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Religio illicita? Roman legal interactions with early Christianity in context

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Judaism in Roman Legal Measures

The Importance of Precedents

3.1 Introduction

As we have seen, the interactions between diviners and the Roman authorities provide an insight into the repression of religious groups that were seen as potentially socially and politically disruptive, but could otherwise be fairly comfortably integrated in the ‘traditional’ Roman religious experience. The legal treatment of the various Jewish communities of the empire, on the other hand, allows us to investigate a group whose exclusive belief in a single supernatural power made them a notable anomaly within the Roman world – and as such provides a useful foil for the treatment of early Christianity in its own way. At the very beginning of the fifth book of his *Historiae*, Tacitus describes the involvement of the Flavian dynasty in a conflict that is most commonly known as the Jewish War.¹ The historian starts out by describing how Titus, son of the newly proclaimed emperor Vespasian, took up his father’s vacant command of the Roman legions in Judea. His goal was to put a definitive end to the revolt, which by now had been going on for several years. After briefly describing the various parts of Titus’ army and their march towards Jerusalem, Tacitus announces his intention to discuss the origins of that famous city before moving on to its imminent destruction.² What follows is perhaps the most elaborate known description of ancient Judaism from an outsider’s point of view. Tacitus’ portrayal, however, is far from favourable. He describes Jews as a *genus hominum* [...] *invisum deis* – a race of men hated by the gods – and repeats the apparently widely held view that the very presence of a Jewish community in Egypt had caused a disfiguring plague.³ He then focusses on Jewish religious rites, claiming that:

*Profana illic omnia quae apud nos sacra, rursum concessa apud illos quae nobis incesta.*⁴

There, all that we hold sacred is unholy, and on the other hand everything is permitted that we consider impure.

1 This chapter is a heavily edited and expanded version of my master’s thesis *Isolated in the Empire? Localism and Roman legislation on Judaism in Asia Minor and Alexandria*, which was approved at the Faculty of Humanities of Leiden University on 9 September 2015.

2 Tacitus, *Historiae* 5.1-2. For the Latin text of the passage, see Fisher (1911).

3 Ibidem 5.3.

4 Ibidem 5.4.

To further emphasise the perceived otherness of the Jewish people from the rest of the Mediterranean world, Tacitus continues his diatribe by arguing that Jewish beliefs are only defensible because of their antiquity, but have no other redeeming qualities. He argues that Jews present themselves as a distinct group in every way, and isolate themselves further by demonstrating a profound disdain for all other peoples, demanding that converts not only abandon their ancestral religion, but also their fatherland, and even their families. The Jewish ban on images, says Tacitus, even makes proper reverence for both their own kings and the Roman emperors impossible.⁵

Tacitus' harsh description of Judaism is perhaps the most famous of its kind, and as such has often been taken to be representative of the prevailing Roman opinion on this group.⁶ The forceful assertion of a Roman senator that Jews were fundamentally 'other' and un-Roman in every conceivable way has led many scholars to assume that the author's hostility must have been widely shared among the Roman authorities: some scholars have argued that the Roman government saw Judaism as a fundamental threat to the so-called *Pax Deorum*, and thus believed that the marginalisation (and possibly destruction) of this aberrant group was necessary for the wellbeing of Rome.⁷ Similarly, the attitude of the Roman state towards Judaism has been described in terms of profound hostility,⁸ Judeophobia,⁹ and the idea that Jews were, in Roman eyes, "not reckoned among nations."¹⁰

To argue that Tacitus' view of Judaism as a contemptible, alien superstition represents the prevailing attitude within the Roman government would, however, be strongly misleading. While it is certainly true that the Roman authorities were faced with Jewish uprisings on a number of occasions, and that the Jewish community of Rome was repeatedly expelled from the city (as will be discussed in more detail below), this was by no means the full extent of the Roman government's policy towards the Jewish communities within its sphere of influence. Even before Roman rule extended to the eastern Mediterranean, the Roman state forged multiple allegiances with the Jewish leaders of Judea, and in later periods Roman policy was likewise not simply repressive, or even unequivocally negative. Thanks in large part to the works of contemporary authors like Flavius Josephus and Philo of Alexandria, both of whom wrote at least partially within a Jewish context, we have access to more Roman legal interactions with Jewish communities than with

5 Ibidem 5.5.

6 See Schäfer (1997), 185, who refers to the Tacitus passage as "the grand synthesis of the Roman attitude towards the Jews". For the suggestion that a degree of irony is present in Tacitus' account, see Gruen (2011), 186-196. For a compilation of remarks on Judaism by Greek and Roman authors, see Stern (1974-1984).

7 Avidov (2009), 5.

8 Schwartz (2014), *passim*.

9 Schäfer (1997).

10 Avidov (2009).

perhaps any other religious group in the empire. While it may be argued that the reader should be mindful of these respective authors' intentions and agenda, their accounts are supplemented by papyrological evidence, or by ancient authors who adopt different perspectives, on a number of crucial occasions.¹¹ Texts like the so-called *Acta Alexandrinorum*, as well as Claudius' famous letter to the Alexandrians and other documentary papyri, all provide a complementary, and sometimes contrasting, point of view on the causes and effects of Roman legal measures on Judaism, and therefore serve as a useful addition to Jewish reports of the same events.¹² The corpus of Roman legal interactions with Jewish communities is not only substantial and widely documented, but also highly diverse, encompassing both positive and negative measures from both the republican and the imperial period. The cases that have been transmitted to us deal with a remarkable range of issues, and occurred in various parts of the Roman Empire. If we are to form a more coherent picture of Judeo-Roman interaction, as well as the influence of Roman rule on the lives of the various Jewish communities living throughout the Mediterranean world, these legal sources are therefore of central importance.

Like most aspects of Jewish life in the Roman Empire, the political and legal position of Jewish communities has attracted a significant amount of attention over the years. Overwhelmingly, however, scholarship has tended to focus on the general tendencies displayed by Roman policy, while the particular characteristics of individual legal interactions have largely been neglected. Although local and regional circumstances have become increasingly important in our understanding of the workings of the Roman provincial administration,¹³ this idea has received relatively little attention in scholarship on Judaism in the Roman world. Most authors have instead adopted a more generalising approach, arguing for either a predominantly positive or an overwhelmingly negative attitude on the part of the Roman authorities that influenced Jewish communities throughout the empire for significant periods of time. The manner in and extent to which official Roman policy was shaped by such sentiments, however, remains a point of debate. As previously discussed, it has been argued by some that the Roman state saw Judaism as a substantial threat that had to be held in check.¹⁴ Other authors have stated that "the Romans' tendency to statism and to interventionism made life

11 The reliability of the legal measures cited by Flavius Josephus in particular will be discussed in more detail below.

12 The *Acta Alexandrinorum*, which are also known as the *Acts of the Pagan Martyrs*, have been collected and published in Musurillo (1954). The letter of emperor Claudius to the Alexandrians is also known as P.Lond. 6.1912.

13 See chapter 1 – Roman Administration in Provinces and Empire.

14 See Avidov (2009), 192–193 for the idea that the Romans originally attempted to integrate Jews in the Empire, and took a more aggressive approach in the wake of the Jewish War. Schäfer (1997), 180–195 suggests that Judaism was seen as a substantial threat by the Romans, despite – or perhaps because of – a degree of sympathy for its followers on the part of the Roman authorities.

complicated for people who had competing loyalties”,¹⁵ thus assuming the presence of a strong, centralised Roman policy. On the other side of the spectrum, there are those who believe the Roman government to have been largely indifferent towards its Jewish subjects.¹⁶ In this view, the official policy would have been one of toleration, even if genuine approval of the Jewish religion was lacking.¹⁷ Perhaps the most influential example of this line of thinking may be found in the seminal work of Jean Juster, who famously argued for the existence of a comprehensive corpus of Roman legislation regarding the Jewish population, to which he referred as “une véritable *Magna Charta* [sic]”.¹⁸ Juster’s ideas remained highly influential for decades after their publication, and were even summarised and reaffirmed by Alfredo M. Rabello in 1980.¹⁹

In more recent years, however, the idea that the legal status of Jewish communities in the Roman Empire was determined by a strong, centralised Roman legal framework has increasingly been rejected. The theory has found its share of detractors, and a substantial number of authors, Tessa Rajak perhaps most prominently among them, has championed a more localised approach. According to this line of thinking, Roman legal measures on Judaism were often confined to smaller areas, largely in the Diaspora,²⁰ and the so-called ‘charter concerning the Jews’ that has been presupposed by a number of authors did not, in fact, exist.²¹ Instead, it has been suggested that local conflicts between Jewish and non-Jewish communities were of far greater significance than any form of centralised Roman policy.²² So far, however, research of this nature has been somewhat fragmentary: the localised approach described above has overwhelmingly been applied to specific periods of Judeo-Roman interaction or to specific corpora,²³ while comparatively little attention has been paid to the long-term development of the legal position of Judaism in the Roman world, the potential differences between various regions, and the local circumstances under which legal measures came into existence. By combining the detail-oriented methodology of the localised approach and the comprehensiveness of the more generalising approaches, it should

15 Schwartz (2014), 79.

16 Gruen (2011), 181.

17 Garnsey (1984), 10.

18 Juster (1914), 1.217. In using this term, Juster has followed Niese (1876), 488.

19 Rabello (1980). See also Guterman (1951), 158 and Smallwood (1976), 124.

20 Rives (2007), 195.

21 Rajak (1985) and (2002^b). For the view that some rights were only granted to the Jewish communities of specific cities, whereas other privileges were valid throughout the Roman Empire, see Pucci Ben Zeev (1998), 409–450.

22 Schuol (2007), 331. See also Barclay (2004), 3 for the idea that Diaspora communities are often faced with issues of power and tradition with the so-called “host community”.

23 The thorough investigation of Schuol (2007) is focussed on the Augustan age, while the similarly impressive work of Pucci Ben Zeev (1998) focusses on an important number of legal texts quoted by Flavius Josephus in his *Antiquitates Iudaicae*.

be possible to present a more nuanced analysis of the legal position of Jewish communities in the Roman world.

