A Note on Josephus, the Pharisees and Ancestral Tradition*

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There has been for many years an intense debate over the influence of the Pharisees in late Second Temple Judaism. Scholars are divided into those who view them as a small pious group uninvolved in wider Judaean affairs—thus dismissing the statement of Josephus at A.J. 13.298 that the Pharisees 'have the masses as their ally' and his assertion that all prayers and sacred rites were performed according to his exegesis (A.J. 18.15)—and those who view them as the main leaders of the Jews—thus ignoring the singular absence of Pharisees qua Pharisees from the narrative of the political history of Judaea in the first century C.E. provided by Josephus both in B.J. and in A.J. and the absence of Pharisees from the description of Jewish religion provided by Josephus in C. Apionem.1 It is the purpose of this note to suggest that both extremes are wrong and that a better understanding of the role of the Pharisees can be gained by further study of Josephus' statements about the attitude of the Pharisees to ancestral custom.

Much has been written about 'the Pharisaic paradosis',2 but this phrase is not found in any ancient text. Instead, what Josephus described was the pride of the Pharisees in keeping accurately 'the ancestral [customs?] and laws in which the Deity rejoices' (A.J. 17.41), their introduction of regulations 'according to ancestral tradition' (A.J. 13.408) and their transmission of certain rules 'received from the ancestors' (A.J. 13.297). The main characteristic specified about these traditions is that they were not written down in the laws of Moses and that for this reason 'the Sadducean group reject them, saying that one should consider as rules [only] those which have been written down, and that it is not necessary to keep the regulations handed down from the ancestors' (A.J. 13.297).

There has been, so far as I can tell, a quasi-unanimous assumption among scholars that such unwritten ancestral traditions must have been transmitted orally, and most discussion has focused on whether, and how, such traditions should be identified with the Oral Torah to which reference is made in later

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rabbinc texts. 3 Josephus, however, does not mention oral transmission at all, and it seems to me more likely that he had in mind traditional behaviour rather than traditional teachings. For most individuals in most societies religion is caught, through imitation of parental customs, rather than taught, whether through writings or verbal instruction. This was precisely the distinction Philo had in mind in his contrast between written words and ancient customs as unwritten laws in his commentary on Deut. 19:4:

Another commandment of general value is ‘Thou shalt not remove thy neighbour’s landmarks which thy forerunners have set up’. Now this law, we may consider, applies not merely to allotments and boundaries of land in order to eliminate covetousness but also to the safeguarding of ancient customs. For customs are unwritten laws, the decisions approved by men of old, not inscribed on monuments nor on leaves of paper which the moth destroys, but on the souls of those who are partners in the same citizenship. For children ought to inherit from their parents, besides their property, ancestral customs which they were reared in and have lived with even from the cradle, and not despise them because they have been handed down without written record. Praise cannot be duly given to one who obeys the written laws, since he acts under the admonition of restraint and the fear of punishment. But he who faithfully observes the unwritten deserves commendation, since the virtue which he displays is freely willed.

(De Spec. Leg. 4.149–50, Loeb translation) 4

Pharisees encouraged ordinary Jews to keep ancestral customs common to all Jews (except for those like Sadducees, who opted out, or those like Essenes, who followed their own quasi-sectarian practices). Hippolytus, in his excur- sus on the nature of the Pharisees, characterised them simply as followers of ancient tradition (Hippolytus, Ref. 9.28.3). It may thus seem that Pharisees were essentially conservative in behaviour (and, incidentally, the Sadducean rejection of normal custom far more radical than it is usually portrayed). 5

Nonetheless it is clear that Pharisees did more than simply accept the status quo. At the least there must be some reason why they were a distinctive group within Judaean Judaism: since both Josephus and St Paul used the term pharisaios about themselves, the name seems to have been a self-description


4 See the discussion by Naomi G. Cohen, Philo Judaeus: His Universe of Discourse (1993), pp. 242–47, 277 (but ibid., p. 281, she still assumes that Philo refers to the oral law).

