

## OSSUARIES AND THE BURIALS OF JESUS AND JAMES

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In November 2002 the existence of a sensational archaeological artifact was announced to the world: a small stone box called an ossuary inscribed “James, son of Joseph, brother of Jesus.”<sup>1</sup> Before this most people had never heard of an ossuary, and many probably still do not know what ossuaries are. But even within the small circle of scholars who specialize in the history and archaeology of Palestine in the late Second Temple period, the reasons for the sudden appearance and relatively short period of popularity of ossuaries (from the late first century B.C.E. to mid-to-late third century C.E.) remain poorly understood.

In the first part of this article I review the archaeological evidence for Jewish tombs and burial customs in the late Second Temple period, focusing especially on Jerusalem. Only the wealthier members of Jewish society could afford rock-cut tombs, which belonged to families and were used over the course of several generations. The poorer classes were buried in simple individual trench graves dug into the ground. Ossuaries were used in rock-cut tombs as containers for the collected, decomposed remains (bones) of earlier burials. The custom of ossilegium apparently has nothing to do with Jewish beliefs in resurrection and afterlife and instead is analogous to the use of cinerary urns elsewhere in the Roman world. Since Jews did not cremate their dead, Judean

<sup>1</sup> See André Lemaire, “Burial Box of James the Brother of Jesus,” *BAR* 28 (2002): 24–33, 70; Hershel Shanks and Ben Witherington III, *The Brother of Jesus: The Dramatic Story & Meaning of the First Archaeological Link to Jesus & His Family* (New York: HarperSanFrancisco, 2003). I am not concerned here with the paleographical and scientific analyses that have attempted to prove or disprove the authenticity of all or part of the inscription. Instead, I hope to demonstrate that even if the inscription is authentic (ancient), this ossuary would not have contained the bones of James the Just, the brother of Jesus. I am grateful to Andrea Berlin, Bruce Chilton, Karl Donfried, Bart Ehrman, Paul Flesher, Jacob Neusner, and the two anonymous *JBL* reviewers for their comments on this paper. Their advice does not imply agreement with the contents of this paper, for which I assume sole responsibility.

ossuaries were used for the collection of bones, not cremated remains. The appearance of ossuaries is one aspect of the adoption of Hellenistic and Roman fashions by Jerusalem's elite during Herod's reign.

My review of Jewish tombs and burial customs in the late Second Temple period sets the stage for a reconsideration of the archaeological and literary evidence for the burials of Jesus and his brother James. In the second part of this article I discuss the Gospel accounts describing the removal of Jesus from the cross and his burial. In my opinion, these accounts are consistent with the archaeological evidence and with Jewish law. Jesus came from a family of modest means that presumably did not own a rock-cut tomb. Because Jesus died and was removed from the cross on the eve of the Sabbath, there was no time to dig a trench grave for him. For this reason, Jesus' body was placed in the rock-cut family tomb of a wealthy follower (named Joseph of Arimathea in the Gospel accounts).

In the last part of this article I examine the evidence for the burial of Jesus' brother James, including the controversial "James ossuary." The claim that this ossuary contained the remains of James the Just is inconsistent with the archaeological and literary evidence. Not only did James come from a family of modest means, but he was known for his opposition to the accumulation of wealth and the lifestyle and values of the upper classes. James was executed by stoning on a charge of violating Jewish law and was apparently buried in a simple trench grave that would not have contained an ossuary. A second-century C.E. reference by Hegesippus to a tombstone marking the spot of James's grave seems to preserve an accurate tradition concerning the manner of his burial. Therefore I conclude that even if the inscription on the "James ossuary" is authentic and is not a modern forgery, this stone box would not have contained the bones of James the Just, the brother of Jesus.

### I. Ancient Jewish Tombs in Jerusalem: The Late First Temple Period

To understand how the Jews of the late Second Temple period disposed of their dead, we must begin with the late First Temple period. In both periods the wealthy Jewish population of ancient Jerusalem interred their dead in rock-cut tombs. The following features characterize these tombs:

1. The rock-cut tombs are artificially hewn, underground caves that are cut into the bedrock slopes around Jerusalem.
2. With few exceptions, the tombs were located outside the walls of the city.

3. Each tomb was used by a family over the course of several generations, as described by the biblical expression “he slept and was gathered to his fathers” (e.g., Judg 2:10; 2 Chr 34:28).<sup>2</sup>
4. When a member of the family died, the body was wrapped in a shroud and sometimes placed in a coffin; it was then laid in the tomb as an individual inhumation, even if the bones were later collected and placed elsewhere.
5. Because of the expense associated with hewing a burial cave into bedrock, only the wealthier members of Jerusalem’s population—the upper class and upper middle class—could afford rock-cut tombs. The poorer members of Jerusalem’s population apparently disposed of their dead in a manner that has left fewer traces in the archaeological record, for example, in individual trench graves or cist graves dug into the ground.
6. From the earliest periods, the layout and decoration of Jerusalem’s rock-cut tombs exhibited foreign cultural influences and fashions. Evidence for such influence—and indeed, for the use of rock-cut tombs—is attested only in times when Jerusalem’s Jewish elite enjoyed an autonomous or semiautonomous status: in the late First Temple period (eighth and seventh centuries until 586 B.C.E.) and the late Second Temple period (from the establishment of the Hasmonean kingdom until 70 C.E.). During these periods the Jerusalem elite adopted foreign fashions that were introduced by the rulers or governing authorities.

Rock-cut tombs of the late First Temple period have been discovered to the west, north, and east of the Old City. They include the tombs at Ketef Hinnom, the caves at St. Étienne (the École Biblique), and the caves in the Silwan (Siloam) village.<sup>3</sup> These tombs typically consist of one or more burial chambers

<sup>2</sup> Anthropological analyses of human skeletal remains from several burial caves of the late Second Temple period have confirmed that the individuals in each tomb were related and that the tombs were family-owned; see Yossi Nagar and Hagit Torgee, “Biological Characteristics of Jewish Burial in the Hellenistic and Early Roman Period,” *IEJ* 53 (2003): 164–71.

<sup>3</sup> A comprehensive discussion of tombs from the First Temple period lies outside the scope of this article. For general information, including the tombs mentioned here, see Elizabeth Bloch-Smith, *Judahite Burial Practices and Beliefs about the Dead* (Sheffield: Sheffield Academic Press, 1992); Gabriel Barkay, “Burial Caves and Burial Practices in Judah in the Iron Age” (in Hebrew), in *Graves and Burial Practices in Israel in the Ancient Period* (ed. I. Singer; Jerusalem: Yad Izhak Ben-Zvi, 1994), 96–164; idem, “The Necropoli of Jerusalem in the First Temple Period” (in Hebrew), in *The History of Jerusalem: The Biblical Period* (ed. S. Ahituv and A. Mazar; Jerusalem: Yad Izhak Ben-Zvi, 2000), 233–70; Gabriel Barkay and Amos Kloner, “Jerusalem Tombs from the

which were entered through a small, unadorned opening cut into the bedrock. Each burial chamber is lined with rock-cut benches around three sides, on which the bodies of the deceased were laid. Frequently a pit hewn under one of the benches was used as a repository for the bones of earlier burials. In this way, space was made for new interments when the benches were occupied. An undisturbed repository in the Ketef Hinnom cemetery contained large numbers of skeletons as well as the burial gifts that accompanied them, including ceramic vases and oil lamps, jewelry, seals, a rare early coin, and two silver amulets.<sup>4</sup> Many of the decorative elements in these burial caves, such as the benches with carved headrests and parapets, and the cornices carved around the top of the burial chambers (as, for example, at St. Étienne) reflect Phoenician influence (or Egyptian styles transmitted directly from Egypt or through Phoenician intermediaries).<sup>5</sup> Phoenician influence on the tombs of Jerusalem's elite in the First Temple period is hardly surprising in light of the biblical accounts of Phoenician involvement in the construction of Solomon's temple, as well as later contacts between the Israelites and their neighbors to the north.<sup>6</sup>

## II. Ancient Jewish Tombs in Jerusalem: The Late Second Temple Period

After the destruction of Jerusalem and Solomon's temple in 586 B.C.E., archaeological evidence for Jewish burial caves reappears only in the Hasmonean period, when Jerusalem again came under Jewish rule. Although the Maccabees were renowned for their opposition to the introduction of Hellenistic culture to Judea, the Hasmonean rulers show signs of Hellenization soon after the establishment of their kingdom. This is perhaps best illustrated by the monumental family tomb and victory memorial built by Simon in their hometown of Modiin, in which he interred the remains of his parents and brothers.

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Days of the First Temple," *BAR* 12 (1986): 22–39; Gabriel Barkay, Amihai Mazar, and Amos Kloner, "The Northern Cemetery of Jerusalem in First Temple Times" (in Hebrew), *Qadmoniot* 30–31 (1975): 71–76; David Ussishkin, *The Village of Silwan: The Necropolis from the Period of the Judean Kingdom* (Jerusalem: Israel Exploration Society, 1993); Nahman Avigad, *Ancient Monuments in the Kidron Valley* (in Hebrew) (Jerusalem: Bialik Institute, 1954).

<sup>4</sup> See Gabriel Barkay, "News from the Field: The Divine Name Found in Jerusalem," *BAR* 9 (1983): 14–19.

<sup>5</sup> See Jodi Magness, "A Near Eastern Ethnic Element among the Etruscan Elite?" *Etruscan Studies* 8 (2001): 79–117.

<sup>6</sup> Phoenician influence is evident also in the Proto-Aeolic capitals, carved ivories, and other objects and decorative elements found in the Israelite and Judahite palaces; see Amihai Mazar, *Archaeology of the Land of the Bible 10,000–586 B.C.E.* (New York: Doubleday, 1990), 408–12, 426.

Although no remains of this tomb survive, our literary sources leave little doubt that it was inspired by the tomb of Mausolus of Caria—the so-called Mausoleum at Halicarnassus—which is one of the seven wonders of the ancient world:<sup>7</sup>

And Simon built a monument over the grave of his father and his brothers, and made it high so that it could be seen, with polished stone on back and front. And he erected seven pyramids in a row, for his father and his mother and his four brothers. And he made devices for these, setting up great trophies of armor for an everlasting memorial, and beside the armor carved prows of ships, so that they could be seen by all who sailed the sea. Such was the monument that he built at Modin, and that still stands today. (1 Macc 13:27–30)

However, Simon sent some to the city Basca to bring away his brother's bones, and buried them in their own city Modin; and all the people made great lamentation over him. Simon also erected a very large monument for his father and his brethren, of white and polished stone, and raised it to a great height, and so as to be seen a long way off, and made cloisters about it, and set up pillars, which were of one stone apiece; a work it was wonderful to see. Moreover, he built seven pyramids also for his parents and his brethren, one for each of them, which were made very surprising, both for their largeness and beauty, and which have been preserved to this day. (Josephus, *Ant.* 13.6.6)<sup>8</sup>

Like the Mausoleum, the tomb of the Maccabees consisted of a tall podium with a templelike building surrounded by columns and capped by a pyramidal roof (or in the case of the tomb of the Maccabees, seven pyramids, one for each family member). As Andrea Berlin notes, none of these features is found in earlier Jewish or Phoenician tombs in Palestine.<sup>9</sup> Pyramidal, conical, or columnar tomb markers became popular among Jerusalem's elite in the first century B.C.E. and first century C.E. (as well as among neighboring peoples such as the Nabateans). The Jews referred to this type of tomb marker as a *nepheš* (Hebrew meaning "soul").<sup>10</sup>

It is not surprising that the Hasmoneans adopted elements of Hellenistic

<sup>7</sup> See Andrea M. Berlin, "Power and Its Afterlife: Tombs in Hellenistic Palestine," *NEA* 65 (2002): 143–47; Janos Fedak, *Monumental Tombs of the Hellenistic Age* (Toronto: University of Toronto Press, 1990), 71–74.

<sup>8</sup> All translations of Josephus are from William Whiston, *Josephus: Complete Works* (Grand Rapids: Kregel, 1984).

<sup>9</sup> Berlin, "Power and Its Afterlife," 145.

<sup>10</sup> See Lothar Triebel, *Jenseitshoffnung in Wort und Stein: Nefesch und pyramidales Grabmal als Phänomene antiken jüdischen Bestattungswesens im Kontext der Nachbarkulturen* (AGJU 56; Leiden: Brill, 2004); Levy Y. Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part Three," *BA* 44 (1981): 46.

culture to display their status.<sup>11</sup> By the first half of the second century B.C.E., Jerusalem's elite, including the high priests, were predisposed to embrace Hellenistic culture. These elite families (most prominently, the Tobiads, Simonites, and Oniads) had allied themselves alternately with the Ptolemies, the Seleucids, and/or the Romans.<sup>12</sup> In 175 B.C.E., while the high priest Onias III was in Antioch, his brother Jason seized the high priesthood for himself. Jason requested (and received) Antiochus IV's permission to refound Jerusalem as a Greek polis, and established a gymnasium for the education of the city's Jewish youth:

But when Seleucus departed this life and Antiochus, who was called Epiphanes, succeeded to the kingdom, Onias' brother Jason obtained the high priesthood by corruption, promising the king in his petition three hundred and sixty talents of silver, and eighty talents from other revenues. Besides this he promised to pay a hundred and fifty more, if he was given authority to set up a gymnasium and a training place for youth there and to enroll the people of Jerusalem as citizens of Antioch. When the king had consented, and he had taken office, he immediately brought his countrymen over to the Greek way of living. (2 Macc 4:7–10)

Commenting on this episode, Martin Hengel said, "The initiative here clearly came from the Hellenists in Jerusalem, who presumably had the majority of the priests and lay nobility, who in practice held all power in their hands, on their side."<sup>13</sup> 2 Maccabees describes how the high priests hurried to finish their sacrifices so they could watch the games:

For he [Jason] willingly established a gymnasium right under the citadel, and he made the finest of the young men wear the Greek hat. And to such a pitch did the cultivation of Greek fashions and the coming-in of foreign customs rise, because of the excessive wickedness of this godless Jason, who was no high priest at all, that the priests were no longer earnest about the services of the altar, but disdain the sanctuary and neglecting the sacrifices, they hurried to take part in the unlawful exercises in the wrestling school, after the summons to the discus-throwing. (2 Macc 4:12–14)

<sup>11</sup> The influence of Hellenistic culture on the Hasmoneans is reflected also by their adoption of Greek names, and influence is evident on literary works composed in this period; see Lee I. Levine, *Jerusalem: Portrait of the City in the Second Temple Period (538 B.C.E.–70 C.E.)* (Philadelphia: Jewish Publication Society, 2002), 144–45.