3.2 Terminology and Definitions

Unlike terminology related to divination, which has been elaborately discussed in chapter two, the Roman legal – and, in fact, general – vocabulary surrounding Judaism appears to have been rather straightforward. Instead of being referred to by an almost overwhelmingly diverse number of terms and expressions, members of this group are almost exclusively described as *Iudaei*, or its Greek equivalent Ἰουδαῖοι (see Appendix 2). For the modern reader, it seems self-evident, and perhaps close to inevitable, to assume that the Graeco-Roman authors who used these terms were referring to a religious group whose beliefs and way of life can be succinctly summarised under the moniker of ‘Judaism’. In reality, however, these terms are not so easily translated, and their historical meaning has proved to be far from clear-cut.²⁴ Some modern authors, Steve Mason prominently among them, have argued that – in Roman eyes at least – the term *Iudaei* and its cognates had ethnic, rather than religious, connotations. According to this line of thinking, the term ‘Judaism’ embodies a modern conception of religion, and is as such without clear parallels in the ancient world. The only possible candidate is the Greek Ἰουδαϊσμός, which may be seen as the direct predecessor of the modern ‘Judaism’. However, this term occurs in ancient sources only sparingly, primarily in 2 and 4 Maccabees and two inscriptions dating from the third century CE.²⁵ The word furthermore makes use of the Greek suffix -ίζω, which tends to evoke an action rather than a belief system, and is often attached to the name of an ethnic group to demonstrate that an individual is behaving according to the customs of that group – thereby often deserting their own ancestral way of life.²⁶ Little in this description suggests the emphasis on religious beliefs that has become so essential to our understanding of the term ‘Judaism’, and Mason furthermore suggests the existence of a similar discrepancy between the Latin word *religio* and the modern ‘religion’, arguing that these two terms are not as similar as one might assume, and that the concept of religion as we know it may not even have existed in Roman times.²⁷ Instead, Mason argues, beliefs and actions

24 For an elaborate analysis of scholarship on this subject, see Miller (2010); (2012) and (2014), in which David M. Millar summarises the most important arguments and presents a thorough overview of the most important lines of thinking.

25 Mason (2007), 459–460.

26 Ibidem 461–463. See also Liddle, Scott and Jones (1968), Ἰουδαίζω; Ἑλληνίζω and Μηδίζω for specific examples. This argument is rejected by Miller (2014), 250–251.

27 Mason (2007), 480–482. A similar argument is made in Nongbri (2013).

surrounding the supernatural were strongly bound up in ethnicity: it was one's ἔθνος that determined what laws and customs one observed, even with regard to the supernatural.²⁸ He therefore claims that the difficulties *Iudaei* encountered throughout the Mediterranean world, and with Roman authorities in particular, stemmed from political issues, and not necessarily from any hostile reaction to their religious beliefs.²⁹ According to Mason, however, the same categorisation also allowed Jews (or, in his words: Judeans) to make use of the protection that had been granted to their ἔθνος, namely the right to maintain their own ancestral customs and laws.³⁰ Since Mason rejects the notion that ethnicity was strictly linked to geography, he argues that this way of interacting with the Roman authorities even applied to Jewish communities in the Diaspora.³¹

A similar argument has been made by Benedikt Eckhardt, who has suggested that the distinction between ethnicity and religion was essentially meaningless in the Roman period, because these two concepts were so heavily intertwined as to be indistinguishable from one another in practice. However, it has been suggested by both Eckhardt and a number of others that this perception of Jews as an ethnic group like so many others gradually began to change. When exactly this change took place remains the subject of some debate. Eck argues that the distinction between religion and ethnicity became more centrally important after the introduction of the Jewish Tax, which made the issue of who exactly was liable to pay this new fee acutely relevant.³² After all, Eck claims, the tax raised questions about who could be considered Jewish in the eyes of the Roman authorities, and about what was to be done with people whose relationship with Jewishness was more complicated than a relatively straightforward overlap between their ethnic background and their beliefs regarding the supernatural. However, this divergence between religion and ethnicity has been dated rather earlier by Shaye Cohen. In his opinion, the earliest non-ethnic usage of terminology related to Judaism may be found as early as the second century BCE, at which point he believes Jewish communities to have started defining themselves in terms of religion rather than ethnicity.³³

28 Mason (2007), 483-488.

29 Ibidem 507.

30 Ibidem 494 and 512.

31 Ibidem 503. For an opposing view, see Guterman (1951), 77, who argues that Judaism became a "purely religious community" when it first settled in the city of Rome. The issue of geography, and particularly the connection of Jewish communities in the Diaspora with Jerusalem, is an oft-discussed subject in the works of both ancient and modern authors. For an interesting analysis of Philo of Alexandria's view on this subject, see Pearce (2005). In his discussion of the Jewish community in Alexandria, Avidov (2009), 172 suggests that the ethnic distinctions in that city were introduced by the Roman authorities for fiscal purposes.

32 Eckhardt (2017), 49 and 51 respectively.

33 Cohen (1999), 70 and 78-81.

Even in antiquity itself, however, the status of Jewish communities appears to have been somewhat peculiar and worthy of discussion. It is difficult to deny that the word *Iudaei* or its equivalents was often used to evoke a group with a shared ethnic background both by those within the community and those without, which would have made its members more distinct than either diviners or Christians in Roman eyes.³⁴ However, there are some important indications that members of this group were regarded somewhat differently than members of other ἔθνη. Although it is certainly true that the Roman authorities did not just grant the right to maintain and uphold ancestral customs to Jewish communities, but also to various cities in the empire – thus suggesting that this was not, in itself, a measure reserved especially for religious groups – the specific issues discussed in relation to this privilege are directly connected to religious practices on a significant number of occasions. In some cases, the treatment of Jewish communities even appears to have been notably distinct from that of the empire's various other ethnic groups. There are, for example, few convincing examples that any other community, whether defined in ethnic or religious terms, was exempt from attending the law courts on particular days, as was the case in certain cities for Jews whose desire to observe the Sabbath prevented them from participating in public affairs.³⁵ Likewise, the exemption from military service that was granted to certain members of the Jewish community in Ephesus is not paralleled by any known privilege granted to a specific ethnic group, city or people, but only by similar provisions made for the benefit of various priesthoods.³⁶ Religious issues like the involvement of communities from the Jewish Diaspora with the Temple in Jerusalem, circumcision, and ritual purity also feature prominently in legal interactions between the Roman authorities and Jewish groups throughout the empire.³⁷ Finally, the fact that the Jews of Rome were expelled from the city alongside other religious groups on a number of occasions has also been named by certain scholars as a clear indication that cult, rather than ethnicity, was the primary issue at stake in orchestrating these banishments.³⁸

The known Roman legal interactions with the Jewish population, then, overwhelmingly dealt with the religious aspects of people's lives, which suggests that this part of the group's identity was seen as a, if not the, primary distinguishing feature. This idea appears to be confirmed by the remarks of ancient authors, who

34 Barclay (1996), 405-408.

35 Eckhardt (2017), 24.

36 Ibidem 25-26.

37 For an overview of the various interactions between the Roman authorities and Jewish communities that will be discussed in this chapter, see Appendix 2 – Judaism.

38 Ibidem 41-44, who argues against Avidov (2009), 177, where it is claimed that Jews were expelled on ethnic grounds.

dwelling on religious issues to a significant extent, while making little to no mention of factors like clothing, speech, and occupation.³⁹ Participation in Jewish religious rites, as well as intensive social interaction and integration with others who did the same, would thus have been most visible, and would thus have served as the surest and easiest way to determine who was considered part of the community.⁴⁰ To an extent, this could include people who were not born in Jewish families but nonetheless adopted a Jewish way of life, and the reverse also appears to have been possible.⁴¹ While some have framed the issue of non-Jews making the transition to a more Jewish way of life in terms of ethnicity,⁴² it should be noted that such a shift was widely regarded to include a change in religious behaviour.⁴³ As has been previously discussed, Tacitus was well aware that inclusion in a Jewish community meant the rejection of one's former gods, and the anti-Jewish polemicist Apion likewise framed the difference between Jews and his own Alexandrian community in religious terms, asking how Jews could possibly be citizens of Alexandria if they do not worship the Alexandrian gods.⁴⁴ While the link to ethnicity (or at least citizenship) is still present in the short passage of Apion's work transmitted to us by Josephus, it is notable that religion is seen as a deciding factor in what Apion sees as Jewish 'otherness'. When, on the other hand, *Iudaei* took on a Greco-Roman way of life, for instance by exercising in the gymnasium, this did not necessarily appear to have impeded their inclusion in the Jewish community unless their behaviour came into conflict with Jewish religious law.⁴⁵

39 Cohen (1999), 28-37. A significant number of the relevant themes presented by Karl Leo Noethlichs in his discussion of the image of Jews in the Roman Empire held by non-Jewish and non-Christian authors likewise have to do with religious and cultic behaviour. These include the Jewish conception of god, circumcision, cult, the Sabbath, and proselytes. See Noethlichs (1966), 45-75. While circumcision has on occasion been mentioned as an important distinguishing feature of members of Jewish communities, it should be noted that this practice was (and is) both fraught with religious significance, and of limited relevance in an every-day context. As is argued by Cohen (1999), 37-49, the result of the procedure would not normally be publicly visible, nor would Jewish women be recognisable in the same way. The fact that circumcision was also linked to other inhabitants of the eastern Mediterranean likewise serves to further limit the importance of circumcision in determining who was seen as Jewish, and who was not.

40 Ibidem 67-68.

41 See Barclay (1996), 403-404 for an example of someone born in a Jewish family abandoning their ancestral customs, which is at least in part described in religious terms.

42 Mason (2007), 491.

43 See Cohen (1999), 140-174 for the various ways in which this could occur.

44 Flavius Josephus, *Contra Apionem* 2.6 (65). The text of *Contra Apionem* may be found in the Loeb edition of Thackeray (1926). For a more recent translation and commentary of the text, see Barclay (2007). This volume is part of the Brill series of Mason (1999-2016), which as of yet remains incomplete.

45 For the example of Jewish priests using the gymnasium in the city of Jerusalem, see 2Maccabees 4.13-16. Although the text portrays such behaviour in a negative light, there is nothing to

Religion, then, was at the very least a highly significant part of Jewish identity, and it was likely often recognised as such by outsiders. This does not invalidate the argument that the term *Iudaei* could also be used with connotations related to ethnicity, but it does suggest that members of this community were at times, for all intents and purposes, a 'religious' group, even if they were not unified by religion exclusively. While some have referred to Jewishness as an 'ethno-religion', in which ethnic identity was supplemented by a more religious sense of community, to represent the overlap between the two concepts,⁴⁶ others argue for observing a similar middle-ground without adopting this particular terminology.⁴⁷ In any case, the fact that religion played at least some part in distinguishing Jewish communities from those of their neighbours has proved almost indisputable, even for those who otherwise favour the model of ethnicity to study the concept of Jewishness in the ancient world.⁴⁸ It is best, therefore, to acknowledge that the religious practices of *Iudaei* were at times the subject of legal interactions between these communities and the Roman authorities. In order to succinctly express these ideas and behaviours, the term 'Judaism' will be applied throughout this dissertation, although with the necessary caveat that Judaism in the ancient world should not be taken to encompass everything it does today.⁴⁹

3.3 Outline and Central Questions

In what follows, the known legal interactions between the Roman authorities and the various Jewish communities of the empire will be systematically analysed. In doing so, it should be noted that the adherence to chronological order, which is central to our understanding of legal precedent and the possible disappearance or re-emergence of certain types of legal measures throughout this dissertation, is doubly important in the case of ancient Judaism: on a number of occasions, the available source material allows us to trace the events that led to the creation of new measures in remarkable detail, and even to investigate how various parties in the same case responded to each other's actions. In addition, legal measures of

suggest that it led to the removal of these priests from the Jewish community. As will be discussed in more detail below, the Jewish community of Alexandria likely engaged in similar practices.

