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HEROD I, FLAVIUS JOSEPHUS, AND ROMAN BATHING:
HISTORY AND ARCHAEOLOGY IN DIALOG

A Thesis in
History
by
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ABSTRACT

In this thesis, I examine the historical and archaeological evidence for the baths built in late 1st century B.C.E by King Herod I of Judaea (commonly called "the Great"). In the modern period, many and diverse explanations of Herod’s actions have been put forward, but previous approaches have often been hamstrung by inadequate and disproportionate use of either form of evidence. My analysis incorporates both forms while still keeping important criticisms of both in mind. Both forms of evidence, archaeological and historical, have biases, and it is important to consider their nuances and limitations as well as the information they offer. In the first chapter, I describe the most important previous approaches to the person of Herod and evaluate both the theoretical paradigms as well as the methodologies which governed them. I show how the evidence from Herod’s baths has seldom been meaningfully utilized to evaluate the king. In the second chapter, I provide a synthesis of the archaeological evidence for Herod’s bathing installations and show that his predilection for imported Roman luxuries was balanced against his devotion to Jewish strictures of ritual purity. In the third chapter, I examine the evidence which Flavius Josephus preserves for the life of Herod and show that, though our best historical source, the writer was unfamiliar with Herod’s personal bathing habits. In the fourth and final chapter, I locate the discussion of Herod’s bathing practices within the larger debate over Romanization in the Empire, showing that Herod’s adoption of Roman baths fits within this model as an expression of both local and empire-wide power dynamics and a display of conspicuous consumption. I then provide my own innovative synthesis and theory that, whatever other intended functions they had, Herod’s baths were in general built with a utilitarian concern in mind: to accommodate his personal mercenaries and bodyguard.
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CHAPTER 1
HISTORICAL AND ARCHEALOGICAL NARRATIVES OF HEROD

Introduction

King Herod I of Judea (commonly called “the Great”), unlike his patron, the Roman princeps Imperator Caesar Augustus, did not manage to ensure that his own writings or his physical portrait survived for modern posterity. Yet, though we do not possess a bust of Herod or the Res Gestae Regis Herodis, Herod’s life and reign are nevertheless among the best-documented of any individual in antiquity. This is first because of the abundance of literary material on Herod. Admittedly, the survival of literary evidence has less to do with Herod himself than with the role later played by one of his subjects, Jesus Christ, but whatever its contemporary raison d’être, we today possess a wealth of historical material about the king. Two biographies of Herod were written by Flavius Josephus and occur in the Jewish War (BJ) and Antiquities of the Jews (AJ) which are our fullest ancient sources not only for Herod but also for Second Temple Judaism. Yet these are not the only media which today preserve information about Herod. The second medium is material culture. Beginning with the dawn of scientific archaeology, but especially since the latter decades of the 20th century, a growing corpus of archaeological evidence has become available for the study of Herod. The material evidence has, unavoidably, been interpreted in light of the written material, but what archaeology offers is also useful for both augmenting and critiquing the information contained in Josephus. This study focuses on one aspect of Herod’s material footprint which archaeology has demonstrated well but which is only dimly reflected in
the historical material: Herodian baths.¹ Josephus is one of the most prolific authors of the ancient world, but in terms of Herodian baths, archaeology reveals also where Josephus did not say enough.

Josephus certainly portrays Herod as an avid builder, but modern archaeologists are the ones who have revealed the details of Herod’s bathing facilities, both his bathhouses and swimming pools, installations which are made salient by their sheer multiplicity in the arid environment of Palestine. Archaeological excavations have revealed two further striking facets of Herod’s bathing facilities. The first is the explicitly Roman form of many of these installations, marked in their Roman-style architecture, decoration, and heating technology.² A second feature is even more surprising: the ubiquitous presence of stepped-immersion pools within Herod’s palaces, pools which share the form of miqva’ot, Jewish ritual baths.³ Herod was thus demonstrably connected to both cultural contexts - the Roman and the Jewish, that of his overlords and that of his subjects.

The expense which Herod incurred in importing the building materials, constructing, and supplying his many Roman-style bathing facilities indicates that they held a particular importance to the king. Their incorporation of miqva’ot is evidence that

¹ See Appendix B for a discussion of the problematic term “Herodian.” The term will be used with the chronological sense, “belonging to the Herodian period, or the period of the Herodian dynasty’s stay in power (ca. 40 BCE – 70 CE).


³ There is no absolute English orthography of this Hebrew term; singular mikva(h), miqva(h), mikve(h), miqwe(h), and mikwe(h), and the plural forms mikvaot, miqvaot, miqwaot, and mikwaot, are all seen in scholarly literature, but the accepted spelling seems to be stabilizing as miqveh and plural miqva’ot, and this spelling will be used here. See the Appendix A for a discussion of the evidence for miqva’ot and the issue of the archaeological identification of these ritual baths.
Herod paid architectural attention also to Jewish rules of ritual purity. Still, the mute stones do not speak. As none of Herod’s own writings survive, his personal motivations for building his bathing facilities, and in the style and locations in which he did, are open to interpretation. Josephus, the king’s earliest (surviving) biographer, provided his own rationalization for Herod’s actions. In the modern period, many and diverse explanations of Herod’s actions have been put forward, but only recently have scholars had recourse to the archaeological material. In the present chapter, I describe the important previous approaches to both types of evidence, written and archaeological, and evaluate both the theoretical paradigms as well as the methodologies which governed them. It would be impractical to attempt a précis, much less a review, of every work. Instead of an exhaustive treatment, I discuss those works which are the most influential and frequently cited, in order to outline the development of the field. I show, too, how Herod’s baths have figured in the discussion.

In the second chapter, I provide a synthesis of the archaeological evidence for Herod’s bathing installations. In the third chapter, I examine the evidence which Josephus preserves. Both forms of evidence, archaeological and historical, have biases, and it is important to consider their nuances and limitations as well as the information they offer. In the fourth and final chapter, I locate the discussion of Herod’s bathing practices within the larger debate over Romanization in the Empire. I then provide my own innovative synthesis and theory that, whatever other intended functions they had, Herod’s baths were in general built with a utilitarian concern in mind: to accommodate his personal mercenaries and bodyguard.

Ancient and medieval characterizations of Herod

Herod is not only one of the best documented individuals in antiquity, but also one of the most vilified, beginning with the earliest extant sources. His portrait, and that of his dynasty, is famously and unfavorably painted in the Gospels, but Herod is also portrayed as a cruel tyrant in the rabbinic sources. Josephus was more ambivalent towards Herod than his later countrymen but he balances positive characterizations of Herod as an energetic and intelligent king against representations of Herod as a sociopathic tyrant. The BJ as a whole is much more sympathetic than the AJ is toward Herod, but even in the former work Josephus did not shy away from unsavory details about the Herod’s life, such as the members of his own family whom the king executed. Herod does not get off more lightly in other ancient writing. Augustus’ well-known quip, recorded by Macrobius (4th c. CE), “melius est Herodis porcum esse quam filium,” (Sat. 2.4.11) is redolent of the larger corpus. Such characterizations, from antiquity onward, became a stereotype, and any positive aspects of Herod’s rule were erased, so that the name Herod became synonymous with Oriental despotism and intemperate passion. In medieval Christian drama, Herod became a stock character, the proverbial blustering tyrant. Shakespeare’s famous mention of Herod epitomizes such rhetoric. His Danish

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6 “It is better to be Herod’s pig than his son.” Augustus’ comment was probably made in Greek, based on the assonant pun between ὕρ, “pig,” and ςἱόρ, “son”; see discussion in Menahem Stern, Greek and Latin Authors on Jews and Judaism, Volume 2: From Tacitus to Simplicius (Jerusalem: Israel Acad. of Sciences and Humanities, 1980), pp. 665-6. This was probably an actual quote by Augustus, as the context of Herod’s ironic piety, does not fit well fit the context which Macrobius gives it, the Massacre of the Innocents, contra Nikos Kokkinos, Herodian Dynasty, pp. 350-1. Here the princeps manages to strike Herod with both the front and back of the hand, by both criticizing Herod’s execution of his sons while also belittling Herod’s religious scruples. See also David Braund, “Massinissa’s monkeys,” in Actes du 1er Congrès. International sur Le Grande Bretagne et le Maghreb: Etat de Recherche et contacts culturels (Zaghouan, Tunisia: Fondation Temimi pour la recherche scientifique et l'information, 2002), pp. 233-40, for the classical trope behind Augustus’ joke.
prince, admonishing an in-play actor against “chewing the scenery” with histrionics, says the following of a performer who does so: “I would have such a fellow whipped for o’erdoing Termagant; it out-herods Herod: pray you, avoid it.” (Hamlet 3.2).7 Such negative, biased treatment toward Herod obtains in both Jewish and Christian scholarly literature, in treatments of Herod written well into the modern period.

Toward a new dialog: the birth of archaeology

The nascent discipline of archaeology would make its first glimmerings in Palestine only the century after Shakespeare lived; it would attend, even in its infancy, to Herodian sites. The earliest archaeological investigation was of a geographical nature; it was performed by western travelers who published accounts of the contemporary condition of sites known from biblical and classical literature. One of the first in the early modern period to publish such an account, and one of the few Western Europeans of his day to visit the Near East, was Richard Pococke (1704-1765), an Oxford-educated British clergyman who toured Egypt and the Levant in 1738.8 In his A Description of the East, Pococke commented on, among much else, the existing remains of Herodian sites.

Pococke toured Palestine with Josephus in hand and he made repeated use of

7 Italics mine. Shakespeare manages to be both self-referential and to allude to two Oriental stereotypes at the same time. For the obscure “Termagant,” see Mohja Kahf, Western Representations of the Muslim Woman: From Termagant to Odalisque (Austin: University of Texas Press, 1999), though Termagant could also portrayed as a male “Oriental” blowhard. Shakespeare also managed to coin a convenient phrase for modern scholars to use, invariably bereft out of context, in the titles of books and articles.

8 Cf. Literature of Travel and Exploration: An Encyclopedia, s.v. Pococke, Richard. Pococke’s travels in the Levant were a novelty in 18th century. Orientalism aside, it was both dangerous and difficult to travel inland in Palestine until the modern era; highway robbery was rampant, malaria was common, and the Ottoman administration demanded exorbitant tolls and restricted movement. Cf. Frederick Jones Bliss, The Development of Palestine Exploration: Being the Ely Lectures of 1903 (New York: C. Scribner’s Sons, 1906), pps. 133-6. Bliss’s catalog of early explorers, and the hazards they encountered, is still quite useful. Even in the 19th century, travelers such as Burkhardt travelled disguised as Muslims out of necessity (though such often boasted of this afterward, and had their portraits done in Muslim dress). Bliss is not wrong in emphasizing the risks inherent in such exploration: Seetzen was poisoned by the Iman of Yemen; Burckhardt died of malaria in Alexandria.
Josephus to write about Herodian Jerusalem. He also observantly described the site of Casearea Maritima by referencing the text.\(^9\) Pococke also visited the site of Herodium. Though he did not identify it as such, he did correct certain earlier identifications made by Crusaders.\(^10\) Pococke’s method, nonetheless, has much in common with later archaeologists of Herodian material culture: he makes positive identifications of the material remains as Herodian, based on his reading of the text of Josephus.

Archaeological discoveries in the Near East, at Mesopotamia and in Egypt began to accelerate, following Napoleon’s opening of Egypt in 1799. The 19\(^{th}\) century saw the dawn of more systematic exploration in the southern Levant. The German traveler, Ulrich Jasper Seetzen (1767-1811), in his travels between 1805-7, discovered Gerasa (Jerash) and Philadelphia-Amman and correctly identified the Herodian site of Caesarea Philippi, and the Swiss Johann Ludwig Burckhardt discovered Petra in 1809.\(^11\) Burckhardt also came to Caesarea Philippi, and there visited the grotto of Pan on October 13, 1810; his editor quotes Josephus on the point that Herod built an Augusteum at this location.\(^12\) The American Edward Robinson, oft-termed the “father of Biblical Archaeology,” visited the site of Herodium and he also came near enough to Masada to view the site from afar during his travels in 1838, and was the first to identify these correctly.\(^13\) Robinson also identified Tulul Abu el-‘Alayiq on the banks of Wadi

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\(^10\) Ibid, p. 438.


\(^12\) See the note on page 39 of Johann Ludwig Burckhardt, *Travels in Syria and the Holy Land* (London: John Murray, 1822).

Qelt, east of modern Jericho, as the site of Herod’s and earlier Hasmonaean palaces, as the site of the “Jericho of Herod and the New Testament.” Charles Warren, in his rudimentary excavations in Jerusalem from 1867-1870 for the Palestine Exploration Fund (PEF), made deep soundings of the debris surrounding the Temple platform and determined the vertical extent of the structure’s Herodian masonry. Warren also made soundings of the two small tells at Tulul Abu el ‘Alayiq, one to the north and another to the south of the Wadi, in 1868, amongst seven other tells he investigated in the plain of Jericho, but he was not able to associate the site with Herod or to identify Roman Jericho.

Ante-archaeological views of Herod: rehashing an old debate

Archaeology would take much longer to reveal information about Herodian baths. In the period between Edward Robinson’s seminal archaeological investigations and the large-scale investigation of Herod’s palaces which began roughly a century later, literary biographies and treatments about Herod were frequently published. Reviewers of Herod in the 19th century and early 20th century, when the archaeological data were still embryonic, were one and all forced to resort primarily to the information in Josephus. Some of these treatments of Herod re-excavated Josephus’ material in an innovative manner, but most were simply rehashes. Ultimately, it was, and continues to be, easier

14 Robinson and Smith, Biblical Researches, p. 565.
16 Charles Warren, Underground Jerusalem: An Account of Some of the Principal Difficulties Encountered in Its Exploration and the Results Obtained. With a Narrative of an Expedition Through the Jordan Valley and a Visit to the Samaritans (London: R. Bentley and his son, 1876), pp. 192-7; Ehud Netzer, Architecture of Herod, p. 44.
said than done to be impartial toward Herod. This scholarly continent is divided, even today, between those who appreciate Herod’s ends enough that they justify his means, and those who are not willing to look past Herod’s misanthropic actions.

Representing the latter camp, the criticism of Herod was maintained in the later 19th century in Emil Schürer’s multivolume *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi* (Leipzig; 1886-1890). This landmark work was edited, translated anew, and re-annotated by the elite of the British school, Matthew Black, Géza Vermès, Fergus Millar, *et alia*, nearly a century later, appearing in 1973, but the end product was by-design an updating of Schürer’s text rather than a substantial recension. Schürer’s prejudiced characterization of Herod remains. The editors have added archaeological bibliography, but, since Schürer did not himself have access to this evidence, his characterization of Herod is thus one-sided and without benefit of the wealth of information since discovered about the king. Yet, despite his critical analysis of Josephus’ sources and his ability as a historian (pp. 57-8), Schürer’s characterization of Herod is essentially a distillation and harmonization of Josephus’ narratives. Schürer shows no historiographic concern for the ancient author whom he follows (pp. 287-329).

Schürer draws the polarities of Herod’s personality in starker colors than Josephus does. Schürer admits some of what he considers Herod’s better qualities and achievements; he describes Herod’s martial vigor and shrewdness (p. 295), the magnificence of his building campaign (pp. 306-8), and most of all, his successes in foreign policy and his close relationship to Rome (pp. 315-20). This confession of Herod’s virtues and accomplishments is outweighed, however, by those comments which Glen W. Bowersock calls Schürer’s “shrill and ill-judged remarks about the king” in

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his slightly perplexed review of the 1973 edition.\textsuperscript{18} Bowersock list a number of these “ill-judged” tirades, two of which are pertinent for our discussion of Herod’s baths. “To prove himself a man of culture in the eyes of the Greco-Roman world, Herod – who in his innermost heart remained a barbarian – surrounded himself with men of Greek education” (p. 310); and “Herod’s Judaism was, by all accounts, very superficial. His ambition was directed toward promoting education and culture” (p. 311). Just as Schürer does not define how exactly Herod was a barbarian, Bowersock does not elaborate on why exactly these specific quotes are so ill-judged. A third statement by Schürer, one which Bowersock does not cite, is relevant as well:

> How tirelessly and unsparingly Herod promoted culture and luxury in other ways [than by his buildings and gladiatorial games] also may be deduced from Josephus. …He adorned the parks about his palace in Jerusalem at great expense. Walks and water channels traversed the garden; everywhere there were pools, with bronze statuary through which the water streamed [BJ 5.181].\textsuperscript{19}

Here Schürer essentially quotes Josephus to describe Herod’s “promotion” of luxury for the Jewish people, yet he misconstrues the function of Herod’s gardens. The information in the passage itself is at odds with his interpretation. This palace is one that does not survive today, but according to Josephus’ description of it, both the edifice and the gardens of Herod’s palace were enclosed within a wall thirty πῆσεις tall (“cubits”; BJ 5.177), circa 14m. Any water channels enclosed within such a lofty wall would not have been intended for anyone but those within the palace; Herod was thus not promoting such luxury for the people of Jerusalem in general. Still, Schürer’s choosing to emphasize this passage and Herod’s luxurious use of water is prescient: it foreshadows

\textsuperscript{18} Glen. W. Bowersock, “Old and New in the History of Judaea,” \textit{JRS} 65 (1975), p. 182; Bowersock is perplexed that such labor went into re-issuing a work that, even by 1973, “had acquired more and more the aspect of a museum-piece documenting the titanic industry and erudition of late nineteenth-century German scholarship,” (p. 180) rather than a work which took into account all of the new evidence, epigraphic and archaeological, that was available by the 1970s.

\textsuperscript{19} Schürer, \textit{History}, p. 310.
the archaeological evidence.

In the light of the archaeological evidence for Herod’s Roman baths, we can see that he indeed expended a great deal to import a symbol of foreign culture. Promoting it publically is a different matter. Both the written and archaeological evidence indicates that Herod installed his Roman-style baths in private, rather than public, settings in Judaea, and the discovery of his palatial miqva’ot contradicts any uncomplicated statements for Herod’s indifference to Jewish religion. Schürer does list some examples of Herod’s apparent adherence to halakhah (Jewish law, both Levitical and rabbinic), which he takes to show that Herod “was clever enough to respect the Pharisees on many points,” (p. 312). Schürer’s ultimate appraisal of Herod’s religious sincerity is damning:

However, in view of [Herod’s] cultural aspirations, strict observance of Pharisaic principles was not possible, or even intended. What he gave with the one hand, he occasionally withdrew with the other. Having scrupulously satisfied Pharisaic demands in the building of the Temple, he mounted as though in mockery an eagle over the Temple gate [BJ 1.648-50; AJ 17.6.2].

The assumption which undergirds Schürer’s statement is that Greco-Roman culture was fundamentally incompatible with Second Temple Judaism of Palestine. Such a notion is not surprising in view of the literary evidence. The separateness of Israel is idealized in the the Hebrew Bible and the books of Maccabees frame the Judean-Seleucid conflict as a culture-war. It was, in the following century, forcefully rejected by Martin Hengel, who acknowledged cultural conflict but argued that Hellenistic values had already seeped quite deeply into Palestinian Jewish culture by the time of the Maccabean revolt.20 This was not completely novel, as it had earlier been prefigured in the work of

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scholars such as Saul Liberman and Erwin Ramsdell Goodenough. Hengel cogently argued his case, and the historical field of Hellenistic and Early Roman Judea has since been enlarged and enriched by the responses of those who ally themselves with Hengel, and those who believe that Hellenistic culture had a more moderate impact on the underlying Jewish society. The blended, bi-cultural style of Herod’s baths displays the opposite of the stark cultural dichotomy which Schürer describes, and perhaps represents a counter argument, made by Herod himself, to the notion of mutually-exclusive cultures.

The contrary to Schürer’s unflattering appraisal of Herod is presented by John Vickers. Vickers also did not have access to today’s archaeological evidence, but his handling of the historical sources is biased by a predilection for Herod. Vicker’s professed admiration for Herod overwhelms his own critical judgment. In his

21 Saul Liberman, Greek in Jewish Palestine: studies in the life and manners of Jewish Palestine in the II-IV centuries C. E. (New York : Jewish theological seminary of America, 1942); Erwin Ramsdell Goodenough, Jewish Symbols in the Greco-Roman Period, 12 Vols. (Bollingen series, 37; New York: Pantheon Books,1953-68); see Lee L. Levine, Judaism and Hellenism in Antiquity (Seattle : University of Washington Press, 1998), pp. 6-9, for a discussion of these and earlier modern works.


introduction, his disdain for ancient historians (read: Josephus) is also made plain:

The rude chroniclers of ancient times differed in sentiment, as modern historians do; they took more or less partial views of distinguished men, but were less careful to speak of them truthfully. If they entertained a strong dislike for some person, they not only set down against him the adverse facts that they were able to collect, but placed to his discredit calumnious fables in addition. They seldom took the trouble to sift and verify reports which loosely circulated, but accepted readily any story that accorded with their bias as unimpeachable testimony… And in most instances their untruthfulness has now become so clear, and the animus which dictated them so apparent to all who are not blinded by prejudice, that diligent archaeological researches and the recovery of lost contemporary writings to confute them are wholly unnecessary. 25

Vickers’s book is explicitly an attempt to vindicate Herod, and his handling of Josephus’ accounts renders him guilty of his own accusations against the “rude chroniclers.” His modus operandi is to reject any uncomplimentary descriptions of Herod, on the grounds that these are biased, while accepting and amplifying that in Josephus which is flattering toward Herod. He mentions Herod’s buildings only as decoration of the king’s accomplishments and he quotes Josephus’ mentions of Herodian baths only when discussing Herod’s munificence. Vickers devotes a great deal more time to vilifying the individuals who were Herod’s victims. For example, he presents a chapter filled with rhetorical acrobatics intended to absolve Herod of all blame for the death of his beloved wife, the Hasmonean Mariamne, on the grounds that her death was entirely self-provoked. 26 Witness Vickers’ assassination of Mariamne’s character:

Shut up in the palace at Jerusalem, [Mariamne] very much resembled a beautiful caged tigress, frequently manifesting a disagreeable temper without having the opportunity to do much harm; but two more treacherous and mischievous people than her father and mother when at large probably never existed. She certainly hated her husband, and evidently conspired with her mother to get him put to death by Antony. We are inclined to discredit the story which was subsequently told by her domestics that she plotted to poison him; yet, if she had actually taken his life in this way, thousands of her disaffected countrymen would have gone mad with joy. Perhaps it was a belief that she did her utmost by crafty means to

25 Vickers, History of Herod, p. ix-x; emphasis mine.
26 This is despite Herod killing several members of her family, including her own brothers, which Vickers acknowledges.
compass his destruction which induced them to honour her by giving her a
distinguished place among such "Jewish heroines" as Jael, Abigail, and Judith
(p. 280).

Vicker’s picture is harsher than any of Josephus’s characterizations of Mariamne.
Vickers here, nevertheless, tacitly acknowledges that Herod was enormously unpopular
with his own subjects, an implication which disturbs his portrait of Herod as the tolerant
prince. He also dismisses Josephus account, in both narratives, of Herod’s bitter attempt
to murder the prominent *patres familiarum* of Judea at the end of his life [*BJ* 1.659-660;

Besides the circularity of his reasoning and his predisposed approach to the
evidence, Vickers’ anti-Semitic subtext, the ideological engine which drives his
encomium of Herod, is fully on display in his sixth chapter “His reformed religion”
(meaning Herod’s; pp.130-185). Here Vickers portrays Herod as a prefiguration of
classical European Liberalism, who was unsuccessful in achieving his enlightened
policies of cosmopolitanism and religious reform, not on his own account, but due to the
superstition and recalcitrance of his Jewish subjects. Beneath Vickers’ portrayal of the
1st century BCE Jews are the barely disguised complaints and condescension of
European anti-Semitism at the turn of the 20th century:

The Jews were, on the whole, an excessively superstitious and priest-
ridden people —a people obstinately attached to their peculiar customs,
priding themselves in a superior ancestry, and foolishly prejudiced against
the rest of mankind. Had they been truly and pre-eminently religious, they
would have been more just, more humble-minded, more charitable
towards their Gentile neighbours; they would have freely acknowledged
the strong points of other people and admitted their own deficiencies.
They would, in fact, have expressly declared that, while it was their
special calling to diffuse a purer religion among men, the Romans had a
mission to establish law and order upon earth and bind the nations
together in unity, and the Greeks were intellectually endowed to enlighten
and refine more barbarous communities by the instrumentality of science
and art. But so far from understanding their position, as a religiously
enlightened people would have done, and being prepared to labour
harmoniously with others in a great divine scheme for the education of mankind, they did all in their power to oppose and obstruct the beneficial work of those who in some ways of furthering human progress were more highly gifted than themselves (pp. 140-1).

The final statement brings this prejudice home, and makes Vickers' agenda clear. For Vickers, as for many in his era, Greek intellectualism and Roman law were the perfection of their genres, and naturally superior to Jewish forms of the same. It is evident that Vickers gave much more critical thought to his source material than Schürer, though only to sift it for material useful in a veiled polemic against 20th century Jews. Schürer's writing, in comparison, appears the paragon of restraint. Vickers' work was noticed and well-received in its time, but it would still be Schürer's more cautious work which set the standard for Herod scholarship for decades afterward.

