

THE DATE OF AUGUSTUS' EDICT ON THE JEWS (JOS. *AJ* 16.162–165) AND THE CAREER OF C. MARCIUS CENSORINUS

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AMONG THE DOCUMENTS that Josephus has inserted into his narrative of Herod's reign is an edict of Augustus on the privileges of the Jews (*AJ* 16.162–165). The Jews, Augustus announces, will be allowed to follow their own customs, send their temple contributions to Jerusalem without hindrance, and observe the Sabbath; theft of their scriptures or money is to be treated as sacrilege. This document and others similar to it can be found in Books 14 and 16 of Josephus' *Jewish Antiquities* and have been the subject of much commentary.¹ This particular document is especially significant. For whereas most of the rulings contained in these documents are highly *ad hoc*, dealing with questions on an issue-by-issue and city-by-city basis,² this edict of Augustus is as close to a global ruling as we find in the Josephan material. Interpretation of its significance, however, has been hampered by uncertainty about as fundamental a fact as the document's date, which has been supposed to fall as early as 12 B.C. or as late as A.D. 3. It is my purpose here to re-evaluate the evidence for the date of the document, and re-consider what this document implies about the career of a Roman official that it mentions, C. Marcius Censorinus (*cos.* 8 B.C.).

I. THE DATE OF AUGUSTUS' EDICT

The edict begins as it should with the name of its author: Καῖσαρ Σεβαστὸς ἀρχιερεὺς δημαρχικῆς ἐξουσίας λέγει (*AJ* 16.162: "Caesar Augustus, pontifex maximus, (holder of) the tribunician power, says"). The text here is deficient in at least two ways. First, the original edict will have begun with Augustus' full name, as we find in other extant documents coming from him,³ so we can assume that in the original his praenomen Αὐτοκράτωρ ("Imperator") appeared. This may, of course, have been lost before the document came into Josephus' hands, and so the question of whether we should emend Josephus' text at this point remains open. A missing praenomen, in any case, is a minor matter. More significant is the fact that the number of Augustus' *tribunicia potestas* has been lost, and with it the means by which the document might be dated.

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¹ See Pucci Ben Zeev 1998: 235–256 with extensive bibliography (thirty-four items), to which can now be added Gruen 2002: 100–101 and 298–299, n. 85.

² Cf. on this point the important articles of Rajak (1984 and 1985).

³ Cf. the Augustan documents collected by Oliver (1989: 31–55, nos. 4–12).

The failure of the Greek text at this point has not proved an insurmountable obstacle to scholarly ingenuity. In his edition of Josephus' Greek text, Niese noted that in the Latin version "XI" stood in the margin,⁴ and Atkinson seized upon this notice and constructed a date upon it. She interpreted the number as qualifying Augustus' *tribunicia potestas*, thus dating the document to 12 B.C.,⁵ a date that has met with fairly wide acceptance.⁶ Indeed, Oliver has gone so far as to emend the text to read Καῖσαρ Σεβαστός ἀρχιερεὺς δημαρχικῆς ἐξουσίας <τὸ ιά> λέγει.⁷

Atkinson's date, however, is based on a misunderstanding of the Latin text and Niese's references to it. Yes, some (but not all) manuscripts of the Latin Josephus have an "XI" in the margin here. It can be seen, for example, in the codex Darmstadtinus, viewable on the internet.⁸ On the previous page of this manuscript (fol. 38 verso), however, is a marginal "X"; two pages before that (fol. 37 verso) is a marginal "VIII"; over the preceding and following pages, respectively, the numbers II to VIII and XII to XX can be found, all noted by Niese in his apparatus.⁹ These numerals are not, of course, readings that have been lost in the Greek tradition—they are nothing more than chapter numbers, which correspond (as one would expect) to the numbers laid out in a table of contents that began each book.¹⁰ The idea that this number should be taken as a date could not be more erroneous. It must be rejected, and with it the date of 12 B.C. for this document.