46 Cohen (1999), 137.

47 Miller (2014), 255. In arguing that the term κατὰ τὰ πάτρια were on occasion used to emphasise ethnic differences in religious terms, Rüpke (2014), 205 seems to imply a similar overlap.

48 See ibidem for the view that limiting oneself to ethnicity as a lens through which to study Judaism may well have a similarly limiting effect as opting for the viewpoint of religion.

49 See ibidem 255-259 for discussion on what the best translation for *Iudaei* might be. Miller here argues, among other things, that distinguishing between 'Jews' and 'Judeans' may give the reader a false sense of precision.

various kinds (e.g. fiscal issues, cases involving Jewish ancestral customs, expulsions, etc.) are sometimes connected to the same event or historical period, which makes it more beneficial to order the known cases by date, rather than content. An overview of all relevant cases may be found in Appendix 2. Although this list also includes a number of important political interactions between the Roman state and the rulers of Judea for the sake of comprehensiveness, it should be noted that these events will play a part in our analysis only occasionally. While the political relations between Rome and Judea are a fascinating subject, and deserve to be studied on their own merits, they will here be discussed only to contextualise the legal interactions that form the focus of this chapter, or whenever they involved matters that were explicitly religious in nature.

Within this chapter, due consideration will once again be given to all stages of the legal process, including the origin, contents and enforcement of each legal measure. However, a number of factors that are particularly relevant for our understanding of the legal position of Jewish communities in the Roman world stand out, and as such deserve a degree of emphasis. It is especially important to consider which actors played a part in the legal process: was the initiative for specific measures taken by the Roman authorities, or was their involvement a response to requests made by local administrators, the local population, or possibly even unrests in a specific region? In this regard, we must also consider which levels of government played a part in the proceedings, and to which regions particular regulations applied.⁵⁰ Furthermore, the extent to and way in which previous measures were used as legal precedent may well provide us with essential information about the motives that played a role in the creation of legal measures, as well as the wider socio-political context in which these legal interactions took place.

Due to the diversity of the corpus, it is always important to take into account whether a specific ruling favoured the wishes of Jewish communities, or those of their non-Jewish neighbours, when considering the contents of the various legal measures under discussion. This question is especially relevant because it ties into the idea that Judaism was granted the special status of “*religio licita*”, and as such enjoyed a special status within the Roman world.⁵¹ While this phrasing

50 As has been discussed above, the view that the Roman state upheld a *Magna Carta* for Jews throughout its territories was upheld for a significant period of time, for instance by Juster (1914) and Rabello (1980), but has since been largely abandoned.

51 Of particular note is the idea that Jewish communities were explicitly exempt from participating in the imperial cult. See Smallwood (1976), 137 and 345. Given the fact that a measure of this kind is not explicitly attested anywhere, and participation in the imperial cult was in any case likely never officially demanded, such a formal exemption is unlikely to have occurred. For a more elaborate discussion of the relationship between Judaism and the imperial cult, see McLaren (2005). For the idea that emperor worship was shaped by an interplay between local and central impulses, see Price (1984), 53-77.

appears exclusively in the work of the Christian apologist Tertullian to distinguish between the treatment of Jews and the author's own Christian community, and is thus by no means a technical term used in Roman law, it has nevertheless proved historically significant enough to warrant at the very least a passing degree of attention.⁵²

A final point that warrants consideration is the extent to which legal measures were valid for longer periods of time, and especially if they were reiterated on later occasions. If certain measures were indeed repeated after their original creation, it is important to investigate under which circumstances this occurred: why was a repetition deemed necessary, and which parties were involved in the process? In this regard, we must also consider which role the various levels of Roman administration played, and whether the way in which certain legal measures were enforced led to differences between various regions of the empire.

Throughout this chapter, the negotiations that at times took place between the various levels of Roman administration, including the inhabitants of the provinces (whether they were Jewish or non-Jewish), will be a prominent point of discussion, and the various organising structures of Jewish communities, both political and social, are particularly deserving of our attention. At least in some part due to their antiquity, many Jewish communities throughout the Diaspora not only maintained recognisable organisational structures of their own, but also established contacts with other communities, and particularly the Temple in Jerusalem, which in turn had significant political standing up to the later decades of the first century CE. It is essential to consider how these frameworks influenced the position of Judaism in the Roman world, both in a positive and a negative sense, especially when comparing Jewish communities to their Christian contemporaries, which – while sharing a number of important characteristics – initially lacked similarly well-established and familiar institutions.

A few notes on the temporal and geographical scope of this chapter should be made. While a significant portion of our corpus dates from the imperial period, a number of highly significant interactions between Jewish communities and Roman authorities date from the republican period. Since these events are essential for our understanding of the later imperial measures that form the primary focus of this chapter, they will be discussed in some detail below. Particular attention will be paid to the cases dating from the later years of the Roman republic, from Julius Caesar onwards. However, a few earlier events will be discussed as well. The majority of Roman legal measures related to Judaism originated in the eastern Mediterranean, particularly Jerusalem, the cities of Asia Minor and the

52 Tertullian, *Apologeticum* 21.1. See, for instance, Avidov (2009), 170-171; Hasselhoff and Strothmann (2017), both of whom argue against the historical validity of the term.

great Jewish community of Alexandria. Less material from the western Mediterranean is available, although a number of crucial cases from the city of Rome will also be discussed in some detail.

3.4 Early Points of Contact: Judea and Rome

The first known interactions between Jewish communities and the Roman state took the shape of military allegiances, and occurred before Rome had even obtained a firm foothold in the eastern Mediterranean. By 161 BCE, a substantial part of the Jewish population of that region fell directly or indirectly under the authority of the Seleucid Empire, which had controlled the community's *sacred* capital of Jerusalem since the beginning of the second century BCE. The new Seleucid king, Demetrius I, had recently ascended to the throne, and his relationship with the Jewish inhabitants of his realm appears to have been complex from the very beginning. While a certain faction of the Jewish population, led by newly appointed high priest Alcimus, supported Demetrius' rule, others were staunchly anti-Seleucid – among them a priestly family from the rural town of

53 Seeman and Marshak (2012), 42–43.

54 Baltrusch (2002), 93 and 97, Gera (1998), 314 and Seeman and Marshak (2012). Some indication for this may be given by Flavius Josephus, *Antiquitates Iudaicae* 12.10.6 (414), who states that Judas sent a delegation to Rome because he had heard about Rome's growing power in the east (ἀκούσας περὶ τῆς Ῥωμαίων δυνάμεως). This is likely an exaggeration, since Rome was arguably not a very significant force in the eastern Mediterranean at the time. See Eck (2007), 5. The author of 1Maccabees 8.18. states merely that Judas wanted to rid his country of Seleucid oppression (ἀραι τὸν ζυγὸν ἀπ' αὐτῶν).

55 Some, like Sherwin-White (1984), have argued that the allegiance never existed and that the negotiations and their results are nothing more than an invention on the part of the author of 1Maccabees. This argument is based on the lack of influence the Roman state held in the east at the time of the Maccabean revolt, the lack of material aid the Jewish troops actually received and the assumption that a weakening in Seleucid rule was not in Roman interest. However, it is ultimately unlikely that the agreement is a complete fiction, and a number of reasons for this may be given. Firstly, the Roman senate supported a number of other factions that posed a threat to Demetrius' rule in the first few years of his kingship, as argued by Seeman and Marshak (2012), 43 and Gera (1998), 303. In addition, the text of the treaty as transmitted in 1Maccabees closely matches the structure and phrasing commonly used in treaties (or *foedera*) dated to the second century BCE, as argued in *ibidem* 305. We may also ask ourselves what might motivate the author of 1Maccabees to invent a treaty with the Roman Republic to begin with: it seems unlikely that an author who elsewhere displays strong anti-foreign tendencies would depict Judas Maccabee and his followers as supplicants to an external power when no such embassy had ever taken place. It may be true that the text of the treaty presented in 1Maccabees depicts both parties as being on a fairly equal level, as argued in *ibidem* 307, but the author does explicitly mention that Judas took the initiative to request Roman friendship and allegiance (1Maccabees 8.17–20). It has also been suggested that the conditions of the treaty were not completely equal, and seemed to favour the Romans. See Schäfer (1995), 50.

Mode'in most commonly known as the Maccabees, who would later gain power as the Hasmonean dynasty. The anti-Seleucids now attempted to strengthen their position by sending an embassy to Rome (Appendix 2.i).⁵³ The Roman Republic was by now a power on the rise, and had fought several battles against both Macedonia and the Seleucid Empire itself. Judas, leader of the Maccabees, may have expected his delegates to obtain some form of direct military support, but it is equally possible that the propagandistic aspects of a foreign treaty with an emerging power like Rome appealed to his political and dynastic ambitions.⁵⁴ Whatever his motives were, the Roman senate granted Judas' emissaries an audience, and agreed to back the Maccabees in their resistance against Demetrius – at least in spirit.⁵⁵ Both versions of the treaty that have been transmitted to us stipulate that neither party should help the other's enemies with weapons, money, ships or provisions, and promise military assistance to whichever party was attacked first.⁵⁶ However, each version also allowed both parties to interpret this promise of armed support as best suited their political needs at the time a call for aid arrived, stating that they should act “as circumstances dictate them” (ὡς ἂν αὐτοῖς ὁ καιρὸς ὑπογράφῃ),⁵⁷ or “as they are able” (κατὰ τὸ δυνατόν).⁵⁸ Thus, while both parties clearly stood to gain from entering into this agreement, it need not be surprising that the treaty did not lead to concrete military action against the Seleucid Empire on the part of the Romans at this point in time.⁵⁹

Despite the fact that the treaty of 161 BCE did not lead to tangible results in the field, our sources indicate that it was renewed on a number of occasions in the years that followed (Appendix 2.iii and 2.v),⁶⁰ and was possibly even of some importance for other powers in the region (Appendix 2.ii and 2.iv).⁶¹ The Maccabees

56 1Maccabees 8.25-28 and Flavius Josephus, *Antiquitates Iudaicae* 12.10.6 (417). The full texts of the treaty may be found in 1Maccabees 8.17-32 and Flavius Josephus, *Antiquitates Iudaicae* 12.10.6 respectively. A full comparison of Josephus and 1Maccabees, while exceedingly interesting, is beyond the scope of this research.