<sup>12</sup> For pro-Ptolemaic and pro-Seleucid factions in Jerusalem, see Henk Jagersma, *A History of Israel from Alexander the Great to Bar Kochba* (trans. John Bowden; Philadelphia: Fortress, 1986), 40–41. Jagersma suggests that Onias III had a pro-Ptolemaic stance, whereas Simon and the rest of the Tobiads were more pro-Seleucid.

<sup>13</sup> Martin Hengel, *Judaism and Hellenism: Studies in Their Encounter in Palestine during the Early Hellenistic Period* (trans. John Bowden; Philadelphia: Fortress, 1981), 277.

Interestingly, the Maccabean revolt was provoked not by Jason's acts but by a decree issued by Antiochus IV a number of years later (in 167 B.C.E.), which resulted in the rededication of the Jerusalem temple to Olympian Zeus (see 1 Macc 1:41–50).<sup>14</sup>

Berlin attributes the adoption of Hellenistic material culture by Simon to the fact that Jonathan, his brother and predecessor, established himself as a dynast who was involved in international politics. Upon Jonathan's death, Simon transformed the "unpretentious family tomb into a dynastic monument fit for a king," modeled after the monuments of the Hellenistic East.<sup>15</sup> Beginning with John Hyrcanus I, Simon's successors adopted Greek names.<sup>16</sup> In contrast, the Qumran community, which was apparently founded by dispossessed Zadokite priests, consciously rejected Hellenistic and Roman culture.<sup>17</sup>

Jason's tomb demonstrates that Jerusalem's elite soon imitated the new tomb style introduced by Simon, which itself was inspired by the Mausoleum at Halicarnassus. Berlin describes Jason's tomb as "the earliest surviving 'display tomb' in Jerusalem."<sup>18</sup> This Hasmonean-period tomb is located in the western Jerusalem neighborhood of Rehavia.<sup>19</sup> It is called Jason's tomb because a graffito incised on one of the walls asks the visitor to lament the death of Jason.<sup>20</sup> Jason's tomb continues the earlier tradition of rock-cut burial caves in Jerusalem but with several innovations.<sup>21</sup> A large stone pyramid was constructed above the tomb. The tomb was approached through a series of long, open courtyards (like a dromos) that gave access to a porch. The porch's entablature was supported by a single Doric column in-antis (a Doric column set between the thickened, projecting ends of the porch walls). The porch gave access to two rooms: a burial chamber (A) and a charnel room (B). Instead of having rock-cut benches like the tombs from the First Temple period, the burial

<sup>14</sup> The Samaritans seem to have complied by requesting that their temple on Mount Gerizim be rededicated to Zeus Hellenios; for sources and a discussion, see Jagersma, *History of Israel*, 50–51.

<sup>15</sup> Berlin, "Power and Its Afterlife," 145–47.

<sup>16</sup> See Hengel, *Judaism and Hellenism*, 64.

<sup>17</sup> See Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2002), 202–6; but for Hellenistic influence on the Essenes, see Levine, *Jerusalem*, 145.

<sup>18</sup> Berlin, "Power and Its Afterlife," 142.

<sup>19</sup> Levy Y. Rahmani, "Jason's Tomb," *IEJ* 17 (1967): 61–100; for a recent discussion, see Berlin, "Power and Its Afterlife," 142–43.

<sup>20</sup> See Nahman Avigad, "Aramaic Inscriptions in the Tomb of Jason," *IEJ* 17 (1967): 101–11; Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part Three," 45. Avigad commented, "The name Jason was common among hellenizing Jews as the equivalent for Joshua" ("Aramaic Inscriptions in the Tomb of Jason," 103).

<sup>21</sup> See Rahmani, "Jason's Tomb"; idem, "Ancient Jerusalem's Funerary Customs and Tombs, Part Three," 45.

chamber in Jason's tomb has loculi (Hebrew *kokhim*) cut into the walls. Each loculus was designed to hold an individual inhumation. Like the pyramidal marker and the porch with a column, loculi reflect Hellenistic influence. Loculi are common in tombs in Hellenistic Alexandria and make their first recorded appearance in Palestine at Marisa in Idumaea.<sup>22</sup> Instead of depositing the remains of earlier burials in a pit or repository, as in the tombs from the First Temple period, the bones cleared out of the loculi in Jason's tomb were placed in the charnel room.<sup>23</sup>

Most of the features that appear in Jason's tomb remained characteristic of Jewish rock-cut tombs in Jerusalem until the end of the Second Temple period: a porch in front of the tomb's entrance, sometimes with two columns in-antis; loculi cut into the walls of the burial chambers; and a large pyramidal, conical, or columnar marker constructed over the tomb. The differences between individual rock-cut tombs of the late Second Temple period in Jerusalem mostly concern their size and degree of elaboration; that is, the number of burial chambers, the decoration on the tomb's façade or porch, and the presence of one or more monumental tomb markers. Rock-cut tombs with these features surround Jerusalem on the north, east, and south.<sup>24</sup> Well-known examples include the tomb of Bene Hezir in the Kidron Valley, the tomb of Queen Helena of Adiabene (the so-called Tomb of the Kings) near the American Colony Hotel, the Sanhedria tombs, and Nicanor's Tomb on Mount Scopus.<sup>25</sup> Herod's tomb and memorial to himself—the mountain of Herodium—displays the same features but on a much larger scale: an underground burial chamber with a conical marker above.<sup>26</sup>

<sup>22</sup> See Marjorie S. Venit, *Monumental Tombs of Ancient Alexandria: The Theater of the Dead* (Cambridge: Cambridge University Press, 2002), 175–78; Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part Three," 45; Byron R. McCane, *Roll Back the Stone: Death and Burial in the World of Jesus* (Harrisburg, PA: Trinity Press International, 2003), 7. Berlin notes that the tombs at Marisa, which were used by the Sidonian population at the site, continue Phoenician traditions (such as the lack of outward display) while incorporating new Hellenistic features (such as loculi) ("Power and Its Afterlife," 139–41).

<sup>23</sup> For other examples of late-second-century to first-century B.C.E. loculus tombs in Jerusalem that antedate the introduction of ossuaries, see Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part Three," 46.

<sup>24</sup> See Amos Kloner and Boaz Zissu, *The Necropolis of Jerusalem in the Second Temple Period* (in Hebrew) (Jerusalem: Yad Izhak Ben-Zvi, 2003).

<sup>25</sup> For bibliography on these tombs, see *ibid.*; Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part Three"; Craig A. Evans, *Jesus and the Ossuaries: What Jewish Burial Practices Reveal about the Beginning of Christianity* (Waco: Baylor University Press, 2003), 17–19. For Nicanor's Tomb, see Nahman Avigad, "Jewish Rock-Cut Tombs in Jerusalem and the Judaeian Hill Country" (in Hebrew) *EI* 8 (1967): 119–25.

<sup>26</sup> See Arthur Segal, "Herodium," *IEJ* 23 (1973): 27–29; for a recent discussion with bibliography, see Jodi Magness, "The Mausolea of Augustus, Alexander, and Herod the Great," in *Hesed Ve-Emet, Studies in Honor of Ernest S. Frerichs* (ed. J. Magness and S. Gitin; Atlanta: Scholars Press, 1998), 313–39.



## III. Why Ossuaries?

Sometime in the middle of Herod's reign, around 20–15 B.C.E., ossuaries first appeared in Jerusalem's rock-cut tombs.<sup>27</sup> There is no doubt that ossuaries were used as containers for bones removed from loculi. The question is why ossuaries were introduced at this time and why they disappear from Jerusalem after 70 C.E. (with evidence for their use on a smaller and more modest scale in southern Judea and Galilee until the third century).<sup>28</sup> Most of these small rectangular containers are made of stone quarried in the Jerusalem area, usually soft chalk and less frequently harder limestone.<sup>29</sup> They have flat or gabled lids.

<sup>27</sup> Rahmani suggests the date of ca. 20–15 B.C.E.; see Levy Y. Rahmani, *A Catalogue of Jewish Ossuaries in the Collections of the State of Israel* (Jerusalem: Israel Antiquities Authority, 1994), 21. For discussions of the chronology of ossuaries, see Fanny Vitto, "Burial Caves from the Second Temple Period in Jerusalem (Mount Scopus, Giv'at Hamivtar, Neveh Ya'akov)," *Atiqot* 40 (2000): 98; Yitzhak Magen, *The Stone Vessel Industry in the Second Temple Period: Excavations at Hizma and the Jerusalem Temple Mount* (Jerusalem: Israel Exploration Society, 2002), 135; Jane M. Cahill, "Chalk Vessel Assemblages of the Persian/Hellenistic and Early Roman Periods," in *Excavations at the City of David 1978–1985 Directed by Yigal Shiloh*, vol. 3, *Stratigraphical, Environmental, and Other Reports (Qedem 33)* (ed. A. de Groot and D. T. Ariel; Jerusalem: Israel Exploration Society, 1992), 218. Vitto's discovery of an undisturbed tomb dating to the reign of Herod into which ossuaries were introduced during the last phase of use confirms Rahmani's dating; see Vitto, "Burial Caves from the Second Temple Period in Jerusalem," 103. Interestingly, all of the ossuaries from this tomb are undecorated. On p. 119 n. 3, Vitto correctly notes that R. Hachlili's *terminus post quem* of ca. 10 B.C.E. for the appearance of ossuaries, which is based on evidence from the Jericho cemetery, is too late for Jerusalem. Vitto's evidence also contradicts Cahill's proposed first-century C.E. date for the introduction of ossuaries (Cahill, "Chalk Vessel Assemblages," 233). On the other hand, Hadas's proposed early-first-century B.C.E. date (!), based on the discovery of a single stone ossuary in Tomb 4 at Ein Gedi, is much too early and is unsupported by the archaeological evidence; see Gideon Hadas, *Nine Tombs of the Second Temple Period at 'En Gedi (Atiqot 24)* (Jerusalem: Israel Antiquities Authority, 1994), 7<sup>o</sup>: "In view of the suggested date of the tomb, the date for the introduction of ossilegium in stone chests may be moved up to the early first century BCE." The pottery from this tomb includes cooking pots, unguentaria, and a Judean radial oil lamp, all of which represent types characteristic of the Herodian period (that is, the time of Herod the Great, and in some cases continuing later); compare Hadas, 22, fig. 32: 8–9 (unguentaria), 10 (oil lamp), 12–13 (cooking pots) with Rachel Bar-Nathan, *Hasmonean and Herodian Palaces at Jericho: The Pottery* (Jerusalem: Israel Exploration Society, 2002), 165–67 (unguentaria), 170–72 (cooking pots). Although Judean radial lamps date generally to the first century B.C.E., most, if not all, of the specimens from Masada date to the reign of Herod the Great; see Dan Barag and Malka HersHKovitz, "Lamps from Masada," in *Masada IV: The Yigael Yadin Excavations 1963–1965: Final Reports* (Jerusalem: Israel Exploration Society, 1994), 22–24. In other words, although Tomb 4 at Ein Gedi might have been used before Herod's time, burials certainly continued during his reign. There is thus no basis for dating the stone ossuary from this tomb to the early first century B.C.E.

<sup>28</sup> For the post-70 examples, see Rahmani, *Catalogue of Jewish Ossuaries*, 23–25; many of the later specimens from Galilee are made of clay.

<sup>29</sup> Magen, *Stone Vessel Industry in the Second Temple Period*, 133; Rahmani, *Catalogue of Jewish Ossuaries*, 3.

The ossuaries can be plain or decorated (usually with incised or chip-carved designs, rarely in relief, and sometimes with painting).<sup>30</sup> Sometimes the name(s) of the deceased (and infrequently other information such as their title or occupation) were incised on the front, back, side, or lid of the ossuary.<sup>31</sup> Most of the inscriptions are in Aramaic, Hebrew, or Greek (less frequently, in more than one language), and usually they are crudely executed.<sup>32</sup> There is no correlation between the relative wealth and status of the deceased and the ornamentation of the ossuary, since plain or uninscribed ossuaries have been found in tombs belonging to some of ancient Jerusalem's most prominent families.<sup>33</sup> This is also true of the tombs themselves, as indicated by the modest size and appearance of the tomb of the Caiaphas family.<sup>34</sup> Interestingly, some of the largest and most lavishly decorated tombs belonged to émigré families living in Jerusalem: the tomb of Queen Helena of Adiabene (which was crowned by

<sup>30</sup> See Rahmani, *Catalogue of Jewish Ossuaries*, 4–6; Magen, *Stone Vessel Industry in the Second Temple Period*, 133–35.

<sup>31</sup> See Steven Fine, "A Note on Ossuary Burial and the Resurrection of the Dead in First-Century Jerusalem," *JJS* 51 (2000): 75.

<sup>32</sup> Rahmani, *Catalogue of Jewish Ossuaries*, 11–19; also see Fine, "Note on Ossuary Burial," 74.