The genesis of systematic archaeology in Palestine

Meanwhile, during the initial decades of the twentieth century, archaeologists were learning new information about bathing practice in Hellenistic and Roman Palestine, even as the methodology of the discipline was evolving. R.A. Stewart Macalister, who excavated the site of Gezer (Tell el-Jezer / Abu Shusheh) from 1902-1905 and from 1907-1909 for the PEF, exposed a structure which he termed the “Syrian Bathhouse” (Fig. 1.1) This rectangular structure, in the northeast corner of the site’s acropolis, contained seven rooms, three of which - rooms c, d, and f – contained two Hellenistic-style sitz baths apiece (Fig. 1.2). This was the first bathing installation dating to the Second Temple then uncovered, and it also contained the still-earliest known example of a hypocaust heating system to appear in Palestine, the only known to

pre-date the hypocaust systems found in Herod’s facilities. The layout of the bathhouse at Gezer, however, appears substantially different in comparison to the bathing facilities now attributed to Herod. Macalister dated the larger fortress, the “Maccabaean Castle,” of which the bathhouse is a part, to the reign of Simon Maccabaeus (142 to 135 BCE). It is difficult to speak with certainty about the Gezer baths, or Macallister’s data in general, however, because Macallister’s archaeological methodology was not equal to the demands of such a large and complex site. W. M. Flinders Petrie had already pioneered such work in Palestine by his careful study of archaeological strata at Tell el-Hesi in 1890, and he made extensive use of photography in his recording of the site, as Arthur Evans later also did at Knossos. Macallister’s excavation, in contrast, was characterized by utter lack of stratigraphic control, inadequate recording practices, and his interpretation suffers from his simplistic use of ancient texts to identify features of the site.

In contrast to Macallister’s contemporaneous excavations, the Harvard-sponsored excavations Samaria-Sebaste (1908-10) were a step forward for archaeology in general, in the excavators’ analysis of the stratigraphic sequence and their recording practices. Here the excavators exposed significant Herodian remains, and the first Herodian bath. George Andrew Reisner, an Egyptologist like Petrie, and a professor of Egyptology at Harvard, directed the dig in 1909-10, arriving after a first season in 1908 directed by David Gordon Lyon, then director of the American School in Jerusalem. Reisner was aided by Clarence Stanley Fisher, a University of Pennsylvania trained architect who devoted his career to archaeology. Reisner showed a judicious awareness of what are today known as formative processes: he was the first to recognize the

importance of analyzing non-architectural debris as a key to identifying intrusive material and he understood the effect which later human building and agricultural activity could have on earlier remains. The Harvard team’s documentation of the site was first rate, including the creation of detailed building plans, extensive use of photography, and careful recording of archaeological strata which was groundbreaking for its time. Reisner, in his introduction to the 1924 publication of the site, gives the following explanation for his careful recording strategies:

> When it is remembered that every excavation destroys historical material which has been accumulating for ages, it is clear that no pains in recording the work are excessive. No future excavator can verify or confute the evidence or interpretation. The deposits are gone forever. The only justification that a man can offer for this destruction is a record as unprejudiced and mechanical as the technical means of his day permit. It is the excavator’s duty to put his archaeological colleagues and successors as fully as possible in his own place, and with notes, maps, plans, and photographs to enable them, as far as possible, to reconstruct graphically the progress of his work.

The “Reisner-Fisher method”, as it came to be known, was to have great influence on the methodology of subsequent archaeologists. It set the standard for them to imitate. Still, despite Reisner’s prescient approach to tell archaeology, and his sensible goal of creating “unprejudiced and mechanical” record of the remains, his aim was not completely realized. The Harvard team was focused primarily on recovering Iron Age material which could be related to the Hebrew bible, rather than on studying the Roman material exhaustively.

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32 Despite Reisner’s conceptualization of formation process, too, the Harvard team’s focus was still primarily architectural: their excavations were directed toward uncovering architecture and discerning floor plans. In other words, the excavators allowed the placement of the buildings themselves to shape their digging strategy, and used a grid for recording only, in contrast to the subsequent Wheeler-Kenyon method of tell excavation, developed two decades later, which
While excavating the Roman levels of the tell, Reisner and Fisher uncovered the remains of a large temple complex (Fig. 1.3). This they identified as Herod’s *Augusteum* at Samaria which is briefly described in both of Josephus’ narratives in the context of the king’s refounding of the city (*BJ* 1.403; *AJ* 15.298). A fortified peristyle villa, called the “Atrium House” by the excavators, was associated with the temple complex. This villa included the first Herodian-era bathing facility to be discovered (Fig. 1.4). This facility, included as it was within the villa’s walls, was obviously private; it consisted of several rooms in the better-preserved eastern section of the building. The bath’s style would be characterized as Greco-Jewish today, based on the form of the bathtub in Room 398.  

The form of the bath apparently gave Reisner little food for thought, however; his interpretation never strays to the cultural implications of the room or its import for the study of Herod. His description is quite spare: “On the south side [of Room 398] was a bath-tub, made of a mixture of lime mortar and pebbles. In size and shape it resembled a modern tub.” This bathing facility contained several other associated rooms of uncertain function (367, 366, and 365), though Room 366 contained a geometric mosaic of black and white *tesserae* comprising two parallel rectangular panels, the westernmost of which displayed two concentric squares at center. Such a design would be discovered advocated the now-standard procedure of laying out a pre-arranged grid and excavating via deep, square sections separated by baulks (standing walls), in order to better assess a site’s stratigraphy by strictly controlling horizontal and vertical dimensions. See Davis, *Shifting Sands*, p. 105. The Harvard team, moreover, removed the upper layers wholesale, and discarded material in a manner much less discriminating than is practiced today. Relative chronology was established by the relationship of building-floors to previous and later building phases, in contrast to the Wheeler-Kenyon preference for stratigraphic horizons. Ultimately, Reisner would return to Egyptology instead of continuing in Palestine. As P.R.S. Moorey points out, despite Reisner’s archaeological maxims, published twelve years later, may well not reflect the Harvard team’s actual practice, since Fisher’s own field methodology, at Megiddo in 1925 and even later, remained much less rigorous than the ideal Reisner describes. Cf. Moorey, *A Century of Biblical Archaeology*, pp. 36, 56.  

33 See Stefanie Hoss, *Baths and Bathing: The Culture of Bathing and the Baths and Thermae in Palestine from the Hasmonaeans to the Moslem conquest* (BAR International Series 1346; Oxford: Archaeopress, 2005), Cat. no. 128, p. 171, for the cultural typology.  

later in other Herodian palatial baths (see below). Though the excavators apparently knew their Josephus well enough, it seems that they did not know their Midrash. An associated room in the peristyle villa contained a rain-fed, plastered, stepped pool (Room 368), which today might have been identified as a *miqveh*. Reisner, however, without utilizing rabbinic sources, identified the stepped pool as a cistern (Cistern No. 2).

To the south of the peristyle villa the Harvard team also excavated an associated building containing four additional plastered pools, three of which were likely to have been stepped *miqva’ot*, but unfortunately these, along with the remains of the Peristyle villa, no longer exist and their exact form is also not clear from Reisner’s publication. To the southeast of this structure was a building which Reisner labeled the “Apsidal Building.” This building was in a state of poor preservation at the time of excavation, but the structure appears to have contained a central hall with an apse on its southern side. This apsidal room was open on its eastern and western sides to parallel rectangular rooms, each of which contained a smaller room at its southern end parallel to the apse. Though its function is unclear, it has been suggested to have been a bathhouse. The close proximity of the Apsidal Building to the structure which contained the multiple stepped pools is an indication that the two structures may have together constituted a bathing facility.

The Harvard team recorded these bathing facilities but quickly dismantled them in order to descend to their true objective, the material of late Iron Age Israel. Though they documented the Herodian baths with photographs and illustrations, Reisner and Fisher’s results were still limited by the means and the technology of their day; Reisner’s

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36 Ibid., p. 15; These stepped pools match the criteria for Herodian-era *miqva’ot* (see Appendix A).
37 Ibid., p. 180, plan 8.
1924 publication did not meet the standards of today’s excavation monographs. The inadequacy of Reisner’s account of the baths is a result, too, of the dearth of other excavated Hellenistic and early Roman baths from Palestine which he may have used for comparison. Such a discovery was not one to cause a shift in research paradigms at the time. Its significance was, like that of many pioneering discoveries in the field, not fully appreciated until later, when many of Herod’s palaces were discovered. Still, despite the greater amount of archaeological data, the occupant of this villa is a matter of dispute today. Dan Barag opposes the identification given by Carl Watzinger, who suggested that the villa was occupied by a priest of the Augusteum. Barag notes that houses for priests and servants were not “part and parcel of temples in the Geco-Roman world, and certainly not spacious quarters like the palatial villa.” He interprets the palatial buildings found by the Harvard team to be a fortified palace of Herod’s.

In 1909 and 1911, German archaeologists Arnold Nöldeke, Ernst Sellin, and Carl Watzinger surveyed and excavated Tulul Abu el-'Alayiq, where Robinson had visited and Warren had taken soundings, as part of a larger program of research at nearby Tell es-Sultan (prehistoric Jericho) for the German Oriental Society. They conducted a small-scale excavation of a mound (mound 1) to the south of Wadi Qelt, and found remains of opus reticulatum and stuccoed wall fragments and columns, both here and along the wadi, which they attributed to the Herodian period. The excavators did not, though,

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recover any useful information about the Herodian baths which remained hidden there. World War I intervened a few years later, bringing a temporary halt to excavations but also an end to Ottoman control of Palestine. The period between the two world wars is often described as a golden age of archaeology in the region, because of the number and scale of the projects undertaken under the auspices of the British Mandate and the arrival on the scene of seminal archaeological figures such as Kathleen Kenyon and William Foxwell Albright.\textsuperscript{41} This new generation of archaeologists, along with established scholars such as Petrie and Fisher, were most interested in the material evidence which might be used to contextualize the Hebrew bible and through light on biblical Israel. Excavations in this period were thus primarily of multi-period tells and high-level settlement sites whose material would date back to the Iron Age and earlier.

Herodian palace sites stood apart of this golden age", as these sites are irrelevant to debates over the historicity of the Hebrew bible and are, further, often low-level settlement sites, i.e. not part of large multi-period tells which archaeologists then often found more attractive to excavate. Herodian sites commonly exhibit few periods other than the Hellenistic, if they predate the reign of Herod at all. During this period Herodian research was carried out by the Joint Expedition which initiated new digs at Samaria in 1931-1935, and it was here that Kathleen Kenyon first imported to Palestine her more systematic approach to stratigraphic tell excavation, now called the “Wheeler-Kenyon” method, techniques which her mentor, Mortimer Wheeler, had earlier pioneered in England.\textsuperscript{42} Though the Joint-Expedition is more famous for its discovery of the Israelite architectural remains and carved ivories, the team did excavate an Early Roman theater, which is probably best-attributed to Herod and resolved some problems of the

\textsuperscript{41} Cf. Moorey, A Century of Biblical Archaeology, p. 54.
\textsuperscript{42} Moorey, A Century of Biblical Archaeology, p. 63.
Roman chronology. The Joint Expedition was not able, however, to re-excavate the Atrium House, as this had been destroyed in the process by Reisner, Fisher, and Lyon, and no further Herodian residence or baths came to light during the tenure of the Joint Expedition at Samaria.

In 1935, the German Adolf Schulten conducted a pioneering surface survey of a different Herodian palace site, the fortress of Masada. Schulten spent a month documenting the buildings on the summit in the most systematic fashion then undertaken. His architectural plans would guide subsequent archaeological research of the site, though some of his identifications of buildings were afterwards overturned by the evidence from excavation. Schulten, indeed, was not aware of the site’s well preserved Roman-style baths, which would remain undiscovered for nearly another thirty years.

Herodian Archaeology after the British Mandate

Following the 1948 Arab-Israeli War and the foundation of the modern state of Israel, the material culture of the Herodian era began to receive more attention. In 1950, an American expedition under James L. Kelso and Dimitri C. Baramki, co-sponsored by the American Schools of Oriental Research and Pittsburgh-Xenia Theological Seminary, reopened excavation at Tulul Abu el-‘Alayiq (Fig. 1.5). Kelso and Baramki dug a test trench on the tell (Tell 2) north of Wadi Qelt (which runs east-west), exposing walls faced with stuccoed opus reticulatum (Fig. 1.6) and identified this as the site of a Herodian palace. They focused their efforts to the south of Wadi Qelt, on the southern tell (Tell 1)

and the area immediately to the north, on the southern bank of the wadi. In their excavation of Tell 1, beneath an 8th century CE Ummayad fortress, Kelso and Baramki uncovered cement walls also faced with *opus reticulatum* (Fig. 1.7) and *opus quadratum* (Fig. 1.8), and ornamented with molded plaster, which they thought could be attributed to late in the reign of Herod, but chose the reign of his son, Archelaus I, as more likely. Beneath this structure, they attributed courses of ashlar masonry to an earlier building phase by Herod, and, below this, a stratum of undressed fieldstone which they believed belonged to a round, Hellenistic tower.

On Tell 1, Kelso and Baramki also uncovered the remains of a monumental stairway and approach to a former building on the tell summit (Fig.1.9), but were not able to produce detailed building plans of these structures. They also found evidence of an associated Roman-style hypocaust on its summit and slopes. The evidence included “terra cotta revetment panels” [hypocaust floor-tiles] and “ventilating wall tiles [*tubuli*]” which were deposited out of context on the tell’s surface. In their excavations of the tell, they also uncovered a room (room 9) coated with hydraulic plaster, which they assumed belonged to the *caldarium*, though it and the surrounding rooms had been mostly destroyed by the construction of the Ummayad fortress. Kelso and Baramki conjectured that, due to the excellent view of the surrounding landscape from the tell, the *opus reticulatum* building on Tell 1 may have been a “royal reception hall or pleasure pavilion.”

Kelso and Baramki’s methods of excavation and recording were archaic,
compared to the rigorously controlled excavation methods which Kenyon would use at nearby Tell es-Sultan beginning two years later. Baramki laid out a grid of 115 x 80 m, divided into 5 meter squares, but the search for architectural remains, rather than a methodical approach to the site as a whole, shaped their approach. Their deep trenching, implemented without any baulks to provide vertical control, simply functioned to remove the overburden and non-architectural material (Fig. 1.10). Their published depictions of vertical sections of the tell and of the sunken garden are vague and generally useless for modern research (Fig. 1.11). Kelso and Baramki used ceramic typology to date their divisions of the successive building phases on Tell 1, but their phases and positive identifications are dubious today. In addition to their unsystematic approach to the stratigraphy of the site, they apparently did not even record the specific provenance of their ceramic finds, despite allegedly utilizing a site grid. Their publication attests no specific grid coordinates for ceramic finds, much less their stratigraphic contexts or even depths from the surface. Their reconstruction of a multi-period site has since been invalidated by the more careful work of Ehud Netzer, who argues that these three “phases” corresponded, rather, to three different construction methods employed in a round hall which was built by Herod the Great.50

Ultimately, however, Kelso and Baramki did not attribute their finds to a Herodian palace complex. Instead, they believed these to be public structures which, in connection with the “Sunken Garden” to its north, belonged to the civic center of Jericho in the first century CE. They marveled at its Roman-style construction: “Indeed, one might say that here in New Testament Jericho is a section of Augustan Rome that has been miraculously transferred on a magic carpet from the banks of the Tiber to the

Banks of Wadi Qelt.\textsuperscript{51} Yet they did not make the connection, which has been more precisely established today, between these Roman features and Herod’s rule. They did not suspect that it belonged all to a single palace complex. There was yet no clear example of an excavated Herodian palace to which they could compare their data; the evidence for the Roman-style bath, meager as it was, did not factor into their identification of the site. Today, the Sunken Garden and \textit{opus reticulatum} buildings on both sides of Wadi Qelt have been identified by Netzer as belonging to the complex of Herod’s “Third Palace” at the site.\textsuperscript{52}

The following year, the American School of Oriental Research in Jerusalem sponsored another expedition at Tulul Abu el-‘Alayiq. It was directed first by A. Henry Detweiler, and then F. V. Winnett and James. B. Pritchard, and was focused on the ruins to the south of Tell 1. The 1951 team traced the plan of a large (46 x 87m) rectangular building, oriented roughly east-west (Fig. 1.12).\textsuperscript{53} Within this structure the excavators uncovered a row-type suite of baths oriented east-west along the building’s northern wall. Fortunately for the later study of Herodian baths, Detweiler, Winnett, and Pritchard fully excavated this area, unlike the southeastern and southwestern edges of this building. This Roman-style bath suite included a room, apparently a small \textit{caldarium}, with a hypocaust-system (Room 19) exhibiting numerous ceramic \textit{suspendurae} and fragments of \textit{tubuli} (Fig. 1.13). This room also yielded fragments of a mosaic border with a volute-wave pattern (Fig. 1.14), more elaborate than the mosaics which had been

\textsuperscript{51} Kelso and Baramki, \textit{Excavations}, p.10.
uncovered in other Herodian sites up to that point. Two associated rooms immediately to the east (Rooms 18, 17) were paved with simple mosaics, white *tesserae* surrounded by rectangles of blue-black (Fig. 1.15), which are very similar in design to the mosaics uncovered in Room 366 of the Atrium House at Samaria-Sebaste. Continuing east were further rooms with a small-pebble pavement (Rooms 14, 16), beneath the floor of which ran an aqueduct which led water to a rectangular, stepped pool (Room 15), akin to the feature in the Atrium House which Reisner identified as a cistern (Room 2).

Pritchard, in contrast, identified this heavily-plastered space as an immersion bath, but he did not identify it as a *miqveh*. Few of these ritual baths had then come to light by 1951, and none clearly associated with Herodian material. East of Rooms 14 and 15, separated by the building’s probable entrance room, was a smaller suite which contained another, similar stepped immersion bath (Room 9; Fig. 1.16).

It is fortunate that the 1951 expedition exercised more careful recording practices than their colleagues the previous year. Artifacts in Pritchard’s published catalog are given a specific provenance, tied to his grid (an extension of Kelso and Baramki’s), and the approximate depth from the surface at which the object was found. The expedition also adopted an architectural rather than stratigraphic approach; Pritchard’s profiles of vertical sections do not provide ample information about the strata. Nevertheless, there was also less material for him to confuse. The building which his team excavated was both in a better state of preservation and at a much shallower depth than Kelso and Baramki’s “Hellenistic” levels of Tell 1. Pritchard’s discovery also more clearly belonged to one period, and he made more careful use of the ceramic and numismatic remains in order to date its periods of use.

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55 Ibid., p. 5-6, Plate 10:1-2.
Pritchard considered the idea that this structure was a Herodian palace but ultimately rejected this identification. This was based partly on *argumentum ex silentio*; Pritchard thought that the building lacked “any evidence of luxury or refinement,” because, for example, very little ceramic fineware came to light in his dig.\textsuperscript{56} Pritchard apparently did not consider the rare hypocaust system and the mosaic fragments enough evidence of luxury, even though these would logically be less portable valuables than other amenities. Pritchard did still focus on the baths, however, and these were integral to his identification of the building as a public gymnasion. The building’s layout, as he reconstructed it, was similar in form to known Hellenistic gymnasia such as the second-century BCE gymnasion at Priene.\textsuperscript{57} His goal was to bring his finds into accordance with Kelso and Baramki’s identification of the site south of the Wadi as the civic center of Hellenistic and Roman Jericho, built by Archaelaus, rather than Herod. Pritchard realized the inconsistency in the construction techniques of the two structures, as no *opus reticulatum* or *opus quadratum* adorned the walls of his supposed gymnasion, yet he thought that the pottery corresponded closely enough to make this structure contemporaneous with those excavated by Keslo and Baranami. Pritchard’s identification of the structure as a gymnasion was not accepted by Kenyon or by Père Roland de Vaux, who had begun excavating Khirbet Qumran that same season. They and others suggested that this building was instead Herod’s palace, or part of it.\textsuperscript{58} Pritchard identification has since been rejected by Netzer, who labels this structure Herod’s “First Palace” at Jericho. His argument is based, in this case, not on a re-excavation of this building, but because of the lucid parallels in this structure to the other

\textsuperscript{56} Ibid., p. 57.
\textsuperscript{57} Ibid., pp. 57-8.
\textsuperscript{58} Netzer, “Jericho,” p. 682.
Herodian palaces he has since excavated. Thus Pritchard’s interpretation, too, was hamstrung by the state of knowledge at the time. Pritchard does, however, judiciously admit a caveat that “the lack of plans for other palaces of the Herodian period in Palestine makes it difficult to draw any valid conclusions as to what a palace of the period might have been.”

While foreign archaeologists continued to work in Israel, a new generation of Israeli archaeologists came to the fore, specialists who had trained under Fisher, Albright, and also experienced Israeli archaeologists such as Nahman Avigad, and Avi-Yonah. Some of these archeologists began to take a greater interest in Herodian and second temple material culture, and for clear reasons. The site of Masada, for example, had by that point already become a nationalistic symbol in Israel. Further research was undertaken there in the 1950s, first by enthusiastic amateurs such as Azaria Allon, who documented aspects of the fortress’s network of cisterns in 1953, an important consideration for the later study of Herod’s baths at the site. The amateur Shamaria Guttman, who was influential in creating the political will to excavate Masada in the following decade, himself charted the “Snake Path” approach to the fortress in 1954. In 1955-6, further surveys of the summit were undertaken by the Hebrew University of Jerusalem and the Israel Exploration Society. These were co-ordinated by Joseph Aviram, and carried out by Michael Avi-Yonah, Yohanan Aharoni, Shamaria Guttman, with Immanuel Dunayevski acting as architect. Their documentation of the site’s buildings was more thorough than Schulten’s, but again, some of their identifications

60 Pritchard, Excavations at Herodian Jericho, p. 57.
61 Yadin, Masada, pp. 254-5.
would be overturned in the following decade.\textsuperscript{63}

**Abraham Schalit’s Herod**

While these archaeological discoveries were being made at Jericho and Masada, an historical re-excavation of Herod was underway. Abraham Schalit’s comprehensive work, *King Herod: Portrait of a Ruler*, published in Hebrew in 1960, and published in German in 1969, provides an innovative reappraisal of Herod.\textsuperscript{64} It became the most influential 20\textsuperscript{th} century biographical treatment of the king. Schalit’s work is an earnest attempt to treat Herod fairly, and to do so he took a Mediterranean-wide view of Herod’s actions, in order to understand them within the political framework of the Augustan Principate. Unlike Vickers, Schalit does not reject outright the unflattering accounts of Herod’s actions, but he nevertheless found much in Herod to be admirable. For Schalit, Herod was a capable and astute ruler whose *Realpolitik* and execution of family members were not beyond the pale but well within the bounds of Hellenistic kingship. Further, he interprets Herod’s collaboration with Rome to have been undertaken with the best interests of the Jewish people in mind. Schalit infers that Herod saw himself as a kind of Messiah (one alternative to him expected by the Pharisees), whose building program and veneration of the Imperial cult were ultimately undertaken to bring about the temporal salvation of the Jewish people by reconciling them to their inevitable Roman masters.\textsuperscript{65}

Schalit’s results were innovative, but his historical methodology was not as he does not take a critical approach to Josephus. He does, however, make significant use

\textsuperscript{63} Yadin, *Masada*, p. 255.
\textsuperscript{64} This was published in German as *König Herodes: der Mann und sein Werk* (Studia judaica; Forschungen zur Wissenschaft des Judentums, 4; Berlin: de Gruyter, 1969); a second German edition (Berlin: De Gruyter, 2001), was more recently published, with a forward by Daniel R. Schwartz. All references are to the most recent edition.
\textsuperscript{65} Schalit, *König Herodes*, pp. 553-4.
of the archaeological evidence which was available to him. Indeed, he summarizes the findings of the surveys and Masada (p. 343-355) and both ASOR excavations at Wadi Qelt (399-403). He mentions the Roman features of the bath in Pritchard’s “gymnasium,” but was not certain enough to make an alternative identification (p. 401). Schalit was still without the advantage of the evidence from Herodian palaces which would be afterwards excavated, beginning with Masada in 1963. He pays little attention, predictably, to the archaeological evidence for baths elsewhere, mentioning Herodian baths only when he paraphrases Josephus’s mention of them (cf. pp. 369, 416). Given his interest in the conflict of Greco-Roman and Jewish culture, we can only assume that, had Schalit had access to today’s evidence for Herodian baths, they would figure more prominently in his narrative.

Schalit’s justification of Herod’s actions was not accepted by all, especially in Israel, where he was vociferously criticized in both popular and scholarly fora, as Daniel R. Schwartz notes:

A catena of opinions in Israel was truly damning. Schalit’s position was characterized as Machiavellian, as a justification of Hitler, as setting a bad example for Israeli policy (“might makes right”), and as “justifying and treating kindly the nobles of Rome while taking from the Jewish people its honor and the right to save its soul from a governmental system whose only interest was in cruel murder and acts of prostitution”(!). Similarly, more considered responses by Israeli historians focused on attacking the values Schalit used in evaluating historical personalitites.66

Whether or not these are valid criticisms, a look at Schalit’s oeuvre as a whole does reveal a surprising twist: Schwartz, by mining Schalit’s scholarship and personal correspondence, demonstrates a fundamental change in Schalits scholarly attitude toward Herod. Previously, Schalit, while living under the British Mandate in the 1930s,

had admired the uncompromising spirit of the Hasmoneans and the leaders of the Jewish revolt, he had labeled Josephus and Herod, collaborators with Rome, as "reptiles", whom only anti-Semites or misguided Jews might attempt to rehabilitate."

Schwartz speculates that Schalit’s disillusionment at the Holocaust led him subsequently to abandon earlier hopes and rhetoric, and to see Herod’s actions as admirable if they had been undertaken guaranteed his people’s survival. So it seems that Schalit, too, did not approach his subject in Königin Herodes as impartially as might be hoped, and this would explain his refusal to criticize Josephus as a historian. Still, Schalit’s great contribution to the debate was his re-contextualization of Herod within the system of the Principate, and within the larger Mediterranean world. Such an approach laid the way for the re-contextualized study of the features of Herod’s Palaces and especially of his baths.