57 1Maccabees 8.25 and 27.

58 Flavius Josephus, *Antiquitates Iudaicae* 12.10.6 (418).

59 It has even been argued that this lack of support did not constitute a breach of treaty, based on the ‘escape clause’ incorporated in the agreement. See Gera (1998), 313. See also Baltrusch (2002), 98 for the idea that concrete military action was not expected by either party.

60 See 1Maccabees 12.1-4 and Flavius Josephus, *Antiquitates Iudaicae* 13.5.8 (163-165 and 169-170) for a renewal in the time of Jonathan Apphus, and Flavius Josephus, *Antiquitates Iudaicae* 13.9.2 (259-266) for a similar renewal in the time of Hyrcanus I.

61 For a missive of the consul Gaius Fannius to the magistrates of Cos, see Flavius Josephus, *Antiquitates Iudaicae* 14.10.15 (233). Josephus wrongly dates this letter to 49-44 BCE. According to Gera (1998), 310, the name of the consul suggests a dating of 161 BCE. Sherwin-White (1984), 73-74, however, sees the presence of various *Fannii* in sources cited by Josephus as a complicating factor, and is inclined to ascribe a later date – possibly that of 122 or 48 BCE – to this letter. For an example of the Roman attitude towards Judea being copied by other (local) governments, see Flavius Josephus, *Antiquitates Iudaicae* 14.10.22 (247-255). Here, the city of Pergamum, which had recently been incorporated into the Roman Empire, declares its

continued to seek the legitimacy and recognition that bonds of friendship with Rome afforded them, and sent delegations whenever the need for a renewal of relations arose.⁶² These treaties of allegiance with the Maccabees, however, do not appear to have resulted in a positive attitude towards the Jewish community residing in Rome itself, although it may have led to the idea that the Roman authorities now had the right to interfere in its affairs. In 139 BCE, the *praetor peregrinus* Cn. Cornelius Hispalus issued an edict that not only banished the *Chaldaei*,⁶³ but also ordered Jews to depart from the city (Appendix 2.A).⁶⁴ The edict is briefly referenced by Valerius Maximus in his *Facta et Dicta Memorabilia*, but due to the existence of two different textual traditions, it is difficult to determine what actually took place, and what specific measures were included. According to a version of the text attributed to Iulius Paris, Jews were ordered to go back to their homeland because they “had attempted to infect the Roman way of life with the cult of Jupiter Sabazius” (*idem Iudaeos, qui Sabazii Iovis cultu Romanos inficere mores conati erant, repetere domos suas coegit*).⁶⁵ The later version ascribed to Ianuarius Nepotianus likewise accuses Jews of attempting to spread their religion to Rome, but makes no mention of the particular god they worshipped. However, this version does add that Hispalus ordered Jewish altars to be removed from public places (*Iudaeos quoque, qui Romanis tradere sacra sua conati erant, idem Hispalus urbe exterminavit arasque privatas e publicis locis abiecit*). While Paris’ version of Valerius Maximus’ text is generally considered to be the more reliable one across the board,⁶⁶ his reference to Jupiter Sabazius has given rise to a degree of suspicion regarding this particular passage. While some have argued that the use of this particular phrasing constitutes evidence for Jewish syncretism in this period,⁶⁷ the overwhelming consensus is that the term is either the result of Roman confusion upon encountering the Jewish deity Yahweh Sabaoth,⁶⁸ or of a mistake by later copyists caused by a similarly confusing resemblance.⁶⁹ The claim made by Nepotianus that Jewish altars were removed from public spaces is likewise problematic: Jewish communities in the Diaspora did not normally erect

intention to follow Roman example, and enter into a league of friendship with Judea. This measure was issued by the Pergamene βουλή. It is certain that the local Pergamene institution is meant here, and not the Roman senate, to which Josephus continuously refers as σύγκλητος, both in this edict and elsewhere. While Josephus includes this source in his account of the rule of Hyrcanus II, it likely dates from the time of Hyrcanus I. See Rajak (2002^b), 308.

62 Gera (1998), 314.

63 For a thorough discussion of this expulsion, and the textual traditions of the relevant text, see chapter 2 – Divination in Roman Legal Measures.

64 Valerius Maximus, *Facta et Dicta Memorabilia* 1.3 (*De Superstitionibus*).3.

65 For the Latin edition of both epitomes, see Briscoe (1998), 30–31.

66 Wardle (1998), 18–19.

67 Feldman (1993), 93; Hengel (1973), 478–479; Simon (1976), 52–56.

68 Barclay (1996), 285; Castritius (2006), 280; Scurlock (2000), 143; Wardle (1998), 150–151.

69 Barclay (1996) 285; Cappelletti (2006), 35; Lane (1979).

altars as such, and it is unlikely that this passage is meant to be a reference to synagogues, which could hardly have been confused with altars.⁷⁰ Despite these complications, however, it is hard to discount the essence of Valerius Maximus' report.⁷¹ After all, both versions of the text assert that Jews were banished from Rome because they involved Romans in their religious practices. Whether these charges were exaggerated or not,⁷² the episode certainly suggests that the Jewish community present in Rome during this period was seen as a potentially dangerous foreign entity that posed a risk to public order – an idea emphasised by the fact that the *praetor peregrinus* was responsible for issuing the edict of expulsion.⁷³

3.5 Judaism under Rome: Early Legal Measures

After the expulsion of 139 BCE, the Jewish community of Rome disappears from historical view for a significant number of years, and while, as previously mentioned, political interactions between the Roman state and the Hasmoneans (as the Maccabees soon came to be called) continued during this time, they contributed little to Hasmonean success. No Roman troops were ever sent to come to the aid of their Jewish allies, and no other form of direct assistance was ever provided.⁷⁴ Instead, the treaties that had been established between Rome and Judea

70 Gruen (2002), 17; Wardle (1998), 151.

71 While Alessandri (1968) argues that this expulsion is an invention by Valerius Maximus, the fact that no other source mentions these events is hardly enough evidence to support this claim. His argument that the Roman authorities would hardly have expelled Jews from Rome when diplomatic relationships with the Maccabees were favourable, furthermore, doesn't necessarily hold water. As Gruen (2002), 261n.13 rightly remarks, there need not necessarily be a connection between foreign policy and attitudes towards immigrants in Rome itself, as shall also become clear in the case of later expulsions. For a similar argument, see Cappelletti (2006), 39. See Schuol (2007), 247 for the idea that the internal contradictions in Roman policy towards Jews in this period (allegiances on the one hand, versus expulsion on the other) are representative of Roman attitudes towards Judaism in later periods as well.

72 For the suggestion that the proselytism of Romans was at the heart of the issue, see Baltrusch (2002), 116-118; Castritius (2006), 280; Feldman (1993), 93; Smallwood (1976), 205. For the idea that this was an overblown accusation, see Gruen (2002), 19. Cappelletti (2006), 42-43; suggests that no charge was originally mentioned, and that the issue of proselytism was added by the two epitomisers.

73 Cappelletti (2006), 43; Gruen (2002), 18-19; Schäfer (1997), 106-107. Cappelletti (2006), 39 notes that the expulsion edict may have been aimed at a group of Jewish merchants simply passing through Rome, rather than living there on a permanent basis, although this is uncertain. In any case, it is unlikely that the Jews who were expelled were part of an embassy sent by the Hasmoneans, which doesn't seem to fit with the chronology of events. See Gruen (2002), 17; Wardle (1998), 150.

74 The sole exception is a Jewish request to the Roman senate for a committee to assess the damage done to Hasmonean territories in a previous war, mentioned in in Flavius Josephus, *Antiquitates Iudaicae* 13.9.2 (263). It is unlikely, however, that this request was granted, as the

initially remained largely symbolic. In the years that followed, however, Roman power in the eastern Mediterranean steadily increased, and the number of Jewish communities within Rome's sphere of influence grew along with its borders. In Judea, the Hasmoneans struggled with almost continuous unrest and civil war for almost a century: they were faced both with rival factions, and with internal dynastic struggles between various possible successors. It was one of these conflicts, namely the struggle for royal power between Hyrcanus II and Aristobulus II, that would lead to the direct presence of Rome in the region. In 63 BCE, both parties petitioned for the support of Pompey the Great, who sided with Hyrcanus and besieged Jerusalem in an attempt to defeat Aristobulus and his supporters.⁷⁵ This first direct Roman intervention in the region not only resulted in Pompey's famous desecration of the Jewish Temple,⁷⁶ but also in increased Roman involvement in the lives of Jewish communities, not only in Judea, but in the Diaspora as well.

3.5.1 *Lucius Valerius Flaccus and the Jewish Communities of Asia*

This increase in Judeo-Roman interaction, however, did not always lead to positive results. One example of a clash in the interest of Roman magistrates and local Jewish communities may be found in Cicero's *Pro Flacco*, which is generally dated to 59 BCE. In this speech, Cicero defends his client Lucius Valerius Flaccus, against charges of financial misconduct, which he allegedly committed during his time in office as governor of Asia. As a part of his defence, Cicero discusses Flaccus' ban on the export of gold from Asia (Appendix 2.a). This measure directly affected the Jewish community of that province, which found itself unable to send the customary Temple Tax to Jerusalem. It seems that both the Jewish community in Flaccus' province and that of Rome itself were enraged as a result,⁷⁷ and according to Cicero the latter made its dismay publicly heard.⁷⁸ It is, however, uncertain if the edict was truly intended as a direct attack on the Jewish communities of Asia, and Flaccus may instead have simply been concerned with stabilising Roman finances.⁷⁹ In this, he had legal precedent on his side: the Roman senate passed a law banning the export of gold and silver in 63 BCE, which would mean that

delegation is never mentioned again and the senate did not grant the requests made by the embassy out of hand, but rather indicated the need to deliberate further.

75 Flavius Josephus, *Bellum Iudaicum* 1.6.4-1.7.7. For the suggestion that Rome saw its intervention in the region as legitimate because of the 161 BCE treaty, see Baltrusch (2002), 83; 89-90 and 105.

76 Flavius Josephus, *Bellum Iudaicum* 1.7.6.

77 Gruen (2002), 20

78 Cicero, *Pro Flacco* 67. Due to his depiction of the Jews of Rome, Cicero has at times been accused of being anti-Jewish in his sentiments. It is, however, impossible to determine how much of this was due to his rhetorical persona, and it must be noted that he was also harsh in his depictions of Flaccus' other detractors. See Gruen (2002), 21.