<sup>33</sup> Rahmani notes that richly decorated ossuaries were found together with the much simpler sarcophagus of Queen Helena: "While it is clear that only wealthy families would have been able to afford the costly varieties of ossuaries, the choice of cheaper types should not be regarded as a sign of comparative poverty or of parsimony" (*Catalogue of Jewish Ossuaries*, 11). Of the seven ossuaries discovered in Nicanor's tomb, three were plain (Avigad, "Jewish Rock-Cut Tombs in Jerusalem," 124). In cave 1 of the Akeldama tombs, none of the ossuaries was inscribed, half were plain, and only three were painted; see Tamar Shadmi, "The Ossuaries and the Sarcophagus," in *The Akeldama Tombs, Three Burial Caves in the Kidron Valley, Jerusalem (IAA Reports, No. 1)* (ed. G. Avni and Z. Greenhut; Jerusalem: Israel Antiquities Authority, 1996), 51. Similarly, there is no correlation between the status of the deceased and the quality of the inscriptions on ossuaries. Therefore, contrary to Evans (*Jesus and the Ossuaries*, 107–8), the relative simplicity of the Caiaphas tomb and the poor quality of the inscriptions on the ossuaries found in it do not disprove its identification as the tomb of the well-known high priest and his family. Instead, the archaeological and literary evidence supports this identification, although it cannot be established with absolute certainty. Rahmani also makes the valuable observation that the seemingly high proportion of inscribed ossuaries is misleading since many plain or uninscribed ossuaries were discarded by the excavators or are unpublished (*Catalogue of Jewish Ossuaries*, 11).

<sup>34</sup> See Zvi Greenhut, "Burial Cave of the Caiaphas Family," *BAR* 18 (1992): 28–36, 76; Levine, *Jerusalem*, 210; McCane, *Roll Back the Stone*, 35; Rahmani, *Catalogue of Jewish Ossuaries*, 174. As McCane cautions: "A poorly constructed tomb might appear to be evidence of a family's lower social and economic status, but conclusions of this sort require careful review, since rich families may have had the means to build a splendid tomb but simply chose to use their wealth in other ways. In fact, there would have been little social incentive for Jewish families in this region and period to expend resources on the construction and ornamentation of a tomb's interior. . . . A roughly hewn burial chamber might therefore be evidence not of a family's poverty, but rather of their inclination to spend wealth in other ways" (*Roll Back the Stone*, 35).

three pyramidal markers),<sup>35</sup> Nicanor's tomb (which contains more burial chambers than any other Jerusalem tomb),<sup>36</sup> and caves 2 and 3 of the Akeldama tombs (which are unique in the quality and quantity of decoration inside the burial chambers).<sup>37</sup> Perhaps these families constructed especially large and lavish tombs to establish their standing among the local elite.

Levy Yitzhak Rahmani has suggested that the appearance of ossuaries is connected with the Pharisaic belief in the individual, physical resurrection of the dead.<sup>38</sup> Prior to the introduction of ossuaries, the remains of earlier burials in rock-cut tombs were placed in pits, repositories, or charnel rooms. The skeletons were therefore mingled and susceptible to separation, breakage, and even loss. This means that in the event of a physical resurrection, an individual would be restored to life missing vital body parts. In addition, Rahmani argues that the collection of bones in an ossuary corresponds to the Pharisaic notion that the decay of the flesh is connected with the expiation of sin.<sup>39</sup> In other words, each individual's remains were preserved intact in an ossuary, in a sinless state, awaiting future resurrection.

Many scholars have pointed to difficulties with Rahmani's explanation.<sup>40</sup>

<sup>35</sup> For summaries and bibliography, see Levine, *Jerusalem*, 211; Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part Three," 48–49. For the inscribed stone sarcophagus from this tomb, which apparently contained the queen's remains, see Jean-Baptiste Frey, *Corpus Inscriptionum Iudaicarum*, vol. 2, *Asie-Afrique* (Rome: Pontificio Istituto di Archeologia Cristiana, 1952), 320–21 no. 1388.

<sup>36</sup> Other unparalleled features include the use of stone masonry revetment along the interior walls of the tomb and the fact that the two square pillars or piers in the porch are constructed of ashlar instead of being hewn out of rock; see Avigad ("Jewish Rock-Cut Tombs in Jerusalem," 119–24), who describes Nicanor's tomb as "one of the most monumental tombs in Jerusalem" (p. 119; my translation from the Hebrew). Also see Evans, *Jesus and the Ossuaries*, 24, 92–93.

<sup>37</sup> See Gideon Avni and Zvi Greenhut, "Resting Place of the Rich and Famous," *BAR* 20 (1994): 36–46; Avni and Greenhut (*Akeldama Tombs*, 32–33) note, "A possible clue to the occurrence of these decorative schemes and the high standard of workmanship evidenced in Chamber C of Cave 3 may be found in the identity of the cave owners—a wealthy Jewish family from Syria." For the Syrian place-names mentioned on the ossuaries from this cave, see Tal Ilan, "The Ossuary and Sarcophagus Inscriptions," in *Akeldama Tombs*, ed. Avni and Greenhut, 68, who notes the prominent positions attained by some Diaspora Jewish families in Herodian Jerusalem. In addition, only six of the forty ossuaries discovered in the Akeldama tombs lacked ornamentation or an inscription; see Shadmi, "Ossuaries and the Sarcophagus," 50–51. The archaeological evidence supports the Gospel tradition (Matt 27:7–8) that Akeldama (Potter's Field) was a burial ground for foreigners. For a discussion of how this elite cemetery came to be associated with the poor, see Leen Ritmeyer and Kathleen Ritmeyer, "Potter's Field or High Priest's Tomb?" *BAR* 20 (1994): 22–35, 76.

<sup>38</sup> Levy Y. Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part One," *BA* 44 (1981): 175–76; idem, *Catalogue of Jewish Ossuaries*, 53–55.

<sup>39</sup> Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part One," 175; idem, *Catalogue of Jewish Ossuaries*, 53–55; also see McCane, *Roll Back the Stone*, 43.

<sup>40</sup> See, e.g., McCane, *Roll Back the Stone*, 43; Evans, *Jesus and the Ossuaries*, 30; Levine, *Jerusalem*, 264; Fine, "Note on Ossuary Burial," 70–72; Eyal Regev, "The Individualistic Meaning

For example, ossuaries frequently contain the bones of more than one individual, and sometimes parts of the skeleton are missing.<sup>41</sup> Even in tombs with ossuaries, skeletons were sometimes deposited in pits or repositories.<sup>42</sup> In my opinion, the greatest difficulty with Rahmani's explanation is that our sources associate the belief in individual, physical resurrection of the dead with the Pharisees (see, e.g., Josephus, *Ant.* 18.1.3). These same sources tell us that the Sadducees rejected this concept (Josephus, *Ant.* 18.1.4; Matt 22:23). But there is no doubt that the monumental rock-cut tombs with ossuaries belonged to Jerusalem's elite, many of whom were Sadducees.<sup>43</sup> In fact, some of these tombs and ossuaries belonged to high priestly families, such as the tomb of

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of Jewish Ossuaries: A Socio-Anthropological Perspective on Burial Practice," *PEQ* 133 (2001): 40–42; Eric M. Meyers, *Jewish Ossuaries: Rebirth and Birth* (Rome: Biblical Institute Press, 1971), 85–86.

<sup>41</sup> See Magen, *Stone Vessel Industry in the Second Temple Period*, 137; Fine, "Note on Ossuary Burial," 75. For example, the Caiaphas ossuary contained the remains of six individuals: two infants, a child between the ages of two and five, a youth aged thirteen to eighteen, an adult female, and a man about sixty years of age; see Greenhut, "Burial Cave of the Caiaphas Family," 34. The ossuary with the remains of Yohanan, the crucified man from Giv'at ha-Mivtar, contained the partial remains of a second adult as well as a child; see Joseph Zias and Eliezer Sekeles, "The Crucified Man from Giv'at ha-Mivtar: A Reappraisal," *IEJ* 35 (1985): 23–24. For other examples, see the Akeldama tombs (Avni and Greenhut, *Akeldama Tombs*, 51–52), where nearly every ossuary contained the remains of more than one individual. As Ilan observed, "Usually, bones that were collected into ossuaries included remains of more than one individual, at Akeldama and elsewhere" ("Ossuary and Sarcophagus Inscriptions," 66). For ossuaries containing the bones of dogs and other animals together with human remains, see Rahmani, *Catalogue of Jewish Ossuaries*, 124 no. 200.

<sup>42</sup> See, e.g., Avni and Greenhut, *Akeldama Tombs*, 34; also see Hadas (*Nine Tombs of the Second Temple Period at 'En Gedi*, 7°), who notes that the Ein Gedi caves provide evidence for the contemporaneous employment of different burial methods.

<sup>43</sup> See Regev, "Individualistic Meaning of Jewish Ossuaries," 41. Almost thirty-five years ago Meyers, *Jewish Ossuaries*, 86, cautioned, "It would seem hazardous, therefore, to try to relate either ossuaries or sarcophagi to a particular Jewish sect or segment of society in earlier Temple times." On the other hand, there is no doubt that the rock-cut tombs belonged to members of Jerusalem's elite, at least some of whom were Sadducees. For example, Jon Davies, discussing a rock-cut tomb of the late Second Temple period in Jerusalem, noted that "the cost of constructing the grave [tomb] itself indicated wealthy ownership" (*Death, Burial, and Rebirth in the Religions of Antiquity* [New York: Routledge, 1999], 82). Joseph Zias notes in his discussion of a tomb of the late Second Temple period that was poor in finds that "the family was apparently wealthy enough to afford a rock-hewn tomb" ("A Rock-Cut Tomb in Jerusalem," *BASOR* 245 [1982]: 54). Regarding the Akeldama tombs, Zias observes that "the relative wealth of the families buried here, manifested by tomb architecture and the ossuaries . . ." ("Anthropological Analysis of Human Skeletal Remains," in *Akeldama Tombs*, ed. Avni and Greenhut, 118). Peter Richardson suggests that the Sadducees as a religious entity were largely replaced during Herod's reign by a social elite (*Herod: King of the Jews and Friend of the Romans* [Minneapolis: Fortress, 1999], 253). Levine supports the traditional view that the Sadducees were the most influential group politically, although he notes that not all priests or high priests were necessarily Sadducees (*Jerusalem*, 375–76).

Bene Hezir and the tomb and ossuaries of the Caiaphas family.<sup>44</sup> Ossuaries were used by the same members of Jerusalem society who rejected the concept of individual, physical resurrection of the dead.<sup>45</sup> Of course, not all of these tombs and ossuaries were used by Sadducees. But undoubtedly many were. It is not a coincidence that outside of Jerusalem, the largest cemetery with rock-cut loculus tombs containing ossuaries is at Jericho, which was the site of the Hasmonean and Herodian winter palaces and the center of a priestly community.<sup>46</sup> Rahmani argues that the Pharisaic belief in individual, physical resurrection was adopted by the Sadducees by the first century C.E.<sup>47</sup> But our sources—Josephus and the NT—date to this period, and in fact were composed in the late first century. Why assume that they are anachronistic in this regard?

Instead, I prefer a suggestion made by Lee Levine and Gideon Foerster, who have each attributed the appearance of ossuaries to Roman influence on

<sup>44</sup> For the former, see Rahmani, “Ancient Jerusalem’s Funerary Customs and Tombs, Part Three” 47; for the latter, see Ronny Reich, “Caiaphas Name Inscribed on Bone Boxes,” *BAR* 18 (1992): 38–44, 76. For ossuaries inscribed with names of deceased identified as priests, see Evans (*Jesus and the Ossuaries*, 53–54), who lists seven specimens, with additional examples on pp. 104–11; Frey, *Corpus Inscriptionum Judaicarum*, 2:250, no. 1221; Rahmani, *Catalogue of Jewish Ossuaries*, 85 no. 41 (perhaps belonging to the priestly family Boethos), 250–51 no. 829 (inscribed with the names Ananias and Ananas, perhaps the well-known high priests); 259 no. 871 (perhaps containing the remains of the granddaughter of the high priest Theophilus). For ossuaries inscribed with the names of deceased who are identified as scribes, see Evans, *Jesus and the Ossuaries*, 56 (three specimens); Rahmani, *Catalogue of Jewish Ossuaries*, 262–63 no. 893 (inscribed “Yehosef, son of Hananya, the scribe”).

<sup>45</sup> Cahill made a similar observation about stone vessels: “If the use of stone vessels was a Pharisaic tradition, why are they commonly found furnishing the homes of the wealthy?” (“Chalk Vessel Assemblages,” 233).

<sup>46</sup> See Rachel Hachlili and Ann Killebrew, “Jewish Funerary Customs during the Second Temple Period in the Light of the Excavations at the Jericho Necropolis,” *PEQ* 115 (1983): 109–32. Rahmani documents ossuaries up to twenty-five kilometers away from Jerusalem (to Tell en-Nasbeh and ‘Ai to the north; Ramat Rahel and Beth Nattif to the south and southwest; and Beth Zayit to the west) (*Catalogue of Jewish Ossuaries*, 23). Another group of ossuaries is associated with the rock-cut loculus tombs at Jericho (see Hachlili and Killebrew, “Jewish Funerary Customs during the Second Temple Period”), and there is a single stone ossuary from a loculus tomb at Ein Gedi (see Hadas, *Nine Tombs of the Second Temple Period at ‘En Gedi*, 21; this example comes from the only rock-cut tomb with loculi at Ein Gedi). For an ossuary from the Nabataean cemetery at Mampsis in the Negev, see n. 56 below. The distribution of rock-cut loculus tombs containing ossuaries reflects the settlement sphere of Jerusalem’s elite, as well as rural elite families who adopted the same display practices. Although ossuaries are usually found in loculus tombs, they can occur in rock-cut tombs without loculi. For example, four ossuaries were discovered on a burial bench in a rock-cut tomb of the late First Temple period in Bethlehem that was reused in the late Second Temple period (see Mikel Dadon, “Burial Caves at Bethlehem” [in Hebrew], *‘Atiqot* 32 [1997]: 199–201). When the Jewish elite relocated to Galilee in the aftermath of the two Jewish revolts, they displayed their wealth and status by interring their dead in the catacombs at Beth Shearim.

<sup>47</sup> Rahmani, *Catalogue of Jewish Ossuaries*, 54.