II. THE PROCONSULSHIP OF C. MARCIUS CENSORINUS

The precise year is lost then. It is still possible, however, to date the edict at least roughly, since it mentions a Roman official who can be identified. Towards the end of the edict Augustus enjoins the publication of his edict about the Jews and a decree of theirs in honour of Augustus and C. Marcius Censorinus (*AJ* 16.165):

τό τε ψήφισμα τὸ δοθέν μοι ὑπ' αὐτῶν ὑπὲρ τῆς ἐμῆς εὐσεβείας ἧς ἔχω πρὸς πάντας ἀνθρώπους καὶ ὑπὲρ Γαίου Μαρκίου Κληνωρίνου καὶ τοῦτο τὸ διάταγμα κελεύω

⁴ Niese 1885–95: 4.28, s.v. line 9: "i(n) marg(ine) XI Lat."

⁵ Atkinson 1958: 320.

⁶ Bowersock 1964: 207–208; Szramkiewicz 1976: 173; Sherk 1980: 1036–37; Petersen 1983: 177–178; Pucci Ben Zeev 1998: 238; Eck 1999; Gruen 2002: 100–101 and 298–299, n. 85 (with caution).

⁷ Oliver 1989: 521.

⁸ Diözesan- und Dombibliothek, cod. 163 (Darmstadtinus 2147), fol. 39 recto. All the manuscripts in this collection have been digitized and are accessible at the *Codices Electronici Ecclesiae Coloniensis* site (www.ceec.uni-koeln.de).

⁹ For the marginal numbers II–VIII, see Niese's apparatus at *AJ* 16.12, 16, 27, 60, 62, 66, 73 (codex Darmstadtinus, fol. 35 verso–37 recto, *passim*).

¹⁰ The Latin chapters are similar, but not identical, to those of the Greek version, which Niese has placed at the beginning of each book of his edition; in the Loeb, they can be found at the end of each volume.

ἀνατεθῆναι ἐν ἐπισημοτάτῳ τόπῳ τῷ γενηθέντι μοι ὑπὸ τοῦ κοινοῦ τῆς Ἀσίας τὸν ἀργυρῆ†

I order that the decree awarded to me by them (*sc.* the Jews) for the piety which I have towards all people and to C. Marcius Censorinus, together with this edict, be erected in the most conspicuous place, which was built for me by the league of Asia †in Argyre†

Censorinus must be the consul of 8 B.C., as all commentators have recognized. That the Jews of Asia honoured him is significant and recalls the fact that several cities did the same. Pergamum erected a statue in his honour,¹¹ as did Miletus.¹² In Mylasa, games were named after him and cultic honours organized,¹³ the latest attested example of ruler cult for someone outside of the imperial family.¹⁴ All this is consistent with his being a proconsul of the province, though the explicit evidence that he held this office is limited to the supplemented title [ἀνθύπατ]ρον in the inscription from Miletus (note 12).

The date of the edict and the career of C. Censorinus are inextricably linked—dating his proconsulship would date the edict and *vice versa*. But when was this? Atkinson dated Augustus' edict and Censorinus' proconsulship to 12 B.C., thereby making him an example of a praetorian proconsul of Asia under Augustus.¹⁵ The reasoning behind the date was faulty, as we have seen. Her case for praetorian proconsuls was also dubious. Against it are Dio and Strabo, who both explicitly state that Asia and Africa were governed exclusively by consulars,¹⁶ and the fact that there is no clear example of a praetorian governor of either province.¹⁷ We can only assume that Censorinus held his proconsulship as a consular, which imposes *termini* of 8 B.C. (the year of his consulship) and his death in the East, probably in Galatia, in A.D. 2 or 3.¹⁸ Within these years, 6/5 and 2/1 can be excluded, since

¹¹ *OGIS* 466 = *IGR* IV 427 = Tuchelt 1979: 228.

¹² *Milet* I.7, no. 255 (pp. 325–326) = Tuchelt 1979: 192 = Eilers 2002: 236, no. C94: [ὁ δῆμος] ὁ Μιλησίων [Γάϊον Μάρκιον] Κηνεωρίων | [ἀνθύπατ]ρον τὸν πάτρωνα καὶ | εὐεργέτην. Canali De Rossi (2001: 90) supplies the praenomen “Lucius” and identifies the honorand as L. Censorinus (*cos.* 39), who as consul spoke in the senate concerning Stratoniceia in 39 (*RDGE* 27, lines 11–12). This is insufficient grounds, however, for identifying him as the patron of Miletus. In any case, [ἀνθύπατ]ρον does not sit well with this identification: L. Censorinus was never proconsul of Asia, and it is difficult to see what other supplement is possible here.