79 Marshall (1975), 152.

Flaccus was simply following an established procedure.⁸⁰ The fact that Asia's cities were in grave financial difficulties at the time may even have meant that Flaccus' measure was generally met with approval, although it is not clear whether his intervention was requested by the inhabitants of his province. In the face of public financial difficulties, the interests of Asia's Jewish communities took a backseat: their religious scruples likely meant very little compared to a measure for which there was not only precedent, but at the time very likely also an important degree of public and political support.

3.5.2 *Flavius Josephus: Collecting Legal Interactions*

There is, however, a significant number of examples in which interaction with the Roman authorities proved beneficial for Jewish communities, and especially those of Asia Minor, who had so recently clashed with Flaccus. The first of these benefits date from around the time of Julius Caesar and his direct successors (from ca. 49 BCE onwards), and are – like so many of our sources about the character of legal interaction between Roman authorities and Jewish communities – cited in Flavius Josephus' *Antiquitates Iudaicae*.⁸¹ While these passages, and the other documents quoted by Josephus, are extremely important for our understanding of the legal position of Judaism in the Roman world, they are not without their share of difficulties. The documents on occasion contain puzzling corruptions, particularly in the names of Roman magistrates and other individuals, and their dating often proves equally troublesome. Furthermore, they are presented fragmentarily, and the order in which they are cited does not appear to follow any discernible logic.⁸² The historicity of these documents has therefore been rejected by some, most prominently by Horst R. Moehring, who argues that both Flavius Josephus and modern historians are guilty of apologetic tendencies.⁸³ However, the style and language of the relevant passages has been found to closely match the proper characteristics of the types of documents Josephus claims to cite,⁸⁴ and a number of reasonable explanations for the textual corruptions that are present

80 See Cicero, *Pro Flacco* 67 and Marshall (1975), 145.

81 Flavius Josephus, *Antiquitates Iudaicae* 14.10. Most of Josephus' citations of legal sources may be found in books 14 and 16 of the *Antiquitates*, neither of which has yet been covered by the Brill series of Mason (1999-2016). The Greek text found in the Loeb series of Feldman, Marcus, Thackeray and Wikgren (1943) and (1963) remains frequently used.

82 For a more elaborate overview of the most important objections to the sources presented by Josephus, as well as the ultimate, though tentative, conclusion that they are likely genuine, see Pucci Ben Zeev (1998), 357-368.

83 Moehring (1975), 155-158.

84 Rajak (2002^b), 305 and, more elaborately, Pucci Ben Zeev (1998), 357-359. In addition to the formal aspects of the edicts, the fact that Josephus presents a large collection of edicts with a sometimes rather small and repetitive subject matter is hardly indicative of a forgery. If Josephus wanted to make a grand statement about the good relationship between Jews and Romans, one, or even several, more extensive edicts might have served him better.

can be given.⁸⁵ Josephus' corpus is thus overwhelmingly considered to be authentic,⁸⁶ but an uncritical approach is nonetheless dangerous. The difficulties in determining the dates of certain documents and the names of many of the magistrates referenced of course present an obstacle to the reader, but it is especially important to consider that Josephus cites these documents in a very specific context. While Moehring likely goes too far in dismissing the contents of these passages as altogether unreliable, he is by no means wrong in pointing out the importance of Josephus' apologetic programme. The author starts his enumeration of documents by explicitly stating that he cites them:

[...] ἵνα μὴ λανθάνῃ τοὺς ἄλλους ἅπαντας, ὅτι καὶ οἱ τῆς Ἀσίας καὶ οἱ τῆς Εὐρώπης βασιλεῖς διὰ σπουδῆς ἔσχον ἡμᾶς τὴν τε ἀνδρείαν ἡμῶν καὶ τὴν πίστιν ἀγαπήσαντες.⁸⁷

[...] so that all the others may not forget that the kings of Asia and Europe hold us in great esteem, having been contented with our bravery and loyalty.

The fact that Josephus is open about his rhetorical goals in presenting these documents, however, need not deter us from taking the material itself seriously. In the case of the collection presented by Josephus, it is very likely that the whole of the various measures was, in their collector's eyes at least, infinitely greater than the sum of its parts. As Tessa Rajak has astutely argued, Josephus' rhetorical strategy almost certainly depended on the overall tone of the material he presented rather than the particular details of each individual text.⁸⁸ Thus, while we should remain cautious in our use of names and dates, and should keep in mind that Josephus was undoubtedly selective in his citations, the general contents of the documents are likely to be reliable.

3.5.3 *Dispensation from Military Duties: A Collection*

The oldest set of legal documents that references Jewish ancestral customs, and connects them to the granting of specific privileges, dates from the years 49 and

85 It must, for instance, be noted that Josephus often quotes his edicts fragmentarily, Pucci Ben Zeev (1998), 257, which would resolve the objection found in Moehring (1975) 144, that the formal mark of approval given by the senate is missing. For the idea that many of the corruptions in the text are due to "common phonetic phenomena", see Pucci Ben Zeev (1998), 360.

86 See also Trebilco (1991), 7 and Schuol (2007), 66-75.

87 Flavius Josephus, *Antiquitates Iudaicae* 14.10.1 (186).

88 Rajak (2007), 178 and 186. See also Trebilco (1991), 1 for the suggestion that Josephus cites these documents, which mainly concern Asia Minor, specifically because he considered them to be relevant for the rest of the Diaspora.

(possibly) 48 BCE.⁸⁹ The issue at stake in this sub-collection is a dispensation from military service for certain members of Jewish communities. It is not, in itself, surprising that this was an area in which conflicting obligations came to the forefront. Those who wished to observe Jewish rites would have faced significant difficulties in adhering to central practices like the Sabbath and dietary laws within the strict discipline of the Roman army. While the relevant documents are cited with peculiar intervals,⁹⁰ they are connected by their shared references to the responsible magistrate, the consul Lucius Lentulus, whose own missive is the first one in the collection to be cited (Appendix 2.1):

Λεύκιος δὲ Λέντλος ὑπατος εἶπεν· πολίτας Ῥωμαίων Ἰουδαίους ἱερὰ Ἰουδαϊκὰ ἔχοντας καὶ ποιῶντας ἐν Ἐφέσῳ πρὸ τοῦ βήματος δεισιδαιμονίας ἕνεκα στρατείας ἀπέλυσα πρὸ δώδεκα καλανδῶν Ὀκτωβρίων [...]⁹¹

Lucius Lentulus the consul decreed: I have at my tribunal released Jews who are Roman citizens, who observe Jewish rites and practice them in Ephesus, from military service on the twelfth day before the Kalends of October, on account of their religious scruples, in the presence of [list of members of the tribunal follows].

The aspect of Lentulus' decree that immediately stands out, is the fact that this exemption did not apply to all Jews living within Roman territories and served in the Roman army. While such a wide-ranging applicability has often been inferred, as was undoubtedly Josephus' intention,⁹² the text of the decree instead refers to a rather more limited area, namely the city of Ephesus. It is important to note, however, that Lentulus not only limits his decision to observant Jews living in that city, but also to those among them who were Roman citizens, of which there would have been few. It has been argued that the group to which this measure applied would therefore have been rather limited in size, which would have made

89 Flavius Josephus, *Antiquitates Iudaicae* 14.10.13-14 (228-232); 14.10.16 (234) and 14.10.18-19 (236-240). For the dating of these documents, see Pucci Ben Zeev (1998), ad loc. References to Jewish religious practices, which are often indicated by the words δεισιδαιμονίας ἕνεκα, on account of their superstition, occur frequently in this dossier. Throughout, the term δεισιδαιμονία appears to be used in a technical, rather than a derogatory sense.

90 Namely Flavius Josephus, *Antiquitates Iudaicae* 14.10.15 (233), which likely deals with a matter connected to the treaty of 161 BCE, and 14.10.17 (235). For the role Jewish dietary restrictions played in creating a relatively isolated community, as well as the Roman preference for pork, see Kraemer (2018).

91 Flavius Josephus, *Antiquitates Iudaicae* 14.10.13 (228).

92 Juster (1914), 145 and 217, Rabello (1980), 692 and Smallwood (1976), 42 and 135. Josephus himself describes his corpus of edicts as pertaining to τὸ ἔθνος ἡμῶν, the entirety of the Jewish people, twice in short succession. See Flavius Josephus, *Antiquitates Iudaicae* 14.10.1 (186) and 14.10.1 (189).

Lentulus' decision relatively risk-free. The smaller the group, the less likely it was that other groups would demand the same privilege. In addition, the cost to Roman manpower would have been almost negligible.⁹³

Lentulus' decree is repeated twice more in Josephus' collection with some small differences in phrasing, but none in content (Appendix 2.4 and 2.7).⁹⁴ This suggests that the consul's decision was passed on by lower magistrates until it reached the city of Ephesus, for which it was intended. There are some indications, however, that Ephesus functioned as an example to other cities, possibly due to its status as the provincial capital of Asia.⁹⁵ The idea that Jews who were Roman citizens were to be dismissed from the Roman army also appears in a ruling from Delos and Sardis (Appendix 2.3), the former of which is notably located outside the province of Asia.⁹⁶ This particular document leaves out the qualification that only observant Jews should be dismissed from military service, but retains the clause limiting the decree's applicability to Jews who are Roman citizens. The text mentions that the order for this decree was given by the Roman legate Marcus Piso, and there is some indication that he took action because Jews in Delos were being harassed for their lack of participation in the army, since he makes a specific effort to forbid this type of behaviour (ἵνα εἴ τινές εἰσιν Ἰουδαῖοι πολῖται Ῥωμαίων τούτοις μηδεὶς ἐνοχλῇ περὶ στρατείας). This might indicate that Piso responded to complaints made by the local Jewish population, although more concrete clues to this effect are sadly lacking in this particular document. It is clear, however, that the measure was subsequently passed on to lower, local institutions, who in turn repeated it in proclamations of their own. Even in cases dealing with military matters, which would naturally incur more centralised oversight, the Roman authorities thus still depended heavily on the implementation of their orders by the local authorities.

In addition to the aforementioned information about the implementation of Lentulus' decree, Josephus also cites two documents that present us with fascinating details about the context of its conception. The two relevant passages suggest that the initiative for this measure was indeed, as suggested previously, taken by local Jewish communities, or even specific Jewish individuals, who found themselves unable to combine their religious and military obligations and therefore began negotiations with various Roman authorities in order to bring about a change in their position. Indeed, one of these two documents appears to be a testimonial by a number of otherwise unknown Romans, who recount having

93 Gruen (2012), 87.

94 See Flavius Josephus, *Antiquitates Iudaicae* 14.10.16 (234) and 14.10.19 (238–240).

95 For the suggestion that the edict was originally accompanied by a letter indicating that the edict applied to the entire province, see Pucci Ben Zeev (1998), 161 and 166.