Jerusalem's elite.<sup>48</sup> In the late first century B.C.E. and first century C.E. cremation was the prevailing burial rite among the Romans.<sup>49</sup> The ashes of the deceased were placed in small stone containers called *cineraria* (cinerary urns). Like the Judean ossuaries, Roman cinerary urns have lids. The rectangular cinerary urns are usually casket-shaped and have gabled lids.<sup>50</sup> Sometimes they have carved decoration and/or inscriptions.<sup>51</sup> Although they are not uncommon, Roman cinerary urns have not been well studied. They are rarely displayed or illustrated; only a handful can be seen in larger museums such as the Metropolitan Museum of Art or the Boston Museum of Fine Arts, and these examples tend to be exceptional in terms of their decoration.<sup>52</sup>

The presence of cinerary urns on Rhodes and in Asia Minor indicates that their use was widespread. Stone cinerary urns still containing cremated remains are displayed in the Archaeological Museum in Afyon in western-central Anatolia.<sup>53</sup> Aside from the fact that they contain cremations, the Afyon urns are virtually identical to the plain Jerusalem ossuaries: the same size, shape, and with the same kind of lids. Small stone containers or chests (*ostothēkai*) used for the secondary collection of bones are also found in Asia Minor.<sup>54</sup> Like their Judean counterparts, these stone boxes can have carved

<sup>48</sup> Levine, *Jerusalem*, 264–65; Gideon Foerster, "Ossilegium and Ossuaries: The Origins and Significance of a Jewish Burial Practice in the Last Decades of the 1st Century B.C. and the 1st Century A.D.," in *Abstracts of the XVth International Congress of Classical Archaeology* (Amsterdam, 1998); idem, "Sarcophagus Production in Jerusalem from the Beginning of the Common Era up to 70 CE," in *Sarkophag-Studien, Band 1, Akten des Symposiums »125 Jahre Sarkophag-Corpus,« Marburg, 4.–7. Oktober 1995* (ed. G. Koch; Mainz: Philipp von Zabern, 1998), 303–4 n. 54, 309.

<sup>49</sup> The basic source is still J. M. C. Toynbee, *Death and Burial in the Roman World* (Ithaca, NY: Cornell University Press, 1971), 40. Also see John R. Patterson, "Living and Dying in the City of Rome: Houses and Tombs," in *Ancient Rome: The Archaeology of the Eternal City* (ed. J. Coulston and H. Dodge; Oxford: Oxford University School of Archaeology, 2000), 273.

<sup>50</sup> Toynbee, *Death and Burial in the Roman World*, 256; Maxwell L. Anderson, "Rome," in *The Metropolitan Museum of Art, Greece and Rome* (New York: Metropolitan Museum of Art, 2000), 114–15: "Until the reign of Hadrian (r. A.D. 117–138), Romans were more often cremated than buried, and they were commemorated by elaborate tombstones, ash urns, or *cippi* (funerary altars)."

<sup>51</sup> Toynbee, *Death and Burial in the Roman World*, 255–56.

<sup>52</sup> For photos, see Davies, *Death, Burial and Rebirth in the Religions of Antiquity*, 124, fig. 14; Marcello Spanu, "Burial in Asia Minor during the Imperial period, with a particular reference to Cilicia and Cappadocia," in *Burial, Society, and Context in the Roman World* (ed. J. Pearce, J. M. Millett, and M. Struck; Oxford: Oxbow, 2000), 172, fig. 17.5.

<sup>53</sup> These cinerary urns are unpublished. I saw them during a visit to the museum in July 2003 but was not allowed to photograph them.

<sup>54</sup> See Spanu, "Burial in Asia Minor during the Imperial period," 172, who notes that these containers are poorly understood and inadequately published. Some may have contained cremations. For examples from Ephesus, see Selahattin Erdemgil, *Ephesus Museum* (Istanbul: Do-gu

decoration and sometimes contain the remains of more than one individual.<sup>55</sup> Closer to Judea, the Nabatean cemetery at Mamphis in the Negev yielded an ossuary containing bones wrapped in linen.<sup>56</sup> This evidence for the use of ossuaries in non-Jewish contexts supports the suggestion that the appearance of ossilegium in Judea is related to funerary customs and fashions that were prevalent in the Roman world instead of to Jewish expectations of resurrection. Finally, the frequent use of the Hebrew or Aramaic term *gēlūsqēmāʾ* (from the Greek *glōssokomon*, meaning casket) to refer to Judean ossuaries and the occurrence on one ossuary of the word *kauka* (written in Palmyrene script and meaning “amphora” in the sense of a funerary urn) provide another indication that Roman cinerary urns were the source of inspiration.<sup>57</sup>

Rahmani objects to Levine’s and Foerster’s proposal on the grounds that Jerusalem’s elite could not have imitated a practice with which they were unacquainted.<sup>58</sup> However, we have seen that other hellenized features in tombs and burial customs were adopted by Jerusalem’s elite without personal contact or familiarity (as were other aspects of Hellenistic and Roman culture; see below). Monumental tombs marked by a pyramid became a raging fashion after Simon constructed the family tomb at Modiin.<sup>59</sup> The ultimate source of inspiration for these tombs was the Mausoleum at Halicarnassus, which presumably none of Jerusalem’s elite in the Hasmonean period—not even Simon—ever saw. Loculi, which also originated in the Hellenistic world, quickly became universal in Jerusalem’s rock-cut tombs.<sup>60</sup> The spread of these features has little or nothing to do with religious beliefs in the afterlife and everything to do with social status. Jerusalem’s elite were prohibited by Jewish law from cremating their

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Press, no date), 78: “In the corner just to the right of the Klazomenai sarcophagus is a series of ossuaries found in the cave of the Seven Sleepers.”

<sup>55</sup> Spanu, “Burial in Asia Minor during the Imperial period,” 172.

<sup>56</sup> *Archaeological Encyclopedia of the Holy Land* (ed. A. Negev and S. Gibson; New York: Continuum, 2001), 99; Avraham Negev, “Kurnub,” in *The New Encyclopedia of Archaeological Excavations in the Holy Land* (ed. E. Stern; New York: Simon and Schuster, 1993), 892. I am grateful to Tali Erickson-Gini for pointing out to me this ossuary, which is on display at Mamphis (Mamshit), and for providing me with the published references.

<sup>57</sup> See Rahmani, *Catalogue of Jewish Ossuaries*, 3. Magen comes close when he observes that, “Even the name *gluskoma*, derived from the Greek word meaning a wooden coffin, implies that the form of the chalk ossuary was not original and that it was an exact replica of a wooden casket” (*Stone Vessel Industry in the Second Temple Period*, 134). For the reasons given here, Regev’s objections to the suggestion that Roman cinerary urns were the source of inspiration for Judean ossuaries are not valid; see Regev, “Individualistic Meaning of Jewish Ossuaries,” 48 n. 15.

<sup>58</sup> Rahmani, *Catalogue of Jewish Ossuaries*, 58–59.

<sup>59</sup> As Levine notes, “The tombs that dotted the Jerusalem landscape are invariably of Hellenistic design but without figural depictions. The *tholos* of Absalom’s tomb and the pyramid of Zechariah’s tomb are classic Hellenistic architectural components” (*Jerusalem*, 261).

<sup>60</sup> Venit, *Monumental Tombs of Ancient Alexandria*, 175–80; McCane, *Roll Back the Stone*, 7.

dead. Instead, they could and did adopt the external trappings of cremation by depositing the bones of the deceased in ossuaries (urns).<sup>61</sup> Like loculi, once ossuaries appeared, they quickly became universal in rock-cut tombs.

The practice of recording name(s) on ossuaries should be understood as reflecting a concern for recording and preserving the memory of the deceased.<sup>62</sup> The preservation of the names of ancestors was of great importance to the upper classes and priestly families, and above all the high priestly families, who based their social standing and claims of legitimacy on their lineage.<sup>63</sup> An ossuary bearing the Hebrew inscription “house of David” illustrates this concern nicely.<sup>64</sup>

The disappearance of ossuaries supports the suggestion that they were inspired by Roman cinerary urns. If the use of ossuaries was connected with the concept of the individual, physical resurrection of the dead, they should have become even more popular after 70 C.E., when this belief became normative in Judaism. In fact, the opposite is true.<sup>65</sup> After 70 C.E., ossuaries disappeared from Jerusalem. This is because the Jewish elite who used the rock-cut tombs were now dead or dispersed. The appearance of cruder ossuaries in Galilee after 70 is probably connected with the emigration or displacement of some of Jerusalem’s elite to that region after the First Revolt. By the mid-to-late third century, the custom of ossilegium died out.<sup>66</sup> At the largest and most prestigious cemetery of this period—Beth Shearim in Lower Galilee—the prevailing burial rite consists of individual inhumations in large stone sarcophagi or hewn

<sup>61</sup> As McCane notes (discussing the appearance of loculi in Judean tombs and the placement of coins on the mouths of the deceased), “All of these burial customs are of Hellenistic origin, so the ossuary would certainly not have been the first aspect of Jewish death ritual to be touched by the interaction of Judaism with Hellenism” (*Roll Back the Stone*, 45).

<sup>62</sup> See *ibid.*, 14, 46.

<sup>63</sup> The names were apparently inscribed on the spot by the relatives of the deceased and are usually executed carelessly and clumsily. This is true even among prominent and high priestly families; see Rahmani, *Catalogue of Jewish Ossuaries*, 11–12. Richardson observes, “The high priests were a natural part of the religious elite—indeed at the center of it—by virtue of family associations” (*Herod*, 241). Regev notes the social importance of the inscriptions (“Individualistic Meaning of Jewish Ossuaries,” 43). Similar concerns are evident among the Roman aristocracy, as seen in the late Republican portrait busts depicting very aged men. These may be connected with the wax ancestral masks that were carried in funerary processions and then displayed in the household shrines of aristocratic families; see Diana E. E. Kleiner, *Roman Sculpture* (New Haven: Yale University Press, 1992), 35–38.

<sup>64</sup> See Rahmani, *Catalogue of Jewish Ossuaries*, 173–74 no. 430; Evans, *Jesus and the Ossuaries*, 103–4.

<sup>65</sup> See Levine, *Jerusalem*, 264. Rahmani responds to this objection by arguing that “the increased mobility of families and individuals in this period may have rendered *ossilegium* of relatives impossible” (*Catalogue of Jewish Ossuaries*, 55).

<sup>66</sup> Rahmani, *Catalogue of Jewish Ossuaries*, 21.



troughs in rock-cut tombs.<sup>67</sup> Most of the sarcophagi are crude local products made of limestone, with a few Roman imports of marble.<sup>68</sup> Many of the burial caves at Beth Shearim belonged to individual families, but there are also catacombs containing burials of different elite families.<sup>69</sup> The burial customs at Beth Shearim parallel contemporary developments in Rome and the provinces during the second and third centuries, when inhumation in large stone sarcophagi in catacombs supplanted cremation as the preferred burial rite.<sup>70</sup>

It is not a coincidence that ossuaries first appeared during Herod's reign. This period is characterized by a heavy dose of Hellenistic-Roman influence on other aspects of the lifestyle of Jerusalem's elite. Their mansions were decorated with Roman-style wall paintings, stucco, and mosaics and were furnished with locally produced stone tables modeled after Roman prototypes.<sup>71</sup> As in the case of the tombs, these features were introduced to Judea by the ruler (in this case, Herod) and were imitated or adopted by the Jerusalem elite. Nahman Avigad described the elite dwellings in the Jewish Quarter as follows:

Construction in the Upper City was dense, with the houses built quite close together; but the individual dwelling units were extensive, and inner courtyards lent them the character of luxury villas. These homes were richly ornamented with frescoes, stucco work, and mosaic floors, and were equipped with complex bathing facilities, as well as containing the luxury goods and artistic objects which signify a high standard of living. This, then, was an upper class quarter, where the noble families of Jerusalem lived, with the high priest at their head. Here they built their homes in accordance with the dominant fashion of the Hellenistic-Roman period. It is generally assumed

<sup>67</sup> Although some ossilegium was still practiced; see Benjamin Mazar, *Beth Shearim: Report on the Excavations during 1936–1940*, vol. 1, *Catacombs 1–4* (New Brunswick, NJ: Rutgers University Press, 1973), 135. Nahman Avigad notes that at Beth Shearim, “The small niches (bone depositories), so common in the earlier catacombs, are almost completely absent” in tombs dating to the mid-third century and later (*Beth Shearim*, vol. 3, *The Excavations 1953–1958* [New Brunswick, NJ: Rutgers University Press, 1976], 267).

<sup>68</sup> For the stone and marble sarcophagi from Beth Shearim, as well as a small number of lead, clay, and wood specimens, see Avigad, *Beth Shearim*, 136–83.

<sup>69</sup> See Mazar, *Beth Shearim*, 132–33; Avigad, *Beth Shearim*, 262–65 (compare and contrast Catacombs 14 and 20).

<sup>70</sup> See Toynbee, *Death and Burial in the Roman World*, 40. McCane, noting the Hellenistic and Roman elements in the Beth Shearim tombs, describes this cemetery as “a case study in the ancient conversation between Judaism and Hellenism” (*Roll Back the Stone*, 7).

<sup>71</sup> See Nahman Avigad, *Discovering Jerusalem* (Nashville: Thomas Nelson, 1983), 83–203; for the wall paintings, see Silvia Rozenberg, “Wall Painting Fragments from Area A,” in *Jewish Quarter Excavations in the Old City of Jerusalem conducted by Nahman Avigad, 1969–1982*, vol. 2, *The Finds from Areas A, W and X-2, Final Report* (ed. H. Geva; Jerusalem: Israel Exploration Society, 2003), 302–28.

that the Jerusalemite nobility was of the Sadducee faction. . . . Thus, it can be assumed that this quarter was occupied chiefly by Sadducees.<sup>72</sup>

The impact of Hellenistic and Roman influence on Jerusalem's elite is evident in nearly all aspects of Jerusalem's material culture, with a wide range of imported and locally produced consumer goods appearing around 20–10 B.C.E. As Renate Rosenthal-Heginbottom observed in her discussion of ceramic imports from the Jewish Quarter excavations: "the imported pottery from Area A is clear evidence for the substantial changes in lifestyle, culinary tastes, trade connections, and marketing strategies which took place during the reign of Herod; yet it was relevant to a minority only [the elite]."<sup>73</sup> For example, Eastern Sigillata A (ESA), a fine red-slipped ware produced in Syria-Phoenicia, becomes relatively common in Herod's palaces in Jericho and Jerusalem and in the homes of Jerusalem's wealthiest Jews beginning around 20–10 B.C.E.<sup>74</sup> At the same time, a high-quality, thin-walled tableware painted with delicate floral designs (usually referred to as Jerusalem[ite] painted pottery and consisting mostly of bowls) began to be produced in Jerusalem.<sup>75</sup> Other ceramic imports that appeared in Jerusalem during Herod's reign (albeit in small quantities) include Italian thin-walled ware, Cypriot Eastern Sigillata D, Western Terra Sigillata, and Pompeian Red Ware.<sup>76</sup> Rosenthal-Heginbottom concluded that

<sup>72</sup>Avigad, *Discovering Jerusalem*, 83.