¹³ Persson 1922: 411, no. 14 (*SEG* II 549) = *I Mylasa* I (IK 34) 410.

¹⁴ See the list in Ferrary 1997: 216–218.

¹⁵ Atkinson 1958: 320.

¹⁶ Dio Cass. 53.14.1; Strabo 17.3.25 (840C).

¹⁷ In addition to Censorinus, Atkinson argues that (1) L. Cornelius Balbus and (2) C. Iunius Silanus (*cos.* 17) governed as praetorians. (1) Balbus was proconsul of Africa in 21/20 (Thomasson 1984: 1.371), but since Augustus seems to have given him consular status (Velleius 2.51.3 with Groag and Stein 1936: 311 at C 1331), his participation in the provincial sortition was presumably as a consular. (2) Even if Silanus was in fact the *cos.* 17, nothing would rule out a proconsulship in Asia after his consulship. He should probably be identified, however, as M. Iunius Silanus (*cos.* 25; see Eilers 1999).

¹⁸ Vell. Pat. 2.102.1 with Syme 1973: 588 = Syme 1979–91: 3.869–884, at 872. Cf. also Syme 1995: 305–307.

in these years C. Asinius Gallus (*cos.* 8) and Cn. Cornelius Lentulus Augur (*cos.* 14), respectively, were governors.¹⁹

Arguments have been made for two dates. Many scholars have argued for A.D. 2/3.²⁰ This is based on Velleius 2.102.1, where it is reported that Censorinus died shortly after the hated Lollius and *in iisdem provinciis* ("in the same provinces"). This was taken to mean that Censorinus died in Asia, placing his proconsulship in ca A.D. 2. The difficulty with this view, as Syme recognized, is that "the same provinces" is an unlikely description for Syria (where Lollius died) and Asia.²¹ This led Syme to suppose that Censorinus was legate of Galatia when he died, and to suggest an earlier date for his proconsulship of Asia of ca 3 B.C.²² Such a date would be consistent with the rule mentioned by Dio that a five-year interval was required between magistracy and provincial promagistracy.²³ That, however, is not much of an advantage: it is difficult to detect the effect of this rule in these years,²⁴ and exceptions are disturbingly common. Indeed, of the consular proconsulships that can be firmly dated in the last two decades B.C., in only one case was the five-year minimum observed, and in this case the interval was so long (twelve years) that the rule was surely not the cause.²⁵ In light of this, it would be unsafe, I think, to place any great confidence in the five year interval for dating Censorinus.

So, the exact year of Augustus' edict and Censorinus' proconsulship cannot be pinned down. The rough date suggested by Syme—3 B.C. or shortly before—would provide a historical context for the document that makes some sense. The well-being of the Jews of the diaspora had for some time been a matter of political importance in Judaea. Several documents in *Jewish Antiquities* 14, for example, demonstrate an interest on the part of the Jewish high-priest in the Jews of Asia.²⁶ And when the Ionian Jews appealed to Agrippa about their rights, he ruled in their favour, we are told, because of the good-will and friendship of Herod,²⁷ which implies that the gesture was at least partly aimed at Herod's domestic audience. In

¹⁹ Thomasson 1984: 1.207.

²⁰ Chapot 1904: 313; Miltner 1930; Magie 1950: 2.1581; Bowersock 1964: 208; Petersen 1983: 177–178, at M 222; Eck 1999.

²¹ The argument is most clearly expressed in his *Anatolica* (written during the Second World War and published posthumously): Syme 1995: 304–306; cf. also Syme 1973: 588–589 = Syme 1979–91: 3.872–373.

²² Cf. Thomasson (1984: 1.209), who rejects a date as late A.D. 2/3, but declines to offer anything more precise.

²³ Dio Cass. 53.13.2, 14.2.

²⁴ Cf. Eilers 1999: 84–85.