96 Flavius Josephus, *Antiquitates Iudaicae* 14.10.14 (231–232). Sardis is mentioned only in a single line.

approached Lentulus (here mistakenly addressed as proconsul) in order to bring about the dismissal of Jews who were citizens from the Roman armies (Appendix 2.6).⁹⁷ They claim to have done so at the instigation of one Dositheos, son of Cleopatrides, of Alexandria, whose name has been taken to mean that he must have been a Jew himself.⁹⁸ This Dositheos apparently held a considerable degree of influence in Rome, and his involvement indicates that the dismissal of Jews from the army is unlikely to have been a Roman initiative. Instead, the idea appears to have originated with local Jews, who turned both to members of the Jewish community in Rome and to a number of non-Jewish Romans in order to see their requests granted. These Romans not only included the two unknown figures whose testimonial is cited by Josephus, but also one Titus Ampius Balbus, who introduces himself as legate and *propraetor* in another relevant document from Josephus' collection (Appendix 2.2).⁹⁹ In his letter to the magistrates, senate and people of Ephesus, Balbus claims to have interceded on behalf of the Jewish communities of Asia not only with Lentulus, but also with two other Roman officials (a *propraetor* and *proquaestor* respectively). He is not above boasting about his influence on the consul, claiming that Lentulus granted the privileges requested by the Jewish community specifically because of his personal interference. Once again, however, we find some indication that the Roman authorities did not act on their own initiative, and that Ephesian Jews may have made complaints because they were being harassed.¹⁰⁰ As was the case in the decree of the Delians mentioned above, the population of Ephesus is explicitly warned to make sure that Lentulus' decree is enforced, with the insistence that they should take care ἵνα μή τις αὐτοῖς διενόχῃ, so that no-one harasses [the city's Jews]. The fact that Balbus saw the need to personally write to Ephesus about Lentulus' decision furthermore suggests that he was not only involved in presenting the petition, but also contributed his voice to enforcing the resulting decision. The picture that results from this collection of documents, then, is one of extensive negotiation between (members of) the Jewish communities of Asia, their representatives in Rome, and various Roman magistrates.

97 Ibidem 14.10.18 (236-237).

98 Pucci Ben Zeev (1998), 183. As will be discussed below, Jews from Alexandria had a significant interest in positive Roman legislation concerning Jewish communities, which may have been a reason for Dositheos to speak out.

99 Flavius Josephus, *Antiquitates Iudaicae* 14.10.13 (230). Balbus' version of the decree is reasonably faithful, although he does neglect to mention that only Jews who were Roman citizens would be exempt from military service. It is unclear whether this is a corruption in the text of his missive or a mistake on his part. See Pucci Ben Zeev (1998), 164.

100 For the suggestion that local Greeks had played an active part in forcing the enlistment of Jews, see Pucci Ben Zeev (1998), 166.

A similar pattern becomes visible in a letter by Lucius Antonius, proquaestor and propraeor, to the magistrates, senate and people of the city of Sardis, which is dated to 49 BCE (Appendix 2.5).¹⁰¹

Λούκιος Ἀντώνιος Μάρκου υἱὸς ἀντιταμίας καὶ ἀντιστράτηγος Σαρδιανῶν ἄρχουσι βουλῇ δήμῳ χαίρειν. Ἰουδαῖοι πολῖται ἡμέτεροι προσελθόντες μοι ἐπέδειξαν αὐτοὺς σύνοδον ἔχειν ἰδίαν κατὰ τοὺς πατρίους νόμους ἀπ' ἀρχῆς καὶ τόπον ἴδιον, ἐν ᾧ τὰ τε πράγματα καὶ τὰς πρὸς ἀλλήλους ἀντιλογίας κρίνουσιν, τοῦτό τε αἰτησαμένοις ἵν' ἐξῇ ποιεῖν αὐτοῖς τηρῆσαι καὶ ἐπιτρέψαι ἔκρινα.¹⁰²

Lucius Antonius, son of Marcus, proquaestor and propraeor, to the magistrates, senate and people of the Sardians: greetings. When our Jewish citizens came to me, they showed me that they had an assembly of their own from the earliest times, according to the laws of their fathers, as well as a place to meet, where they judged their affairs and their disputes with each other, and when they requested that it would be allowed for them to do these things, I judged that they should be maintained and granted.

As becomes clear from Antonius' letter, the Jewish population sent a delegation to the Roman magistrate in order to obtain the right to hold their own assemblies in a σύνοδος,¹⁰³ and to manage their own internal affairs – thus once again taking the initiative. This request is granted in the letter, but the privilege appears to have been highly localised, and furthermore based on existing precedent: according to the members of the Jewish delegation, the rights they requested were not new, but rather existed ἀπ' ἀρχῆς, from the very beginning. Thus, while this document in particular deals with the political rights of Jewish communities rather than with the right to observe their religious customs,¹⁰⁴ it does provide an interesting example of how legal precedents could be used in the negotiation for privileges: Roman authorities were often strongly inclined to follow existing precedent,¹⁰⁵ and presenting such evidence could be highly beneficial.

101 Ibidem 176.

102 Flavius Josephus, *Antiquitates Iudaicae* 14.10.17 (235).

103 A σύνοδος was a council for a particular social group that was generally seen as a part of the city's administration. See Dmitriev (2005), 131.

104 That the two could become strongly entangled will become clear during our discussion of the events in Alexandria below.

105 Pucci Ben Zeev (1998), 179.

3.6 Jewish Communities in the Time of Julius Caesar

In the years that followed, the extensive civil wars in which Rome had been entangled for the majority of the first century BCE began to play a significant, although somewhat indirect, part in the interactions between Jewish communities and the Roman authorities. The later years of this conflict in particular turned the eastern Mediterranean into a battleground where the contending Roman generals all attempted to gain support, and local communities of all kinds stood to earn significant privileges by aiding the winning side. One of these possible rewards was the highly praised right to maintain one's own laws and institutions.¹⁰⁶ This privilege is also referenced in inscriptions on a number of occasions, and is often indicated with the phrase *πάτριοι νόμοι* (ancestral laws) – a term that may be used to refer to a number of areas of life, including religion.¹⁰⁷ This principle becomes most obvious, however, in the window of opportunity this period provided for the Hasmonean ruler Hyrcanus II. A number of documents dated to the time of Julius Caesar (47-44 BCE) is concerned with legitimising Hyrcanus' power, naming him and his successors ethnarch of the Jews and high priests until the end of time with all the rights that traditionally entailed, and granting Judea specific financial and territorial privileges (Appendix 2.vi-2.xii).¹⁰⁸ These measures have at times been taken to mean that Caesar granted Jews "official permission to

106 The somewhat dubious story told in Flavius Josephus, *Antiquitates Iudaicae* 14.10.1 (188) may also be seen as an example of this. In this passage, Josephus claims that Caesar (or possibly Augustus) granted the Jewish community of Alexandria citizenship of that city (Appendix 2.β). The question to what extent Jews could and did hold Alexandrian citizenship is a hotly debated issue that will be discussed in more detail below.

107 Schröder (1996), 201-206. Schröder remarks that it was often the subservient party who made a request in these terms. See Pucci Ben Zeev (1998), 415-418 for a discussion of the terms *νόμος* and *ἔθος*, and why these terms would have been virtually interchangeable in a Jewish context, although the latter is used more frequently. Pucci Ben Zeev also makes the argument that Caesar simply used "well established Roman policy" by allowing Jews their ancestral customs. For the use of *κατὰ τὰ πάτρια* in a non-Jewish context to denote the importance of a practice that is being challenged, see Guettel Cole (2008), 58.

108 The proclamations regarding Hyrcanus II may be found in Flavius Josephus, *Antiquitates Iudaicae* 14.10.1-7 (185-212). The decrees cited in 14.10.2(190-195) and 14.10.3 (196-198) appear to be interconnected. They both declare Caesar's friendship with Hyrcanus and his position as ethnarch, but the former is addressed to the magistrates, senate and people of Sidon, whereas the latter contains a directive to display the edict in several cities and send it to an unnamed number of others. Hyrcanus is named high priest in 14.10.2 (194-195) and 14.10.4 (199), while taxation is referred to in 14.10.2 (195); 14.10.5 (201) and 14.10.6 (202-210). The latter passage also mentions a grant of lands. The document cited in 14.10.7 contains Caesar's view that Hyrcanus should be formally thanked by the senate for his services. It is important to remark that this first selection of edicts is preceded by the remark that Hyrcanus himself sent an embassy to Caesar to request confirmation of a pre-existing treaty of friendship and allegiance, see *ibidem* 14.10.1 (185). This pre-existing treaty may be the first decree cited in Josephus' catalogue (14.10.2 (190-195)), as argued by Pucci Ben Zeev (1998), 26. Whatever the case, it is

use their own law,”¹⁰⁹ and a number of excerpts from the documents concerning Hyrcanus have been cited to support this. In one passage, Caesar appears to appoint Hyrcanus as his first point of contact “whenever in the meantime an inquiry about the Jewish way of life should arise” (ἄν τε μεταξύ γένηται τις ζήτησις περὶ τῆς Ἰουδαίων ἀγωγῆς, ἀρέσκει μοι κρίσιν γίνεσθαι παρ’ αὐτοῖς).¹¹⁰ In another document, Hyrcanus is designated as defender of “the Jews who are treated unjustly” ([...] τῶν Ἰουδαίων προῖσθται τῶν ἀδικουμένων).¹¹¹ While it is unclear what these statements meant in practice, and debate about the concrete validity of Caesar’s honours remains,¹¹² it should be noted that mentions of Jewish ancestral law occur overwhelmingly in reference to the privileges of the high priest and his authority over the Ἰουδαῖοι.¹¹³ This does not amount to a formal grant of Jewish religious liberty valid throughout the empire, but rather constitutes a guarantee that the authority of Hyrcanus as high priest would be safeguarded in his own territories. This is not to say, however, that Caesar’s support of Hyrcanus’ position could not contribute to the rights of Jewish communities elsewhere in the empire in a less direct way. Josephus’ collection of documents contains a number of passages that suggest that Hyrcanus played an important part in acquiring privileges for Jewish communities, not only within Judea, but also in the Diaspora, even if he did so by using his negotiating power rather than his formal jurisdiction.