<sup>73</sup>Renate Rosenthal-Heginbottom, "Hellenistic and Early Roman Fine Ware and Lamps from Area A," in *Jewish Quarter Excavations in the Old City of Jerusalem conducted by Nahman Avigad, 1969–1982*, vol. 2, ed. Geva, 220.

<sup>74</sup>For a recent discussion of the source of ESA, see Kathleen W. Slane, who believes that the evidence points to northern Syria ("The Fine Wares," in *Tel Anafa II, i: The Hellenistic and Roman Pottery* [ed. S. C. Herbert; Journal of Roman Archaeology Supplementary Series 10; Ann Arbor: Kelsey Museum of Archaeology, 1998], 272); also see Kathleen W. Slane, J. Michael Elam, Michael D. Glascock, and Hector Neff, "Compositional Analysis of Eastern Sigillata A and Related Wares from Tel Anafa (Israel)," *Journal of Archaeological Science* 21 (1994): 51–64. For examples from Jerusalem's Jewish Quarter, see Avigad, *Discovering Jerusalem*, 88. Rosenthal-Heginbottom notes that ESA may have already been imported to Jerusalem beginning in the mid-first century B.C.E. ("Hellenistic and Early Roman Fine Ware and Lamps," 214). Even so, most of it dates from the reign of Herod on. Imported wares also make their first appearance in the palaces at Jericho in the middle of Herod's reign; see Bar-Nathan, *Hasmonean and Herodian Palaces at Jericho*, 197.

<sup>75</sup>Malka Hershkovitz, "Jerusalemite Painted Pottery from the Late Second Temple Period," in *The Nabataeans in the Negev* (ed. R. Rosenthal-Heginbottom; Haifa: Hecht Museum, 2003), 31<sup>o</sup>; Rosenthal-Heginbottom, "Hellenistic and Early Roman Fine Ware and Lamps," 212; Isadore Perlman, Jan Gunneweg, and Joseph Yellin, "Pseudo-Nabataean Ware and Pottery of Jerusalem," *BASOR* 262 (1986): 77–82.

<sup>76</sup>Rosenthal-Heginbottom, "Hellenistic and Early Roman Fine Ware and Lamps," 209, 214–17. Some of the stone vessels manufactured in the Jerusalem area imitated the shapes of these fine wares; see Magen, *Stone Vessel Industry in the Second Temple Period*, 65, 66, 68, 70, 72; Cahill, "Chalk Vessel Assemblages," 202, 204. Monopodial stone tables from the Jewish Quarter also imitated Roman prototypes (*ibid.*, 217).

“[t]he appearance of Italian pans in the houses of the upper class Jewish inhabitants in Jerusalem means that . . . Jews were open to Roman culinary influences and prepared to try and taste new food. Herod the Great could have become acquainted with the dish during his stay in Rome, had it introduced to his household, whence it was copied by others.”<sup>77</sup> Similarly, Avigad observed that the discovery of Italian wine amphoras in the elite houses of Jerusalem’s Jewish Quarter indicates that “there have always been more and less observant Jews.”<sup>78</sup> Donald Ariel has noted that we still do not know when laws prohibiting the eating of Gentile food originated and became common.<sup>79</sup> The evidence for the preparation and consumption of Gentile-style foods and imported wines by members of Jerusalem’s elite supports a suggestion that the Sadducees restricted their observance of purity concerns to the temple cult, in contrast to the Pharisees and Essenes.<sup>80</sup>

Steven Fine attributes the appearance of ossuaries to the development of Jerusalem’s stone industry.<sup>81</sup> Although I do not accept this proposal, Fine is correct that the production of ossuaries (and other stone vessels) is one aspect of Jerusalem’s economy during the late Second Temple period.<sup>82</sup> The heavy dose of Roman cultural influence evident in Jerusalem around 20–10 B.C.E. should be understood within the context of contemporary events. It was during these years that Herod undertook the reconstruction of the Jerusalem temple.<sup>83</sup> He established a theater and an amphitheater (or hippodrome) in Jerusalem, in which athletic competitions, chariot races, and musical and dramatic contests were held (Josephus, *Ant.* 15.8.1).<sup>84</sup> Herod also maintained close contacts with Augustus. Peter Richardson points out that “Herod developed his friendship

<sup>77</sup> Rosenthal-Heginbottom, “Hellenistic and Early Roman Fine Ware and Lamps,” 217.

<sup>78</sup> Avigad, *Discovering Jerusalem*, 88.

<sup>79</sup> Donald T. Ariel, “Imported Greek Stamped Amphora Handles,” in *Jewish Quarter Excavations in the Old City of Jerusalem conducted by Nahman Avigad, 1969–1982*, vol. 1, *Architecture and Stratigraphy: Areas A, W and X-2, Final Report* (ed. H. Geva; Jerusalem: Israel Exploration Society, 2000), 277.

<sup>80</sup> See *ibid.*, 278; Magness, *Archaeology of Qumran*. This also supports Richardson’s suggestion that wealth and social status rather than religious views were the most obvious features of Sadduceeism during Herod’s time (Richardson, *Herod*, 253).

<sup>81</sup> Fine, “Note on Ossuary Burial,” 73–74. On p. 75 Fine notes that only wealthy Jerusalemites could afford secondary burial (and, by way of extension, interment in rock-cut tombs).

<sup>82</sup> See *ibid.*, 74. Cahill notes that the stone vessels and ossuaries are contemporary, although she seems to favor a first-century C.E. (instead of late-first-century B.C.E.) date for their appearance (“Chalk Vessel Assemblages,” 231–32).

<sup>83</sup> See Fine, “Note on Ossuary Burial,” 72. Although construction on and around the Temple Mount continued for decades (and was completed only in 64 C.E.), much of the work on the temple building (the Sanctuary) was apparently carried out between ca. 23 and 15 B.C.E.; see Richardson, *Herod*, 197, 238, 245. For a discussion of the contradictory dates provided by Josephus and the suggestion that construction commenced in 20/19 B.C.E., see Levine, *Jerusalem*, 224–26.

<sup>84</sup> See Richardson, *Herod*, 223; Levine, *Jerusalem*, 201.

with Augustus through his children's education."<sup>85</sup> In 22 B.C.E., Herod sent his sons Alexander and Aristobulus (by his Hasmonean wife Mariamme) to Rome to be educated. Alexander and Aristobulus remained in Rome for five years, staying first with Pollio and then with Augustus (*Ant.* 15.10.1). A couple of years later (20 B.C.E.), Augustus traveled to Syria, where he was hosted by Herod.<sup>86</sup> In 17 B.C.E., Herod traveled to Rome to visit Augustus, returning to Judea with his sons, who were now young men about nineteen and eighteen years of age (*Ant.* 16.4.4–5). Two years later (15 B.C.E.) Herod entertained Augustus's son-in-law and heir apparent, Marcus Agrippa, taking him on a tour of his kingdom (*Ant.* 16.2.3).<sup>87</sup> The appearance of ossuaries and other aspects of Romanization in Jerusalem should be understood in the context of the close contacts and interactions between Augustus and his family, on the one hand, and Herod and his family, on the other. It is not surprising that beginning around 20 B.C.E., the style of life—and death—of Jerusalem's elite was heavily influenced by Roman culture.

#### IV. The Burial of Jesus

The preceding review of Jewish tombs and burial customs has provided the background necessary for understanding the manner in which Jesus and his brother James were buried. According to the Gospel accounts, Jesus' body was removed from the cross on the eve of the Jewish Sabbath (Friday afternoon) (Matt 27:57–59; 28:1; Mark 15:33–34, 42–43; Luke 23:44, 50–54; John 19:31). Because Jewish law requires immediate burial and there was no time to prepare a grave, Joseph of Arimathea placed Jesus' body in a rock-cut tomb.<sup>88</sup> The Synoptic Gospels are in broad agreement in their description of this event:<sup>89</sup>

<sup>85</sup> Richardson, *Herod*, 230.

<sup>86</sup> Our sources mention that Augustus visited Syria, but it is not clear whether this included Judea; see Richardson, *Herod*, 234.

<sup>87</sup> Referred to in Nicolaus's speech; see Richardson, *Herod*, 232–33, 263–64.

<sup>88</sup> See McCane, *Roll Back the Stone*, 95. According to Jewish law (Deut 21:22), burial on the same day is required even for those guilty of the worst crimes, whose bodies were hanged after death (see below).

<sup>89</sup> For a discussion of the differences in the Gospel accounts of this episode, see McCane, *Roll Back the Stone*, 101–2. Here I focus on the accounts of Mark and Matthew, which are generally considered to be earlier and more accurate than that of Luke. The differences between Mark and Matthew include that Joseph is described as a member of the council/Sanhedrin (Mark) or a rich man (Matthew) (these two statements are complementary, not contradictory), and Matthew states that this was Joseph's family tomb, whereas Mark does not. Since rock-cut tombs belonged to families, I believe that Matthew is accurate in this detail.

Although it was now evening, yet since it was the Preparation Day, that is, the day before the Sabbath, Joseph of Arimathea, a highly respected member of the council, who was himself living in expectation of the reign of God, made bold to go to Pilate and ask for Jesus' body. . . . And he [Joseph] bought a linen sheet and took him down from the cross and wrapped him in the sheet, and laid him in a tomb that had been hewn out of the rock, and rolled a stone against the doorway of the tomb. (Mark 15:42–46)

In the evening a rich man named Joseph of Arimathea, who had himself been a disciple of Jesus, came. He went to Pilate and asked him for Jesus' body. . . . Then Joseph took the body and wrapped it in a piece of clean linen, and laid it in a new tomb that belonged to him, that he had cut in the rock, and he rolled a great stone over the doorway of the tomb, and went away. (Matt 27:57–60)

Hengel argued that Jesus “died a criminal’s death on the tree of shame,” since crucifixion was a sadistic and humiliating form of corporal punishment reserved by the Romans for the lower classes (including slaves).<sup>90</sup> Hengel’s claim that Jesus was buried in disgrace because he was an executed criminal is now widely accepted and has become entrenched in scholarly literature.<sup>91</sup> In my opinion, this view is based on a misunderstanding of archaeological evidence and Jewish law. Jesus was condemned by the Roman authorities for crimes against Rome, not by the Sanhedrin for violating Jewish law. The Romans used crucifixion to punish rebellious provincials for incitement to rebellion and acts of treason; they were considered to be common “bandits.”<sup>92</sup> For this reason, the local (provincial) governor could impose the penalty of crucifixion to maintain peace and order.<sup>93</sup> Although victims of crucifixion could be left on their crosses for days, this was not usually the case.<sup>94</sup> According to the Gospel accounts, Pontius Pilate approved Joseph of Arimathea’s request to remove Jesus’ body from the cross for burial.<sup>95</sup>

The capital sentences listed by the Mishnah do not include crucifixion. This is because after Judea came under direct Roman rule, crucifixion was

<sup>90</sup> Martin Hengel, *Crucifixion in the Ancient World and the Folly of the Message of the Cross* (Philadelphia: Fortress, 1977), 19, 83, 90.

<sup>91</sup> See, e.g., Evans, *Jesus and the Ossuaries*, 101; McCane, *Roll Back the Stone*, 89; John Dominic Crossan, *Who Killed Jesus? Exposing the Roots of Anti-Semitism in the Gospel Story of the Death of Jesus* (New York: HarperSanFrancisco, 1995), 160–63; Raymond E. Brown, *The Death of the Messiah: From Gethsemane to the Grave: A Commentary on the Passion Narratives in the Four Gospels* (2 vols.; ABRL; New York: Doubleday, 1994), 2:947.

<sup>92</sup> Hengel, *Crucifixion in the Ancient World*, 34, 40, 46–47; Vassilios Tzaferis, “Crucifixion—the Archaeological Evidence,” *BAR* 11 (1985): 48.

<sup>93</sup> Hengel, *Crucifixion in the Ancient World*, 49.

<sup>94</sup> McCane, *Roll Back the Stone*, 90, 105; Brown, *Death of the Messiah*, 2:1207; contra Crossan, *Who Killed Jesus*, 160–61.

<sup>95</sup> See McCane, *Roll Back the Stone*, 92–93.

imposed only by the Roman authorities.<sup>96</sup> Those found guilty by the Sanhedrin of violating Jewish law were executed by stoning (like James), or were burned, decapitated, or strangled: “Four modes of execution were given in the court: stoning, burning, decapitation, and strangulation” (*m. Sanh.* 7:1).<sup>97</sup> According to biblical law (Deut 21:22), the bodies of executed criminals could be hanged for the purpose of public display only after they were already dead.<sup>98</sup> The Hasmonean king Alexander Janneus violated biblical law when he had eight hundred Pharisee opponents crucified (hanged while they were still alive), dining with his concubines as his victims writhed in agony (Josephus, *J.W.* 1.4.6; *Ant.* 13.14.2).<sup>99</sup> Janneus’s actions are described as an atrocity in the Peshet Nahum from Qumran (4Q169 frags. 3–4), where the distinction between the hanging of a dead body and the crucifixion of a living victim is made explicit: “who hanged living men [from the tree, committing an atrocity which had not been committed] in Israel since ancient times, for it is [hor]rible for the one hanged alive from the tree.”<sup>100</sup>

Hanging (of an already executed criminal) is described in *m. Sanh.* 6:4 as follows: “How do they hang him? They drive a post into the ground, and a beam juts out from it, and they tie together his two hands, and thus do they hang him.” This passage describes the hands of the deceased being tied together and the body dangling from a pole. In contrast, Roman crucifixion involved spreading apart the arms of a live victim, so that he/she could be affixed to the cross-beam by ropes or nails.<sup>101</sup> Josephus knew the difference between biblical

<sup>96</sup> See Hengel, *Crucifixion in the Ancient World*, 85: “from the beginning of direct Roman rule crucifixion was taboo as a form of the Jewish death penalty.” Also see Tzaferis, “Crucifixion—the Archaeological Evidence,” 48: “Among the Jews crucifixion was an anathema. . . . The traditional method of execution among the Jews was stoning. . . . At the end of the first century B.C., the Romans adopted crucifixion as an official punishment for non-Romans for certain legally limited transgressions.”