Yigael Yadin at Masada

The state of knowledge would expand dramatically in the time between the publication of Königin Herodes in Hebrew and the time of its publication in German, when Herodian palaces and their bathing facilities came to light in spectacular fashion. This period was the archaeological zenith of Yigael Yadin, who had already become prominent by investigating the archaeological context of the Dead Sea Scrolls and had led excavations at Hazor beginning in 1955. From 1963-1965 Yadin, with a team of more than thirty excavation staff and hundreds of volunteers, including Dunayevski who returned as excavation architect, undertook the massive excavation for which he is most famous, that of the plateau of Masada. Here Yadin’s team excavated multiple palaces

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68 Ibid., p. 11.
built by Herod, amid the outstandingly well-preserved remains from the first centuries BCE and CE; his findings increased our understanding of Herodian architecture and especially his baths, in an exponential fashion. These findings included two large palaces, the Northern Palace (which Yadin also called the “hanging villa”), constructed on three terraced levels descending the northern keel of the mount, and the Western Palace, a self-contained unit and the largest building on the summit, as well as three smaller “villas” built along similar lines to the apartments in the Western palace. But the *pieces de resistance* of both the northern and western palaces were the palatial baths which these palaces incorporated. The Masada excavations revealed not one but three separate multi-room bathing facilities on the mount, in addition to two swimming pools.

Yadin never completed a final publication on the fortress, but in his most lengthy treatment, his popular rather than systematic book on the excavations, *Masada: Herod’s Fortress and the Zealots’ Last Stand* (1966) greatly influenced the historians of its generation. In it, Yadin highlighted the “remains of the material glory of Herod and the moving relics of the Zealots.” It is not difficult to discern the reason for such treatment; the rehabilitation of both was convenient for the purposes of Israeli nationalism.

Amongst his descriptions of the “material glory of Herod,” Yadin pays considerable attention to the bathing facilities which were discovered on the mount. He devotes an entire chapter to the facility known as the Large Bathhouse (Fig. 1.17), which is located in the northern area of the summit, in line with the Northern Palace. Here his excavation revealed one manner in which earlier investigations of the surface remains had been in error: previous investigators had interpreted this structure, surrounded by rows of storerooms to the east and west, as either a reception hall or a form of defensive keep, on the basis of a large apsidal room (locus 104), which was approximately 11m x

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11m in area, with walls ca. 2m thick. This room was revealed by Yadin’s excavations to be rather a large caldarium of a bathhouse built in Roman style. The caldarium’s distinctive hypocaust system (Fig. 1.18), composed of a double floor, suspensurae, supported by pilae - colonettes of ceramic and stone bricks - validated this identification. What Yadin calls “pipes” for transmitting hot air, still attached to the walls of the caldarium, were in fact the remnants of the ceramic tubuli which conducted heat to the room's walls. The room’s function could be further distinguished by the semi-circular apse, extending from the caldarium’s northern wall, which contained the fragments of a quartz labrum (which Yadin calls a “tub”) and a rectangular exedra inset into the southern wall, which contained an immersion baththub. Yadin’s description is impressionistic and florid throughout, but he nonetheless applies technical Latin terminology to the rooms in this bathhouse, distinguishing the entry room as the apoditerium (locus 105), which gave access to a tepidarium (locus 106) intermediate between the large caldarium and the frigidarium, a room composed of a stepped immersion pool (locus 107). The bathhouse itself was entered via a peristyle courtyard (locus 101), located to its west, which paralleled the length of the building.

Yadin contrasted the simplicity of the Large Bathhouse’s frigidarium (Fig. 1.20), coated with layers of unprepossessing hydraulic plaster, against the ornate decoration of the tepidarium and the caldarium, which still exhibited fragments of mosaics of

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72 Yadin, Masada, p. 78.
alternating black and white tiles and plastered walls painted with frescoes (Fig. 1.19).\textsuperscript{73} The bathhouse's mosaic floors had also been later repaved with \textit{opus sectile}, which Yadin speculates occurred after an earthquake destroyed the earlier tiles, in one of the few examples in which he distinguishes between different Herodian construction phases for the palace structures. The peristyle courtyard too, exhibited geometric mosaics, laid in honeycomb designs of black \textit{tesserae} on white (Fig. 1.21), identical to the design of the mosaics in the upper terrace of the Northern Palace, and the frescoes within the bathhouse's \textit{tepidarium} were congruous with the frescoes in the Northern Palace's lowest terrace, a correspondence which Yadin used as evidence that the large bathhouse and Northern Palace were constructed during the same phase. Precious architectural space was taken up in the eastern wing of this lowest terrace, 33m below the summit, by another, much smaller Roman-style bathing suite (Fig. 1.22) which Yadin labelled "private."\textsuperscript{74} In the narrow confines of this wing (ca. 10m x 6m), the builder nevertheless found space for a small \textit{caldarium} with a hypocaust system (locus 10), a stepped-pool \textit{frigidarium} (locus 8), and a \textit{tepidarium} (locus 9), giving access to both rooms. Yadin imagines Herod here "refreshing himself in the small bath-house (\textit{sic}), and then banqueting and relaxing against the pillars and decorated walls while he took in the impressive view."\textsuperscript{75}

Yadin also describes an additional "private" bathing suite which was discovered within the Western Palace (Fig. 1.23).\textsuperscript{76} The bathhouse's heating technology was distinct from the two Roman-style bathhouses at Masada. Its heated room (locus 447) did not feature a hypocaust, but instead was supplied with a fountain of hot water, piped

\begin{itemize}
\item \textsuperscript{73} Yadin, \textit{Masada}, p. 81. These, of which the lower register survives in the large bathhouse' \textit{tepidarium}, frescoes were painted in imitation of paneled wood and stone
\item \textsuperscript{74} Ibid., p. 47. See Netzer, \textit{Masada III}, pp. 164-170; for a systematic discussion of the lower terrace bathhouse.
\item \textsuperscript{75} Yadin, \textit{Masada}, p. 47.
\item \textsuperscript{76} Ibid., pp. 127-8; Netzer, \textit{Masada III}, pp. 251-63.
\end{itemize}
into the room from a boiler behind its southern wall (Fig. 1.24). The room also had
contained a large bathtub, though this vessel was not extant, and featured a simple
rectangle-pattern mosaic (Fig. 1.25) very similar to those in Room 366 in the peristyle
villa at Samaria-Sebaste and in Room 17 of Pritchard’s “public gymnasium” Jericho. This
heating system and room design accords with Hellenistic, rather than Roman
conventions, but Yadin does not make this distinction explicit nor derive any significance
from this for the structure’s relative date or differentiation in Herod’s own practices. This
bathhouse also featured a room which incorporated an unadorned stepped immersion
pool (locus 546), also coated simply with hydraulic plaster (Fig. 1.26).

The floor of the entrance room to these baths (locus 449) was inset with a more
elaborate geometric mosaic panel (Fig. 1.27), not in the style of the mosaics in the
Northern Palace complex and the Large Bathhouse, but featuring instead a register
decorated with the same volute-wave pattern as that uncovered in the caldarium (Room
19) of the “public gymnasium,” though Yadin does not make this connection. In his
discussion of the similar, larger mosaic in the room which he calls the “Throne Room” of
the Western Palace (now considered a triclinium), Yadin uses its lack of figural motifs to
argue that Herod was reluctant to offend the aniconic sensibilities of his Jewish
subjects.77

Yadin’s archaeological methodology was not impeccable. At Masada, as he had
earlier at Hazor, Yadin employed the Reisner-Fisher method of excavating large
sections in order to reveal the complex’s architecture, rather than using the more
systematic Wheeler-Kenyon method to carefully deduce relative chronology.78 The
Masada team thus related building floors to each other architecturally, rather than

77 Ibid., p. 119.
according to strata. There was relatively little overburden on the summit of Masada, however, and the periods of occupation were few and relatively brief, which allowed the Herodian material its uncommon state of preservation, thus Yadin’s method of determining the site’s relative chronology was not as large a liability as it had been earlier at the site of Hazor. Yet it was Yadin’s treatment of the historical material which has since proved the most problematic. Yadin’s central thesis in his 1966 book is that the excavations validated Josephus’ writings in two important aspects: Josephus’ description of Herod’s royal palace, and his account of the mass suicide of the Jewish rebels which took place there in 73 CE. This second aspect of Yadin’s thesis has since undergone a radical reappraisal, as closer inspection of the material related the Roman siege of the Sicarii, whom Yadin erroneously labeled “Zealots,” does not support his interpretations. It has been demonstrated, moreover, that Yadin even withheld certain material evidence from publication which contradicted his interpretation of the “Zealot” mass-suicide. Despite these revelations, Yadin’s identification of Herod’s palaces have

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79 Yadin’s attribution of Hazor’s three-chambered city-gate to Solomon, and his correlated ceramic chronology, has been the focal point of one of the longest-standing controversies in Syro-Palestinian archaeology. A competing interpretation attributes this gate at Hazor, and similar structures at Gezer and Megiddo to the later Omride dynasty of the northern kingdom of Israel. Cf. Moorey, *A Century of Biblical Archaeology*, p. 109, for a preliminary discussion.

80 Yadin, *Masada*, p. 16.


82 Yadin did not publish pig bones which were discovered in loci 2001-2002, where some of the few human skeletal remains were uncovered. He identified these as the Jewish defenders of Masada; see Joe Zias, in “Whose Bones?” *BAR* 24:6 (1998), pp. 40-45, 64-65; see also Ben-Yehuda, *Sacrificing Truth*, p. 132-4, for a discussion of the disputed skeletal remains, and his overall treatment for an extended discussion and bibliography of the controversy what Ben-
remained relatively unstained by controversy, but a close reading of his text shows that
Yadin’s notions of Herod, conceived from the literary material, nonetheless adversely
affected his interpretation of the material culture for his baths. Yadin devotes a chapter
to a shallow, stepped pool (Fig. 1.28), which he labels at *miqveh*, discovered in the
southeastern part of the casemate wall (locus 1197), and dates to the period of the
Jewish Revolt.83 Prior to that point, no *miqva’ot* dating to the Second Temple had
elsewhere been identified. Yadin states that his announcing this identification at a
“routine press conference” led to a visit to the site by two Orthodox Rabbis, who eagerly
inspected this pool and declared that it was indeed a *miqveh*. This account has since
been challenged by Nachman Ben-Yehuda, who describes a heated argument over the
identification breaking out among Yadin’s fellow archaeologists on the summit, a
controversy which did not make it into Yadin’s 1966 publication; Ben-Yehuda maintains
that Yadin’s conviction led him to persuade the Rabbis that this bath, as shallow as it
was, could still function as a *miqveh*.84

Yadin’s attention to this small, somewhat dubious ritual bath is in contrast with
his treatment of the *frigidaria* of Herod’s Roman-style baths. These stepped-pools fit all
of the requirements of *miqva’ot*, and are even more suitable in form than the *miqveh*
which Yadin describes. Indeed, eight stepped pools, suitable to be labeled *miqva’ot* and
belonging to the Herodian period, were discovered in the course of the excavations at
Masada,85 but Yadin does not describe any of these pools as *miqva’ot* nor does he
provide photographs, even of those in the Herodian bathhouses. His descriptions,

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85 Asher Grossberg, “The *Miqva’ot* (Ritual Baths) at Masada,” in *Masada VIII: The Yigael Yadin
Excavations 1963-1965: Final Reports*, ed. Joseph Aviram, Gideon Foerster, Ehud Netzer, and
further, betray an apparent effort to avoid the conclusion that Herod’s *frigidaria* served as ritual baths. In the bathhouse in the lowest terrace of the Northern Palace, Yadin merely mentions a “cold-water pool” without giving specifying that it contained steps, was coated with hydraulic plaster, and lacked a drain – i.e. Yadin intentionally withholds information which might otherwise signal that the bath as a *miqveh*. Nor does Yadin mention the stepped-pool incorporated in the middle terrace of the Northern Palace (locus 67). Similarly, in his description of the Western Palace bathhouse, Yadin merely states “here too there was a cold water pool” but again does not provide a more detailed description. Even his lengthiest description of an Herodian immersion pool, that of the example in the Large Bathhouse, shies away from connecting its form with its usage as a *miqveh*:

“The small room was the *frigidarium*, and it was strictly functional, designed for speedy entry into the cold water and speedy exits therefrom. It is for this reason that it was built along austere lines. This chamber is really nothing more than a pool similar to other pools and cisterns found at Masada and elsewhere, with steps running from top to bottom with water-proof plaster to prevent seepage.”

Yadin’s thus attempts to explain away the *frigidarium*’s “austerity,” but this notion is not in keeping with his general belief that Herod, in order to enjoy his customary amenities, spared no expense in his construction of the complex. His argument also contradicts the statement which he makes about the bathhouse as a whole, that it “is almost exactly like the handsome Roman bath-houses (sic) of Pompeii and Herculaneum.” Perhaps in an impressionistic sense, but the morphology of the *frigidaria* at Masada is actually a quite radical departure from the Campanian models. The later first century BCE *frigidaria*...
in both the Forum Baths and the Stabian Baths at Pompeii, and Forum Baths at Herculaneum, were created in from converted *laconica*, round rooms with vaulted ceilings.\(^\text{92}\) The plainness of the *frigidaria* on Masada is not in keeping with the decoration of Roman *frigidaria* in general, which were often the most richly decorated of the rooms in a bathhouse.\(^\text{93}\) If Herod left these stepped-immersion pools plain because they served merely a functional use, Herod’s practice was not in keeping with that of the Romans he was imitating. Yadin’s reasoning seems based, rather, on the assumption that Herod would not have practiced ritual purity, and thus he does not describe the frigidaria as *miqva’ot*. Even though in the passage above he describes the *frigidarium* in the Large Bathhouse as “similar to other pools and cisterns found at Masada,” he fails to make their potential ritual use explicit.

Subsequent literary reactions to Masada and subsequent archaeological work

The popular and scholarly effect of Yadin’s excavations was immense. The results from this project figure prominently, if briefly, in Michael Grant’s 1971 work, *Herod the Great*. Here Grant tries his hand at his own rehabilitation of Herod, and, in one of the few instances in which he interrupts his otherwise straightforward narrative of Herod’s life, he summarizes most of the major archaeological work done to that point. He naturally has the most to say about Masada.\(^\text{94}\) His treatment is nonetheless cursory, and his mention of the Large Bathhouse there is regulated to a photo caption. He has nothing whatsoever to say about the cultural implications of the style of Herod’s

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\(^\text{92}\) Fikret Yegül, *Baths and Bathing in Classical Antiquity* (Cambridge, MA: MIT Press, 1992), pp. 61-5; Inge Nielsen, *Thermae et Balnea: the Architecture and Cultural History of Roman Public Baths, Vol. 1* (Aarhus: Aarhus University Press, 1990), pp. 32-33. These baths had long been excavated, and such information would have been available to Yadin, had he chosen to make a more careful comparison.

\(^\text{93}\) Inge Nielsen, *Thermae et Balnea*, p. 154.

bathhouses.\textsuperscript{95} The purpose of his references to archaeology is primarily decorative. He does give some thought to Josephus’s sources and composition, but again, only in a highly cursory manner, as an afterthought at the end of his treatment. Ultimately, there is little new here, and his apology for Herod is nowhere as masterful as Schalit’s.

Grant was working still without the benefit of the much larger body of evidence which we have for Herod’s palaces today. The revelation of Herod’s Roman-style bathing facilities on the mount proved to be only the tip of the proverbial iceberg. After the excavation of Masada, an increasing number of Second Temple and Herodian sites were excavated, yielding a wealth of unforeseen detail of Herod’s bathing customs and their cultural context in first 1\textsuperscript{st} century BCE Judaea. Worthy of highlight are the excavations of Fr. Virgilio C. Corbo, who discovered Roman-style Herodian baths in the course of his excavations at the citadel of Herodium (1962-1967) and the fortress palace of Machareus (1977-1981).\textsuperscript{96} Nahman Avigad, also provided valuable cultural context for Herod’s baths with his excavations of Herodian period material in the Jewish Quarter of Jerusalem (1969-1982). Here Nahman discovered a series of private baths in the “Herodian Quarter” of elite houses in the ancient Upper City.\textsuperscript{97} Now also Ehud Netzer, who had worked as an architect at Masada from 1963-1965 under Dunayevsky, came into his own. After directing the preservation and restoration of Masada prior to its opening to the public in 1966, Netzer conducted new or renewed excavations at a number of Herodian sites, including, \emph{inter alia}, the remains of a number of Herodian palaces: the fortress palace of Cypros (with E. Damati, 1974), the promontory palace at

\textsuperscript{95} Grant, \textit{Herod}, p. 136.
\textsuperscript{97} See Nahman Avigad, \textit{Discovering Jerusalem} (Nashville: Thomas Nelson, 1980) pp. 104-6; 139-142. At least seven bathing installations have come to light, all of them in the Hellenistic-Jewish style, though a final publication has not been published. See also Hoss, \textit{Baths and Bathing}, pp. 188-190, Cat. Nos. 74-80.
Caesarea Maritima (with Lee L. Levine, 1975-6, 1979), the upper Herodium citadel (1979), the Lower Herodium complex (1972-1987, 1997-2000, from 2002-present), and, perhaps most importantly, the winter palace complex at Jericho (1973-1987 and 1997-2000). All of these palaces yielded preserved Herodian bathing installations, some, like Cypros, Herodium, and Jericho, presented more than one bathing facility. Netzer also published the final report of the stratigraphy and architecture of Masada in 1991, a task which Yadin did not complete in his own lifetime.

The work of Ehud Netzer

The current understanding of Herod’s bathing installations is thus due, in large part, to the excavations of Netzer and to his interest in bathing structures. All serious subsequent studies of Herod must take Netzer’s interpretations into account, and this study is no exception. The majority of the material evidence which I have at my disposal has been shaped by Netzer’s methodology and interpretation. Netzer’s interpretation of material culture, singular among professional archaeologists, has been shaped first and foremost by his training and experience as an architect. This training, and his acuity for the reconstruction of ancient buildings, gives Netzer the unique ability to envision the usage of rooms, spaces, and facilities within the sites he has excavated, and to identify patterns between sites. Netzer’s recent monograph, The Architecture of Herod, the Builder King (2006) is an exhaustive synthesis of his decades of Herodian archaeological research. Herod’s bathing installations are portrayed as architectural tours de force throughout.

In the introduction to his 2006 work, Netzer describes the two assumptions which have guided his years of research into Herod’s buildings:
The conception developed by me over the years – that Herod not only 1) showed interest in the field of construction but 2) also had a profound understanding of planning and architecture, and therefore took an active and important part in the erection of his many buildings – was undoubtedly drawn from the line of thought of a nowadays architect.98

Netzer’s first assumption is quite valid, based on Josephus’s description of Herod’s building campaign, and the prolific archaeological evidence. His second assumption, that Herod had a profound understanding of planning and architecture is a less secure conjecture. That Herod knew what he wanted in his buildings seem valid, but this does not entail that Herod was the actual architect. Netzer extends this second assumption, arguing that Herod’s buildings are reflective of his moral character.

In my opinion, values such as efficiency and practicality were of greater significance to Herod than artistic quality or grandiosity. Moreover, the originality of ideas corroborates the conclusion that the buildings under discussion were not the products of a certain architectural school, but most probably the fruits of a single creative and analytical mind – Herod’s. In any event, Herod’s administrative abilities also manifested themselves in the way he organized and ruled his kingdom (in both the economic and civil spheres), as well as in his profound understanding of the planning processes for his projects. These aspects are well expressed in many of his building enterprises, in particular the well-planned and inspiring complexes erected by him throughout his kingdom.99

Where others had come to admire and to eulogize Herod because of the king’s apparent cultural policies or his shrewdness, Netzer arrives there via the bravura of Herod’s architecture. Netzer, to his credit, does mention Herod’s executions of his family members and other unprincipled acts, but does so without passing judgement. Netzer only cites Schalit’s *magnum opus* once in his own (p. 245), but its influence is clearly felt in Netzer’s writings. Schalit’s vigorous, perspicacious Herod is in many ways complementary to the builder Herod whom Netzer conceptualizes.

Netzer, though essentially the dean of Herodian archaeology, makes no claims to

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99 Ibid., p. 300; emphasis mine.
be a theoretically-driven archaeologist. His approach is very much that of the “cultural-historical” or “classical” school going back to Reisner and Fisher, little moved by the shifting of the archaeological paradigm between processual and post-processual archaeology. Netzer’s forte is also not the subtle and critical comparison of Herod’s baths to foreign models, though he is more careful than Yadin and more systematic in his discussions of Herod’s baths than his predecessor. He also is more constrained by a wider field of Herodian and Early Roman archaeology in Palestine, and a larger body of knowledge.

His excavations, though, have still not adhered to ideal conceptions of stratigraphic control, collection, and recording. For example, in the introduction to the Volume 1 of the final reports on palace complex at Jericho, amid an otherwise meticulous description of the project’s documentation and recording methods, is buried this rather unsettling statement: “In the early years we operated without a survey grid, instead using scattered soundings which mostly were related to various building lines or water conduits visible on the surface.” The vagueness of “in the early years” is suspect; Netzer excavated at the site for 15 years, and one wonders just how many are included in his designation “early.” His architecturally focused methodology was thus still largely shaped by the approach which he inherited from Yadin. The photos of excavated sections in this volume confirm this impression.

His publications also imply a less than holistic approach to the recovery of non-manufactured evidence such as organic and faunal material. More problematic, however, is Netzer’s method of dating his excavated material. None of Netzer’s publications mention the utilization of radiometric or other absolute dating methods. His dating of is entirely guided by relative chronology, based hardly on sedimentary

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stratigraphy but on the architectural evidence of building phases, which Netzer dates based on historical material. Jodi Magness is one of the few to call attention to this methodological weakness. In her review of Rachel Bar-Nathan’s publication of the pottery from the site, she gives the following quote as an example: 101

Even though it is theoretically possible to link the construction of the new water system and the lavish Pools Complex with the reign of John Hyrcanus I, in view of general considerations we prefer to attribute them to his son and heir Alexander Jannaeus, perhaps because the building of such a splendid complex, with swimming pools at its center, more befits a young man. 102

Magness lists a number of examples of similar subjective arguments which Netzer employs to date the construction phases at Jericho. Her critique is understated:

In my opinion, the fact that the Hasmonean and Herodian palaces are dated primarily on the basis of historical considerations instead of by archaeological evidence renders Netzer’s chronological framework suspect. Of greater concern is the fact that this chronology constitutes the basis for Bar-Nathan’s dating of the associated ceramic types. 103

Magness’ concern is based on the following statement in Bar-Nathan:

The ceramic finds from the Jericho winter palaces are divided into six typological-chronological groups. In most cases these groups correlate with the stratigraphical-architectural stages. 104

The ceramic material is therefore dated based on building phases (which were apparently excavated in part without the systematic constraints of grid), and the building phases are in turn based on the information in Josephus. This does not bode well. The circle becomes complete when one sees that Netzer’s reading of Josephus is almost entirely credulous. He takes into account none of the critical scholarship which has been

published on the authorship of Josephus. His lack of caution is evident in a 1981 essay:

The two prime sources of information relating to [Herod’s] building projects are the archaeological remains, and the writings of Josephus Flavius. These sources definitely complement one another, and for all practical purposes they may be treated as one entity.\textsuperscript{105}

This statement must give anyone who has read the varying accounts in both works pause, even if Netzer is referring only to the passages which deal specifically with Herod’s buildings. Netzer did not depart from this notion in his monograph twenty-five years later. In it, he prefaces nearly all of his discussions of Herodian buildings with unqualified excerpts from Josephus, often blending parallel passages from both works into a single amalgamation of the text. This practice is indefensible in light of the variations and discrepancies between both works.

A new approach: the prosopography of Herod

One of the most original historical approaches to be published since the excavation of Herod’s palaces is the analysis of Nikos Kokkinos. Kokkinos, rather than creating another, redundant narrative of Herod’s life, takes instead a wider angle on the Herodian dynasty altogether. He fills a neglected area of Herodian studies, in that his endeavor is to create a prosopography of Herod’s dynasty by examining the careers of Herod’s known ancestors and his descendents in the extant epigraphic and literary sources. Kokkinos is expressly concerned with the difficult question of ethnicity in the Roman Levant; he begins and ends with a complicated answer regarding Herod. Looking past simple geographic designations, Kokkinos argues that Herod bore the "complex identity of Phoenician by descent, Hellenized by culture, Idumaean by place of birth, Jewish by official religion, Jerusalemite by place of residence, and Roman by

citizenship.”

Kokkinos’s data comes primarily from his preferred genres of history, numismatics, and epigraphy. His use of archaeology is minimal. Kokkinos also does not take a critical approach to the historical evidence for Herod; and he has little historiographic concern for Josephus or other sources. He, moreover, gives no thought to the cultural implications of the morphology of Herodian baths, or how they fit his modeling of Herod’s identity, which seems a wasted opportunity.