The first of these cases is contained in a letter by the magistrates of the city of Laodicea to the proconsul Gaius Rabirius (Appendix 2.8). The letter is dated to 47 or 46 BCE, and contains fascinating glimpses into the process of negotiation about Jewish religious rights:

Σώπατρος Ὑρκανοῦ τοῦ ἀρχιερέως πρεσβευτῆς ἀπέδωκεν ἡμῖν τὴν παρὰ σοῦ ἐπιστολὴν, δι’ ἧς ἐδήλου ἡμῖν παρὰ Ὑρκανοῦ τοῦ Ἰουδαίων ἀρχιερέως ἐληλυθότας τινὰς γράμματα κομίσαι περὶ τοῦ ἔθνους αὐτῶν γεγραμμένα, ἵνα τὰ τε σάββατα αὐτοῖς ἐξῇ ἄγειν καὶ τὰ λοιπὰ ἱερὰ ἐπιτελεῖν κατὰ τοὺς

clear that the -Roman agreement, then, appears to have been for from certain, and utterly dependent on whatever Roman faction happened to be in power at the time.

109 Pucci Ben Zeev (1995), particularly page 36.

110 Ibidem 14.10.2 (195).

111 Ibidem 14.10.3 (196).

112 Pucci Ben Zeev (1998), 412-419 argues that Caesar followed well-established Roman practice by granting Jews the right to use their ancestral customs, but adds that this privilege was far from stable. She goes into more detail about the legal status of Caesar’s grants in Pucci Ben Zeev (1995). Rajak (2002^b), 319, sees these claims as an exaggeration that suited Hyrcanus’ claim to power. It should be noted that that Caesar’s orders cited in Flavius Josephus, *Antiquitates Iudaicae* 14.10.2-3 (190-198) contain instructions to set up bronze plaques proclaiming the two leaders’ friendship on the Roman Capitol, as well as in Sidon, Tyre and Ascalon in both Greek and Latin. This is, in itself, not remarkable, since we are here dealing with political events of which the symbolical meaning was significant.

113 See ibidem 14.10.2 (194) and 14.10.6 (207-208) in particular.

πατρίους νόμους, ὅπως τε μηδεὶς αὐτοῖς ἐπιτάσῃ διὰ τὸ φίλους αὐτοὺς ἡμετέρους εἶναι καὶ συμμάχους, ἀδικήσῃ τε μηδὲ εἰς αὐτοὺς ἐν τῇ ἡμετέρᾳ ἐπαρχίᾳ, ὡς Τραλλιανῶν τε ἀντειπόντων κατὰ πρόσωπον μὴ ἀρέσκεσθαι τοῖς περὶ αὐτῶν δεδογμένοις ἐπέταξας ταῦτα οὕτως γίνεσθαι· παρακεκλησθαι δέ σε, ὥστε καὶ ἡμῖν γράψαι περὶ αὐτῶν. ἡμεῖς οὖν κατακολουθοῦντες τοῖς ἐπεσταλμένοις ὑπὸ σοῦ [...]¹¹⁴

Sopatrus, the ambassador of high priest Hyrcanus brought us your letter, with which you made clear to us that some representatives of high priest Hyrcanus came to you bringing letters written about their nation, stating that they should be allowed to observe their Sabbaths and to perform their other sacred rites according to their ancestral laws, and that no-one shall order them around because they are our friends and allies, or do them injury in our province; and since the people of Tralles objected in your presence that they were unsatisfied with your decrees about them, you ordered that these things had to be done accordingly, adding that you have been called on to write to us about them. Therefore, we, obeying your commands, [...]

In this passage, it becomes clear that Hyrcanus was at times called upon to represent Jewish communities in the Diaspora, in this case Asia Minor, and that he evoked previous Roman measures as precedent to make his case with the responsible governor.¹¹⁵ This included not only his own status as ally of the Romans, but also, it would seem, specific documents that referenced Jewish rights to observe the Sabbath and other religious rites. It is notable, however, that the Roman governor, not Hyrcanus, was ultimately responsible for the final decision, and that Hyrcanus and the Jews of Asia Minor were not the only parties whose wishes had to be taken into account. A number of representatives from the town of Tralles were also present in the governor's tribunal (as indicated by the phrase κατὰ πρόσωπον), and raised objections to his decisions favouring the Jewish communities.¹¹⁶ While they appear to have been quickly overruled by the magistrate, this short passage does demonstrate that Roman decisions regarding Jewish rites were by no means uncontested, and furthermore heavily relied on local enforcement: the Jewish communities pleading their case to the governor apparently feared that his decisions would amount to very little if they were not also sent to the various cities involved, and were there added to the local public records.¹¹⁷ The fact

¹¹⁴ Ibidem 14.10.20 (241-243).

¹¹⁵ Pucci Ben Zeev (1998), 197.

¹¹⁶ This passage seems provide a counter-argument to the observation made by Harries (1999), 87 that repetitions of legal measures were not generally caused by disobedience.

¹¹⁷ See Flavius Josephus, *Antiquitates Iudaicae* 14.10.20 (243), where the magistrates of Laodicea let the governor know that they will, indeed, confirm his measures.

that these difficulties become clear even from Josephus' selection has led to the suggestion that many Jewish appeals to the Roman authorities must have been rejected at some stage during this process.¹¹⁸ The documentary evidence for such unsuccessful encounters, however, would not have been transmitted among Jews, whereas favourable rulings would have been passed on to other communities who could, in turn, use them as legal precedents to improve their own positions.¹¹⁹

The letter from the magistrates of Laodicea, while brief, serves to indicate how complex these negotiations could be, and how effective a precedent could be in achieving one's objective. It also suggests that the frequent delegations sent to the Roman authorities by Jewish communities often originated from problems encountered on a local level. While this is certainly a particularly rich and complex example, it is hardly unique. In a decree from the people of Halicarnassus (Appendix 2.9), we once again find a reference to Roman intervention on behalf of the local Jewish community, although in this instance no mention of concrete difficulties is made.¹²⁰ It is notable that the city takes care to point out its own good relationship with Rome, which is praised as the εὐεργέτης of all mankind. This sense of alliance with Rome is explicitly presented as Halicarnassus' primary reason for granting their Jewish community the right to observe its ancestral customs, as well as a location to build their synagogue. In this sense, then, complying with Rome's wishes was at least partially presented as having been prompted by previous Roman benefactions.

A similar decree from the people of Sardis (Appendix 2.10) provides a more elaborate description of the events that preceded its creation, and in addition makes mention of a Jewish delegation appearing before the city's own βουλή, rather than before representatives of the Roman administration.¹²¹ According to the decree, the Jewish delegation referenced both local and Roman precedents for the privileges they requested, and were thus granted the right to meet in order to observe their religious obligations, as well as the guarantee that the market officials would provide food suitable for their community. It has been suggested that the "laws and freedom" restored by the Roman senate and people mentioned in this document are a reference to the rights granted to Hyrcanus II and his children by Julius Caesar.¹²² If this is indeed the case, the precedent appears to have been used with some flexibility: as mentioned before, Caesar's measures were likely primarily concerned with the political status of Hyrcanus, rather than with

118 Trebilco (1991), 12.

119 Rajak (2002^b), 324-325.

120 Flavius Josephus, *Antiquitates Iudaicae* 14.10.23 (256-258). It is notable that this document contains reference to a fine imposed on anyone preventing Jews from adhering to their ancestral customs.

121 Ibidem 14.10.24 (259-261).

122 Ibidem 14.10.2 (190-195). This point is made by Pucci Ben Zeev (1998), 225.

the position of Jewish communities in the Diaspora. In addition, it is notable that no direct Roman involvement appears to have been necessary in this particular case, and that the Jewish delegation apparently addressed the local authorities directly – with considerable effect. This is a relatively rare occurrence in Josephus' catalogue, but any explanation for this fact must remain speculative due to lack of evidence. It does seem clear, however, that direct Roman intervention was not, strictly speaking, a legal necessity: Jewish communities could at times obtain the rights they desired by directly negotiating with the local government instead.

The same could not be said, however, for the Jewish community of Miletus, which found itself compelled to ask for Roman intervention in order to maintain their rights (Appendix 2.11).¹²³ According to the document cited by Josephus, which is a letter from governor Publius Servilius Galba, Jews in that city had previously been granted the right to observe the Sabbath and uphold their ancestral way of worship,¹²⁴ but had recently encountered resistance. A certain Prytanis made a complaint to the governor, who after hearing the arguments of both parties (διακούσας [...] λόγων ἐξ ἀντικαταστάσεως γενομένων) decided the matter in favour of the Jewish community.¹²⁵ Once again, then, we find an example of Jewish communities asking for help from the Roman administration because they had encountered difficulties in the cities they inhabited, and once again we find evidence that the local authorities made their own contrasting arguments. While it remains unclear what the contents of these arguments would have been, the fact that Roman magistrates saw the need to listen to both parties remains highly significant nonetheless, as does the fact that the responsible Roman official once again ruled in the Jewish community's favour.

The last case of legal interaction between Jewish communities and the Roman authorities reported from the time of Julius Caesar took place in Rome, rather than in the eastern Mediterranean (Appendix 2.12). While the evidence for this particular measure is somewhat unclear, Suetonius mentions that Caesar dissolved the Roman *collegia*, with the exception of those that had particularly ancient origins (*cuncta collegia praetor antiquitus constituta distraxit*).¹²⁶ The passage from Suetonius does not provide any further details about the *collegia* that were excluded from the ban, but a tangential reference in one of the documents cited by Josephus, which will be discussed in more detail below, suggests that the Jews of Rome were the only association that was allowed to continue to exist.¹²⁷ In the

123 Flavius Josephus, *Antiquitates Iudaicae* 14.10.21 (244-246).

124 This included the right to manage καρπούς, the exact meaning of which is unclear. For a more detailed exploration of the subject, see Pucci Ben Zeev (1998), 201-203.

125 In this context, Prytanis is a personal name, rather than the title of a particular magistrate.

126 Suetonius, *De vita Caesarum: Iulius* 42.3.

127 Cappelletti (2006), 8 mistakenly suggests that Josephus' text references an exemption for the Jews of Parium. The πόλις referred to in Flavius Josephus, *Antiquitates Iudaicae* 14.10.8 (215) is

end, however, this claim is highly improbable, and while it has been argued that Jews were exempt from the ban because they were not involved in the internal Roman struggles for power that characterised the period,¹²⁸ it is simply more likely that we are instead dealing with a reference that is, as Erich S. Gruen has rightly remarked, simply not verbatim and therefore possibly misleading.¹²⁹ It seems probable, therefore, that the exemption of the Roman Jews from the ban on *collegia* was less exceptional than at first seems the case.