<sup>97</sup> All translations from the Mishnah cited in this paper are from Jacob Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988).

<sup>98</sup> Geza Vermes, *The Complete Dead Sea Scrolls in English* (New York: Penguin, 1998), 473. Also see Richard Bauckham (“For What Offence Was James Put to Death?” in *James the Just and Christian Origins* [ed. B. Chilton and C. A. Evans; Leiden: Brill, 1999], 221), who notes that according to Jewish law, “hanging is not a method of execution but the exposure of an already dead corpse.”

<sup>99</sup> See also Hengel, *Crucifixion in the Ancient World*, 84, with references.

<sup>100</sup> Florentino García Martínez and Eibert J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition* (Grand Rapids: Eerdmans, 2000), 337. According to the Mishnah, hanging was reserved for executed criminals who were already dead, as prescribed by the Hebrew Bible. In contrast, according to the *Temple Scroll* (11Q19 LXIV.7–8), traitors are to be put to death by being hanged alive: “If a man passes on information against his people or betrays his people to a foreign nation, or does evil against his people, you shall hang him on a tree and he will die” (from Martínez and Tigchelaar, *The Dead Sea Scrolls Study Edition*, 1287; also see Vermes, *Complete Dead Sea Scrolls in English*, 473).

<sup>101</sup> Although the exact manner in which the body was affixed to the cross is debated; for two

hanging and Roman crucifixion. When referring to the hanging of a dead victim in the biblical sense, he employs the verb κρεμάννυμι (“to hang”), as, for example: “He that blasphemeth God let him be stoned, and let him hang (κρεμάσθω) [upon a tree] all that day” (*Ant.* 4.8.6). In contrast, Josephus uses the verb ἀνασταυρώω (“to crucify”) when describing the crucifixion of live victims at the hands of the Roman authorities as well as the Hasmonean king Alexander Janneus: “he [Alexander Janneus] ordered about eight hundred of them to be crucified (ἀνασταυρώσαι)” (*Ant.* 13.14.2); “as I came back, I saw many captives crucified (ἀνεσταυρωμένους)” (*Life* 75 §420).<sup>102</sup> All of these sources (Josephus, the Mishnah, and sectarian literature) clearly distinguish between the hanging of dead victims (following biblical law) and the crucifixion of live victims.<sup>103</sup> The following passage from Josephus indicates that the Jews buried victims of Roman crucifixion by sunset in accordance with Deut 21:22: “Nay, they proceeded to that degree of impiety, as to cast away their bodies without burial, although the Jews used to take so much care of the burial of men, that they took down those that were condemned and crucified (ἀνεσταυρωμένους), and buried them before the going down of the sun” (*J.W.* 4.5.2).<sup>104</sup>

The Sanhedrin excluded those executed for violating Jewish law from burial in family tombs or burial grounds: “And they did not bury [the felon] in the burial grounds of his ancestors. But there were two graveyards made ready for the use of the court, one for those who were beheaded or strangled, and one for those who were stoned or burned” (*m. Sanh.* 6:5). However, the Mishnah attaches no stigma to crucifixion by the Roman authorities and does not prohibit victims of crucifixion from being buried with their families.<sup>105</sup> The discov-

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different reconstructions see Tzaferis, “Crucifixion—the Archaeological Evidence,” 49; Zias and Sekeles, “Crucified Man, 27). Zias and Sekeles note that death resulted from asphyxiation and not from the trauma caused by nailing the body to the cross (“Crucified Man,” 26).

<sup>102</sup> In light of the questions surrounding the relationship between Luke and Acts, it is interesting that in these two books (but not in Mark and Matthew), the distinction between hanging and crucifixion is blurred, with the Greek terms being used interchangeably. See Luke 23:39: “One of the criminals who was hanging there (κρεμασθέντων) abused him”; Acts 5:30: “The God of our forefathers raised Jesus to life when you had hung him on a cross (κρεμάσαντες ἐπὶ ξύλου) and killed him.” I thank Bart Ehrman for bringing this to my attention.

<sup>103</sup> Contra Crossan, *Who Killed Jesus*, 166.

<sup>104</sup> Contra *ibid.*, 166, 169. In my opinion, Josephus’s rhetorical use of this episode to illustrate the impiety of the rebels (in this case, Idumeans) does not affect the value of his testimony regarding the burial of crucifixion victims in accordance with Jewish law. For Josephus’s condemnation of the rebels’ lawless and impious behavior, see Shaye J. D. Cohen, *Josephus in Galilee and Rome* (Boston: Leiden, 2002), 88, 97; Tessa Rajak, *Josephus: The Historian and His Society* (London: Duckworth, 1983), 81.

<sup>105</sup> See Brown, *Death of the Messiah*, 2:1210, although he presents the opposite conclusion on p. 1243. According to Josephus, blasphemers who were stoned and then hanged were “buried in an ignominious and obscure manner” (*Ant.* 4.8.6). However, Jesus was not condemned by the Sanhedrin for violating Jewish law, was not executed by stoning, and was alive when he was crucified

ery of the remains of a crucified man named Yohanan in an ossuary demonstrates that victims of crucifixion could be interred in rock-cut family tombs.<sup>106</sup>

John Dominic Crossan claims that Yohanan's interment in a rock-cut family tomb is exceptional and extraordinary because victims of crucifixion would not have received an honorable burial.<sup>107</sup> However, we have seen that Jewish law does not prohibit the burial of victims of crucifixion in family tombs. Crossan argues that "with all those thousands of people crucified around Jerusalem in the first century alone, we have so far found only a single crucified skeleton, and that, of course, preserved in an ossuary. Was burial then, the exception rather than the rule, the extraordinary rather than the ordinary case?"<sup>108</sup> In fact, the exact opposite is the case: the discovery of the identifiable remains of even a single victim of crucifixion is exceptional. Crossan's assumption that we should have the physical (archaeological) remains of additional crucified victims is erroneous for several reasons. First, with one exception (the repository in the late Iron Age cemetery at Ketef Hinnom), not a single undisturbed tomb in Jerusalem has ever been discovered and excavated by archaeologists.<sup>109</sup> This means that even in cases where tombs or ossuaries still contain the original physical remains, the skeletons are often disturbed, damaged, or incomplete. Second, the Jerusalem elite who owned rock-cut family tombs with ossuaries favored the preservation of the status quo through accommodation with the Romans. Presumably, relatively few of them were therefore executed by crucifixion. Instead, the majority of victims crucified by the Romans belonged to the lower classes<sup>110</sup>—precisely those who could not afford rock-cut tombs. Third, and most important, the nail in Yohanan's heel was preserved only because of a fluke:

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(not hanged after death). Therefore, it is erroneous to apply this passage to Jesus' execution and burial. On the other hand, this halakah would have applied to James, who was apparently executed by stoning for violating Jewish law and therefore would have been ineligible for burial in a rock-cut family tomb (see the discussion of James's burial below).

<sup>106</sup> As Evans notes (*Jesus and the Ossuaries*, 100–101), contrary to Crossan. Also see Tzaferis, "Crucifixion—the Archaeological Evidence"; Rahmani, "Ancient Jerusalem's Funerary Customs and Tombs, Part Three," 51; idem, *Catalogue of Jewish Ossuaries*, 131 no. 218. According to McCane, "Dishonorable burial was reserved for those who had been condemned by the people of Israel" (*Roll Back the Stone*, 99; emphasis in original). Despite this, McCane concurs that Jesus was buried in shame. The prominence of Yohanan's family is indicated by the fact that another ossuary from this tomb was inscribed "Simon, the builder of the temple," apparently someone who had participated in the reconstruction of the temple under Herod; see Tzaferis, "Crucifixion—the Archaeological Evidence," 47, 50; Brown, *Death of the Messiah*, 2:1210.

<sup>107</sup> Crossan, *Who Killed Jesus*, 168; idem, *The Historical Jesus: The Life of a Mediterranean Peasant* (New York: HarperSanFrancisco, 1991), 391.

<sup>108</sup> *Ibid.*

<sup>109</sup> For the intact repository at Ketef Hinnom, see Barkay, "News from the Field: The Divine Name Found in Jerusalem."

<sup>110</sup> As Crossan notes (*Who Killed Jesus*, 169).



The most dramatic evidence that this young man was crucified was the nail which penetrated his heel bones. But for this nail, we might never have discovered that the young man had died in this way. *The nail was preserved only because it hit a hard knot when it was pounded into the olive wood upright of the cross.* The olive wood knot was so hard that, as the blows on the nail became heavier, the end of the nail bent and curled. We found a bit of the olive wood (between 1 and 2 cm) on the tip of the nail. This wood had probably been forced out of the knot where the curled nail hooked into it. When it came time of the dead victim to be removed from the cross, the executioners could not pull out this nail, bent as it was within the cross. The only way to remove the body was to take an ax or hatchet and amputate the feet.<sup>111</sup>

In other words, the means by which victims were affixed to crosses usually leave no discernible traces in the physical remains or archaeological record. Some victims were bound with ropes, which were untied when the body was removed from the cross.<sup>112</sup> When victims were nailed to a cross, the nails had to be pulled out so that the body could be taken down. This is exactly how the *Gospel of Peter* (6:21) describes Jesus' crucifixion: "And then they drew the nails from the hands of the Lord and placed him on the earth."<sup>113</sup> The nail in Yohanan's ankle was preserved only because it bent after hitting a knot in the wood and therefore could not be removed from the body.

Jesus came from a family of modest means that presumably could not afford a rock-cut tomb.<sup>114</sup> Had Joseph not offered Jesus a spot in his tomb (according to the Gospel accounts), Jesus likely would have been disposed of in the manner of the poorer classes: in an individual trench grave dug into the ground. In the Iron Age kingdoms of Israel and Judah, non-elite burials consisted of individual inhumations in simple cist graves.<sup>115</sup> This custom continued through the Second Temple period, when individuals were buried in trench

<sup>111</sup> Tzaferis, "Crucifixion—the Archaeological Evidence," 50 (my emphasis). In their reexamination of this skeleton, Zias and Sekeles found no evidence for amputation, but confirmed that the nail could not be removed from the heel bone because it was bent: "Once the body was removed from the cross, albeit with some difficulty in removing the right leg, the condemned man's family would now find it impossible to remove the bent nail without completely destroying the heel bone" ("Crucified Man," 24, 27).

<sup>112</sup> Tzaferis, "Crucifixion—the Archaeological Evidence," 49; also see Crossan, *Who Killed Jesus*, 135, for a description from the *Acts of Andrew*.

<sup>113</sup> From Brown, *Death of the Messiah*, 2:1319.

<sup>114</sup> Had Jesus' family owned a rock-cut tomb, it presumably would have been located near their home in Nazareth. But in light of what we know of Jesus' family and his background, there is no reason to assume they could afford a rock-cut tomb. See, e.g., Crossan (*Historical Jesus*, 29), who discusses the low social standing of carpenters in the Roman world.

<sup>115</sup> Norma Franklin, "The Tombs of the Kings of Israel: Two Recently Identified 9<sup>th</sup>-Century Tombs from Omride Samaria," *ZDPV* 119 (2003): 1. I am grateful to Franklin for giving me an off-print of this article.

graves. The body of the deceased was wrapped in a shroud and sometimes placed in a wooden coffin; it was then laid in a hollowed-out space (sometimes described as a “loculus” in modern literature) at the base of the trench. After the trench was filled in, a rough headstone was sometimes erected at one end. The headstones were uninscribed, though some may have had painted decoration or inscriptions that have not survived.

Because trench graves are poor in finds and are much less conspicuous and more susceptible to destruction than rock-cut tombs, relatively few examples are recorded.<sup>116</sup> The best-known cemetery of this type is at Qumran.<sup>117</sup> It is interesting that despite the presence of numerous caves around the settlement, the Qumran community did not inter their dead in caves.<sup>118</sup> I believe this reflects the ascetic and communal nature of the sect and their rejection of the Hellenized/Romanized lifestyle (and death style) of the Jerusalem elite.<sup>119</sup> Instead, the Qumran community chose to bury their dead in the manner of the poorer classes. The graves at Qumran have headstones (stelae) marking one or both ends. They differ from trench graves at other sites in being covered with heaps of stones, as Roland de Vaux noted: “The tombs [graves] are marked by oval-shaped heaps of stones appearing on the surface, often with a larger stone at either end.”<sup>120</sup> In my opinion, the heaps of stones covering the graves and the large stones set up at both ends were intended to make the graves visible to passersby, so they could avoid them out of purity concerns.<sup>121</sup>

Other graves of this type have been found at Ein el-Ghuweir and in

<sup>116</sup> See Joseph Patrich, “Graves and Burial Practices in Talmudic Sources,” in *Graves and Burial Practices in Israel in the Ancient Period* (ed. I. Singer; Jerusalem: Yad Izhak Ben-Zvi, 1994), 191–92. In Rome, too, the poor were buried in simple holes dug into the ground; see Davies, *Death, Burial, and Rebirth in the Religions of Antiquity*, 148. The corpses of paupers and criminals were disposed of in mass graves; see John Bodel, “Graveyards and Groves: A Study of the *Lex Lucretina*,” *American Journal of Ancient History* 11 (1994): 38.

<sup>117</sup> See Magness, *Archaeology of Qumran*, 168–75, with bibliography on 186–87; Patrich, “Graves and Burial Practices in Talmudic Sources,” 192.