²⁵ The long interval occurred in the case of Cn. Cornelius Lentulus Augur (*cos.* 14, *procos.* Asia 2/1), on whom see Syme 1986: 295, 405 (with earlier bibliography). Other dated proconsuls of Africa and Asia of these decades are: L. Domitius Ahenobarbus (*cos.* 16, *procos.* Africa 12 B.C.); Paullus Fabius Maximus (*cos.* 11, *procos.* Asia 10/9); M. Licinius Crassus Frugi (*cos.* 14, *procos.* Africa 9/8); C. Asinius Gallus (*cos.* 8, *procos.* Asia 6/5); Africanus Fabius Maximus (*cos.* 10, *procos.* Africa 6/5).

²⁶ Jos. *AJ* 14.223–227, 241–243, with Rajak 1984, Rajak 1985, and Pucci Ben Zeev 1998: *ad loc.* and 65–66.

²⁷ Jos. *AJ* 16.27–61, esp. 60.

this context it should be noted that Augustus also explains his ruling by alluding to the Jewish state and its history: Jewish privileges are justified because of the loyalty that the Jews have shown towards Rome, and especially that of Hyrcanus in the time of Caesar, an allusion to the aid that Hyrcanus brought to Caesar in Alexandria.²⁸

This raises the question whether Augustus' edict, which is the most comprehensive and authoritative statement about the rights of the Jews in Asia Minor found among Josephus' documents, might have been issued with a view to the situation in Palestine. The date suggested above—3 B.C. or shortly before—would place the edict at a critical moment in Palestinian dynastic politics, since this would mean that it fell either right before or shortly after Herod's death. Given this context, it could be supposed that this definitive statement on the Jewish question was motivated by the desire to remove the issue of the treatment of diaspora Jews from the troublesome politics surrounding Herod's succession.

III. THE EARLY CAREER OF C. MARCIUS CENSORINUS

We have already seen that Atkinson's date for Augustus' edict cannot be correct. Her mistake affects the interpretation of another piece of evidence, one that Bowersock brought into the discussion almost forty years ago. He rightly rejected Atkinson's suggestion of a praetorian proconsulship,²⁹ but accepted her "trib. pot. <XI>" as establishing a date for Augustus' edict. This required an earlier context in which C. Censorinus was active, which was found in a little-noticed inscription from Sinope:³⁰

Γάϊον Μάρκιον | Κηνσωρίνον | πρεσβευτήν | Καίσαρος τὸν | κηδεμόνα τῆς | πόλεως
ὁ δῆμος.

C. Marcius Censorinus, legate of Caesar, protector of the city (was honoured by) the people.

In 14 B.C. a disturbance in the Cimmerian Bosphorus required Agrippa's attention and brought him as far as Sinope.³¹ His very approach, however, proved sufficiently intimidating to settle the Bosporan question, allowing him to return to Asia. Censorinus, Bowersock suggested, was serving as a quaestorian legate under him, and might have been left behind when Agrippa departed. On this interpretation, Censorinus' presence in the region in 12 B.C. (or shortly before)

²⁸ Jos. *AJ* 16.162 with Pucci Ben Zeev 1998: 239; cf. Jos. *AJ* 14.192–193 and Strabo *apud* Jos. *AJ* 14.138.

²⁹ Bowersock 1964: 208; a proconsulship as a praetorian was also rejected by Thomasson (1984: 1.209), Petersen (1983: 177–178, at M 222), and Pucci Ben Zeev (1998: 245). It was accepted by Sherck (1980: 1036–37) and Szramkiewicz (1976: 173).

³⁰ Robinson 1905: 309–310, no. 36 (*AE* 1906.1).

³¹ Bowersock 1964: 208–210, citing Dio Cass. 54.24.6; followed by Thomasson (1991: 99). The date is given at Eusebius-Hieronymus p. 143 Schöne as 14/13.

would be confirmed by Augustus' edict concerning Jewish rights (which he dated to 12 B.C.).

Bowersock's arrangement of events is plausible, and it has recently come to light that Syme thought along similar lines in the 1940s.³² The most attractive element of this reconstruction, however, was its chronology, with events in Sinope stretching into 13 B.C. and Augustus' edict concerning the Jews being dated to 12 B.C. This, however, is the one element that can now be safely rejected—the only reason to suppose such a date was Atkinson's erroneous "trib. pot. <XI>"—and it is surely preferable to uncouple the two documents completely.

