holy sabbath day or sabbath year. It answers by stating:

As it has been taught: In ploughing time and in harvest time you shall rest. Rabbi Akiba said: There was no need (for Scriptures) to specify the ploughing and

²⁴ The R.Sh., 1:1, defines the New Year for vegetables (e.g. cucumbers) as beginning on the first of Tishri (Oct.).

²⁵ Shebi., 2:1.

²⁶ Jos., *Antiq.*, 13:10:6.

²⁷ HUCA, 54, p. 128.

²⁸ B. R.Sh., 9a.

harvest of the Sabbatical year, since this has already been mentioned [in] “your field you shall not sow,” etc. What must be meant therefore is the ploughing OF THE YEAR BEFORE THE SEVENTH which is passing into the seventh, and the harvest of the seventh year which is continuing into the period after the seventh year.²⁹

The effort to readjust the starting point of the sabbath year was in full harmony with their new interpretation for the observance of the sabbath day, which the rabbis of the Talmudic era also altered to include the latter part of the sixth day of the week. In the *Damascus Document*, for instance, which was found among the Dead Sea scrolls, we read:

Concerning the sabbath, to observe it according to its ordinance: Let not a man do work on the sixth day (of the week) from the time when the sun’s disk is its full width away from the gate, for that is what it says: “Observe the sabbath day to keep it holy.”³⁰

In short, as one would discontinue work in the late afternoon of the day before the weekly sabbath, the Pharisees—who were the dominant sect among the Jews and to whose formulas the others would submit³¹—established that one must also discontinue planting and harvesting crops of the field in the latter part of the sixth year before the sabbath year actually began. Only later, in the mid to late second century C.E., was this interpretation transformed into an official change of the New Year’s day for the sabbath year, altering it from the first of Nisan back to the previous first of Tishri.

Now these circumstances return us to the events of the year 37/36 B.C.E. when Herod captured Jerusalem. In *Antiquities*, 14:16:2, par. 475, Josephus is discussing the period just before the capture of Jerusalem by Herod. It is true that the term ἐβδοματικόν, used in this passage, is to be understood in a “ritual, legal sense” and implies a sabbath year. But what has seemingly gone unnoticed is the fact that the term κατὰ ταῦτ’, also used here, has been commonly translated to mean, “to fall at that time.”

Κατὰ ταῦτ’, as Professor Csizmazia points out, is “a vague, approximative formula of time: ‘about the time of these events.’ So it can be rightly assumed that Josephus did not say explicitly that the year of the siege was the sabbatical year but it was ‘about’; and so the thought of it added to the misery and mad desperation of the citizens, namely that the hardships of the siege would be followed by the restrictions of the sabbatical year.”³²

Ralph Marcus also allowed that Josephus could have been “referring, rather vaguely, to a sabbatical year that began soon after the fall of Jerusalem.”³³

²⁹ Ibid.

³⁰ DR, 13.

³¹ Jos., *Antiq.*, 18:1:3–4.

³² Letter to the author dated 09–26–87.

³³ Marcus, *Jos.*, vii, p. 695, n. a.

Marcus, an advocate of system “C,” nevertheless, assumes that Jerusalem fell in the summer and that this approaching sabbath year arrived with Tishri of 37 B.C.E. Jerusalem actually fell into Herod’s hands well after October, as we shall see in Chapter XIX. Nevertheless, Marcus makes the proper point that, “If the inhabitants of Jerusalem were distressed by famine” during the siege, “they would not be able to lay in an extra supply of provisions for the latter part of the sabbatical year.”³⁴

Even more to the point, as this study shall demonstrate in Chapters XIX and XX, the inhabitants of Jerusalem were suffering from shortages and famine because Herod’s army had come against the city towards the end of the winter of 38/37 B.C.E., which circumstance kept the Jews of the city from harvesting their spring and summer crops. This plight was further aggravated because the arrival of Herod’s army was followed by a long siege. The fact that the Jews of the city were unable to plant any crops both during the war and after the close of the war added severely to their distress.

Our problem is solved once we understand that Josephus was trying to convey the idea that the Jewish custom of not planting their fields in the latter part of the sixth year was now in effect because the sabbath year was close at hand. The sabbath year which fell “about the time of these events” was to arrive in the next few months. Regardless of their inability to resupply themselves—even though a great army surrounded them and they were in distress because of the famine and lack of necessities created by the long siege—they persevered in the war. The passage in question, therefore, should actually be translated as follows:

And acting in desperation rather than with foresight, they persevered in the war to the very end—this in spite of the fact that a great army surrounded them and they were distressed by famine and lack of necessities, for there was a seventh (sabbatical) year about the time of these events. (Jos., *Antiq.*, 14:16:2)

Support for this interpretation is actually found in the other important passage of *Antiquities*, 15:1:2, par. 7, which discusses the plight of the Jews in a period AFTER Herod took the city.

And there was no end to their troubles, for on the one hand their greedy master, who was in need (of money), was plundering them, and on the other hand the seventh (sabbatical) year was approaching, forcing them to leave the land unworked, since we are forbidden to sow the earth in that year.

This passage clearly demonstrates that planting season had arrived. Planting season occurred during the months of Khisleu (Nov./Dec.) through Adar

³⁴ Ibid.

(Feb./March),³⁵ which shows that Herod was in control of the city during those months just prior to the arrival of the new year. Therefore, because of Jewish Talmudic laws, the Jews did not even have the benefit of their crops before the sabbath year began, for they were “forbidden to sow the earth” in the last months of the year prior to the approaching sabbath year.

Conclusion

When placed in historical context, we find that both passages from Josephus, dealing with the sabbath year at the time of Herod’s conquest of Jerusalem, are true. The ritualistic practices of the sabbath year that were associated with the latter part of the sixth year were in effect during Herod’s siege of Jerusalem (37/36 B.C.E.). As we shall see in Chapter XIX, Herod actually conquered Jerusalem on the tenth of Tebeth (Jan. 2), 36 B.C.E. This detail speaks to the desperate fanaticism of the defenders of Jerusalem who continued in spite of their inability to harvest their crops after the army of Herod arrived outside the walls of the city or to plant crops during the latter part of the siege.³⁶ Nevertheless, the sabbath year of 36/35 B.C.E., Nisan reckoning, was still rapidly approaching after Herod took the city.

This conclusion is supported by the fact that the Jews were harvesting crops in the summer of 37/36 B.C.E. (before the month of Tishri [Sept./Oct.]) in the early stages of the siege against Jerusalem. The events of Herod’s thirteenth through seventeenth years will also verify that the year 36/35 C.E., Nisan reckoning, was a sabbath year (Chapter XXI).

It is clear from this evidence that there is no contradiction between *Antiquities*, 14:16:2 and 15:1:2.³⁷ The year that Herod besieged Jerusalem was not a sabbath year, but the sixth year in the sabbath cycle. In the latter part of this sixth year, as part of an effort to build a fence around the sabbath law, the Jews observed the custom of not planting or harvesting any crops. Then, after Herod captured Jerusalem, a sabbath year did arrive. This sabbath year began on the first of Nisan, 36 B.C.E., in full accord with the system “A” cycle established by our other documented sabbath years (Chart B).

³⁵ HBC, pp. 33f.

³⁶ Jos., *Antiq.*, 14:16:2.

³⁷ See App. C.

CHART I

The Chronology of Herod's Reign