<sup>118</sup> This despite the fact that the wealthier (including high priestly) residents of Jericho to the north and those at Ein Gedi to the south interred their dead in rock-cut tombs (for Jericho, see Hachlili and Killebrew, “Jewish Funerary Customs during the Second Temple Period”; for Ein Gedi, see Hadas, *Nine Tombs of the Second Temple Period at ‘En Gedi*).

<sup>119</sup> Magness, *Archaeology of Qumran*, 206.

<sup>120</sup> Roland de Vaux, *Archaeology and the Dead Sea Scrolls* (London: Oxford University Press, 1973), 46.

<sup>121</sup> Unknowingly walking over a trench grave was common enough to occur in a saying attributed to Jesus: “Woe to you [Pharisees] for you [are like] indistinct tombs (Greek *mnēmeia*), and people walking on top are unaware” (Luke/Q 11:44; see McCane, *Roll Back the Stone*, 68). This saying likely refers to trench graves, because they were less visible than rock-cut tombs, which were marked by pyramidal structures or other monumental markers. As McCane notes, unknowingly walking over a grave would have been of concern to Jews who observed purity laws (*ibid.*, 70).

Jerusalem, where they have been identified as Essene burials.<sup>122</sup> Although it is possible that some or all of those buried in these cemeteries were Essenes, there is no archaeological evidence to support this assumption. The graves in Jerusalem and at Ein el-Ghuweir are not associated with identifiable remains of Essene settlements, and they contain proportionate numbers of men, women, and children.<sup>123</sup> In addition, the graves are not marked by heaps of stones or by headstones at both ends.<sup>124</sup> In fact, the presence of thousands of graves of this type in the first- and second-century C.E. Nabatean cemetery at Khirbet Qazone demonstrates that they are not associated only with Essenes.<sup>125</sup> Some of the headstones at Khirbet Qazone are engraved with symbols of Nabatean deities.<sup>126</sup>

When the Gospels tell us that Joseph of Arimathea offered Jesus a spot in his tomb, it is because Jesus' family did not own a rock-cut tomb and there was no time to prepare a grave—that is, there was no time to *dig* a grave, *not* hew a rock-cut tomb (!)—before the Sabbath.<sup>127</sup> It is not surprising that Joseph, who is described as a wealthy Jew and perhaps even a member of the Sanhedrin,

<sup>122</sup> See Pesach Bar-Adon, "Another Settlement of the Judean Desert Sect at 'En el-Ghuweir on the Shores of the Dead Sea," *BASOR* 227 (1977): 12–17; Patrich, "Graves and Burial Practices in Talmudic Sources," 192 n. 10; Boaz Zissu, "'Qumran Type' Graves in Jerusalem: Archaeological Evidence of an Essene Community?" *DSD* 5 (1998): 158–71; idem, "Odd Tomb Out: Has Jerusalem's Essene Cemetery Been Found?" *BAR* 25 (1999): 50–55, 62. For another cemetery of this type in the Judean desert, see Hanan Eshel and Zvi Greenhut, "Hiam el-Sagha: A Cemetery of the Qumran Type, Judaeen Desert," *RB* 100 (1993): 252–59. Bar-Adon mentions large headstones at the southern end of each grave at Ein el-Ghuweir, but does not describe the heaps of stones characteristic of Qumran ("Another Settlement of the Judean Desert Sect," 12). He also notes that at Qumran, large stones mark both ends (north and south) of each grave.

<sup>123</sup> See Magness, *Archaeology of Qumran*, 220–23; Patrich, "Graves and Burial Practices in Talmudic Sources," 192 n. 10.

<sup>124</sup> Zissu, "'Qumran Type' Graves in Jerusalem," 160; idem, "Odd Tomb Out," 52.

<sup>125</sup> See Hershel Shanks, "Who Lies Here? Jordan Tombs Match Those at Qumran," *BAR* 25 (1999): 48–53, 76; Konstantinos D. Politis, "The Nabataean Cemetery at Khirbet Qazone," *Near Eastern Archaeology* 62 (1999): 128.

<sup>126</sup> Shanks, "Who Lies Here?" 51.

<sup>127</sup> As we have seen, the Jewish concern that the deceased be buried on the same day is scripturally based (Deut 21:22; *m. Sanh.* 6:5; for a discussion, see Davies, *Death, Burial, and Rebirth in the Religions of Antiquity*, 102). This explains the haste to bury Jesus, since the onset of the Sabbath would have meant delaying the burial for over twenty-four hours. The Mishnah provides guidelines for quick burials when death occurs during a festival: "They do not hew out a tomb niche or tombs on the intermediate days of a festival. But they refashion tomb niches on the intermediate days of a festival. They dig a grave on the intermediate days of a festival, and make a coffin, and while the corpse is in the same courtyard. R. Judah prohibits, unless there were boards [already sawn and made ready in advance]" (*m. Mo'ed Qat.* 1:6). The fact that this halakah refers to rock-cut tombs with loculi suggests it originated in the late Second Temple period. Also note that this passage contains an explicit reference to graves dug into the ground.

had a rock-cut family tomb.<sup>128</sup> The Gospel accounts therefore describe Joseph placing Jesus' body in one of the loculi in his family's tomb. The "new" tomb mentioned by Matthew apparently refers to a previously unused loculus. The Gospel accounts include an accurate description of Jesus' body being wrapped in a linen shroud.<sup>129</sup> When Joseph departed, he sealed the entrance to the tomb by blocking the doorway with a rolling stone.<sup>130</sup>

This understanding of the Gospel accounts removes at least some of the grounds for arguments that Joseph of Arimathea was *not* a follower of Jesus, or that he was a completely fictional character (although, of course, it does not prove that Joseph existed or that this episode occurred).<sup>131</sup> In addition, the tomb must have belonged to Joseph's family, because by definition rock-cut tombs in Jerusalem were family tombs.<sup>132</sup> There is no evidence that the Sanhedrin or the Roman authorities paid for and maintained rock-cut tombs for executed criminals from impoverished families.<sup>133</sup> Instead, these unfortunates would have been buried in individual trench graves. This sort of tradition is preserved in the NT reference to the Potter's Field (Matt 27:7–8).<sup>134</sup> Nor is it necessary to assume that the Gospel accounts of Joseph of Arimathea offering Jesus a place in his family tomb are legendary or apologetic.<sup>135</sup> Unlike Crossan, who "cannot find any detailed historical information about the crucifixion of Jesus,"<sup>136</sup> I believe that the Gospel accounts of Jesus' burial are largely consistent with the archaeological evidence.<sup>137</sup> In other words, although archaeology

<sup>128</sup> Mark 15:43 describes Joseph as "a highly respected member of the council," apparently the Sanhedrin; see Brown, *Death of the Messiah*, 2:1213–14, 1223.

<sup>129</sup> For discussions, see Brown, *Death of the Messiah*, 2:1244–46, 1252.

<sup>130</sup> For a discussion of the type of rolling stone that sealed the tomb in which Jesus' body was placed, see Amos Kloner, "Did a Rolling Stone Close Jesus' Tomb?" *BAR* 25 (1999): 22–29, 76; also see Brown, *Death of the Messiah*, 2:1247–48.

<sup>131</sup> For the suggestion that Joseph of Arimathea was not a follower of Jesus, see Brown, *Death of the Messiah*, 2:1216–18, 1223–24, 1246; for the claim that he was a completely fictional character, see Crossan, *Who Killed Jesus*, 172–73, 176.

<sup>132</sup> Contrary to Brown, *Death of the Messiah*, 2:1249–50.

<sup>133</sup> Contrary to *ibid.*, 1249: "A distinguished member of the Sanhedrin, Joseph may have had access to tombs that served for those whom the Sanhedrin judged against. Into one of these tombs nearby the cross, then, the Marcan Joseph, acting quite consistently as a pious law-observant Jew, could have placed the corpse of Jesus." Two erroneous assumptions underlie this statement: (1) Jesus was condemned and executed by the Sanhedrin for violating Jewish law, not by the Roman authorities for crimes against Rome (as indicated by the reference to "tombs that served for those whom the Sanhedrin judged against"); (2) rock-cut tombs were maintained by the governing authorities.

<sup>134</sup> See Ritmeyer and Ritmeyer, "Potter's Field or High Priest's Tomb?"

<sup>135</sup> Brown, *Death of the Messiah*, 2:1272; Evans, *Jesus and the Ossuaries*, 103; McCane, *Roll Back the Stone*, 103–4.

<sup>136</sup> Crossan, *Who Killed Jesus*, 159; also see *idem*, *Historical Jesus*, 393.

<sup>137</sup> As noted also by Evans, *Jesus and the Ossuaries*, 15: "what the Gospels depict is consistent

does not prove that there was a follower of Jesus named Joseph of Arimathea or that Pontius Pilate granted his request for Jesus' body, the Gospel accounts describing Jesus' removal from the cross and burial accord well with archaeological evidence and with Jewish law. The source(s) of these accounts were familiar with how wealthy Jews living in Jerusalem during the time of Jesus disposed of their dead.

## V. The "James Ossuary"

After the death of Jesus, his brother James became the leader of Jerusalem's early Christian community.<sup>138</sup> Although marginalized in later western Christian tradition, James is widely regarded as a righteous and observant Jew. His pious and ascetic lifestyle earned him the nickname "the Just."<sup>139</sup> Even if the Letter of James was not composed by James (which is a matter of disagreement), its attribution to James suggests that he was known for his opposition to the accumulation of wealth and the fate of the wealthy, as illustrated by the following passages:<sup>140</sup>

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with what is known from archaeology and from literary and epigraphical sources." Unlike Brown (*Death of the Messiah*, 2:1271), I find these accounts to be accurate, not "laconic."

<sup>138</sup> For the sake of convenience I use the term "early Christian community" in this paper to describe the Jewish followers of Jesus during the second and third quarters of the first century C.E. in Jerusalem. For discussions of James's role in this community with references, see John Painter, *Just James, The Brother of Jesus in History and Tradition* (Minneapolis: Fortress, 1999), 3–5; Ben Witherington III, "The Story of James, Son of Joseph, Brother of Jesus," in Shanks and Witherington, *Brother of Jesus*, 121.

<sup>139</sup> See Craig A. Evans, "Jesus and James, Martyrs of the Temple," in *James the Just and Christian Origins*, ed. Chilton and Evans, 246–47; Douglas J. Moo, *The Letter of James* (Grand Rapids: Eerdmans, 2000), 16; Painter, *Just James*, 125; Witherington, "Story of James," 112. Hege-sippus (in Eusebius, *Hist. Eccl.* 2.23.4–18) relates that James was "holy from his birth; he drank no wine or intoxicating liquor and ate no animal food; no razor came near his head; he did not smear himself with oil, and he took no baths. He alone was permitted to enter the Holy Place, for his garments were not of wool but of linen. He used to enter the Sanctuary alone, and was often found on his knees beseeching forgiveness for the people, so that his knees grew hard like a camel's." Painter notes that other early (second century) sources preserve the tradition of James's pious and ascetic lifestyle (*Just James*, 125).

<sup>140</sup> As Painter notes, "The vast majority of modern scholars question the authenticity of the letter, although its authorship by James is not without significant defenders" (*Just James*, 239). Witherington believes that James wrote the letter, and he dates it to around 52 C.E. ("Story of James," 144, 146); for a similar opinion, see Pedrito U. Maynard-Reid, *Poverty and Wealth in James* (Maryknoll, NY: Orbis Books, 1987), 7–8. For discussions of the arguments for and against James's authorship, see David Hutchinson Edgar, *Has God Not Chosen the Poor? The Social Setting of the Epistle of James* (Sheffield: Sheffield Academic Press, 2001), 11, 19–22, 223 (who

A brother of low position ought to be proud of his eminence, but one who is rich ought to rejoice at being reduced in circumstances, for the rich will disappear like the wild flowers. For the sun comes up with its scorching heat and dries up the grass, and the flowers wither, and all their beauty is gone. That is the way rich men will fade and die in the midst of their pursuits. (1:9–11)

Has not God chosen the world's poor to be rich in faith, and to possess the kingdom that he promised to those who love him? But you humiliate the poor. Are not the rich your oppressors? (2:5–6)

Come now, you rich people! Weep aloud and howl over the miseries that are going to overtake you! Your wealth has rotted, your clothes are moth-eaten, your gold and silver are rusted, and their rust will testify against you and eat into your very flesh, for you have stored up fire for the last days. Why, the wages you have withheld from the laborers who have reaped your harvests cry aloud, and the cries of the harvesters have reached the ears of the Lord of Hosts. You have lived luxuriously and voluptuously here on earth. (5:1–5)

John Painter observes, “One of the aspects of James that offers some support for the view that the epistle has its context in Judaea and Galilee before the Jewish war is the focus on the exploitation of the poor by the rich.”<sup>141</sup> The negative views of wealth expressed in the Letter of James are consistent with the nature of the early Christian community in Jerusalem, which lived a modest, communal lifestyle although some members came from wealthy families.<sup>142</sup> In this regard the early Christian community in Jerusalem resembled the Qumran community.<sup>143</sup> In 62 or 63, during a hiatus in the office of procurator, the Jew-

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believes it is likely a pseudepigraphical composition); Peter H. Davids, “Palestinian Traditions in the Epistle of James,” in *James the Just and Christian Origins*, ed. Chilton and Evans, 33–57 (who notes on p. 34 that “the most one can demonstrate with a high level of probability is that the material in James appears to come from the environment in which James lived and functioned and thus *could well* stem from James”); Moo, *Letter of James*, 9–22 (who favors authorship by James); Painter, *Just James*, 234–48 (who believes that the letter was written by a Greek-speaking Diaspora Jew and that it was “intentionally attributed” to James). Even if the letter was not written by James, most scholars seem to agree that it accurately reflects his views on wealth; see e.g., Painter, *Just James*, 13: “Apart from the Epistle of James, none of the New Testament texts is written from the point of view of James.” According to Witherington, James’s wisdom is intended for the poor and oppressed versus the rich (“Story of James,” 153).