Conclusion

Historical treatments of Herod and his cultural habits need to take into account not only the archaeological and written evidence, but also critical approaches to both forms of evidence. Because of the problematic methodologies which have guided the recovery of much of the Herodian archaeological data, caveat emptor in the discussion of the material evidence below in Chapter 2. Without physical recourse to the material itself, I am generally forced to do fall back largely on the interpretation of Netzer, though I depart from this where I feel justified. Still, I am not attempting to portray Netzer’s reconstructions as a house of cards. The evidence from Josephus is a check against the material, and vice versa, and Netzer’s reconstructions are not for the most part invalid, but are at times based on subjective logic, founded on less-securely recovered archaeological material than would be ideal, and guided by a simplistic approach to the written evidence. In response to the shortcomings of Netzer’s approach to the text, in Chapter 3 I provide a more careful reading of Josephus than that which has informed Netzer’s study of Herodian architecture and many other, earlier historical studies of Herod. Using the archaeological material as counter-evidence, I critically evaluate

\[\text{106} \text{ Kokkinos, Herodian Dynasty, pp. 28, 351; emphasis original.}\]
Josephus’ own statements which touch on Herod’s bathing buildings and bathing practices.
Figure 1.1: Plan of the "Syrian" bathhouse at Gezer. After Macalister, Gezer, p. 224, fig. 110.
Figure 1.2: Room f of the “Syrian” bathhouse at Gezer, viewed from the northwest. After Macalister, Gezer, p. 224, fig. 110.
Figure 1.3: The Herodian Augusteum complex at Samaria-Sebaste: 1 = Gate; 2 = Western entrance; 3 = Temple of Augustus; 4 = Forecourt; 5 = Apsidal Building; 6 = "Atium House" Peristyle Villa; 7 = Stepped Pools; 8 = Western stores; 9 = Eastern Stores. After Barag, "Herod’s Royal Castle," p. 14, fig. 6.
Figure 1.4: The “Atrium House” peristyle villa at Samaria-Sebaste, with the bathhouse in the upper right hand corner: 369 = room with bathtub; 368 = miqveh; 366 = room with rectangle-pattern mosaic. After Gill and Gempl, *Book of Acts*, p. 203, fig. 12, based on Reisner et al., *Harvard Excavations*, fig. 97.
Figure 1.5: The 1950 ASOR excavation’s plan of the Herodian complex at Tulul Abu el-'Alayiq. After Kelso and Baramki, *Excavations*, plate 33.
Figure 1.6: Stuccoed *opus reticulatum* walls from Tell 2 at Tulul Abu el-‘Alayiq. After Kelso and Baramki, *Excavations*, plate 9.
Figure 1.7: Top levels of Early Roman building on Tell 1 at Tulul Abu el-‘Alayiq, showing *opus reticulatum* brickwork. After Kelso and Baramki, *Excavations*, plate 33.
Figure 1.8: *Opus quadratum* pier from Early Roman building on Tell 1 at Tulul Abu el-'Alayiq. After Kelso and Baramki, *Excavations*, plate 33.
Figure 1.9: Plan of the round Early Roman building on the summit of Tell 1 at Tulul Abu el-‘Alayiq. After Kelso and Baramki, *Excavations*, plate 33.
Figure 1.10: Laborers from the 1950 ASOR excavation uncover the foundations of the western wall of the Sunken Garden, northwest of Tell 1 at Tulul Abu el-'Alayiq. After Kelso and Baramki, *Excavations*, plate 7.
Figure 1.11: Stratigraphic section of the “Grand Stairway” from Tell 1 at Tulul Abu el-‘Alayiq. After Kelso and Baramki, *Excavations*, plate 37.
Figure 1.12: Plan of the “Public Gymnasium” (Herod’s First Palace) excavated by Pritchard at Tulul Abu el-‘Alayiq: 9 = miqveh; 10 = otzar; 14 = apodyterium; 15 = frigidarium; 16 = tepidarium; 17 = entry to caldarium; 18 = laconicum(?); 19 = caldarium; 20 = praefurnium. After Pritchard, Excavations at Herodian Jericho, plate 63.
Figure 1.13: Hypocaust (Room 19) with remaining *pilae* in the “Public Gymnasium” (Herod’s First Palace) at Tulul Abu el-‘Alayiq. After Pritchard, *Excavations at Herodian Jericho*, plate 7.
Figure 1.14: Detail of volute wave pattern of mosaic in the caldarium (Room 19) of the “Public Gymnasium” (Herod’s First Palace) at Tulul Abu el-‘Alayiq. After Pritchard, *Excavations at Herodian Jericho*, plate 11.
Figure 1.15: Detail of rectangle mosaic in the Room 17 of the “Public Gymnasium” (Herod’s First Palace) at Tulul Abu el-‘Alayiq. After Pritchard, *Excavations at Herodian Jericho*, plate 10.
Figure 1.16: The stepped *mikveh* (Bath 9) in the “Public Gymnasium” (Herod’s First Palace) at Tulul Abu el-‘Alayiq. After Pritchard, *Excavations at Herodian Jericho*, plate 5.
Figure 1.17: Plan of the Large Bathhouse at Masada: 101 = palaestra; 103 = large miqveh; 104. caldarium; 105 = apodyterium; 106 = tepidarium; 107 = frigidarium; 115 = praefurnium. After Netzer, Masada III, p. 77, plan 5.
Figure 1.18: Hypocaust (locus 104) of the Large Bathhouse at Masada. After Netzer, *Masada III*, p. 88, ill. 144.
Figure 1.19: Frescoed wall and opus sectile floor of the tepidarium (locus 106) of the Large Bathhouse at Masada. After Netzer, Palaces of the Hasmoneans and Herod, p. 95, fig. 122.
Figure 1.20: Overhead view of *frigidarium* (locus 107) of the Large Bathhouse at Masada. After Netzer, *Masada III*, p. 87, ill. 142.
Figure 1.21: Detail of honeycomb mosaic pattern in *palaestra* (locus 101) of the Large Bathhouse at Masada. After Netzer, *Palaces of the Hasmoneans and Herod*, p. 93, fig. 120.
Figure 1.22: Plan of the lower terrace bathhouse in Northern Palace at Masada: 8 = frigidarium; 9 = tepidarium; 10 = caldarium; 11 = praefurnium. After Netzer, Masada III, p. 165, plan 13.
Figure 1.23: Detail of plan of Greco-Jewish bathhouse in the Western Palace of Masada: 449 = entry room; 446 = corridor; 447 = bathroom; 546 = stepped pool. After Netzer, *Masada III*, p. 241, plan 18.
Figure 1.24: Heated fountain in niche in bathroom (locus 447) of Western Palace of Masada. After Netzer, *Masada III*, p. 257, ill. 409.
Figure 1.25: Rectangle-pattern mosaic in bathroom (locus 447) of Western Palace of Masada. After Netzer, *Masada III*, p. 257, ill. 408.
Figure 1.26: Stepped pool - *miqveh* (locus 546) in bathing facility in Western Palace of Masada. After Netzer, *Masada III*, p. 260, ill. 416.
Figure 1.27: Mosaic in entry room (locus 449) to bathing facility in Western Palace of Masada, with door to corridor 446 at upper right. After Netzer, *Masada III*, p. 252, ill. 399.
Figure 1.28: Miqveh (locus 1197) in casemate wall of Masada. After Netzer, *Masada III*, p. 508, ill. 791.
CHAPTER 2
THE ARCHAEOLOGICAL EVIDENCE

Introduction

The *Concise Oxford Dictionary of Archaeology* does not contain an entry on King Herod, which is surely an oversight by its author.\textsuperscript{107} Such an omission is surprising, considering the monumental scale and their architectural innovation of Herod’s many buildings, and the extensive archaeological research which has been conducted on them. As described in the previous chapter, however, interpretations of the archaeological evidence for Herod’s baths are based on more or less unstable foundations. In this chapter I provide a synthesis of the material evidence for Herod’s baths, taking the majority view (usually Netzer’s) but departing from this where I feel justified.

Hasmonean bathing structures

The attention which Herod devoted to palatial bathing was not a new phenomenon in Palestine; his predecessors, the members of the Hasmonaean dynasty, had previously constructed lavish palatial bathing facilities at their palace complex (mod. Tulul Abu el-‘Alayiq) east of Jericho on the northern bank of Wadi Shaqq ad-Dabi, at the intersection of this wadi and the larger Wadi el-Qelt. Netzer reconstructs

\textsuperscript{107} Timothy Darvill, *The Concise Oxford Dictionary of Archaeology* (Oxford: Oxford University Press, 2002). The dictionary’s purported focus is on “Europe, the Mediterranean, and English-speaking countries in which archaeology has become an established academic and vocational subject,” (p. vii). The material culture of few, if any countries, has been as extensively and intensively excavated, published (often in English), and debated from well before the dawn of modern archaeology to the present, as that of the modern state of Israel. The *Concise Oxford Dictionary*, further, contains entries on such impactful and justifiably famous world rulers as, *inter alia*, Alexander the Great, Augustus, the Qin dynasty, rulers among whom Herod’s standing might be debatable, though the same and more would certainly be said of the included Edward V of England (p. 130), who reigned two months.
seven stages of the Hasmonean occupation here, the site of Herod’s so-called “winter palaces” as well.\(^{108}\) The first installation at the site (Stage 1) was apparently an agricultural estate, well-supplied with water via a channel running to the springs of the wadi. Netzer attributes the initial palace building (stage 2), the so called “buried palace,” to the reign of John Hyrcanus I (134-104 BCE). This building shows evidence of multiple bathing installations, including a partially preserved bathing room with immersion bathtub, and a *miqveh* (Fig. 2.1). It is also associated with two small swimming pools (Fig. 2.2).\(^{109}\) Hyrcanus’ successors built additional and larger swimming pools during successive construction phases. By the end of the Hasmonaeans period, at least seven swimming pools had been built within the winter palace complex, and the majority of these pools show nearly simultaneous use.\(^{110}\) The members of the Hasmonaean dynasty were not strangers to luxurious display: the pools of the Winter Palace were incorporated into a large paradisiac park, in the tradition of earlier Near Eastern palaces. These rulers undoubtedly appreciated the aesthetic value of their swimming pools, as is apparent in the layout of the banqueting room which Alexandra Salome built offering a fine view of the pools.\(^{111}\) But it is also evident that they built pools for bathing and not merely ornamental purposes, since these installations were constructed with steps to allow entry. The Hasmonaeans also devoted much attention to ritual bathing, as Netzer’s excavations at the Wadi Qelt palace complex have uncovered a number of deep, stepped, rectangular pools – *miqva’ot*. The Hasmonaeans built *miqva’ot* even in the palace’s earliest phase and continued this building tradition during later construction, even constructing heated *miqva’ot*, though this type may not conform to *halakhic*

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\(^{109}\) Netzer, *Hasmonean and Herodian Palaces at Jericho I*, p. 2.


principals. The dynasty’s commitment to ritual purity is also visible in its members’ practice of building swimming-pools in pairs - parallel pools laid side-by-side – apparently to allow men and women to bathe separately.

Herod’s own construction of swimming pools shows that he followed the Hasmonaean’s architectural lead, but Herod built his pools on a more monumental scale. Herod built the “Second Palace” at Jericho on the ruins of the Hasmonaean complex (which was destroyed in an earthquake in 31 BCE), and reused a number of its swimming pools, but he combined two pools built by Alexander Janneus into a much larger pool, surrounded by a peristyle courtyard. He also went to the trouble to build swimming pools in such dramatic locations as the southern end of the plateau of Masada, during his first construction phase at that site. Herod also seems at first to have followed Hasmonaean models in the construction of his palatial baths. Some of his earliest bathing facilities were built in the Hasmonaean Greco-Jewish tradition, such as the Greco-Jewish bathhouse in the core of the Western Palace of Masada (ca. 35 BCE), the form of which has led Netzer to conclude that the Western Palace was constructed by a team of architects and builders who previously worked for the Hasmonaean court. Hasmonaean baths were minimally decorated and only a few mosaic floors and one instance of plastered wall are in evidence. In contrast, even these earliest Herodian baths at Masada were ornately decorated with frescoed walls and mosaic floors (Figs. 1.25, 27; see above).

112 Ibid., p. 160.
113 Netzer, Hasmonean and Herodian Palaces at Jericho I, p. 2
115 Ibid., p. 51.
116 Ibid., p. 21.
117 Ibid., p. 27.
**Bathhouse typology**

A number of Herod’s bathhouses show a much greater departure from the Hasmonaean architectural tradition in their distinctly Roman style, an innovation in Judaean architecture of the first century BCE. Of the sixteen bathhouses attributed to Herod, according to Netzer, at least eleven can be identified as Roman-style baths (Fig. 2.3). These eleven baths are identified as such because they feature Roman hypocaust heating systems. Roman architectural principles are evident in the bathhouses’ designs. The functions of many rooms in Herod’s bath can therefore be identified by the means of architectural typologies.

Though no two of Herod’s bathhouses exactly follow the same plan, the following room-types commonly appear: *apodyteria* (entry and dressing rooms) *caldaria* (heated bathrooms, often with barrel-vaulted roofs), *frigidaria* (unheated immersion pools), *tepidaria* (passages between *caldaria* and *frigidaria*, for the purpose of graded temperatures), and, in the case of at least three bathing complexes, *laconica* (brazier-heated sweating rooms) are discernible in Herod’s circular room designs. In the lower baths at the fortress of Cypros, a round *sudatorium* (hypocaust heated-sweat room), was added to the bathing complex later in the Herodian period, the only such example from Herod’s baths. *Palaestrae*, excersize grounds, are conspicuously absent from Herod’s Roman-style baths, except for one potential example, the relatively small, peristyle courtyard associated with the Large Bathhouse at Masada (Fig. 1.17).

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120 Inge Nielsen, “Early Provincial Baths,” in DeLaine and Johnston, *Roman Baths and Bathing*, p. 42; In his own publications, Netzer does not observe the technical distinct, that of the heat-source, between *sudatoria* and *laconica*, and so labels both room types with the latter term. In modern scholarship, *sudatorium* refers to a sweatbath heated by hypocaust furnaces while *laconica* were heated by braziers within the room. See, for example, Netzer, *Architecture of Herod*, p. 210, for his identification of the hypocaust-heated *sudatorium* at Cypros as a *laconicum*. See Nielsen, *Thermae*, pp. 158-159, for more on the technical distinction between these room types.
**Bathhouse features**

Herodian *caldaria* were heated by cutting-edge Roman hypocaust technology and were the architectural focus of Herod’s bathhouses; they are usually the largest rooms in the complexes and contained two to four *exedrae*, niches for bathtubs, and *labra* (water basins) of cold water.\(^{121}\) Herod’s Roman-style bathhouses often present the same assemblage of room types: his barrel-vaulted *caldaria* (Fig. 2.4) are accompanied consistently by *apodyteria*, *tepidaria*, *frigidaria*, and *laconica*.\(^{122}\) The bathhouses which deviate from this Roman form appear to have been constructed earlier. The bathing suite which Yadin discovered in the Western Palace at Masada was heated by a simple boiler (see above, p. 34) in Hellenistic style, and Netzer dates its construction to ca. 35 BCE. Though it was not heated by a Roman-style hypocaust, the mosaic decoration of this bathhouse is very close to that of Herod’s First Palace at Jericho (Pritchard’s “gymnasium”). From this, Netzer infers the existence of a royal Judaean architectural team or corps which first constructed the Western Palace at Masada and the First Palace at Jericho when Herod first began to insist on Roman bathing structures.\(^{123}\) Indeed, the bathing suite in the First Palace marks Herod’s first step, at least in the existing material evidence, toward an increasing integration of Roman forms into his bath and palace architecture.

In Herod’s Third Winter Palace at Jericho, *opus reticulatum* brickwork and *opus quadratum* stonework were used in the construction of the bathhouse’s walls (Fig. 2.5) leading Netzer to confidently assert that Herod must even have employed Roman builders and architects as part of the crew which built the Third Palace.\(^{124}\)

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\(^{122}\) Ibid., p. 48.

\(^{123}\) Idem, *Palaces of the Hasmoneans and Herod*, p. 87.

for Roman, or at least Roman-trained, architects is made convincing by the recognition that Roman bathhouses, and particularly their hypocaust heating systems, were not simple buildings to construct, and were in fact among the most complex in the ancient world. Indeed, provincials often had difficulty getting baths to work properly, yet Herod’s baths were perfectly built and exhibit the most current heating technology from Italy, such as the terracotta tubuli found in some of the bathhouses. Indeed, tubuli found at Masada are some of the earliest known in the Roman world. The tiles in the caldarium of the Northern Bathhouse were also laid out in measurement and manner compatible with the recommendations of the Augustan architectural author Vitruvius. Herod’s sudatorium at Cypros, too, is one of the earliest examples of this room type in Roman bath architecture; sudatoria do not become common in Roman baths until the 1st – 2nd centuries CE. The Roman elements of Herod’s palatial architecture in general, both in design and in ornamentations, have led scholars to conclude that late Republican and Augustan villa architecture directly inspired the design of Herod’s palaces, and his baths show distinctive parallels to Campanian bathhouses, including the Stabian Baths and Forum baths at Pompeii. Where possible, Herod seems also to have opted for his Roman-style installations to be accessible from his swimming pools areas, since at least two sites, the Second Palace at Jericho, and the Lower Herodium pool complex, Roman-style bathhouses are built adjacent to the swimming pools.

125 Nielsen, Thermae, p. 149.
128 Foerster, Masada V, p. 199.
129 Nielsen, Thermae, pp. 104-5.
Though Herod frequently used local building materials and inexpensive building techniques to build his palaces, such as the use of stuccoed plaster to give field stone the appearance of marble, which Netzer cites as an argument for Herod’s pragmatism, pragmatism is not otherwise characteristic of Herodian baths.\textsuperscript{132} At Masada, in the construction of the Northern bathhouse, Herod appears to have gone to the length of importing a considerable amount of material from Italy for their construction, including the brick tiles of the hypocaust \textit{suspensurae} and the tiles of the \textit{opus sectile} floors.\textsuperscript{133} Herod’s readiness to import such luxuries is evident in the \textit{tituli picti}, commercial inscriptions, also discovered at Masada, associated already with the first building phase. These included painted amphorae labels from a shipment of Italian wine dated to 19 BCE and addressed to \textit{Regi Herodi ludaic(o)} (Fig. 2.6).\textsuperscript{134} \textit{Tituli picti} of other foreign luxuries, such as fish sauce and even Italian apples are also associated with Herodian levels.\textsuperscript{135}

Indeed, considering Judaea’s dry climate, Herod’s commitment to bathing in Roman fashion is nowhere more than evident than in the appearance of his palatial baths in several of his desert fortresses. The bathing installations at the mountain fortress of Cypros to the southwest of Wadi Qelt, and at Machareus, east of the Dead Sea, are two of the best preserved of Herod’s bathhouses, and indeed, some of his

\textsuperscript{132} Netzer “Herod’s Building Projects,” p. 58.
\textsuperscript{133} Foerster, \textit{Masada V}, p. 205.
\textsuperscript{135} Cotton & Geiger, \textit{Masada II}, pp. 163-4, no. 822.
larger known bathhouses. Water would have been quite precious in these distant, arid locales. In defiance of the region's dryness, Herod constructed networks of large, sometimes colossal, cisterns to provide for the needs of his palaces and fortresses (Fig. 2.7). Such cisterns are in evidence, for example, in the artificial mount of Herodium and enormous cisterns have been revealed at Masada. Herod seems to have initiated extensive aqueduct construction, as well. There is evidence for his building additional lines for the existing water-supply systems of Jerusalem, Jericho, and Hyrcania, and he also constructed aqueducts to bring water to his new complexes at Herodium and Masada.

The attention Herod paid to Roman-style bathing was so pronounced that, in several cases, he built seemingly superfluous bathing facilities at sites where he already had constructed large palatial baths nearby, such as the lower terrace bathhouse at Masada. Another example is the bathing facility in the lower level of the building built on the southern tell (Kelso and Baramki's Tell 1) of the Third Palace complex, across Wadi Qelt from the Northern Wing of the Third Palace. Netzer envisions this building, with its opus reticulatum and opus quadratum construction, as a round hall with a rotunda (Fig. 2.8), very similar in form to the so called “Tempio di Mercurio” from Baiae north of Naples, a domed, circular structure which has long been identified by Italian archaeologists as part of a thermae complex (Fig. 2.9). It is probable that Herod or the

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142 I. Sgobbo, “I nuclei monumentali delle terme romane di Baia per la prima volta riconosciute,” in *Atti del III Cong. Naz. di Studi Romani*, ed. Lincinio Cappelli (XIII, 14; Bologna: Studi Romani, 1934), pp. 294-309. This domed room has been hypothesized as either a frigidarium or natatio.
architect whom he employed drew inspiration from this bath complex of the very same period.\textsuperscript{143}

**Idiomatic expression: Herodian miqva'ot**

Despite clear influence and even building components imported from Italy, Herod’s baths were not purely Roman-style constructions. This is most evident in the design of frigidaria in all of Herod’s bathhouses. These rooms departed from the Roman-Campanian model, and instead were almost invariably built as stepped-immersion pools, which share the form of miqva’ot.\textsuperscript{144} The exception to this rule is the round frigidarium of Herod’s Third Palace at Jericho, which conforms closely to the form of the contemporary, converted laconica of Pompeii and Herculaneum, and this bathhouse, in general, is the closest to Campanian models.\textsuperscript{145} The miqva’ot in Herod’s palaces link him to the architectural tradition of his predecessors, and surprisingly so, in that Herod did not have to fulfill all of the strictures which the Hasmoneans did as high priests of the Temple cult. It is evident that adherence to halakhic strictures of ritual purity was as persistent a design consideration for Herod as the Roman forms he imported.\textsuperscript{146} Unlike the frigidaria in Roman bathhouses in general, Herod’s were also consistently unadorned, furnished only with a simple coating of ash-lime hydraulic plaster. Herod’s

\begin{footnotes}
\footnote{\textsuperscript{143} Idem, *Architecture of Herod*, pp. 68-70.}
\footnote{\textsuperscript{144} Netzer, *Architecture of Herod*, p. 48.}
\footnote{\textsuperscript{145} Yegül, *Baths and Bathing*, pp. 64-5, fig. 67.}
\footnote{\textsuperscript{146} Danielle Steen Fatkin, "Many Waters: Bathing ēthē of Roman Palestine" (Ph.D. diss. Stanford University, 2007), p.115-6, argues against the proposed ritual use of Herod’s stepped pools as miqva’ot, identifying them instead as Jewish-style stepped pools which were used in the Roman fashion. She says that the “reflex to immerse goes beyond the ritual rules of Jerusalemite religious hierarchy and, instead, its ubiquity might reflect a general cultural habit.” Yet this is not convincing, nor does it account for the reason Herod’s frigidaria were austere while the rest of his bathhouses were lavishly decorated. If a society had a persistent reflex to immerse, would not the purity associations also persist? She does not say this explicitly, but it seems that her underlying reason for not assigning Herod’s pools a ritual use is based on a preconceived notion of the superficiality of Herod’s religion. See the conclusion of Chapter 4 for a more in-depth discussion of this common assumption.}
cultural orientation is clear in the intentional disparity between the simple design of these stepped pools and the opulent decoration of the other rooms in Herod’s bathhouses. Indeed, it was not until the 1st century CE, after Herod’s death, that frigidaria of Italian type began to be built in Judaea instead of miqva’ot in Roman-style baths.\(^{147}\)

David Small has performed a spatial analysis of the layout of a number of Herod’s Roman bathhouse, and shown that Herodian miqva’ot were most often built adjacent to the bathhouses’ entrance rooms, so that patrons could independently use these installations for purification, since the most common layout of Herod’s bathhouses departs from the Roman sequence, and seems instead intended to allow the bather the choice either to proceed into the Roman-style rooms of the bath or to use the ritual pools independently.\(^{148}\) Small is right in emphasizing this departure from Italian models, but he excludes from his analysis the bathhouse in Herod’s late Third Palace at Jericho (Fig. 2.10), which exhibits the closest correspondence to Italian baths in its row-type sequence of rooms. This fits his argument, as Small uses these finding to argue, contra the archaeological interpretation of Netzer, that Archelaus I rather than Herod, built the Third Palace. Small argues that Herod was not as acculturated to Roman rule as his son would later be:

Herod did travel to Italy, but his recognizable domestic architecture shows no signs of Roman acculturation. More suitable candidates [for the builder of the Third Palace] are Archelaus and Agrippa I. Schooled in Rome, they probably returned to Palestine with adopted Roman customs. The case for Archelaus is stronger. Josephus documents that he rebuilt part of the palaces at Jericho after the vandalism by the rebel leader Simon [AJ 17.340; BJ 2.484]. Furthermore the use of opus reticulatum was more frequent in the Augustan period than in that of Agrippa I (A.D. 37-44), when opus testaceum was more fashionable.\(^{149}\)

\(^{147}\) Nielsen, “Early Provincial Baths,” p. 42.
\(^{149}\) Ibid, p. 71.
He thus advocates a return to Kelso and Baramki's own interpretation, on the basis of the textual evidence, that Archaelaus I built this palace. Yet, the simple mention of a re-building phase is not enough to attribute the entire Third Palace complex to Archaelaus without further archaeological proof. Kelso and Baramki only took soundings and did not excavate the entire palace. Here Netzer's archaeological interpretation, based on his extensive excavation, is the most valid. He also appeals to the text but shows that the potential evidence of vandalism, burned areas of the western section of the palace and the later (inferior) rebuilding of them, corresponds to a period after the construction of the Roman-style baths.\textsuperscript{150} Small's statement that Herod's domestic architecture shows no signs of acculturation is not sustainable in light of the overall material record. Though the \textit{frigidaria} are distinct, the other rooms in Herod's baths show compelling evidence of acculturation. As Nielsen points out, Small underestimates the cultural significance of Herod's Roman-style hypocausts with their \textit{suspensurae} and \textit{tubuli}, as well as the distinct room types built along Vitruvian lines, such as the barrel-vaulted \textit{caldaria}.\textsuperscript{151} \textit{Miqva'ot} also might still be used simultaneously in the Roman sequence, for a cooling plunge after the hot bath, since one was required to bathe beforehand, so as not to pollute the ritual pool.\textsuperscript{152}

A recognized oddity of the surviving Herodian and Hasmonaean palace architecture is the absence of toilets.\textsuperscript{153} The only example of a possible lavatory exposed, thus far, is in Herod's Second Palace at Jericho. The potential lavatory, the floors and walls of which were coated with hydraulic plaster has a bench built over a channel along its eastern wall, similar in form to Roman toilets, yet this channel has no

\textsuperscript{150} Netzer, \textit{Jericho I}, pp. 8-10, 339-340.
\textsuperscript{151} Nielsen, \textit{Thermae}, p. 103, n. 56.
\textsuperscript{152} Ibid., p.104.
\textsuperscript{153} Netzer, \textit{Architecture of Herod}, p. 258.
connection to a water source for flushing away human waste according to the Roman method (Fig. 2.11). Netzer assumes instead that vessels were placed within this channel as receptacles for excrement, so that the waste could be carried away and buried outside of the compound, in accordance with Deuteronomy 23:13-14. If Netzer is correct in his identification of the lavatory and its use, this would be another strong indication that Herod concerned himself with ritual purity and accordance with Pentateuchal law, even in such a daily necessity. Yet Herod’s adherence to the Law, with respect to his bathing, is also complicated by archaeology. The Hasmonaeans had completely avoided figural motifs in the decoration of their palaces. Netzer, like Yadin, stresses that Herod seems for the most part to have followed this model, since the mosaics discovered in Herod’s baths do not display images of humans or animals, nor do most of the walls in his palaces. His palaces were decorated in the so-called Second Pompeian Style, but generally lack the Second Pompeian Style’s distinctive figurative elements. Figurative images do appear in Herodian palaces, however, as large paintings of bird were found on the walls of the tepidarium in the baths of Upper Herodium. The paintings from Herodium are the only known example of such paintings in Herod’s palaces, which may be due to the vagaries of preservation, but it is important to note that many figurative designs, including animals and birds (but not humans) have been found in Judaean houses built under Herod’s reign. More significant for the question of Herod’s obedience to the Pentateuchal law in his bathing

156 Nielsen, Hellenistic Palaces, p. 163.  
158 Klaus Fittschen, “Wall Decorations in Herod’s Kingdom: Their Relationship with Wall Decorations in Greece and Italy,” in Fittschen and Foerster, Judaea and the Greco-Roman World, p. 143. Fittschen notes that these paintings are today faded and no longer recognizable.  
159 Rozenberg, “Wall Paintings,” p. 128.
habits, however, is the marble head, identified as the Greek demigod Selinus, which was found in the bath complex of Lower Herodium, carved on a fragment belonging to the handle of an exquisite labrum (Fig. 2.12).\textsuperscript{160} Herod did not follow the prohibition against graven images outside of his realm, to be sure, as the preservation of several inscribed statue reveals that images of the king stood in pagan cities.\textsuperscript{161} Netzer allows that the “graven image” from the Herodium bathhouse would have been in direct violation of the prohibitions of the third commandment of the Decalogue and Deuteronomic law (Deut. 4:15-8), but he considers this image “the exception that proves the rule,” namely that Herod and his court largely adhered to the Third Commandment.\textsuperscript{162} Still, the image’s existence makes it clear that the archaeology of Herod’s baths does not allow unequivocal statements regarding Herod’s consideration for Jewish law.