There is, in any case, another way to explain the inscription of Sinope which I think is better. Censorinus is called a *legatus Caesaris*, but not *pro praetore*, which could be either because his mission was minor enough that *imperium* was unnecessary for its completion, or because the words have been left out, as is sometimes the case in early inscriptions.³³ In his monograph *Legatus*, Thomasson has collected and discussed *legati* who appear in inscriptions without defined *imperium* under the rubric "Unsichere Falle."³⁴ In almost all of these cases the individual is a legate of "Augustus" or "Imp. Caesar Augustus" (*vel sim.*), not simply "Caesar,"³⁵ which raises the possibility that the inscription belongs earlier: either before 27 when the name "Augustus" was assumed, or even to the dictatorship of his adoptive father. An obvious occasion offers itself. In the summer of 47, Caesar made a lightning march through Syria and Anatolia to confront Pharnaces, whom he defeated at Zela.³⁶ Caesar took pride in the speed and decisiveness of his victory: it was about this battle that he made his famous claim *veni, vidi, vici*.³⁷ The slogan captures his attitude nicely, for following the battle he rushed away, leaving rulings in his wake as he passed through Asia Minor,³⁸ including measures dealing with the cities of Pontus. Through one of these, it seems, Sinope received colonists,³⁹ as did neighbouring Amisus, which we know suffered heavily under Pharnaces.⁴⁰ Given Caesar's swift departure, we

³² Syme 1995: 307.

³³ Thomasson 1991: 98–99.

³⁴ Thomasson 1991: 97–102.

³⁵ Two other legates "of Caesar" deserve mention. First, L. Vibius Varus, who was honoured as a personal benefactor in Ephesus, is referred to as στρατηγὸν δήμο[υ] Ῥωμαίων καὶ πρεσβευτ[ήν] Καίσαρος (*I Ephesos* III.738). He is, I suspect, the brother of C. Vibius Varus (*RE* 20), moneyer in 42 B.C. (Crawford 1974: no. 494/10–12, 32–38), which may suggest a date before 27 B.C. (recognized by Thomasson [1991: 99]). Second, an acephalous inscription from Aquileia (*CIL* V.879, resolving the abbreviations more or less as suggested by Thomasson [1991: 98]): [legato Caesar(is)] / pr(o) pr(aetore), pro co(n)s(ule), / leg(ato) Caesar(is), aed(ili) / cur(uli), etc. Here again the legateship may date before 27 B.C., a possibility once more acknowledged by Thomasson (1991: 98).

³⁶ The date was 2 Aug. (*Inscr. Ital.* 13.2, pp. 31, 191).

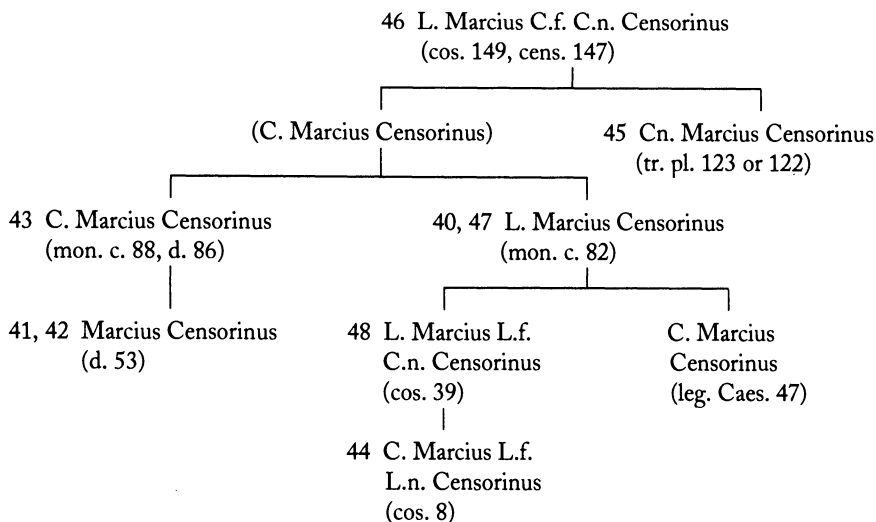
³⁷ App. *B. Civ.* 2.91.