<sup>141</sup> Painter, *Just James*, 249. For the theme of wealth and poverty in the Letter of James and the modest lifestyle of the early Christian community in Jerusalem, see Maynard-Reid, *Poverty and Wealth in James*; Edgar, *Has God Not Chosen the Poor*, 133; Moo, *Letter of James*, 35–36.

<sup>142</sup> See, e.g., Painter, *Just James*, 249: “The poverty of the early Jerusalem church is well attested by Paul and the author of Acts. . . . In Jerusalem the believers experimented with an early form of ‘communism,’ that is, of giving up the private ownership of land and resources to provide resources for all.”

<sup>143</sup> Witherington explicitly compares the early Christian community in Jerusalem with the

ish high priest Ananus took advantage of the opportunity to condemn James and had him executed by stoning. James's opposition to the wealthy, who of course included the high priests, may explain why Ananus had him put to death.<sup>144</sup> Josephus provides a contemporary account of this episode: "so he [Ananus the high priest] assembled the sanhedrin of the judges, and brought before them the brother of Jesus, who was called Christ, whose name was James, and some others [or some of his companions;] and when he had formed an accusation against them as breakers of the law, he delivered them to be stoned" (*Ant.* 20.9.1).<sup>145</sup>

According to the second-century C.E. church historian Hegesippus (cited in Eusebius, *Hist. Eccl.* 2.23.4–18), James was buried just below the Temple Mount (presumably in the area of the Kidron Valley or Mount of Olives). Hege-sippus mentions that in his time the stele marking the grave could still be seen:

So they went up and threw down the Just one. Then they said to each other "Let us stone James the Just," and began to stone him, as in spite of his fall he was still alive. . . . Then one of them, a fuller, took the club which he used to beat the clothes, and brought it down on the head of the Just one. Such was his martyrdom. He was buried on the spot, by the Sanctuary, and his stone (*stēlē*) is still there by the Sanctuary. (in Eusebius, *Hist. Eccl.* 2.23.15–18)

Ben Witherington argues that the "James ossuary" should be understood as the stele described by Hegesippus.<sup>146</sup> However, we have no contemporary examples of the use of the word *stēlē* to describe an ossuary. Ossuaries are referred to in ancient inscriptions and literary sources by the Greek words *ostophagos* and *glōssokomon*, and in Hebrew and Aramaic as *gēlūsqēmā*, *ʾārôn*, or *ḥalat*.<sup>147</sup> The Greek word *stēlē* (Hebrew *maṣṣēbâ*) denotes a stone such as a

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Essenes ("Story of James," 115). For the suggestion that the Essenes' negative attitude toward the accumulation of wealth and glorification of poverty influenced the Jesus movement, see Magen Broshi, "Matrimony and Poverty: Jesus and the Essenes," *RevQ* 19 (2000): 632–34; idem, "What Jesus Learned from the Essenes," *BAR* 30 (2004): 32–37, 64; Robert Eisenman, *James the Brother of Jesus: The Key to Unlocking the Secrets of Early Christianity and the Dead Sea Scrolls* (New York: Penguin, 1997), 4.

<sup>144</sup> See Painter, *Just James*, 251, 264. Bauckham suggests that James was executed for blasphemy or for leading astray the town ("For What Offence Was James Put to Death?" 229).

<sup>145</sup> Unlike in the case of Josephus's more controversial reference to Jesus (*Ant.* 18.3.3), most scholars do not believe this passage was added or substantially altered by later Christian copyists; see Bauckham, "For What Offence Was James Put to Death?" 198; Witherington, "Story of James," 168.

<sup>146</sup> *Ibid.*, 187, 188. Witherington incorrectly (and misleadingly) translates the Greek word *stēlē* here as "inscribed stone" (my emphasis). Painter renders it more accurately as "headstone" (*Just James*, 123).

<sup>147</sup> For discussions of these terms, see Rahmani, *Catalogue of Jewish Ossuaries*, 3; Evans, *Jesus and the Ossuaries*, 11. For an ossuary inscribed twice with the Greek word *ostophagos*, see Avigad, "Jewish Rock-Cut Tombs in Jerusalem," 141. For an ossuary referred to in Palymrene as

cippus or headstone. Stelae were used to mark individual trench graves dug into the ground, whereas monumental columnar, pyramidal, or conical *nēphāšōt* were erected above underground rock-cut tombs.

Jesus was laid in a rock-cut tomb because he was removed from the cross on the eve of the Sabbath, when there was no time to dig a trench grave for him, and because a wealthy follower offered a loculus in his own family tomb. However, none of our sources indicates that James was placed in a rock-cut tomb. To the contrary, all available evidence suggests the opposite. As we have seen, the family of Jesus and James presumably could not afford a rock-cut tomb.<sup>148</sup> Even if James's family owned a rock-cut tomb, the fact that James was executed by stoning for violating Jewish law means that his remains could not have been placed in it (*m. Sanh.* 6:5).<sup>149</sup> And as we have seen, there is no evidence that the Sanhedrin paid for and maintained rock-cut tombs for executed criminals. Instead, these unfortunates must have been buried in trench graves, in the manner of the poorer classes. Unlike Jesus, James did not die on the eve of a Sabbath or holiday, which means there would have been time to dig a trench grave for him. And finally, James's opposition to the accumulation of wealth and the wealthy makes it hard to believe that he would have been buried in the kind of rock-cut tomb that was a hallmark of the elite lifestyle. We have seen that James's conflict with the Jerusalem elite might even have led to his execution: "James's conflict with Ananus was a result of his opposition to the exploitation of the poor by the rich aristocratic ruling class and in particular the exploitation of the poor rural priesthood by the aristocratic urban chief priests."<sup>150</sup>

Some scholars have suggested that the early Christian community of Jerusalem chose to "honor" James by preparing a rock-cut tomb for him or by offering him a spot in one of their family tombs.<sup>151</sup> Although I cannot exclude

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*kauka* ("amphora" in the sense of "urn"), see Frey, *Corpus Inscriptionum Iudaicarum*, 2:250 no. 1222; Rahmani, *Catalogue of Jewish Ossuaries*, 3. For ossuaries inscribed with the word "tomb" (probably referring to the ossuary), see Rahmani, *Catalogue of Jewish Ossuaries*, 109 no. 125 (*kibra*); 198 no. 561 (*topou*).

<sup>148</sup> According to Witherington, Joseph would have passed the family trade of carpentry on to his sons: "While carpenters did not rank at the high end of the social structure of society, neither were they at the low end. . . . even a woodworker who simply built furniture might expect to make a living that could support the family" ("Story of Jesus," 101). Also see Crossan, *Historical Jesus*, 29.

<sup>149</sup> Assuming that the prohibition described in the Mishnah was in effect in the second half of the first century C.E.

<sup>150</sup> Painter, *Just James*, 140.

<sup>151</sup> See, e.g., Witherington, "Story of James," 171: "The Jewish Christians who buried James evidently wanted to honor him in death, and they apparently expected some would come and visit the burial spot and see the inscription written on the side of the box." If the inscription on the "James ossuary" were authentic and referred to James the Just, we would expect his place of origin (Nazareth or Galilee) to be indicated, as on other ossuaries containing the remains of émigrés who settled or died in Jerusalem. As Rahmani pointed out, "In Jerusalem's tombs, the deceased's place



this possibility, I believe it is unlikely for several reasons. We have no indication that the members of the early Christian community of Jerusalem abandoned the principle that rock-cut tombs were used by families. In Palestine, the custom of community burial in Jewish (or Christian) catacombs is not attested before the second to third centuries (e.g., at Beth Shearim).<sup>152</sup> There is no reason to assume that James was placed in someone else's tomb, since we have no testimony that this happened (unlike the case of Jesus). In addition, I find it hard to believe that the early Christian community of Jerusalem, which lived an impoverished and communal lifestyle, would have honored a man who supposedly believed that "riches are a mark of the ungodly" by burying him in an elite display tomb.<sup>153</sup> Even if we assume that the early Christians of Jerusalem buried their members as a community instead of as individuals with their families,<sup>154</sup> we should probably envisage a practice analogous to the Qumran burials. Hegesippus's testimony apparently preserves an accurate tradition that James was buried in a trench grave dug into the ground, not in a rock-cut tomb. A stele (headstone) set above a grave identified as James's was still visible in the second century C.E.<sup>155</sup> As Painter has noted, Hegesippus's relatively early date (within a century of James's death) and the fact that he was apparently from Palestine (as Eusebius certainly was) mean that his statement about the stele is probably reliable.<sup>156</sup> The suggestion made by some scholars that all or part of the inscription on the "James ossuary" is an ancient forgery—added by a pious Christian in the fourth to fifth centuries—is anachronistic, since the custom of

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of origin was noted [on ossuaries] when someone from outside Jerusalem and its environs was interred in a local tomb" (*Catalogue of Jewish Ossuaries*, 17). For example, one ossuary from Nicanor's tomb is inscribed: "[these] bones of [the family] of Nicanor of Alexandria who made the gates. Nicanor, the Alexandrian" (see Frey, *Corpus Inscriptionum Iudaicarum*, 2:261–62 no. 1256). For other examples, see Rahmani, *Catalogue of Jewish Ossuaries*, 17; Frey, *Corpus Inscriptionum Iudaicarum*, 2:273 no. 1283, which reads "Judah, son of Judah, of Bethel"; 273 no. 1284, which reads "Maria, wife of Alexander, of Capua"; 276 no. 1285, which reads "Joseph the Galilean"; 314–15, nos. 1372–74, on which "of Scythopolis" is added after the names of the deceased.

<sup>152</sup> Although we have evidence for a community cemetery with individual burials (but not a catacomb) dating to this period at Qumran; see Magness, *Archaeology of Qumran*, 168–75.

<sup>153</sup> See Painter, *Just James*, 52.

<sup>154</sup> As suggested by Witherington, "Story of James," 105, 170 (although on p. 170 he notes that "James was not likely buried in a graveyard specifically for Christians. He was buried with his fellow Jews").

<sup>155</sup> Even if the stele that Hegesippus mentions did not mark the authentic location of James's grave, his testimony indicates that Jerusalem's early Christian community preserved the tradition of the manner in which James had been buried. Jerome's testimony suggests that by the fourth century the stele was no longer visible; see Painter, *Just James*, 223; Eisenman, *James the Brother of Jesus*, 454–55.

<sup>156</sup> Painter, *Just James*, 129. Also see Bauckham ("For What Offence Was James Put to Death?" 200, 206), who concludes that Hegesippus's testimony indicates that like Josephus, the Christian tradition about the stoning of James "had some access to historical fact" (p. 206).

ossilegium had disappeared from Jerusalem long before then.<sup>157</sup> Contemporary Christians would not have been familiar with the custom of ossilegium. Those who encountered ossuaries in earlier tombs would have had no reason to associate these objects with the first century C.E. or with James.<sup>158</sup>

The evidence that James was buried in a trench grave dug into the ground and not in a rock-cut tomb renders the controversy over the “James ossuary” moot. Even if the inscription is authentic, it would not refer to James the Just, the brother of Jesus.<sup>159</sup> By definition, ossuaries and the custom of ossilegium are associated with rock-cut tombs. The bones of individuals interred in trench graves were not redeposited in ossuaries. This was unnecessary because ossuaries held the bones of earlier interments collected in rock-cut family tombs.<sup>160</sup> It would have been a waste of precious time and money (which the poorer classes lacked) to dig up an old trench grave and place the bones in an ossuary.<sup>161</sup> Instead, new trench graves were dug as the need arose.

To conclude, the controversy surrounding the “James ossuary” reflects a fundamental and widespread misconception about the function and social context of ossilegium in late Second Temple period Judaism. There should be no controversy. Even if the inscription is authentic and is not a modern forgery, this ossuary did not contain the bones of James the Just, the brother of Jesus.

<sup>157</sup> See Paul V. M. Flesher, “The Story Thus Far . . . : A Review Essay of *The Brother of Jesus: The Dramatic Story & Meaning of the First Archaeological Link to Jesus & His Family*, Hershel Shanks and Ben Witherington III, HarperSanFrancisco, New York, 2003,” *Polish Journal of Biblical Research* 2.2(4) (2003): 64.

<sup>158</sup> By the fourth and fifth centuries, the figure of James had been marginalized in the Western church; see Painter, *Just James*, 178, 220, 271, 274. In contrast, in Gnostic Christianity James enjoyed a prominent position (*ibid.*, 167). For the Nag Hammadi texts, see James M. Robinson, ed., *The Nag Hammadi Library, Revised Edition* (San Francisco: Harper & Row, 1988). For the Byzantine Christian reuse of earlier tombs in Jerusalem, see Gideon Avni, “Christian Secondary Use of Jewish Burial Caves in Jerusalem in the Light of New Excavations at the Aeldama Tombs,” in *Early Christianity in Context: Monuments and Documents* (ed. F. Manns and E. Alliata; Jerusalem: Studium Biblicum Franciscanum, 1993), 265–76.

<sup>159</sup> In other words, if the inscription is authentic (ancient), it must refer to one of the other twenty or so first-century C.E. Jews in Jerusalem who could have had this combination of names; see Lemaire, “Burial Box of James the Brother of Jesus,” 33.

<sup>160</sup> Ossuaries were frequently placed inside loculi, sometimes alongside primary burials. For examples, see Vitto, “Burial Caves from the Second Temple Period in Jerusalem,” 68–71, figs. 3–11. For a rock-cut tomb with a burial chamber containing loculi and a second room that was used as a repository for ossuaries, see *ibid.*, 114.

<sup>161</sup> A possible exception to this scenario is suggested by *m. Sanh.* 6:5–6:6, which prescribes special burial grounds for those executed for transgressing Jewish law and allows their bones to be collected and reburied in family tombs after the flesh had decayed. Since we have no evidence that the Sanhedrin paid for and maintained rock-cut tombs for executed felons, the deceased presumably were inhumed in individual graves dug into the ground. Therefore, this passage probably refers to cases where the deceased belonged to wealthy families with rock-cut tombs who dug up the remains after the flesh had decayed.