**Conclusion:**

Such is the evidence for Herod’s baths, and it is in some ways a contradictory endeavor to present it “separately” from the historical evidence, and its interpretation has been informed by the historical evidence from the beginning. While keeping the liabilities of Netzer’s methodology in mind, we may nevertheless still accept that much of the material attributed to Herod belongs to the king, and certainty is measured in degrees, rather than in absolute terms. In the next chapter, I demonstrate how Herod’s bathing habits are poorly preserved in literature. Josephus has built his own literary edifice over top of him. I carefully excavate Josephus’ material, then, and strive to be impartial in the model of a responsible excavator approaching his chosen site.

\textsuperscript{160} Netzer, *Architecture of Herod*, p. 194. The fine craftsmanship of this image has led Netzer to speculate that this vessel must have been a royal gift to Herod.

\textsuperscript{161} Kokkinos, *Herodian Dynasty*, p. 137.

\textsuperscript{162} Netzer, *Architecture of Herod*, p. 194.
Figure 2.1: Miqveh and otzar uncovered in northeastern corner of Hasmonaean palace at Tulul Abu el-‘Alayiq. After Netzer, *Palaces of Hasmonean and Herod*, p. 19, fig. 12.
Figure 2.2: One of the two swimming pools built to the west of the first Hasmonaean palace at Tulul Abu el-‘Alayiq. After Netzer, *Palaces of the Hasmoneans and Herod*, p. 20, fig. 14.
Figure 2.3: Herod’s eleven Roman-style bathhouses, as identified by Netzer (all drawn to the same scale): 1 = Lower Herodium; 2 = Herodium Citadel-Palace; 3 = Jericho, North Wing of the Third Palace; 4 = Jericho, Second Palace; 5 = Jericho, the First Palace; 6 = Jericho, Third Palace - Southern Tell Rotunda; 7 = Cypros, Summit; 8 = Cypros, Lower Level; 9 = Machaerus; 10 = Masada, Northern Palace Lower Terrace; 11 = Masada, Northern Palace Large Bathhouse. After Netzer, *Palaces of the Hasmoneans and Herod*, p. 134, fig. 172.
Figure 2.4: Reconstructed caldarium of the Large Bathhouse at Masada, looking north, showing the barrel-vaulted ceiling and hypocaust suspensurae. After Netzer, *Masada III*, p. 89, ill. 146.
Figure 2.5: *Opus quadratum* (left) and *opus reticulatum* (right) brickwork in corner niche of the *caldarium* (locus B69) in the Third Palace at Tulul Abu el-'Alayiq (Jericho). After Netzer, *Jericho I*, p. 257, ill. 386.
Figure 2.6: *Titulus pictus* found at Masada on fragments of Italian wine amphora, addressed to "Regi Herodi ludaic(o)." After Cotton & Geiger, *Masada II*, plate 19, no. 805.
Figure 2.7: Interior of a large cistern at Masada, with view toward the entrance and rock-cut stairs. After Netzer, "Aqueducts and Water-Supply of Masada," p. 358, fig. 7.
Figure 2.8: Isometric view of Netzer’s reconstruction of the round building on Tell 1 at Tulul Abu el-‘Alayiq. After Netzer, Palaces of the Hasmoneans and Herod, p. 60, fig. 75.
Figure 2.9: 18th century illustration of the round Tempio di Mercuri in Baiae. After Netzer, *Palaces of the Hasmoneans and Herod*, p. 59, fig. 74.
Figure 2.10: Detail of plan of Herod’s Third Palace at Tulul Abu el-Alayiq: B52 = tepidarium; B66 = tepidarium; B67 = apodyterium; B68 = laconicum; B69 = caldarium; B147 = frigidarium. Black wall lines indicate concrete faced with opus reticulatum. After Netzer, Jericho I, p. 232, plan. 34.
Figure 2.11: A possible lavatory in Herod’s Second Palace at Jericho, viewed from north, with channel along eastern wall. After Netzer, *Jericho I*, p. 211, ill. 303.
Figure 2.12: Sculpted image identified as Silenus, from fragment of marble labrum found at Lower Herodium. After Netzer, *Palaces of the Hasmoneans and Herod*, p. 114, fig. 148.
CHAPTER 3
THE EVIDENCE FROM JOSEPHUS

Introduction

The material evidence for Herod’s bathing is rich, and can tell us a great deal about Herod’s complex relationship with the practice of bathing, and the attention which he devoted to this practice. A survey of the historical evidence for Herod’s bathing practices quickly makes it clear, however, that Josephus’ writings are both sparse and inconsistent on this topic. This is not to say that Josephus’ works are not useful, but his references to Herodian baths must be examined in light both of their literary context and continuity with archaeology. Josephus provides a limited number of references to Herod’s bathing facilities: one general reference to Herod building public baths in foreign cities, and four references to particular Herodian baths (one public and three private). Josephus never refers specifically to any swimming pools built by Herod. Josephus, in addition, provides just three narrative episodes of the king or his court bathing. We must be very mindful of the textual context of these references to bathing, and Josephus’ rhetorical goals, both in the passages and in the work as a whole. When we balance Josephus’ writings against the archaeological evidence, we learn a great deal about the authorship and methods of Josephus himself.

The current reception of Josephus

A generally low opinion of Josephus as a historian prevailed in scholarly literature from the 19th century onward, until the latter half of the 20th century, as myopic Quellenforschung of Josephus’ sources persistently subtracted the originality from his writings. Only recently has Josephus been read comprehensively and with a view for the
larger themes and influences on his work. One of the more important trends in recent decades has been to also re-contextualize Josephus, as others have done with Herod, within the larger framework of Greek and Roman literature.\textsuperscript{163} This is not to say that he is no longer read critically, but Josephus is now given much more credit, if not as an unprejudiced and accurate historian,\textsuperscript{164} at least as masterful author whose narratives are demonstrably coherent and thoughtfully composed.\textsuperscript{165} This has become the primary way to read Josephus and he is now viewed as a creative and independent historian who wrote well and effectively for his intended Greco-Roman audience. It is also widely recognized today that Josephus’ subjective agenda and biases played a major role in the composition of his works, and this greatly complicates the use of his writings for an analysis of the historical Herod. Steve Mason cautions against the common notion that we can in general render the historical material unproblematic simply by an awareness of Josephus’ biases.

\textsuperscript{163}This is an established but still burgeoning field. Two pioneering works were Shaye J. D. Cohen, \textit{Josephus in Galilee and Rome: His Vita and Development As a Historian}, (Columbia Studies in the Classical Tradition 8; Leiden: Brill, 1979); Tessa Rajak, \textit{Josephus, the Historian and his Society} (London: Duckworth, 1983); more recently this reading has been championed and greatly enhanced by Steve Mason, in a number of publications; cf. “Figured Speech and Irony in Flavius Josephus,” in \textit{Flavius Josephus and Flavian Rome}, eds. J. C. Edmondson, Steve Mason, and J. B. Rives (Oxford: Oxford University Press, 2005), pp. 243-88; idem, “Reading Josephus’ Bellum Iudaicum in the Context of a Flavian Audience,” in \textit{Josephus and Jewish History in Flavian Rome and Beyond}, eds. Joseph Sievers, and Gaia Lembi (Supplements to the Journal for the study of Judaism 104; Leiden: Brill, 2005), pp. 70-100.

\textsuperscript{164}For more cynical opinions of the historical value of Josephus, especially related to the period of his own life and his role in the Jewish Revolt, see Cohen, \textit{Josephus in Galilee}; Seth Schwartz, \textit{Josephus and Judean Politics} (Columbia Studies in the Classical Tradition 18; Leiden: E.J. Brill, 1990).

\textsuperscript{165}This was well demonstrated by Per Bilde, \textit{Flavius Josephus between Jerusalem and Rome: His Life, His Works and Their Importance} (Journal for the Study of the Pseudepigrapha, Sup. 2. Sheffield: JSOT, 1988); see also Gregory E. Stirling, \textit{Historiography and Self-Definition: Josephos, Luke-Acts, and Apologetic Historiography} (Supplements to Novum Testamentum 64; Leiden: E.J. Brill, 1992); Josephus’ independence and creativity is one of the main themes of Steve Mason, “Flavius Josephus in Flavian Rome: Reading On and Between the Lines,” in \textit{Flavian Rome: Culture, Image, Text}, eds. A. J. Boyle and William J. Dominik (Leiden: Brill, 2003), pp. 559-89; Tamar Landau, \textit{Out-Heroding Herod: Josephus, Rhetoric, and the Herod Narratives} (Leiden: Brill, 2006), does this for the narratives of Herod, though her focus is (narrowly) narratological; Landau is very little concerned with the historical Herod.
We have no way to transmogrify selected pieces of [Josephus' narrative] into something more neutral, to decode it, disinfect it, or distill from it a residue of factual statements. That would require magic or alchemy, not history. Though they are histories by ancient standards of genre, his narratives contain much of the dramatic, tragic, and poetic. It is not possible to detach every one item or case from ‘Josephus’ framework, for that framework is pervasive and fully wrought, animating all of its constituent atoms.166

Much the same could be said of any author, ancient or modern. Mason argues this in particular for the historical information for which Josephus is our only source. In these instances there can be no separation of author and text. But rather than surrender to subjectivity, it is important to realize that Mason’s truism is valid only for those instances in which we have no external evidence, and even for episodes found only in the text of Josephus we often are still able judge them against the archaeological record. With this in mind, I examine the information in Josephus about Herod’s bathing structures and his bathing practices to compare this to what we see in the material record. My aim is to glean information about Josephus just as much as about Herod.

**General references to Herod’s gifts of baths**

In Book 19 of the *AJ*, Josephus makes one general mention of Herod’s building baths. This reference serves as a very fitting introduction to the difficulties Josephus’ writings present for the study of the historical Herod. In this passage, which falls outside of Josephus’ main narrative of Herod’s life, Josephus compares Herod unfavorably to his grandson, Agrippa I:

[Agrippa] took pleasure in conferring favours and rejoiced in popularity, thus being in no way similar in character to Herod, who was king before him. The latter had an evil nature, relentless in punishment and unsparing in action against the objects of his hatred. It was generally admitted that he was on more friendly terms with Greeks than with Jews. For instance, he adorned the cities of the foreigners by giving them money, building baths (βαλανείων) and theaters (θεάηπυν), erecting temples in some and porticoes in others, whereas there was not a single city of the Jews on which he deigned to bestow even minor restoration or any gift worth mentioning. (AJ 19.328-9)\(^\text{167}\)

While Josephus does mention many buildings which Herod’s constructed outside of Judaea, his incredible statement that Herod did not patronize Judaean cities is in blatant contradiction with other statements in both the \(AJ\) and the \(BJ\). This passage is also a clear example of Josephus’ authorial bias towards Herod, at least in the \(AJ\). Elsewhere Josephus found Herod’s restoration of the Temple in Jerusalem to be very worthy of mention, and he notes especially the Temples monumental porticoes (AJ 15.380-425; BJ 1.401).\(^\text{168}\) The Temple is not the only example Josephus gives of Herod’s constructions in Judaean cities: he mentions a theater which Herod built in Jerusalem itself, along with a large amphitheater he built nearby, as the venues for his lavish games in honor of Caesar: “For in the first place he established athletic contests every fifth year in honour of Caesar, and he built a large theater (θέατρον) in Jerusalem, and after that a very large amphitheater (άμφιθεατρον) on the plain…” (AJ 15.268).

Josephus later also mentions a hippodrome in Jerusalem which most likely built by Herod (AJ 17.255). Nor was Herod’s monumental public architecture limited to Jerusalem, since Josephus mentions an amphitheater at Jericho multiple times: (AJ 17.161, 17.194; BJ 1.654, 1.666). Josephus also mentions a hippodrome at Jericho,

\(^{167}\) All translations are from the Loeb Classical Library editions of Josephus’ works.

\(^{168}\) Josephus also has Herod give an angry speech, near the end of his life in the Antiquites, to imprisoned Jewish rebels, in which he describes his great expense in rebuilding the Temple on behalf of the Jewish nation, and he calls his achievement greater than any feat of the Hasmonaeans (AJ 17.161-3).
which was used to imprison Jewish notables at the end of Herod’s life (BJ 1.659; AJ 17.175). In terms of archaeological evidence, the location of the public entertainment facilities at Jerusalem have not been identified conclusively, but at Tell es-Samarat, 600 meters to the southwest of ancient Jericho, a unique Herodian entertainment complex has come to light. This complex is a combination of hippodrome and theater (Fig. 3.1) unparalleled in the ancient world, and Netzer suggests that the elevated courtyard located behind the theater’s cavea may have served as the palaestra of a gymnasium, thereby incorporating further public functions into one facility. Josephus’ statement that Herod did not bestow “even minor restoration or any gift worth mentioning” on any Judaean city clearly cannot stand, in the light of both the textual and material evidence.

We can, however, note a few very significant points about Josephus’ authorship from the above passage of Book 19. First, it is clear that Josephus’ rhetorical goals led him to make statements about Herod which are inconsistent even within his own writings. The AJ was composed after the BJ, and is much more critical of Herod than the earlier work, so the passage from Book 19 of is in keeping with this hostile undercurrent. Josephus main source for the historical events of both the AJ and the BJ was the testimony of Nicolaus of Damascus, Herod’s biographer and court historian. Still, Josephus makes explicit his attempt to distance himself from Nicolaus in the AJ, criticizing Nicolaus for being too lenient toward Herod:

For since [Nicolaus] lived in Herod’s realm and was one of his associates, he wrote to please him and to be of service to him, dwelling only on those things that redounded to his own glory, and transforming his obviously unjust acts into the opposite or concealing them with the greatest care. (AJ 16.184; brackets mine)

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170 Ibid., p. 74.
171 Ibid., p. 80.
Tessa Rajak notes from this passage that not only was it important to Josephus to distance himself from Nicolaus, but the trouble which he takes to do so shows that this was also rather difficult. Yet Josephus’ own bias is apparent in the context of the passage from Book 19. Josephus’ extols Agrippa I’s euergetism but he only refers to Agrippa I undertaking one building project in Judaea, the fortification of the walls of Jerusalem, which were left unfinished (AJ 19.326). The only other specific examples of Agrippa I’s constructions which Josephus gives are also gifts to a foreign city: a theater, amphitheater, baths, and porticoes built in Berytos (AJ 19.336). Josephus, then, is only able to make Agrippa I’s building projects remarkable through vagueness about the extent of Herod’s building program abroad, and through outright omission of Herod’s building program at home. Josephus, therefore, is guilty of the same failings of which he accuses Nicolaus, and for the same reason, as well, since his praising Agrippa I, suits the needs of his patron Agrippa II, Agrippa I’s son. Herod’s descendants most likely promoted such rhetoric, both for their own aggrandizement, and, as Rajak notes, “to detach themselves from an ancestral memory which could not be adequately cleansed”. Herod, in his composition of the BJ, shared Nicolaus objective to portray their Herod in a manner appealing to a Roman and Greek audience, and so the BJ includes a long catalog of Herod’s donations to Greek cities. In the AJ, Josephus instead shifts the praise for such euergetism to Agrippa I and Agrippa II.

A further aspect of Josephus authorship which must be noted, an aspect which can be only be observed in comparison with the material evidence, is that even when Josephus uses specific terminology for buildings, he does not always use such terms

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173 Ibid., p. 32.
technically, or even in a correct sense. Thus, though Josephus apparently made a
distinction between theater and amphitheater, as can be seen of his description of the
buildings in Jerusalem, he does not use the term “amphitheater” correctly when he refers
to the entertainment complex in Jericho. If we consider Netzer’s reconstruction of the
facility, it is clear that the facility only encompassed a theater, not an amphitheater.
Josephus’ account does not make clear, moreover, that the hippodrome and the theater
were part of the same structure, and as Netzer has remarked, the notion of keeping
prisoners in a hippodrome does not make sense until excavation revealed the porticoed
walls which surrounded the structure.\footnote{Netzer, The Architecture of Herod, p. 79, note 126.}
In fact, Josephus’ lack of specificity in his
references to the entertainment facility of Jericho, and his use of inappropriate
terminology, implies he did not himself visit the site and was confused about its layout.
This confusion is apparent in many of his other references to Herodian buildings, and
especially to his references to Herodian baths.

Specific references to Herod’s gifts of baths

The first of Josephus’ four specific references to Herodian bathhouses is to a
public bathing facility donated to the city of Ascalon (mod. Ashkelon) the only reference
to Herod building baths which occurs in the main narrative of Herod’s life, in either work.
The context is Josephus’ list of Herod’s benefactions to foreign cities (Ascalon was not
part of Herod’s kingdom): Herod provided “baths (βαλανεῖα), sumptuous fountains and
colonnades, admirable alike for their architecture and their proportions, for Ascalon.” (BJ
1.422) In addition to these structures, Josephus also refers to a Herodian palace built by
Herod at Ascalon (BJ 2.98). Herod’s motives for his program of euergetism are not
stated in great detail. Josephus says only that Herod did so because he wished to
display his generosity (μεγαλόψυχον) (BJ 1.422). Since this is the only bath which Josephus specifically refers to Herod constructing abroad, it would seem that Herod favored other building types for his donations. Josephus does refer to gymnasia which Herod built in three other Levantine cities, Tripolis, Damascus, and Ptolemais (BJ 1.423), and several scholars suggest that these building included baths, and were thus thermae following the Roman model, but this remains an open question. Excavations at Ashkelon have not yet revealed any Herodian remains. Josephus' list of Herod's benefactions is not organized chronologically. It is unclear, therefore, when it was that Herod built these public baths at Ascalon, or any of his other structures in foreign cities which are mentioned in this passage. Since no Herodian bath public baths can be identified archaeologically, at Ascalon or elsewhere, we have no way of determining if Herod imported Roman elements for his public baths at Ascalon. It does seem likely that Herod would have, since a gift of luxurious public baths would redound to his glory, and we can observe from the material evidence that Herod spared little expense in his private baths.

References to Herod's personal baths

Three references to specific Herodian baths occur in a much different context than Josephus’ mention of the baths at Ascalon. Each occurs in the BJ. In Book 5, in a passage describing the walls, strongholds, and royal palace of Jerusalem, included as a prelude to Josephus’ account of Roman sack of the city in 70 CE, Josephus refers to two palatial baths in two different complexes in Jerusalem: the Phasael tower and the Antonia fortress. Unfortunately, the poor survival of the material evidence prevents us

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from learning much about the features of these baths, though there are at least some material remains from the structures they belonged to, unlike the baths at Ascalon.

Josephus first mentions a bathing facility in the Phasael tower when he describes the three monumental towers Herod built in Jerusalem to honor members of his family (Fig. 3.3): one tower for his friend Hippicus, another for his wife Mariamme, and another for his elder brother Phasael:

The second tower, which he named Phasael after his brother, was of equal length and breath [to the Hippicus], forty cubits each; forty cubits was also the height of its solid base. Above and around this ran a cloister, ten cubits high, protected by the parapets and bulwarks. Over this and rising from the centre of the cloister was built another tower, apportioned into sumptuous apartments, including a bath (βαλανεῖον), in order that nothing might be wanting to impart to this tower the appearance of a palace. (BJ 5.166-8)

Josephus’ succinct description of the bath suite in the Phasael, while providing little more detail than he allows in his mention of the baths at Ascalon, at least implies a motive for Herod’s construction of baths. Josephus’ phrasing suggests that Herod considered a bath suite a necessary feature of his palaces, and also that he was prepared to embed them into innovative architectural contexts. This implication is borne out by the archaeological evidence, since a distinctive feature of Herodian architecture is the construction of Roman-style bathhouses in innovative settings, such as the citadel palace at Herodium, where Herod even constructed a rounded tepidarium to accommodate the constraints of the space.¹⁷⁷ Netzer identifies an existing structure at the south corner of the Old City known popularly today as the “Tower of David” (Fig. 3.2) as the base of the Phasael, but only the lower courses survive and no evidence of the bathhouse is extant. He also demonstrates a correspondence between the construction of the “Tower of David” and that of the round eastern tower of the Herodium citadel

¹⁷⁷ Ibid., pp. 186-7.
palace. Josephus, however, does not mention an architectural similarity between the towers of Jerusalem and the tower of the Herodium citadel, but he does discuss these structures in the same passage (BJ 1.418-19), providing at least a conceptual link between the two complexes. He states, however, that Herod built these structures for different reasons: Phasael to honor his brother, but Herodium to honor himself.

Josephus groups these buildings by theme, not by chronological progression, an organization which is characteristic of the topical organization of the BJ as a whole, a narrative structure which follows the convention of ancient biography, not the annalistic method of other histories. In this passage, after describing the rebuilding of the Temple (BJ 1.401), Josephus provides three categories of Herodian building projects within Judaea: building complexes which Herod named after his Roman patrons (BJ 1.401-16), those which he named after members of his family and friends (BJ 1.417-18), and Herodium (BJ 1.419-21). Josephus, in his description of the building projects which Herod dedicated to family and friends, he mentions the city of Antipatris, dedicated to Herod’s father, the fortress Cypros, dedicated to Herod’s mother, and then the tower Phasael:

To his brother Phasael he erected the tower in Jerusalem called by his name, the appearance and splendid proportions of which we shall describe in the sequel. He also gave the name of Phasaelis to another city which he built in the valley to the north of Jericho. But while he thus perpetuated the memory of family and friends, he did not neglect to leave memorials to himself. Thus he built a fortress in the hills on the Arabian frontier and called it after himself Herodium. (BJ 1.418-19).