5 On Sadducees as conservative, see e.g. E. Schürer, rev. and ed. G. Vermes et al., The History of the Jewish People in the Age of Jesus Christ, vol. 2 (1979), p. 411.
adopted with pride by those who belonged to the *hairesis*.\(^6\) If Josephus is
to be believed, they had distinctive theological ideas, not least about life af-
after death (*B.J.* 2.162–3; *A.J.* 18.12–14). They supported each other as part
of their group; as Josephus put it, they were *philallēloi* (*B.J.* 2.166). They
also espoused a special lifestyle: they avoided luxury (*A.J.* 18.12) and, ac-
cording to the Gospel of Matthew, wore recognisably distinct clothing with
ostentatiously broad *tefillin* and long fringes on the corners of their garments
(*Matt.* 23:5).

But when Pharisees gave instruction to the general population, it seems
that what they taught was not their distinctive doctrine but ancestral custom.
Josephus wrote in the context of the struggle between the Pharisees and Sad-
ducees in the Hasmonean period as if the Pharisees were responsible for es-
establishing and introducing as well as transmitting such customs (*A.J.* 13.296,
297, 408), but the customs themselves cannot have been specifically Pharisaic
if they could be characterised in these same passages as ancestral. Similarly,
although in *Matt.* 23:4 Jesus was portrayed as attacking the Pharisees because
they ‘bind heavy burdens . . . and lay them on men’s shoulders’, the burdens in
question cannot comprise specifically Pharisaic doctrine since in the prece-
ding verse (23:3) Jesus is quoted as instructing the multitude and his disciples to
observe whatever the scribes and Pharisees say; Jesus’ objection here is quite
explicitly not to the teachings of the Pharisees but to their alleged hypocritical
failure to conform to their own advice (cf. also 23:28). The accusation against
Jesus’ disciples recorded in *Mark* 7:1–5 and *Matthew* 15:1–3 was not their
failure to follow *Pharisaic* tradition in washing hands before meals—since
they were not Pharisees, they had no reason to behave in Pharisaic fashion—but
their failure to live ‘according to the tradition of the elders’ (*Mark* 7:5;
*Matt.* 15:2).

Thus Pharisees did have their own distinctive doctrines but what they
taught the people more generally was correct behaviour in accordance with
ancestral customs. Since they had a reputation for extraordinary accuracy in
interpretation of the Torah (*A.J.* 17.41; *B.J.* 1.110; 2.162; *Vita* 191), and since
‘accuracy’ was a slogan much in vogue among Jews in this period,\(^7\) and since
above all the behaviour thus validated by the Pharisees was in any case what
people did because their ancestors had always done it, it is unsurprising that
the Pharisees had the support of the masses, although in any particular case
it might be hard to know whether a custom was carried out by ordinary Jews
because it was customary, or because it had the approval of the Pharisees, or
for both reasons.

It is true that Josephus stated explicitly (*A.J.* 18.15), that the Pharisees’ in-
fluence was caused by the admiration shown by the Jews towards their theo-
logical notions, such as life after death, but I suggest that the role of the Phar-
isees as teachers of conservative behaviour explains more fully their ambigu-

\(^6\) On ‘Pharisee’ as a self-designation, see Jos. *Vita* 12; Philippians 3:5. Cf. A. I. Baumgarten,
p. 3.

\(^7\) On ‘accuracy’ as a slogan, see Baumgarten, *Flourishing of Jewish Sects,* pp. 56, 133.
ous position. This was a distinctive group of ostentatious religious pietists (cf. B.J. 1.110), devoted to particular doctrines of their own (A.J. 18.12) but sufficiently integrated into the wider Jewish community to permit individuals such as Gamaliel and his son Simon to participate in political life (although not necessarily by virtue of their status as Pharisees). Their endorsement of ancestral tradition gave them great popularity among members of the wider population who valued the approval of such conspicuously pious and accurate interpreters of the Torah.

8 On their public careers, see Acts 5:34–40 (Gamaliel); Jos. Vita 190–91 (Simon b. Gamaliel).