³⁸ Ps.-Caes. *B. Alex.* 78; Dio Cass. 42.29.1.

³⁹ Magie 1950: 2.1267; Mitchell 1979: 417.

⁴⁰ Pharnaces had sold citizens of Amisus into slavery, and these were to be freed (Strabo 12.3.14 [547C]). The city was also supplemented by colonists probably at this time: *IGR* IV.314; Mitchell 1978: 311–318.

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Fig. 1. Suggested stemma of the Marcii Censorini⁴¹

must assume that the implementation of his rulings was delegated to subordinates. It is easy to imagine that an officer of Caesar might be dispatched to communicate the decision and put it into effect, and that his role was significant enough that he was hailed as the city's protector, just as we find in the inscription from Sinope quoted above.

The problem is that it is not clear whether there was a C. Marcius Censorinus active in this generation. We know that a Censorinus accompanied Q. Cicero to Asia.⁴² He would probably be about the right age, but is usually considered identical with the Censorinus who accompanied Crassus to the East and fell at the battle of Carrhae.⁴³ (The praenomen of neither is known.) It is not impossible, of course, that the two were different men, and Q. Cicero's companion later served under Caesar, bringing him into contact with Sinope. It is just as likely, however, that Caesar's legate is unattested apart from the Sinope inscription. Many who held such minor posts are unknown to us, and if it were not for his valiant attempt to defend the dictator from assassins, L. Marcius Censorinus (later *cos.* 39) may well have remained in obscurity, since his subsequent praetorship and consulship were rewards for his bravery on the Ides of March.⁴⁴ Given Lucius' Caesarian connection it is easy to suppose that Caesar's legate in Sinope was a brother. One possible arrangement of the stemma can be found in Fig. 1.

⁴¹ Cf. the stemma of Münzer (1930c), whose numeration I follow.

⁴² Cic. *Q Fr.* 1.2.13; Münzer 1930a.

⁴³ Plut. *Crass.* 25.3, 14; Münzer 1930b.

⁴⁴ Nic. Dam. *Vit. Caes.* (FGrH 90 fr. 130) 26.96.

CONCLUSION

As a conclusion, I offer a summary of the career of C. Marcius Censorinus (*cos.* 8 B.C.), a career with which the dating of the edict of Augustus is so clearly connected. We know that he was *triumvir monetalis* in ca 18,⁴⁴ and since this coinage shows that he held the augurate at that time,

we must assume that he was well connected from an early age. The idea that he served as a legate of Agrippa, which appears in standard prosopographical works and threatens to become the standard view, should be rejected. It rests on two pieces of evidence: an inscription honouring a legate of Caesar of this name in Sinope (*AE* 1906.1) and the edict of Augustus concerning Jewish privileges (*AJ* 16.162–165). It is likelier that the Sinope inscription honours a relative of the Augustan consular, perhaps an uncle, serving under the dictator, and the date of 12 B.C. for the edict is based on a misunderstanding of the text of Josephus. Censorinus presumably held the quaestorship and praetorship at appropriate moments, though nothing more is known about his career until his consulship in 8 B.C. He became proconsul of Asia probably after a short interval and while there became the last non-imperial recipient of cultic honours. It was at this time that he was recognized by the Jews of the province, a fact mentioned by Augustus in his edict. He died in A.D. 2 or 3 in the East, possibly as Augustus' legate in Galatia or perhaps as part of the entourage of Gaius. Velleius (2.102.1) treats his death as a loss to Augustus and the empire, and this attitude, taken together with Censorinus' early augurate and the divine honours in Asia, suggests that he was an important figure in Augustan Rome. The fact that we know so little about him is a good illustration of how thin our knowledge is of the prosopography of the Augustan age.

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⁴⁴ For the date, Petersen 1983: 177–178; the coinage can be found at Grueber 1910: 2.82–83, nos. 4598–4600; Mattingly and Sydenham 1923: 1.68, nos. 85–86.

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