The Phasael tower is the only of the three Jerusalem towers which is mentioned in this passage. The Phasael tower was the tallest of Herod’s three towers; Josephus says that it resembled the lighthouse Pharos of Alexandria (BJ 5.169; AJ 16.144), so he may have

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mentioned the Phasael in Book 1 simply because of the tower’s prominent height. But, since the Phasael is also the only of the three towers which Josephus explicitly mentions as having a bath, the pièce de résistance of its palatial decoration, this bath may also be a reason for the Phasael’s distinction in Book 1. Still, Josephus says that the Mariamme tower was even more ornately decorated than the Phasael:

But [the Mariamme tower’s] upper residential quarters were far more luxurious and ornate than those of the other towers, the king considering it appropriate that the one named after a woman should so far surpass in decoration those called after men, as they outdid the woman’s tower in strength. (BJ 5.171)

Why, then, would Josephus not deign to mention a bath in the Mariamme tower, if the Mariamme tower were far more ornate than even the Phasael? It is possible that Josephus wanted to avoid mention of Herod’s wife Mariamme, the tower’s namesake, in the passage in Book 1, since her execution reflects poorly on Herod in a passage in which Josephus praises Herod familial devotion. It seems likely that the Mariamme Tower would also contain a bath suite but, since we cannot turn to the archaeological evidence to confirm this, we cannot know if Josephus description of the Mariamme implies that it had more luxurious baths than the Phasael. We also cannot know for sure what style of bathing suite, Greco-Jewish or Roman, was built in this tower. The Phasael and its sister towers were probably among the earliest structures built by Herod, so it is possible that it contained a Greco-Jewish bath. It is safe to assume, at least, that Herod built miqva’ot in the Phasael, since these pools are the only element common to all of his bathhouses, both Greco-Jewish and Roman-style. Josephus’ description, and the terminology he uses, are also of little help in distinguishing the bathhouse’s style. Josephus does not commonly use the term “βαλανεῖον”. This term, counting its inflected

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forms, occurs only nine times in the whole of his works, but he applies it to a range of bathhouses, located both in Judaea and elsewhere in the Mediterranean.\textsuperscript{181} He first uses βαλανείον to describe the presumably Greco-Jewish facility in which Herod bathes at Jericho in 37 BCE (BJ 1.340; see below), but later uses “βαλανείον” to refer to the bathhouse which Herod’s grandson, Agrippa II, uses in Rome 37 CE (AJ 18.228). Josephus does not use the term before his narratives of the life of Herod, however. In general, it seems that Josephus simply used “βαλανείον”/ “βαλανεία” to refer to any “modern” heated bath, either Greco-Jewish or Roman. A more common term is “λοτρόν”/ “λοτρά”, which appears throughout Josephus’ works. He uses this term either of a washing/cleansing, or of the bath building itself. It must be noted too, that instead of “βαλανεία,” Josephus consistently uses the term “λοτρά θερμά”, or simply “θερμά” to refer to baths fed by natural hot spring.

Josephus’ third mention of a Herodian bath occurs later in Book 5, where it refers to baths in the Antonia (Fig. 3.4), Herod’s fortress on the northwest corner of the Temple Mount:

The interior resembled a palace in its spaciousness and appointments, being divided into apartments of every description and for every purpose, including cloisters, baths (βαλανεία) and broad courtyards for the accommodation of troops; so that from its possession of all conveniences it seemed a town, from its magnificence, a palace. (BJ 5.241)

Here we again do not get any qualifying details about the baths, though, as in the previous passage, baths are not an afterthought, but are an integral part of Herod’s planning of palaces. The Antonia baths have suffered a similar fate to that of the Phasael tower, as only the platform of the structure is preserved today, and even the

fortress’ exact setting on the platform is a controversial issue.\textsuperscript{182} By comparing this passage with Josephus’ account of the Phasael, though, we may at least observe a potential distinction in his use of the singular βαλανεῖον versus the plural βαλανεῖα. It seems likely that Josephus’ is referring to more or grander baths in the Antonia, considering the much larger size and greater importance of the fortress compared to the Phasael. The structure of the text makes a distinction in Josephus’s usage more likely, since his descriptions of these two bathing facilities occur in the same section of the text. This distinction does not, however, serve to clarify the style of the baths in the Antonia. The Antonia was named for Mark Antony (BJ 1.401), which as Roller notes, means that the fortress must have been built no later than the end of the fourth decade BCE, before Antony had lost the civil war to Octavian, but Herod probably built it shortly after he took re-took Jerusalem in 37 BCE in his own civil war with the Hasmonaeans.\textsuperscript{183}

Netzer, indeed, suggests that the Antonia was probably the first of Herod’s building projects undertaken at Jerusalem, and one of the very first buildings constructed within his kingdom.\textsuperscript{184} Considering the early date of the Antonia, it seems possible that the style of its baths may well have been Greco-Jewish, since these would predate the later Greco-Roman baths found at Masada. Josephus mentions a second Herodian construction phase of the Antonia, during the period in which the Temple was under construction (some 18 years after Herod built the Antonia), when Herod installed a secret passage between the Antonia and the inner court of the Temple (AJ 15.424-5).\textsuperscript{185} Herod may have chosen to renovate the fortress’ baths at this point. Still, 37 BCE is not too early for Herod to have wanted to emulate Roman bathing practices. After all, Herod

\textsuperscript{182} Roller, \textit{Building Program}, p. 179; Netzer, \textit{Architecture of Herod}, pp. 123-4
\textsuperscript{183} Roller, \textit{Building Program}, p. 175
\textsuperscript{184} Netzer, \textit{Architecture of Herod}, p. 120
\textsuperscript{185} Roller, \textit{Building Program}, p. 175.
had been once to Rome prior to this point, when the Roman senate had proclaimed him King of Judaea in 40 BCE (*BJ* 1.285; *AJ* 14.385). Josephus mentions only three specific locations at Rome which Herod visited: the Senate,¹⁸⁶ the Capitolium (the temple of Jupiter Optimus Maximus), and the house of Mark Antony.

Much has been made of this first visit to Rome. Roller devotes an entire chapter to the architecture which Herod might have seen during that visit.¹⁸⁷ His treatment has received a scathing critique from Burrell and Netzer, for, among much else, exaggerating the architectural impact that Rome of 40 BCE would have made on the new king, since many monumental projects were then unfinished or not yet begun.¹⁸⁸ Burrell and Netzer doubt that Herod, in a week-long trip to Rome, would have had the time for sight-seeing, since his immediate family was besieged at Masada when he was engaged in political meetings and raising support for a military campaign to win himself a kingdom.

Yet neither Roller in this chapter, nor Burrell and Netzer in their critical response, give any thought for where Herod acquired the models for his Roman baths. He would not return to Rome until many years later, after he had built many of his Roman bathing facilities. Netzer says elsewhere that Herod “no doubt had enjoyed such facilities during his first visit to Italy.”¹⁸⁹ He would presumably have bathed in the house of Antony, as it was customary for Romans to bathe before formal dining. Herod would also have needed to bathe to be fit to appear before the Senate, and also to sacrifice on the Capitolium. Herod, though, would have had still earlier opportunities to observe Roman-style baths and bathing practices. His father had gone to Syria in 47 BCE to meet with Julius Caesar (*BJ* 1.194; *AJ* 14.137), where Antipater was made procurator of Judaea.

Herod might well have accompanied his father on this trip, since Antipater shortly thereafter appointed his son to be the governor of Galilee (BJ 1.203; AJ 14.159). It follows that Antipater would have been grooming his son in administration and diplomacy prior to giving him this appointment. Roller cites John Malalas of Antioch (6th century CE) who says that Caesar undertook extensive construction while in Antioch, including the building of baths, as another potential influence on Herod’s Roman-style architecture. Malalas’ late account is of questionable value for this period, however, and no archaeological evidence of Caesar’s baths have yet been found. Yet, even if Caesar himself did not build baths at Antioch, Herod would have had still other opportunities to learn of Roman bathing habits before his trip to Rome, such as during his meeting with Antony at Bithynia in 41 BCE (BJ 1.246; AJ 14.301-5).

Josephus’ fourth and final specific mention of Herodian Roman-style baths occurs again outside of Josephus’ main narratives of Herod’s life, in Book 7 of the BJ. It is found in his description of the fortress palace of Masada, a passage which precedes Josephus’ report of the Roman siege and the mass suicide of the Sicarii in 73 CE:

There, too, [Herod] built a palace on the western slope, beneath the ramparts on the crest and inclining toward the north. The palace walls were of great height, and had four towers, sixty cubits high, at the corners. The fittings of the interior – apartments, colonnades and baths (βαλανείυν) - were of manifold variety and sumptuous; columns, each formed of a single block, supporting the building throughout, and the walls and the floors of the apartments being laid with variegated stones. Moreover, at each spot used for habitation, both on the summit and about the palace, as also before the wall, he had cut into the rock numerous large tanks, as reservoirs for water, thus procuring a supply as plentiful as where springs are available. (BJ 7.289-291)

Josephus’ account is both general and impressionistic, and it does not provide any technical information about the baths themselves. It describes the Northern Palace, only

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190 Roller, Building Program, p. 82
191 Burrell & Netzer, "Herod the Builder, p. 706, n. 9
one of several palaces at Masada, and is inaccurate in certain details. The Northern Place, for example, was not built on the western slope of the plateau, but fully on its northern pinnacle. Nor is there any evidence for four monumental towers at the site, though Netzer suggests that an observer standing below the mount may have mistook the high terrace walls of the palace for four towers.192 His reconstruction of these terraces (Fig. 3.5), however, does not display four uniform corners which an observer might conceivably mistake for four towers of the same height, and Josephus description, furthermore, implies a square or rectangular shape very dissimilar from the layout of the Northern palace. Though Netzer proposes that Josephus’ description “to a certain extent reflects the impressions of a man who viewed the palace from afar”, such an observer would not be able to view the baths or the cisterns from without. Nor does Josephus show any awareness of the other palace buildings located at the summit. Josephus provides a description of the Northern palace which is in some ways congruent with the palace’s material remains, yet still misleading in others, especially the notion of a rectangular layout and its reported location on the Western slope. Josephus almost certainly would not have made these errors had he visited the mount himself. It seems, rather, that Josephus’ source was an individual who was present at the siege of Masada, especially for the information about the palace’s provisions (BJ 7.296). Josephus may also have cobbled his description together from different sources, since the writings of Nicolaus also probably contained information about Masada. We can see in the description of the baths at Masada in Book 7, as in his descriptions of the Phasael and the Antonia, Josephus’ tendency to categorize Herod’s palatial baths solely as decorative elements. Josephus affords them no other significance, and does not speak to the attention which Herod devoted to bathing, or treat their innovative Roman-style, or

192 Netzer, Architecture of Herod, p. 29.
ritual elements, which makes it seem likely that he did not understand their importance to the king.

Netzer confesses that we still do not know the relative importance of Masada as a fortress in Herod’s kingdom, or how often it was visited by the king or his family.\(^{193}\) Josephus does not include Masada among the list of sites which Marcus Agrippa, Augustus’ second in command, toured with Herod in 16 BCE, though the men did tour three other fortresses: Alexandrium, Hyrcania, and Herodium (\(AJ\) 16.13). Josephus’ description of the site, after all, serves as a backdrop to the events of the \(BJ\), and is not central to his treatment of Herod. Josephus does speak to Herod’s motivation for fortifying Masada, saying that Herod built Masada as a place of refuge from both the unruly population of Judaea and from Cleopatra (BJ 7.300). Masada had played a significant role as a place of refuge in the life of Herod, even prior to his reign. In 42 BCE, Herod had recaptured Masada from Jewish rebels, who were led by the brother of Malichus, the Jewish noble who had assassinated Herod’s father, Antipater (\(BJ\) 1.237; \(AJ\) 14.296). In both works Josephus calls Masada “the strongest of all” the fortresses in Judaea. When the Parthians invaded Judaea the next year (41 BCE), and deposed Hyrcanus II in favor of Antigonus, Herod fled with his family and nine thousand supporters to Masada, undertaking a perilous journey while being pursued by the Parthians and the Hasmonaean forces (\(BJ\) 1.263-7; \(AJ\) 14.355-366). Josephus tells us in both accounts that at that time there was enough food and water available in Masada for Herod’s family and a detachment of eight hundred soldiers, but not for such a large group. Herod left his brother Joseph in command of Masada and then made his way to Italy, where he would be proclaimed king in 40 BCE. Antigonus’ army besieged the fortress all the while, until Herod was able to lift the siege and rescue his family in 39

\(^{193}\) Ibid., p. 40.
BCE (BJ 1.294; AJ 14.397). In the meantime, we are told that the defenders of the fortress were in dire straits, and would have had to leave Masada, had rains not filled the fortress’ cisterns (BJ 1.287; AJ 14.390-1), an event which Josephus ascribes to divine providence in the AJ, a common theme in the narratives of Herod. The experience of Herod’s family at Masada certainly explains Herod’s attention to the fortresses’ water supply, which is evident in Josephus’ description of the cisterns in Book 7. Yet Josephus does not make any explicit connection between the water supply of Masada and its use in Herod’s baths. While modern archaeology has revealed the spectacular expense which Herod paid to consume Roman luxuries at such a forbidding site, Josephus, in the specific narrative of Herod’s life in the BJ and the AJ, does not even see fit to mention the palaces in the Masada among Herod’s other constructions. This oversight suggests that Josephus disregarded or was ignorant of certain essential qualities of the king’s personality.

Josephus mentions a number of Herod’s palaces, furthermore, where Herodian swimming pools or baths have been uncovered, such as the complex at Herodium (BJ 1.419-421; AJ 15.323-5) the winter palaces at Jericho (BJ 1.407), and the fortresses of Cypros (AJ 16.143) and Machaerus (BJ 7.163-177), or the promontory palace at Caesarea Maritima (BJ 1.408, AJ 15.331-2), yet he provides no mention of baths. If Josephus describes the palaces’ interiors at all, he generically mentions “magnificent apartments” or some similar variation, in the same way that we have seen him describe the Phasael, the Antonia, and Masada. Josephus also describes instances of Herodian hydraulic engineering, as in case of the Masada cisterns. In both works, for example,

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194 A concern for abundant water supply quite manifest in the massive rock-cut cisterns which excavations have uncovered at the fortress. It is estimated that the cisterns of Masada would have provided a total capacity of 6200 m$^3$ of water, not including the 600 m$^3$ provided by the fortress’ swimming pool - Netzer “Herodian bath-houses,” p. 363.
Josephus notes the manner in which abundant water was brought to Herodium from a distance at great expense (BJ 1.420, AJ 15.325). But though he mentions the abundant water at Herodium, he omits mention of Herodium’s multiple bathhouses and the complex’s enormous swimming pool. In Books 5 and 7 of the BJ, Josephus’ mentions baths as part of his detailed setting for the following action, in both cases a Roman siege. In earlier passages, then, Josephus may have omitted descriptions of Herodian baths because he did not want to slow down the thrust of his narrative of Herod’s life. This proposal would not account for Josephus’ omission of the baths of Machaerus, however, since in Book 7 of the BJ, he provides a description of the palace prior to the Roman siege, in much the same fashion as his later description of Masada:

Furthermore, on the top, surrounding the actual crest, he built wall, erecting towers at the corners, each sixty cubits high. In the center of the enclosure he built a palace with magnificently spacious and beautiful apartments. He further provided numerous cisterns at the most convenient spots to receive the rain-water and furnish an abundant supply... (BJ 7.174-176)

Josephus’ description of the towers, apartments, and cisterns of Machaerus is very similar to his description of the same at Masada. These passages occur, furthermore, in analogous contexts: Josephus’ is setting the stage for a Roman attack. Since both fortresses were built by Herod, and since both fortresses presumably served similar functions (as places of refuge and as safeguards for the southern roads into Judaea from the east and west of the Dead Sea), we can expect resemblances in the fortresses’ architecture. The wording of Josephus, however, goes beyond architectural similarity and approaches the formulaic. His lack of mention of the large bathhouse at Machaerus is somewhat confounding, considering the fact that he takes the time to discuss in relative detail the pleasant bath afforded by nearby hot springs (BJ 7.189). When all of Josephus’ descriptions of Herod’s palaces are taken into account, it becomes clear that
Josephus did not describe Herod’s palaces in a technical fashion, but instead described them generically, and according to a particular rhetorical *topos*. It may have allowed him stylistic unity, or simply to write moreconcisely. It would also have been a safe way for Josephus to describe palaces which he had never seen, since he understood that Herod was fond of building and adorning spacious rooms in his palaces. This narrative convention, though, is problematic for archaeological purposes, especially when Josephus’ formula most often excluded reference to bathing facilities.

**Bathing Narratives**

Both the *AJ* and the *BJ* provide three parallel narrative episodes of the king or members of his court bathing. It is significant that each of these three episodes occurs in both woks, as it indicates their importance to Josephus. A critical reading of the text, however, reveals inconsistencies and other problems in these texts. There is also no external evidence to verify that these accounts actually took place, though two of the three are set in a location that is known from archaeology. We must therefore use the historical information quite cautiously. Though they may not provide evidence for Herod’s actual practice, they do provide information about what was believable to Josephus’ audience.

The first narrative episode is Herod’s bath at Jericho in 37 BCE, which takes place after Herod’s rout of the Hasmonaean forces there, during his war with Antigonus for the control of Judaea:

That evening, Herod having dismissed his companions to refresh themselves after their fatigues went himself just as he was, yet hot from the fight, to take a bath, like any common soldier (στρατιωτικῶτερον) for only a single slave attended him. Before he entered the bath-house (βαλανῖον) one of the enemy ran out in front of him, sword in hand, then a second, and a third, followed by more. These were men who had escaped from the combat and taken refuge fully armed in the baths
(βαλανεῖον). There for a while they had remained lurking and concealed; but when they saw the king, they were panic-stricken and ran trembling past him, unarmed (γυμνὸν – naked) though he was, and made for the exits. By chance not a man was there to lay hands on them; but Herod was content to have come off unscathed, and so they all escaped.  

The episode in the *AJ* is very similar to the parallel episode in the *BJ*, with slight but significant variations:

At this point the king ordered his soldiers to have their supper, as it was late, and he himself, being tired out, went into a room to bathe (εἰσελθὼν εἰς τὸ δωμάτιον περὶ λουτρόν ἤν). And here he came into very great danger, but by the providence of God, escaped it. For he was naked and taking his bath, with only a single servant in attendance, in an inner chamber, where several of the enemy, who were armed, had taken refuge out of fear; and while he was bathing, one of them stole by with his sword drawn, and went out through the door, and after him a second and a third who were similarly armed, but in their consternation they did the king no injury, and were content to have got away into the open without suffering any harm. (AJ 14.462-3)

This episode could be apocryphal or composed by Josephus himself. It is, after all, a self-contained episode in both, similar in manner to an account found in oral tradition, but it is also in keeping with the moralistic theme of Josephus’ works. This story accords with the prevalent theme of Herod’s good fortune in both the *AJ* and the *BJ*. It is likely that Josephus took the episode from the works of Nicolaus. This story would be in keeping with the presumed character of Nicolaus’ writings, since, in relating Herod’s extraordinary escape, he would make the king seem all the more fortunate. It is significant, indeed, that Josephus goes further and ascribes Herod’s escape to Divine Providence in the *AJ*, and not in the *BJ*. We have already seen a similar treatment in Josephus’ account of the rains which refilled the cisterns at Masada, which he also ascribes to God’s intervention in the *AJ* and not the *BJ*, and the same approach can be

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seen in his parallel accounts of the building collapse which Herod survives, just prior to his escape in the baths at Jericho (BJ 1.331-2, AJ 14.454-5). The theme of Divine intervention is, as Rajak says, “part of a regular pattern of interpretation” in the AJ.\textsuperscript{196} Josephus’ portrayal of Herod as divinely fortunate, moreover, does not detract from the notion that the later AJ presented Herod in a negative light – Josephus puts his own spin on it. He elsewhere quotes a prophecy about Herod’s future kingship by the Essene sage Manaemus (Menahem), while Herod was still a boy, which pithily sums up Josephus’ view of Herod in the AJ:

‘Now you (Herod) will be singled out for such good fortune as no other man has had, and you will enjoy eternal glory, but you will forget piety and justice. This, however, cannot escape the notice of God, and at the close of your life His wrath will show that He is mindful of these things.’ (AJ 15.191-2).

Overall, however, the episode at Jericho seems most likely to date to the reign of Herod, since it fits his own interests best. Whether or not such an event actually took place, Herod would have found such a story demonstrating his divine favor useful for his own propaganda. It is particularly appropriate to the political conditions of the time in which the story is set, since Herod was in the midst of a civil war and needed those Judeans who were not firmly supporting the Hasmonaeans to come over to his side. Such propaganda seems to have had its effect. After relating Herod’s survival of the building collapse Josephus says:

Multitudes of Jews now joined [Herod] daily from Jericho and elsewhere, some drawn by hatred of Antigonus, other by his own success, the majority by blind love of change. (BJ. 1.332)

The spread of such stories to make his rule seem inevitable is likely to have been a vital factor in these defections to his side. Returning to the question of Josephus’ authorship, even though there is no outside evidence to validate that this event actually took place,

we can at least assume that it was within the bounds of believability for his own audience. We should note that the earlier version specifically labels the bathing facility a “βαλανείον”, while in the AJ he uses the vague “τι δωμάτιον.” Josephus may use the word “βαλανείον” in the BJ simply to connect with his Greco-Roman audience, which was more concerned with the accoutrements of bathing. Which version are we to prefer? The BJ seems the more trustworthy, since the drama in the AJ has been heightened, so that the soldiers sneak out while the king is bathing, instead of fleeing before Herod enters the building. This seems less credible than the account in the BJ, and in the AJ it is not clear whether Herod even becomes aware of the enemy soldiers. If Herod, and apparently his one servant, were unaware of the men completely, there is no mechanism for this story to be remembered. What kind of bathhouse did Herod use at Jericho? It is inconceivable that this bathhouse was a facility which Herod built, since he had been at war with the Hasmonaeans since his arrival in Judaea after the Roman Senate crowned him king, and had only recently fought a great battle with his enemies at Jericho. Since the Greco-Jewish style of bathhouse prevails during this period, the material evidence would suggest that Herod bathed here in the Greco-Jewish style. In Greek baths, the bather sat in a hip-tub while servants poured on hot water, so that the bather received a kind of shower. Herod would presumably need the aid of only one slave for this style of bathing. We do not learn anything of the facility except that it had multiple chambers.

We gain little insight from this episode, though, into the style of Herod’s bathing habits after he secured his kingdom, when he began constructing Roman-style baths. We can at least infer from this episode that Herod (at least in Josephus conception) would normally have bathed with the aid of more than just one slave, since Josephus emphasizes this circumstance in both versions. Herod having only one attendant is

made out to be somewhat exceptional. A key to Josephus' understanding, though, is his usage of the word “στρατιωτικῶτερον.” This is a comparative adverbial form of the adjective “στρατιωτικός, ή, όν,” which can mean “of or for soldiers” or “fit for a soldier, military,” or “warlike, soldierlike”. Another rendering of Josephus' usage would be “more in the fashion of a common soldier.” This particular form is only found once in Greek historiography before Josephus, in Thucydides (2.83.3), who certainly influenced Josephus writing, and Josephus may have used this term, therefore, to signal his sophistication for his audience. His wording, however, does not emphasize the importance of bathing in Herod’s life but, in fact, does the opposite, since his statement that Herod bathed “στρατιωτικῶτερον” at Jericho serves to undermine any unique connection between Herod and bathing. This phrasing, in addition, does not suggest any ritual purification that Herod would have performed after battle, so there is no linkage here to Herod’s use of miqva‘ot, features so common in both Hasmonaean and Herodian palaces. Still, the preservation of this story, though its setting predates Herod’s construction of Roman baths, suggests at least some connection between Herod and bathing was remembered in Josephus’ day.

The second bathing episode involves members of Herod’s court, and, in contrast to the previous episode, is set at a site well known to archaeology: the Hasmonaean pool complex (Fig. 3.6). This episode is the drowning of Herod’s brother-in-law Jonathan (Aristobulus III) at Jericho in 35 BCE and Josephus gives the same motive for the murder in both works: the popularity which Aristobulus possessed, as the last scion of the Hasmonaean dynasty. Herod felt particularly threatened by Aristobulus’ popularity after a great outpouring of popular support took place whilst Aristobulus was publically

198 LSJ, 1968 ed.: s.v. στρατιωτικός
performing the office of high priest. Herod then decided to rid himself of this threat:

[Herod] had bestowed upon him in his seventeenth year the office of high-priest, and then immediately after conferring this honor had put him to death, because on the occasion of the festival [of Tabernacles], when the lad approached the altar, clad in the priestly vestments, the multitude with one accord burst into tears. He was, consequently, sent by night to Jericho, and there, in accordance with instructions, plunged into a swimming-bath (κολυμβήθρος) by the Gauls and drowned. (BJ 1.437)

The details of Jonathan’s murder in the AJ differ considerably from this brief, austere version in in the BJ. In the AJ, Herod lays a trap for Jonathan, who is tricked into horesplay in the swimming pool with men whom Herod has ordered to murder him. The tragedy is heightened by the contrast between the seemingly-lighthearted recreation of the young men, and the wicked deed in store:

As a result of all these things [i.e. Jonathan’s popularity with the common people], Herod decided to carry out designs against the youth. When the festival [of Tabernacles] was over and [Herod and Aristobulus] were being entertained at Jericho as the guest of Alexandra, he (Herod) showed great friendliness to the youth and led him to drink without feat, and he was ready to join in his play and to act like a young man in order to please him. But as the place was naturally very hot, they soon went out in a group for a stroll, and stood beside the swimming-pools (κολυμβήθροις), of which there were several large ones around the palace, and cooled themselves off from the excessive heat of noon. At first they watched some of the servants (τοὺς νέοντας τῶν οἰκεῖων) and friends (of Herod) as they swam, and then, at Herod’s urging, the youth was induced (to join them). But with darkness coming on while he swam, some of the friends (φίλων), who had been given orders to do so, kept pressing him down and holding him under water as if in sport, and they did not let up until they had quite suffocated him. (AJ 15.53-5)

These two accounts are the only instances, in any of his works, in which Josephus uses the word “κολυμβήθρος” to mean “swimming-pool.” Though the account in the AJ, like the episode of Herod’s bath at Jericho, is again dramatized, this version may be preferable from a historical stand point. In the BJ, the detail of the Gauls, Herod’s mercenaries, may be an anachronism, as Herod received a troop of Galatian cavalry from Octavian (BJ
1.397; *AJ* 15.217) in 30 BCE, five years after the drowning of Aristobulus.\(^\text{200}\) Josephus may have realized and corrected his mistake from the *BJ*. The setting is credible: Josephus description in the *AJ* of the Hasmonaean palace containing multiple pools is in agreement with the material evidence for the complex.\(^\text{201}\) Still, the discrepancies between the works should give us food for thought. Netzer's uses of the version in the *AJ* to argue about the status of the users of these swimming pools: he uses to show that not only did the masters enjoy the pools, but the household slaves as well, and he states that it is evident that recreational games of some kind were held in them, and the bathing activity lasted for hours, even after dusk.\(^\text{202}\) This is too simplistic a reading, however, and it is unlikely that this story itself dates to the reign of Herod. The king would not have promoted such an account and it similarly would not have been included in Nicolaus' court-sponsored biography. Josephus source for this episode is thus probably later and less reliable. The Hasmoneans continued to enjoy popular support, and the disappearance of a popular member of the dynasty would naturally lead to successively more colorful explanations, until reaching a form like that in the *AJ*. An origin in oral tradition would also explain the variation in details between the works; Josephus may have had more than one version to choose from. He just as easily may have himself fabricated the later account in the *AJ*, since the setting of the murder and the statement that Jonathan was drowned are the only details common to both.

The issue of slaves bathing with their masters in the Hasmonean swimming pool is also problematic. This is most likely written with a Roman audience in mind. There is ample evidence for Roman slaves accompanying their masters to the public baths as


\(^{201}\) Netzer, *Jericho I*, p. 7, Fig. 15; This episode corresponds to Stage 7 of the Hasmonaean Palace Complex, the final building stage before it was destroyed in the earthquake of 31 BCE.

\(^{202}\) Netzer, *Palaces of the Hasmoneans and Herod*, p. 25.
attendants, and some indications that certain slaves could bathe on their own as customers, but evidence for the latter is quite sparse. There is much less evidence for the customs in private baths. The intricate regulations of bodily purity to which the Hasmonaean subscribed further complicate the question of their bathing with slaves and gentiles. Such rules of purity would have been a special consideration for Jonathan, whom Herod had invested with the high priesthood, and it is quite unlikely that Jonathan would take his vocation lightly enough to risk impurity by bodily contact with slaves and gentiles. Thus Josephus story, coming as it does more than a century after the fact, seems to reflect instead the sympathies of its Roman audience, for whom bodily contact with slaves as attendants and sometimes as fellow bathers in the bathhouse was the norm. We therefore also cannot use the episode in the AJ to determine whether slaves of the Herodian familia bathed in Herod’s Roman-style bathhouses. Herod’s frigidaria in the form of miqva’ot make it clear that he, too, was keenly interested in ritual purity and thus may have himself prevented slaves from using his bathing facilities.

The third and final episode, which describes Herod himself bathing, is the medicinal bath which Herod takes at Callirrhoe in 4 BCE. In both works, Josephus describes this medicinal bath as an attempt to treat the painful illness to which Herod succumbed at the end of his life. Josephus’ wording is nearly identical in both works:

Yet struggling as he was, [Herod] clung to life, hoped for recovery, and devised one remedy after another. Thus he crossed the Jordan to take the warm baths (θερμοῖς) at Callirrhoe, the waters of which descend into Lake Asphaltitis (τὴν Ἀσφαλίτινην λίμνην) and from their sweetness are also used for drink. There, the physicians deciding to raise the temperature of his whole body with hot oil, he was lowered into a bath full of that liquid (δόξαν δὲ ἐνταῦθα τοῖς ἱατροῖς ἠλαίῳ θερμῷ πᾶν ἀναθάλσαι

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203 Garrett Fagan, “Interpreting the evidence: did slaves bathe at the baths?” in DeLaine and Johnston, Roman Baths and Bathing, pp. 25-34.
204 Josephus, citing diviners in the BJ (1.656), and “men of God and by those whose special wisdom led them to proclaim their opinions on such matters” in the AJ (17.170), that Herod’s his illness was punishment from God, an apt fulfillment of the prophesy of Menaemus.
But though he was suffering greater misery than could well be endured, he still had hopes of recovering, and so he summoned his physicians and made up his mind to use whatever remedies they might suggest. He therefore crossed the river Jordan and took baths in the warm springs (θερμοὶ) at Callirhoe, the waters of which besides all their other virtues are also good to drink. Now these waters run into the Lake Asphaltophoros (λίμνην τὴν ἀσφαλτοφόρον λεγομένην), as it is called. And when his physicians decided to warm his body there and had seated him in a tub of (warm) oil (κανταύθα τοῖς ἵσταροις δοκέσαν ὡσε ἀναθάλπειν αὐτόν, καθεθεὶς εἰς πύελον πλέσων ἐλαίου), he looked to them as though he had passed away. (AJ 17.171-2)

The variations between the text here are not problematic; we can assume with some certainty that both of Josephus’s versions come from one source, probably Nicolaus, due to the close correspondence of the texts. Josephus is following ancient literary convention in his mention of the hot springs; he mentions several different hot springs in his various works, often mentioning their medicinal properties: at Amanthus (BJ 2.614; AJ 18.36, Vita 85), at Machaerus (BJ 7.187-9), and here at Callirhoe. Josephus even includes an aside about the baths of Baiae in the AJ (19.249), presumably as a display of his sophistication and familiarity with the recreational capital of the Roman world (this spa was very famous). Josephus consulted both Greek and Latin authors in composing his history while he lived in Flavian Rome.205 Strabo, for example, to whom Josephus himself elsewhere refers, describes the thermal springs of Baiae in a similar fashion (Str. 5.2.9).

This episode is the only of the three which is set in at a facility potentially built by Herod (Fig. 3.7).206 Even so, it is clear from the text that the facility was not one of

206 The spa of Callirhoe has been identified, and the remains dated to the Herodian period may have been built by the king, though the standard of construction at this site was not that of other
Herod’s typical Roman-style baths, at least in terms its source of heat, since it was fed by natural hot springs. The focus of this episode, though, is not on Herod’s bathing in the spa’s waters, but instead on the physicians bathing him in hot oil, and its nearly fatal effect. While the medicinal use of bathing was well established at Rome, Josephus’s description of the harmful effect of the hot olive oil corresponds to a general backlash in Roman literature of the 1st century CE against Greek medicine.²⁰⁷ Pliny the Elder, for example, who was Josephus’ contemporary, complains that even healthy Romans were enduring boiling baths on the advice of Greek doctors (Pliny *HN* 29.26). The description of Herod’s hot oil bath at Callirrhoe is reminiscent of Pliny’s complaints, so Josephus’ treatment of this event may well also be a veiled criticism of Greek medicine, again to display his sophistication for a Roman audience. Josephus’ treatment of this episode is also complementary to a point of his praise for the Essenes, whom Josephus says made a point of keeping dry skin and considered it a defilement to have one’s skin come into contact with oil (*BJ*. 2.123). Mason has shown that this is, in fact, an allusion to the Spartans by citing Plutarch, who says admiringly that the Spartans kept their skin dry as a rule and avoided baths and ointments (*Lyc*. 16.6; *Ages*. 30.3; *Mor*. 237a).²⁰⁸ It is thus likely that Josephus, in the Callirrhoe episode, is deliberately evoking the threadbare Herodian sites; Cf. Netzer, *Architecture of Herod*, pp. 235-6; the complex displays careful planning, and may have been elaborately decorated. Netzer observes that the structure was built around a stepped thermal pool, supplied via a channel. This episode can also inform our understanding of the archaeology, since we learn that other liquids besides water could have been used for bathing in the Herodian period, and this insight could lead to alternative interpretations of the bathing assemblages from Herod’s palaces.


²⁰⁸ Steve Mason, “Essenes and lurking Spartans in Josephus’ Judean War,” in *Making History: Josephus and the Historical Method*, ed. Zuleika Rodgers (Leiden: Brill, 2007), pp. 240-1. Mason makes a convincing argument that Josephus’ description of the Essenes is a wholesale allusion to the classical Spartans, based on a multiplicity of parallels between the Essene customs described in the *BJ* and classical descriptions of Spartan daily life. This has important, negative implications for the putative connection between Josephus’ Essenes and the sectarians at Qumran.
classical rhetoric against luxurious bathing such as is also seen in contemporary Latin authors such as Pliny, and later in Plutarch.

Josephus’ parallel accounts of the bath at Callirrhoe do not, however, provide insight into Herod’s daily bathing regimen. While Herod may have suffered from chronic illnesses long prior to his death, since the king specifically undertook to travel to Callirrhoe for this medicinal bath, we thus cannot assume that Herod built his Roman-style baths for the purpose of treating a long-standing condition.\textsuperscript{209} In addition, the episode at Callirrhoe is of an emergency treatment and thus does not serve to illuminate Herod’s everyday bathing habits or cultural orientation. Here too Josephus fails to display any knowledge of the general importance of bathing in Herod’s life.

**Varying codas to Herod’s vita**

In the *BJ*, Josephus’ concluding observations about Herod’s character comes in his obituary for the king. It is a brief treatment, but it epitomizes his general characterization of Herod in the work:

[Herod] expired after a reign of thirty-four years, reckoning from the date, when, after putting Antigonus to death, he assumed control of the state; of thirty-seven years, from the date when he was proclaimed king by the Romans. In his life as a whole he was blessed, if ever man was, by fortune: a commoner, he mounted to a throne, retained it for all those years and bequeathed it to his own children; in his family life, on the contrary, no man was more unfortunate (BJ 1.665).

Such is Josephus’ final word in his often admiring characterization in the *BJ*, though he brackets this tribute here with references to Herod’s shocking attempt to execute the

\textsuperscript{209} The exact diagnosis of this disease has been frequently speculated about; Nikos Kokkinos, “Herod’s Horrid Death,” *BAR* 28: 2 (2002), pp. 28-35, suggests arteriosclerosis based on the symptoms, but we cannot ignore that Josephus’ description (BJ 1.656) - with Herod’s diseased represents an ancient literary trope, even within Jewish literature. Unpopular or wicked men die of rot and worms as their internal corruption is expressed externally. Cf. Acts 12.23 (for the death of Herod Agrippa I) and, earlier, II Maccabees 9.9-10 (Antiochus IV Epiphanies). For a fuller discussion, see Thomas W. Africa, “Worms and the Death of kings,” *Classical Antiquity* 1 (1982), pp. 1-17.
Judaean elite *en masse* in order to generate mourning at his death (*BJ* 1.659-666). So the *BJ*’s account of Herod is a study in the tragic extremes; the tragic polarities of fortune in his life mirror both the innate vitality and the excesses of power in his person.²¹⁰ Josephus may owe this structure to Nicolaus, but such is only conjecture. Ultimately, such use of polarities goes back to Isocrates, who used the ironic dichotomies of tragedy as a rhetorical device in his panegyrics.²¹¹

Josephus thus drew on well-established language and rhetoric in his obituary of Herod in the *BJ*. The same is true of the *AJ*’ interpretation of Herod’s rule is much less sympathetic to its subject, and provides his explanation of Herod’s animating principle. Here Josephus again resorts to a paradox, this time between Herod’s municipal generosity and his pitiless treatment of his countrymen and own family; he states that this incongruity has led earlier reviewers to wonder, and to conclude that Herod had warring impulses within his being. He opts for a different, underlying explanation:

> But I myself have a different view and believe that both these tendencies had the same cause. For Herod loved honours … among his own people, if anyone was not deferential to him in speech by confessing himself his slave or was thought to be raising questions about his rule, Herod was unable to control himself and prosecuted his kin and friends alike, and punished them as severely as enemies. These excesses he committed because of his wish to be uniquely honored. As evidence that this was the greatest of his passions I can cite what was done by him in honour of Ceasar and Agrippa with his other friends. For the very same attentions which he showed to his superiors he expected to have shown to himself by his subjects, and what he believed to be the most excellent gift that he could give another he showed a desire to obtain similarly for himself (*AJ* 16.153-8).

Josephus’s argument is carefully-considered, and it accords with his larger presentation

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²¹¹ Louis H. Feldman, *Josephus’s Interpretation of the Bible* (Berkeley: University of California Press, 1998), p. 3. Feldman cites Isocrates, *Panegyricus* 167-8. Josephus’ imitation of Isocrates would be somewhat ironic, in that Isocrates consistently characterizes “Asiatic” peoples as inferior to Hellenes; see Benjamin Isaac’s frequent references to Isocrates in *The Invention of Racism in Classical Antiquity* (Princeton: Princeton University Press, 2006); Josephus, however, was no stranger to ethnic hostility, as his *Against Apion* attests.
of Herod life in the *Antiquities*. Here, he may well be deliberately drawing upon the technique of a student of Isocrates, Theopompus, who was criticized by Polybius (2.8.10) for writing biographical history, as Josephus does here, but was praised by Dionysius of Halicarnassus for examining his subject’s aims and hidden motives.\(^{212}\) Josephus subtle evaluation of Herod’s impulse for self-glorification does just this. The modern appreciation of Josephus’s *oeuvre* is based not just on the sophisticated quality of his composition, but also on the historical acumen such as he displays here. This is not to say that Josephus was impartial. Ultimately, valid or not, Josephus’ homily is based on his personal interpretation, and he begins by saying as much here.

**Conclusion**

Josephus’ limited references to Herod’s baths may be due to a number of factors. In not emphasizing Herod’s personal bathing practices. Josephus may simply be following the literary conventions of his day. Such obscurity is not limited to Herod’s bathing practices. For example, Josephus makes only one specific reference to Herod’s eating habits, when he says that it was Herod’s custom to peel apples himself and cut them into small pieces for eating (*AJ* 17.183). This is not to say that Josephus is always heedless of bathing as a topic. In his portrayal of Essene society (*BJ* 2.191-161), for example, he mentions a number of particular aspects of the sect’s ritual bathing practices, in addition to their avoidance of oil. Yet Josephus does not once suggest that Herod himself paid any attention to ritual purity. Ultimately, it seems that Josephus failed to note the importance of bathing in Herod’s life, since he passes in silence over both Herod’s imported bathing customs, and also the king’s devotion to Jewish ritual purity. From Josephus’ description of Herodian buildings, as we have seen in the case of

\(^{212}\) Feldman, *Josephus’s Interpretation of the Bible*, p. 5.
Masada (since he describes aspects of the fortress inaccurately), it appears that Josephus may never have been to some of the sites and was relying on secondhand information. Though Josephus’s narrative episodes may preserve subtle elements of popular tradition which linked Herod to bathing, his treatment of these episodes, in each instance, does not affirm any special connection to bathing, but rather, deemphasizes its significance in Herod’s life. If not for archaeology, we would not have notion, therefore, of the innovative Roman character of Herod’s baths. Without the material evidence, we would also have no knowledge of Herod’s many *miqva’ot*, and his general avoidance of figurative art. From this we can see that his relation to Jewish law, while potentially ambivalent in some ways, was still an essential concern in the planning of his lavish bathhouses. In the next chapter I discuss current models for the transformation of provincial culture under Roman hegemony as well as the persistence of local attributes. I then provide my own interpretation of the culturally-blended format of Herod’s baths and its implications for the study of the historical Herod, arguing that Herod’s baths were intended, at least in part, for his foreign mercenaries.
Figure 3.1: Reconstruction of the hippodrome *cum* theater complex at Jericho. After Netzer, *Palaces of the Hasmoneans and Herod*, p. 67, fig. 81.
Figure 3.2: The so-called “Tower of David” in Jerusalem, which Netzer identifies as the Phasael. After Netzer, *Architecture of Herod*, p. 396, plate 18.
Figure 3.3: Schematic elevations of the three multi-storied towers of Jerusalem, compared with the eastern tower of the citadel at Herodium, the tower of the Antonia, and a modern fourteen-story building. After Netzer, *Palaces of the Hasmoneans and Herod*, p. 128, fig. 166.
Figure 3.4: Conjectural plan and section of the Antonia Fortress in Jerusalem. After Netzer, *Architecture of Herod*, p. 122, fig. 28.
Figure 3.5: Isometric view of a reconstruction of the Northern Palace at Masada, viewed from the north. After Netzer, *Palaces of the Hasmoneans and Herod*, p. 92, fig. 117.
Figure 3.6: Partially reconstructed plan of Stage 7 of the Hasmonaean Palace Complex at Jericho. After Netzer, *Jericho I*, p. 6, plan 7.
Figure 3.7: Reconstructed plan of the bathing complex at Callirrhoe, with the stepped thermal pool in the upper right. After Netzer, *Architecture of Herod*, p. 236, p. fig. 52.
CHAPTER 4
CONCLUSIONS AND SYNTHESIS

Introduction – Romanization and elite display

The long-lived dialog over the cultural phenomenon known as "Romanization" has implications for the study of Herod’s Roman-style baths, and they in turn have implications for this dialog.\(^\text{213}\) On the particular issue of the elite adoption of Roman-style material culture, scholars now emphasize that this represented an intentional strategy for provincial elites in both the East and the West to maintain their dominant position in society, as it was an effective means of displaying their social status within the arena of social competition. Roman luxuries, including Roman-style bathing, were therefore incorporated into an existing power dynamic, as symbols of conspicuous consumption.\(^\text{214}\) On the other hand, Roman luxuries might also be distributed to those lower in the social hierarchy via benefactions, such as the construction of baths, with munificent behavior being merely the other side of this same ostentatious coin. Private bathing practices certainly functioned in this manner; today, the existence of baths is often used as the archaeological marker of the former location of Roman-style villas in

\(^{213}\) Ton Derks tracks the development of the Romanization debate in *The Transformation of Religious Ideas and Values of Gaul* (Amsterdam: Amsterdam University Press, 1998), pp. 2-9; See also the essays in David J. Mattingly, ed. *Dialogues in Roman Imperialism. Power, Discourse, and Discrepant experience in the Roman Empire*. (JRAsup. 23; Portsmouth: Journal of Roman Archaeology, 1997). The study of Romanization has long been focused on the Roman West, but Lidewijde de Jong also outlines the debate, and its implications for the study of Roman Syria, in "Becoming a Roman Province: An Analysis of Funerary Practice in Roman Syria in the Context of Empire," (Ph.D. diss., Stanford University, 2007) pp. 9-38.

Herod’s baths were clearly markers of symbolic status, both as they briefly appear in Josephus and in their manifestation today in the archaeological record. Bathing in Roman style was a symbol of status throughout the empire, but such consumption of water as was necessitated by the aridity of Judaea was more conspicuous than that of baths built in provinces of more temperate climates. Fueling the hypocausta, moreover, in Herod’s distant fortress baths may have represented an greater expense than water. Herod was not unique among Roman-period Levantines in his utilization of this strategy of social display. The conspicuous consumption of water is a salient aspect of the Antiochenes devotion to bathing, and their numerous baths; this strategy represents a similar display of status by the city as a whole. Herod’s displays were not without recognizable effect. His enormous swimming pools, such as the pool at Lower Herodion (Fig. 4.1), which itself shows Campanian influence, seems to have been directly imitated at Petra (Fig. 4.2) by king Aretas IV of Nabataea (9 BCE – 40 CE), also a client of Augustus. This emulation of Herod by the most elite of his peers speaks to what is likely to have been central to Herod’s building purposes, and to the larger context of his rule: his desire for greater status. The semiosis of Herod’s costly

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216 For a survey of the literary and archaeological material of these baths, see Fikret Yegül, “Baths and Bathing in Roman Antioch” in *Antioch: The Lost Ancient City*, ed. Christine Kondoleon (Princeton: Princeton University Press, 2000), pp. 146-151.
Roman-style baths displayed his status not for only for his own subjects, but also fellow clients, and for Augustus himself. Indeed, in his building campaign, Herod was also engaged in his own emulation of his Roman patron, who famously boasted that he “had received a city of brick but left behind a city of marble” (Suet., Aug. 28). Herod's gratification of his patron was fueled by very utilitarian considerations. Herod was rewarded for his largesse toward Rome with successive territories to add to his kingdom, yet this was not all:

But what Herod valued more than all these privileges [of additional territory] was that in Caesar’s affection he stood next after Agrippa, in Agrippa’s next after Caesar. Thenceforth he advanced to the utmost prosperity; his noble spirit rose to greater heights, and his lofty ambition was mainly directed to works of piety (εἰρεὐζέβειαν) (BJ 1.400).

It is certainly no surprise that Herod cultivated such favor—Josephus is effectively claiming that Herod was, at that point, the third most powerful individual in the entire Augustan regime. Other client-kings similarly undertook monumental building campaigns and founded cities in Augustus' honor while also importing Roman building technology to their kingdoms. As David M. Jacobson notes, *opus reticulatum*, which was an uncommon building technique in the 1st century BCE outside of Italy, is present in the buildings of other Augustan client kings. Clearly, those who ruled at the pleasure of

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the first *princeps* quickly adopted Roman models as a tool for gaining favor. Herod’s building campaign and potentially also his palatial baths were not wholly unique, then, just the best documented, and likely the most elaborate.

**Romanization and Idiomatic Expression**

Romanization is no longer thought of a one-way process, or a static one. The term was once taken for granted, almost a constant, to denote a unidirectional process by which indigenous societies assimilated, adopting the language, legal and political structures, religion, and social practices of the Romans, to varying degrees based on the location within the Empire. Mary T. Boatwright’s recent re-definition pithily sums up both the current, more interactive model of the dynamics of Romanization and the earlier formulation against which it is reacting:

> The term Romanization traditionally has been used to describe the assimilation by provincials, especially provincial elites, of Roman culture in all its variety, from materials and art forms to personal nomenclature and Roman law. Recent work has emphasized, however that acculturation during the Empire was not simply a transferral of Roman culture to the “uncultured” non-Romans the empire encompassed. Rather, the interaction of Romans and provincials provided a stimulus for a continual modification of dominant and subordinate cultures alike.²²⁰

This dynamic which Boatwright calls “modification” is described similarly as hybridization, or creolization, whereby new forms are created, rather than the simple acculturation of one culture to look like another. Lidewijde de Jong describes such hybridization in the tomb morphology of Roman Syria, where Roman symbols and architectural forms were blended with local and even Parthian forms, to create idiomatic

tomb styles, rather than simple imitation of Roman style. With respect to bathing, Fikret Yegül demonstrates that Roman bath architecture in the Levant preserves its own idiosyncracies. One example is the rarity of palaestrae in general, which increasingly disappear after the Early Roman period; this trend shows a positive correlation to the relatively superficial position that the gymnasia had earlier occupied in the region.

The term hybridization could well be applied to Herod’s Roman-style baths. Herod must have spared no expense to build these baths correctly and according to Roman principles, even going so far as to import components from Italy. His hypocausta are today some of the finest and earliest extant examples of Roman architecture in the East. And yet, Herod still chose to alter the bathing sequence, and tailored his frigidaria to the requirements of miqva‘ot. The incongruity between the opulent interiors in of the caldaria and other spaces in Herod’s bathhouses, and the austerity of his frigidaria, is the strongest argument for these installations as miqva‘ot. Herod could and did adorn the other rooms in his palaces. He, furthermore, did not choose to build even such hybrid Romano-Jewish baths publically in Judaea, which attests to the resistance there, by and large, even to such hybrid forms.

The depth of Roman influence

The notion of Jewish resistance to cultural hybridization raises the large issue of the degree to which which Greco-Roman culture influenced the indigenous societies of the Levant. The traditional interpretation is that, in the Roman Levant, as in the Eastern Mediterranean in general, Rome preferred to rule with a velvet glove. Roman administrators respected Greek culture and were content to leave the existing Hellenistic

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221 De Jong, “Becoming a Roman Province,” pp. 32-33; 142-177.
222 Fikret Yegül, "Baths and Bathing in Roman Antioch" p. 146.
machinery of the *polis* in place, so long as peace and tax revenue were maintained.\(^{223}\) In consequence, so the notion goes, the trappings of Roman culture remained only a skin over a profound well of earlier Greek and indigenous culture, and the continued use of the Greek language throughout the Roman period is also thought to confirm the shallowness of Romanization and the depth of Hellenism. The widely-accepted idea of a deep impact of Hellenism on the cities of the Levant has been justifiably questioned by de Jong recently, on the basis that the preponderance of the archaeological evidence for Hellenistic-style urbanism and civic participation in the classical Levant belongs, in fact, to the Roman period.\(^{224}\) De Jong’s thesis is that “Hellenism” as a cultural force, laid down its deepest roots in the Roman period, because Romans preferred the polis as an administrative unit.

De Jong argues for the persistence of local practice, but his argument for the significance of Roman urbanism implies a deep cultural impact on its Levantine subjects. Others, such as Warwick Ball, believe that a fundamentally Eastern character to the Levant persisted beneath all strata of Hellenistic and Roman culture. Ball subscribes to the idea that the dominant culture of Rome itself was even later modified and “triumphed over” by the Levant, in the religious policies of the Severan, and ultimately by the ascendancy of Christianity.\(^{225}\) Ball accordingly portrays Herod’s Caesarea Maritima and Samaria-Sebaste as islands of Romanization in a Semitic sea.\(^{226}\) Fergus Millar, in contrast, though he disputed Martin Hengel’s interpretation of the role of Hellenism in the Maccabean revolt, comes down firmly on the side of those who hold that the local blending of Greco-Roman culture, from the Principate onward, had a very deep impact.

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\(^{224}\) de Jong, “Becoming a Roman Province,” pp. 21-6.


on cultural identity in the Levant.\textsuperscript{227} Indeed, Herod’s readiness to accommodate the Roman \textit{princeps} was part and parcel of bringing this cultural change about. Here Josephus’ work is of great value, both for our understanding of Herod and also of this liminal period in Near Eastern history: Millar points out that Herod’s benefaction of monumental bath buildings in Near Eastern Greek cities is among the first for which we have evidence.\textsuperscript{228}

A thorough overview of the archaeological impact of Rome on the Near East has recently been published by Kevin Butcher, who points out that all cultures are in some part hybrids, and argues that the influence and spread of Hellenism in the Roman period “as an important tool for constructing communities” in the Near East was strengthened and accelerated by Roman hegemony, and, \textit{contra} interpretations such as Ball’s, was not merely a façade masking an Eastern reality.\textsuperscript{229} Butcher rightly makes the point that “incorporation or assimilation was never divorced from the realities of power.”\textsuperscript{230} This statement epitomizes Herod’s rule and his cultural orientation, of which baths are the most salient example.

\textbf{Synthesis: the Use of Herod’s baths}

I have touched on the subject above, but the question of the use of Herod’s baths needs still to be answered. Herod seems to have dedicated to conspicuously consuming Roman-style luxuries. But, since it seems that Herod was not interested in publically promoting Roman-style bathing in Judaea, who used his private bathhouse? Here the realities of power, as Butcher says, are the primary consideration for incorporation and

\textsuperscript{228} Ibid., p. 352.
\textsuperscript{230} Ibid.
assimilation. A group which is quite likely to have used his baths is the corps of his bodyguard and foreign mercenaries. It is significant that one of Josephus’ only explicit references to a Herodian bath is to that built within the Antonia fortress for the accommodation of Herod’s troops (BJ 5.241). Herod’s mercenaries, who included Thracians, Gauls, and Germans, were the king’s picked men. Their high status is evident in their place in Herod’s funeral procession – second only to members of the royal family (BJ 1.672; AJ 17.198). Such men, who had probably served elsewhere in the empire prior to their tenure in Judaea, (as Augustus’ gift of the company of Gauls demonstrates [BJ 1.397; AJ 15.217]), are likely to have been more acculturated to Roman norms and thus may have preferred to bathe in Roman fashion. It is also likely that they served as the garrisons in Herod’s fortresses, the very locations where many of Herod’s baths have been found. Josephus says that because Herod feared popular revolt, he placed garrisons throughout Judaea to hem his own people in (AJ 15.291-5). Certainly Herod’s mercenaries would have been the natural choice for such a role. Herod could trust his mercenaries since their ethnicity and source of their own livelihood precluded an interest in a popular Jewish uprising. A garrison composed of foreign mercenaries would explain Herod’s choice to bury his half-Hasmonaean sons Alexander and Aristobulus, whom he had executed, in the fortress of Alexandrium (AJ 16.394). Herod also used Alexandrium as a royal treasury (AJ 16.317), indicating that he was confident in its security. Josephus also says that Herod buried his executed son Antipater in the fortress of Hyrcania (BJ 1.664; AJ 15.366). In both locations, Herod could trust that his sons’ bodies would not become the rallying points of rebellion. Neither fortress has been systematically or extensively excavated, however, so any evidence of Roman baths at these locations remains hidden. Nevertheless, the form of the excavated Herodian fortress baths indicates that these were intended to serve his garrisons. The caldarium at Machaerus,
for example, is comparable in size to that in a Roman public bathhouse and could accommodate a large number of bathers. The same is true of the Large Bathhouse at Masada. At Cypros, likewise, Herod built two Roman-style bathhouses. Such lavish architectural attention indicates how highly Herod valued these men, who were a central pillar of his security and power, and is a potential indication of their own adoption of Roman customs.

Another complementary explanation for the hybrid nature of Herod’s bathhouses can be derived from the makeup of his court. Indeed, the members of the Hasmonaean dynasty were not all murdered or driven away. Some continued to be a part of the royal court such as his wife Mariamne while alive and (the surviving members of) her immediate family. It can be assumed that Herod built his palatial baths as a statement for their benefit. In this, he was out-doing the earlier Hasmonaeans in their construction of bathing facilities. Such installations, with their imposing architecture and symbolic control of the natural elements, would have been a potent statement to elite troublemakers of Herod’s wealth and incontrovertible rule. Even as they bathed and enjoyed the amenities, they would also have been reminded of the foundation of Herod’s rule: Roman backing. Herod’s miqva’ot may have been a concession to please his Jewish courtiers. His baths are already a compromise between Roman and Jewish forms, and a compromise between Jewish court members and gentile mercenaries and other servants is not a contradiction in terms. All sources agree that Herod was a capable ruler. He would have understood the use of both the carrot and the stick. Such is clear in both his authoritarian security policies and the institution of his secret police, but also in his benefactions of grain and remission of taxes for his own people.

What did these baths mean to Herod himself, though? We may assume that he

231 Netzer, _Architecture of Herod_, p. 216.
also used them on a daily basis. As Karl Galinsky aptly states, the “protean melding of traditions” in Herodian architecture is seen as contradictory only by “modern scholarship, with its concern for tidy taxonomies.” Indeed, it has been this concern for “tidy taxonomies” which has most characterized the study of the person of Herod and the tendency to paint Herod, like Josephus, with stark colors rather than shades of gray. Earlier treatments of Herod have tended to pigeonhole Herod, to see his Judaism as superficial relative to other aspects of his personality. Such is clear in Schürer’s description of Herod’s religious insincerity above. Still, even those who are more sympathetic toward Herod take it for granted that his Judaism held little personal meaning. Yadin’s failure to identify the frigidaria at Masada as miqva’ot demonstrates this, and he states that Herod decorated his palaces without figurative images out of consideration for his Jewish subjects’ scruples, not his own. Schalit’s Herod, similarly, was not one to devote energy and expense to Jewish ritual purity according to conscience, and it is unclear how Schalit would have classed Herod’s ritual baths. Similarly, Grant does not discuss Herod’s relation to Jewish law; Grant (following Josephus) portrays Herod’s building of the Temple as driven by a desire for lasting glory rather than piety. Netzer, who is the most willing to identify Herod’s baths as miqva’ot and to allow for Herod’s potential adherence to halakhah, still considers Herod’s building program, and even his construction of the Temple, to have been driven by “political saviness.” Kokkinos departs from simplistic categorization in the multifarious personal identity which he reconstruct for Herod. Nevertheless, he returns to the party line when it comes to Herod’s religious beliefs, simply because they were unorthodox: “There should

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233 Yadin, Masada, p. 119.
234 Grant, Herod, pp. 150, 164.
be no wonder then that [Herod’s] official Jewish religion was evidently practiced only for the sake of his relations with the Jewish people.\textsuperscript{236} Such black and white standards and simplistic categorizations have failed to do justice to the complexities of Herod’s personality and religious identity. This treatment merely represents a continuation of the rhetoric of ancient Jewish and Christian writing about Herod.

Here we feel keenly the loss of Herod’s own writings. We cannot dissect Herod’s own view of his religion. We can certainly conceive of a condition in which Herod considered his Jewish religion genuine, while still remaining open and accepting of Roman norms. His cultural compromises need not negate his genuine acts of religious devotion. At least he may have justified it to himself in this way. It should be remembered also that the practice of religion need not equal ethical behavior. Augustus acted in quite a similar fashion, adapting traditional Roman religion – such as his resurrection of the Arval priesthood – to serve his own interests. In the process, he created new religious forms in the guise of old. Indeed, only if Herod had personally practiced Judaism would Augustus’ joke have had any force. It would have fallen flat and out of memory if Herod had not, in general, adhered to the kosher prohibition of pork.

Still, all discussion of Herod’s personal Jewish piety must remain hypothetical. Herod’s piety toward Rome, in contrast, is as clear and as genuine a faith as we can find in his life. This is the piety that Josephus describes in BJ 1.400 above, and it is a faith from which Herod reaped earthly rewards. We can see its growth throughout his life. Early in his reign, Herod had no confidence that the Romans would support him as a commoner over the royal claim of Antigonus (AJ 14.482). Once he had become Augustus’ second-favorite, he rose to new heights of piety. Herod’s bathing fetish was a

\textsuperscript{236} Kokkinos, \textit{Herodian Dynasty}, p. 350. Kokkinos discusses the question in greater length, but his ultimate conclusion represents the common all-or-nothing approach.
clear extension of this faith. We can see its growth in the material record by the evolution of his bathing facilities from the Greco-Jewish style of the early bathhouses to the expressly Roman layout of the bathhouse in the Third Palace. This is also the only facility in which we witness the lack of a *mikveh*. It was here, then, that Herod could find his most pious baptism.
Figure 4.1: The pool complex at Herodium, looking northwest from the slope of the mount. After Netzer, *Palaces of the Hasmoneans and Herod*, p. 98, fig. 18.
Figure 4.2: Plans of the pool complexes at Petra (top) and Herodium (bottom) showing the similarity of design but difference in scale. After Bedal, "Pool Complex," p. 38, fig. 18.
The study of *miqva’ot*, Jewish ritual immersion baths, enjoys its own complicated problems in the incorporation of literary and archaeological evidence. Jewish literature belonging to both the Herodian (also called the Early Roman period in Palestine: 63 BCE – 70 CE) and earlier does not use the word *mikveh/miqva’ot* in a specifically ritual sense. In the Hebrew Bible it is used as “collection” or “gathering,” in the earliest-composed books to indicate bodies of water (Exd. 7:19; Lev. 11:36; Isa. 22:11), but is later used of gatherings of other matter (cf. Gen. 1:10; 1 Ch 1:16; 29:15). It is also often used metaphorically to mean “hope” (cf. Ezr. 10:2; Jer. 14:8, 17:13, 50:7). The term *mikveh/miqva’ot* also does not appear with the sense of “ritual bath” in the literature of Qumran. It was not until the beginning of the 3rd century CE, when the Mishnah, that *miqva’ot* came to be commonly used of ritual baths, the sense that the term carries today.\(^{237}\)

The Mishnah contains an entire tractate (m. *Miqva’ot*) on purity via ritual baths, and associated with this is later *halakhic* material such as the Tosefta which also discussed the dimensions and usage of a *miqveh*. A review, and critical analysis, of the variations in these rabbinic sources is beyond the scope of this project, but the following five criteria are commonly accepted as diagnostic of a kosher *miqveh* pool, the purpose of which was total-body immersion.\(^{238}\)


\(^{238}\) Adapted from Grossberg, “*Miqva’ot* at Masada,” p. 95.
a. Construction: whether built above ground or excavated below it, the *miqveh* cannot be portable vessel.

b. Hydraulic impermeability: water must not drain out of it.

c. Water supply: “living water”, rain or gravity-fed; hand-drawn water is not acceptable.

d. Water state: collected and tranquil, not flowing water.

e. Water amount: a minimum of forty *seahs* of water.\(^{239}\)

These features can all be marked archaeologically, but a sixth criterion, more often cited today, is the incorporation of steps into such pools in question. While the presence or absence of steps is an important criterion for archaeological identification of *miqva’ot*, as cisterns would often meet the first five criteria, it is not a *halakhic* requirement. Those who argue to the contrary base their argument on a shaky interpretation of passage in the Tosefta censuring jumping into *miqva’ot* (t. *Miqva’ot* 5:14).\(^{240}\) Still, this criterion is founded on the logical observation that steps, especially the large, broad steps common in the pools today identified as *miqva’ot*, are not practical in cisterns, which are constructed to instead maximize the volume of water.\(^{241}\) Most ancient Mediterranean cisterns, moreover, were bottle-shaped and accessed by a small opening, in contrast to the stepped pools in question, in order to avoid contamination and the growth of

\(^{239}\) The exact volume of forty *seahs* is disputed, with estimates ranging from 250 – 1000 liters, though 332 liters seems to be the most accepted estimate. See Lawrence, *Washing*, p. 158, n. 22; Grossberg, “*Miqva’ot*”, p. 97.

\(^{240}\) This passage is often cited as a justification for this argument, but the larger context of t. *Miqva’ot* 5:15) is concerned with inappropriate horseplay, however, rather than the form of *miqva’ot*: “He who jumps into an immersion-pool, lo, such a one is blameworthy. He who immerses twice in an immersion-pool, lo this one is blameworthy. This one says to his fellow, “Press your hand down on me in the immersion-pool” – lo this one is blameworthy” (trans. Jacob Neuser, *The Halakah: An Encyclopaedia of the Law of Judaism*, Vol. 5 [Leiden: Brill, 2000], p. 501).

There are several important caveats to the use of the later Rabbinic material for the identification of Second Temple *miqva’ot*. By the time of the Mishnah’s composition, Jewish life had changed tremendously, with the destruction of the Second Temple and the displacement caused by Rome’s suppression of multiple Jewish revolts. The internal evidence of the literary material itself, between the Hebrew Bible and the Mishnah, indicates an evolution of bathing customs. Some, such as Jacob Neuser, hold that the Mishnah is thus of little value for reconstructing pre-70 CE bathing customs, though Neuser admits that its mostly anonymous sayings do preserves some material antedating the destruction of the temple. Others are more positive about the use of Mishnah, based on the congruence in the form of stepped immersion pools, which first appear in the final part of the 2nd century CE (the Hasmonean / Late Hellenistic Period) and the descriptions in rabbinic material of the Late Roman period. Ronny Reich, who excavated a number of Second Temple stepped-immersion pools in the Jewish Quarter of Jerusalem in the excavations directed by Nahman Avigad, is one of the foremost proponents of the positivist view; he uses the *halakhic* material to archaeologically identify hundreds of similar stepped-pools as *miqva’ot*.

Reich’s methodology is challenged by those such as Benjamin Wright, who, as Wright says, “do not accept that similarity of form requires us to interpret an identity of function.” The morphology of these installations does indicate that these functioned as

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ritual immersion baths, rather than cisterns. Many conform very closely to the later
Rabbinic specifications for kosher purification pools, in their in-ground excavation, their
coating of multiple layers of hydraulic plaster, their probable water sources, and their
acceptable volume. The double-pool, *miqveh* plus *otzar*, configuration is one of the most
secure of such archaeological identifications, though not the most common. This
configuration displays a stepped, plastered immersion pool joined by a pipe or conduit to
a nearby *otzar*, a step-less reservoir. The *otzar* was used for replenishing the water of
the *miqveh* after the stepped-pool was drained for cleaning purposes, or after
evaporation brought the water in the *miqveh* below the required volume; the operator
could avoid violating halakhic principles by replenishing the *miqveh* via the pipe, rather
than by refilling it directly with hand-drawn water. There is little practical purpose for such
a configuration, otherwise. The identification of this double-pool type as a *miqveh* is
widely accepted today. Still, some critics question the inclusion of single pools, which are
by far the most numerous form of potential *miqva‘ot* in Palestine. They emphasize the
greater difficulty in “repairing” and replenishing the water in a single pool in kosher
fashion once it became ritually unusable.\(^{246}\) Reich counters this by pointing to the ratio
favoring single versus double installations itself, but one of his other arguments, that
Judaean bathing customs were diverse and that strictures may have differed between
groups, endangers his own reliance on the Mishnah and Tosefta to make his
identifications.\(^{247}\) Asher Grossberg presents a more acceptable solution, who points out


\(^{247}\) This controversy is explicitly over the ritual use of some of the installations discovered at
Sepphoris, see Hanan Eshel, “The Pools of Sepphoris: Ritual Baths or Bathtubs? They’re Not
in reply see Eric M. Meyers, “Yes, They Are,” *BAR* 26:4 (2000), pp. 46-48, and Ronny Reich,
“They Are Ritual Baths: Immerse yourself in the ongoing Sepphoris *miqveh* debate,” *BAR* 28:2
that the *halakhic* material allows one to add drawn water, after the minimum of 40 *seahs* has been reached.\(^{248}\) Grossberg here demonstrates, further, that there were, additional acceptable means of circumnavigating the prohibition against using drawn water for the initial volume; induction – pouring drawn water at an acceptable distance from the installation and allowing it to flow in naturally, was apparently an acceptable practice.

The temporal distribution of such stepped-pools is overwhelmingly weighted toward the Herodian period, prior to 70 CE, and their geographic distribution is centered around Jerusalem.\(^{249}\) This distribution, with the drop in the numbers of *miqva‘ot* after 70 CE, has been explained by the cessation of the sacrificial cult with the destruction of the Temple, with its closely regulated standards of purity,\(^ {250}\) and this would explain the Hasmoneans’ construction of *miqva‘ot*, demonstrated in their palace complex at Jericho, as they served in the office of high priest. The chronological and geographic distribution cannot be fully explained by the Temple cult, however. One of the larger assemblages of *miqva‘ot* outside of Jerusalem is in Jericho, after all, where the Hasmoneans apparently took retreats from their priestly duties. Herod likewise incorporated *miqva‘ot* into all of his palaces, despite his inability to fully participate in the Temple cult because of his half-Jewish ancestry, as this speaks volumes to the cultural significance of ritual bathing in Herodian Judaea, quite apart from its relation to the Temple cult.

\(^{248}\) Grossberg, "Miqva‘ot", pp. 98-100.
\(^{249}\) Reich, "Miqva‘ot," English summary, pp. 6-7. Of the 306 pools which Reich discusses, he counts some 286 pools from contexts prior to the destruction of the temple, and of these, 151 come from Jerusalem Reich grades the Second Temple-era pools by their degree of likelihood as *miqva‘ot*, and considers the mikveh identification of 153 these as highly likely.
\(^{250}\) Magness, *The Archaeology of Qumran*, p. 143.
APPENDIX B

“HERODIAN” AS A PROBLEMATIC TERM

Introduction

Since The Concise Oxford Dictionary lacks an entry on Herod or “Herodian” archaeology, it seems that a definition is in order. To begin, therefore, what does the adjective “Herodian” connote when it is applied today to material culture? A definition of “Herodian archaeology” is needed but has yet to be realized, though the term was already prevalent in the 18th century. It has seen various uses by scholars, but two meanings are most common:

A) Any material culture on which Herod the Great personally had an impact.

B) Any material culture occurring roughly within Herod the Great’s territorial realm and dating from approximately 40 BCE to 70 CE, i.e.

251 The adjective “Herodian” has a long history in English scholarship, and was applied already in the 18th century to describe Herod’s family and successors, cf. “The History of the Jews” (author anonymous) in An Universal History, from the Earliest Accounts to the Present Time, Vol. 3 (London, 1779), p. 211ff. Later instances are numerous, cf. Edward Parsons, History of the Jews, In All Ages (London: Hamilton, Adams, & Co., 1832), pp. 272, 302, 342, etc. For the equivalent term in German - “herodianisch”, cf. Ludwig Novak (ed.), “Der Galiläisch Wanderarzt und Bußprediger für’s nahe Himmelreich,” Psyche: Populär-wissenschaftliche Zeitschrift für die Kenntniss des menschlichen Seelen- und Geisteslebens, Hest 4, 1858, pp. 9, 11, referring to the “herodianisch-römisches Zeitalter.” The term’s usage was naturally extended beyond persons and chronology to describe objects, especially the Temple in Jerusalem, and to demarcate building phases commissioned by Herod from those occurring earlier. It was used to describe material culture at the birth of archaeology in Palestine. Wilson and Warren, two of the first excavators of a structure built by Herod, used the term in just this way, when describing material remains in Jerusalem: “At the north west corner is the citadel with its three towers representing probably those built by Herod the Great and adjoining them on the south are the barracks of the Turkish garrison. One of the towers, that known as the Tower of David, stands on a mass of solid masonry decidedly Herodian in character and its dimensions agree well with those of the tower Phasaelus as given by Josephus.” P. 9 in Charles William Wilson and Charles Warren, The Recovery of Jerusalem: A Narrative of Exploration and Discovery in the City and the Holy Land, Vol. 1 (London: R. Bentley, 1871). See below for discussion of Wilson and Warren in greater context.
from his ascension until the destruction of the Temple 74 years after his death, the period which marked his dynasty’s stay in power in various areas of Palestine, be it material culture directly related to his personal agency or not.\textsuperscript{252}

These definitions are not mutually exclusive, but they are distinct. The first definition is personal, while the latter imposes temporal and spatial boundaries. Definition A classifies objects broadly according to function, while Definition B classifies according to broad context. Which are we to choose? Definition B encompasses a range of material culture generated across a region and over the course of successive generations, in which change is logically to be expected. It might not be apparent to the reader, for example, that significant political changes occurred in the area which had been Herod’s realm during the reigns of Herod’s successors, prior to 70 CE. Political boundaries were drawn and redrawn during this 110 year period. Furthermore, are any and all objects occurring in this archaeological horizon, even those such as imported goods, to be defined as “Herodian”? Clearly, in terms of Definition B, any putative connection between such material culture and Herod, other than that it was deposited in his realm up to the point of excavation, has the potential to be quite hazy. By this definition, “Herodian” is effectively interchangeable with alternative labels for this period of material culture, such as “Early Roman”. Definition B, then, lacks descriptive power beyond providing broad information about the periodization of material culture. Definition A, in contrast, limits, at least in a semantic sense, the material culture with which Herod is associated to include only that material which he personally impacted. This would logically mean the material culture of which Herod personally commissioned the

creation, destruction, or modification. Yet even Definition A, the more semantically constrained of the two, presents complications. One such complication is that the linguistic meaning of the term “Herodian” – “of or related to Herod” - serves to enlarge the person of Herod to a monolithic status which can obscure the relationship which Herod’s contemporaries, other individuals, shared with “Herodian” material culture.

Semantic Confusion

Such distinctions as I have highlighted may seem trivial, but it is important to distinguish the range of individuals who must have been associated with “Herodian” material culture, even according to Definition A. Certain artifacts might also have led lives prior to the point when they became “Herodian”. Any object used by humans in the 1st century BCE obviously existed previously as the raw materials of its assorted components: wood, stone, iron ore, and clay, for example, before undergoing any secondary manufacturing process or preparation. But, what of imported goods such as, in a (literally) concrete sense, building materials manufactured in Italy but then shipped to Judaea and incorporated into one of Herod’s buildings253 – are we, for our own purposes, to consider these “Herodian”? The same could be asked of local building materials which were recycled from earlier buildings, or Herodian buildings built on earlier foundations. We can speak more in more precise way of “Herodian” stratigraphic levels and building phases, but even these usages obscure the fact that “Herodian” buildings are essentially composites, and the term does not describe the parts but instead the whole. Using the term “Herodian”, therefore, even by definition A, is painting

253 A number of examples of “Herodian” imported goods are known. In Herod’s baths at Masada, for example, imported building components include the brick tiles of the hypocaust suspensurae and the tiles of the opus sectile floors. See the discussion in chapter 2 above. See also the discussion of, Foerster, Masada V, p. 205.
broadly.

If we look at such material culture from another perspective, it is can be too limiting to classify as “Herodian” only that material culture which Herod himself commissioned. The indirect impact of Herod’s policies on the ancient material culture of Palestine and elsewhere should be considered, though evidence of such impact might be harder to identify, though no less real. What of statues or dedicatory inscriptions to Herod, of which a handful are known, set up by foreign towns or individuals to honor Herod as their benefactor, outside of the realm of his sovereignty and not directly commissioned by him – is it useful to describe these monuments as “Herodian”? Within Herod’s realm, it is possible to construct hypothetical but reasonable situations which try the meaning of Definition A. If the remains of villages are present in the archaeological record beginning in the last three decades BCE, located far enough to be outside the grounds of one of Herod’s palace sites, but still close enough to have housed palace workers, does it aid our conception to label such remains “Herodian”? After all, the inhabitants may have settled there in order to serve his needs, even if he personally did not commission or design these villages. Conversely, if the population of a village voluntarily left their homes in order to work on one of Herod’s construction projects but, for whatever reason, did not return, a break in the settlement pattern might be present in the archaeological record, and thus Herod’s personal agency would have had an indirect but discernible effect on the material culture.

It might be objected that taking these other individuals into consideration, and problematizing Herod’s buildings by calling them composites, is to lose sight of the

254 Two are known from Athens (OGIS, 414 = IG 2.2.3440; IG 2.2.3441). See Roller, Building Program, p. 219, for discussion. Another is known from Seia (OGIS, 415), in modern Syria, in what would have been the Trachonitis region at the time of Herod (Roller, Building Program, p. 272-3).
objective of this study, which is a greater understanding of Herod the Great. What I am not saying, however, is that Herod, as an individual actor, is unimportant, or that his choice to construct these buildings is not important. This is not my aim, and in fact I am doing the opposite: I am calling attention, by problematizing the term “Herodian”, to the larger influence which Herod had on material culture, beyond only the buildings or complexes which he commissioned. My aim is to show that Herodian material culture does not exist on its own, any more than Herod existed *sui generis*, apart from other relationships, in contrast to what Definition A connotes. Just as Herod existed in a far-reaching social network, in relationship, for example, with the forester who supplied the fuel for his baths, and from this individual he was in a web of relationships reaching all the way to the few individuals of the time such as the Roman *Princeps* who exercised greater power. Herod, furthermore, was acting within a religious milieu and a tradition of kingship which was both Hellenized and natively idiomatic, and which was simultaneously being reformed by Roman rule. Such a system necessarily constrained and informed his actions. In the same respect, Herod’s buildings are not distinct from their surroundings but stand rather in an intimate relationship with the surrounding material culture, and linked to the material culture of the broader Mediterranean world, not merely other buildings. I use the term “Herodian” according to the first definition, but my usage is nuanced by these complications.

**Conclusion**

Based on the above discussion, what should the study of Herod’s material culture entail? What should be its conceptual focus? This study is focused on Herodian baths, and I demonstrate the ways in which Herod’s baths are both laterally and vertically connected. They are laterally related to other material culture of their time, as
well as the landscape in which they were installed, and vertically related, in a chronological sense, to earlier traditions of bathing and affected those coming afterward. Any study must necessarily narrow its focus in order to be accomplishable, but should not do so to the detriment of that which it studies. The unique scale and scope of Herod’s buildings, the “greatness” of Herod, creates a temptation to remove him from context, and from the other individual actors. This temptation is, to use a loaded term, to alienate Herod from the individuals with whom he was in relationship, and to alienate Herod’s buildings from the context in which they belong. If we are focused solely on Herod, and not on his surroundings, we miss the forest for the tallest tree.


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