3.7 Legal Measures between Caesar and Augustus

After Caesar's death, it soon became clear that many of his measures were of little permanent value. The position of Hyrcanus II had to be reaffirmed both by Mark Antony and the Roman senate,¹³⁰ once again on the king's own initiative (Appendix 2.xiii-2.xvii), and a similar thing appears to have occurred in the case of Lucius Lentulus' decisions regarding the dismissal of certain Jews from the Roman armies. In 43 BCE,¹³¹ Hyrcanus II once again came to the aid of Diaspora communities (Appendix 2.13 and 2.14), and contacted Publius Cornelius Dolabella, who is addressed as governor of Asia.¹³² Hyrcanus' aim, it would seem, was primarily to reaffirm the previously existing exemption from military service, although there is some indication that he may have asked for permission for the adherence to Jewish customs outside of a military context as well.¹³³ In any case, Dolabella's response was favourable, and he sent a missive to Ephesus, granting Hyrcanus' request and ordering his missive to be passed on to the other cities of

clearly Rome, however, since this is the last city mentioned in the passage. Smallwood (1976), 134 suggests that the ban on *collegia* applied to the entire empire, as does Baumann (1983), 252, arguing: "Diese Bestimmung [i.e. Caesar's exemption of Jewish communities from the ban on *collegia*] galt, da keinerlei Grund vorlag, bei der Behandlung von Diasporagemeinden irgenwelche Unterschiede zu machen, im ganzen Reich." However, this seems somewhat unlikely, both because Suetonius places this ban in the context of Caesar's measures to restore order in Rome, and because the document cited by Josephus limits its applicability to that city alone. See Rajak (2002^b), 312. This, of course, does not mean that the measure applied to Rome could not be seen as precedent elsewhere, as will be discussed below.

128 Pucci Ben Zeev (1998), 112.

129 Gruen (2002), 26.

130 See Flavius Josephus, *Antiquitates Iudaicae* 14.10.10 (219-222); 14.12.3 (306-313); 14.12.4 (314-318); 14.12.5 (319-322) and 14.12.6 (323).

131 Pucci Ben Zeev (1998), 139.

132 Flavius Josephus, *Antiquitates Iudaicae* 14.10.11-12 (223-227). The application of this title by Josephus is not, strictly speaking, correct. Dolabella was in fact governor of Syria, but would nevertheless have had some influence in the province of Asia, due to his close connection to the *triumvir* Marc Antony. For Dolabella's official title, see Pucci Ben Zeev (1998), 138.

133 In any case, freedom from military service and permission to hold religious congregations are presented as separate decisions by Dolabella.

the province, thus once again showing a reliance on local administrators. In itself, this order seems relatively straightforward. It is significant, however, that less than a decade had passed between Lentulus' original order and Dolabella's repetition of it. Dolabella may have been eager to comply with Hyrcanus' request, but it seems clear that the original order was under threat of falling into disuse to the extent that re-issuing the measure became necessary. This suggests that Roman measures, as valuable as they might have been to the communities that requested them, were a relatively unstable factor, and thus required frequent re-negotiation. Signs of this negotiation are visible even in Dolabella's reply: not only does he mention the fact that Hyrcanus' delegation explained Jewish customs to him, but his insistence that he was following the lead of previous governors may furthermore indicate that the ambassadors reminded him of this precedent. On one crucial point, however, Dolabella may have diverted from his predecessors' attitude: he neglects to limit dispensation from military service to Jews who were Roman citizens, which may have meant that all Jews of Asia, including non-citizens, were now exempt. If this is indeed the case, it is possible that the exemption included service in the auxiliary forces, and perhaps even in the legions, which in this period appear to have enlisted non-citizens due to the increased military demands of the civil war.¹³⁴ However, since a similar omission occurs in one of the versions of Lentulus' decree transmitted by Josephus, we ultimately cannot be certain if Dolabella did indeed expand the existing regulation.

On other occasions, the effect of precedent was far more straightforward. In the year 42 BCE,¹³⁵ the people of Ephesus issued a decree granting the Jewish community of the city the right to maintain their ancestral customs, and keep their own laws (Appendix 2.15).¹³⁶ The text of the decree is particularly interesting, because it includes references to a number of different stages of the negotiation process. It is very likely that members of the Jewish community of Ephesus were at some point prevented from observing the Sabbath by their neighbours, and were possibly even fined for doing so, since both events are explicitly mentioned as examples of behaviours now relegated to the past (μηδένα κωλύεσθαι παρατηρεῖν τὴν τῶν σαββάτων ἡμέραν μηδὲ πράττεσθαι ἐπιτίμιον). Given the mention of fines, this may have been an official policy by the magistrates of the city, which might explain why the Jewish community made a direct appeal to the Roman governor,¹³⁷ rather than attempting to resolve the issue with the local authorities. The text furthermore suggests that this was a strictly local measure, and that

134 Ibidem 148 and 441. For the inclusion of non-citizens in the Roman legions during the civil war, see Goldsworthy (1996), 37 and Southern (2007), 99.

135 Pucci Ben Zeev (1998), 226.

136 Flavius Josephus, *Antiquitates Iudaicae* 14.10.25 (262-264).

137 The governor in this case may well have been the famous Marcus Junius Brutus. For a more elaborate discussion of the presiding magistrate's name, see Pucci Ben Zeev (1998), 228.

these events only involved Ephesian Jews, referred to as οἱ ἐν τῇ πόλει Ἰουδαῖοι, which makes it more likely that the petitioners responded to particular measures in their city. The delegation was apparently successful, and the council of Ephesus proceeded to ratify Brutus' decision.

A similar course of events seems to have occurred in the final measure from the Republican period known to us,¹³⁸ which has been tentatively dated to 42 or 41 BCE, and could potentially have involved Gaius Octavian (Appendix 2.16).¹³⁹ Much about this document remains unclear, including its intended destination,¹⁴⁰ but what does stand out is that we once again appear to be dealing with a Roman response to complaints made by a Jewish delegation. The Jews of Delos and the surrounding islands turned to the Roman authorities after a decree had been issued banning them from observing their "ancestral customs and sacred rites", which likely included the contribution of money for communal meals. The Roman magistrate involved strongly expresses his disapproval for this course of events, and makes mention of the fact that the Jews of Rome were allowed to continue their religious practices even under Julius Caesar's ban on *collegia*. As has previously been discussed, the capital's Jewish community was likely not the only group that continued to exist under Caesar's measures, despite the author's assertions to the contrary. It is significant, however, that a decree that originally applied to the city of Rome in particular is here used as a precedent for a region in the eastern Mediterranean – thus showing the ad-hoc flexibility of Roman administration. As such, this letter has been seen as evidence for a wider acknowledgement of Jewish religious liberties, but we should be careful not to overstate its importance: Caesar's original measure applied to Rome specifically,¹⁴¹ just as this document refers to Delos and the surrounding islands alone. It should also be noted that the Roman authorities did not intervene on the Delian Jews' behalf of their own accord. Instead, they were prompted by a local delegation that had encountered difficulties in their hometown. Therefore, while it remains significant that previous measures could be used as precedent in areas of the empire other than the ones for which they were originally intended, it is difficult to see this missive as evidence for the so-called Jewish *Magna Carta*.

While the various cases discussed above may seem somewhat disparate, by the end of the republican period it is nevertheless possible to discern a pattern that had emerged in the interactions between Jewish communities and the Roman

138 Flavius Josephus, *Antiquitates Iudaicae* 14.10.8 (213-216).

139 Pucci Ben Zeev (1998), 109; 114-115. The fact that a similar measure is ascribed to Augustus in Philo of Alexandria, *Legatio ad Gaium* 311-312 may serve as a further indication that this measure could indeed have been of his making.

140 The island of Paros seems most likely, since this would explain the mention of nearby Delos in the text. However, it has often been assumed that Parium was meant instead. See Pucci Ben Zeev (1998), 110.

141 Rajak (2002^b), 312.

authorities. The origins of the known cases from this period were overwhelmingly local affairs from the various cities of the empire, and seldom, if ever, on a centralised level. Even the political alliances between the Roman state and the various rulers of Judea were made at the instigation of the latter, but the pattern of local initiative is particularly clear in those cases that deal with the right to uphold Jewish ancestral customs. Time after time, we see that local Jewish communities took action in response to specific problems they encountered in their own cities, and attempted to resolve them either by approaching the local authorities,¹⁴² or, as is more frequently attested in our sources, by asking for Roman help – in some cases with the assistance of representatives like Hyrcanus II.¹⁴³ In most cases, these communities requested the right to maintain Jewish ancestral customs, which could include the right to observe Sabbath, a location to meet or access to kosher food. An interesting number of cases, as we have seen, deals with dispensation from military service, which was seen as being incompatible with upholding these customs.

While the examples of Roman intervention transmitted to us seem to have primarily favoured the wishes of Jewish communities over those of their non-Jewish neighbours, at least in the documents that have survived, it should be noted that these responses, like the associated petitions, are overwhelmingly local in nature, often referring to single cities or the province of Asia at the very most. This, as Tessa Rajak has astutely noted, would serve to contradict the notion that these measures amounted to universally valid legislation guaranteeing Jewish rights.¹⁴⁴ The implementation of Roman decisions, likewise, repeatedly occurred on a local level, and we find frequent evidence of the administrators of various cities confirming such verdicts in order to enter them in the city archives. However, not all local officials appear to have been enthusiastic about following the Roman lead: as we have seen in the cases of Laodicea and Miletus,¹⁴⁵ non-Jewish delegations from these cities on occasion attempted to object, and pleaded their own case before the Roman authorities in order to maintain their own policies. In addition, many of these measures appear to have been effective for relatively short periods of time only: on a number of notable occasions, we see Jewish communities asking for confirmation of rights that had already been granted only a few years previously, possibly because they had once again been confronted with local hostilities.

Despite the importance of both local initiative and local implementation, however, we should not underestimate the importance of Roman intervention. The

142 As in the rare case of the decree from Sardis presented in Flavius Josephus, *Antiquitates Iudaicae* 14.10.24 (259–261).

143 As in *ibidem* 14.10.20 (241–243) and 14.10.11–12 (223–227).

144 Rajak (2002^b), 312.

145 *Ibidem* 14.10.20 (241–243) and 14.10.21 (244–246).

Roman authorities may have mostly limited their involvement to individual cases, but it becomes clear throughout the available sources that they could exercise significant power, and that Roman measures concerning certain cities could even be used as precedents by communities that were not originally included in their stipulations.¹⁴⁶ Precedents, whether Roman or local, could be highly significant for Jewish communities who wished to uphold their rights, even if – or especially because – they frequently had to re-negotiate in order to achieve this. This is not to say, however, that Roman attitudes towards Judaism were unambiguously positive. We have to take into account the strong possibility that our overview of Roman legal measures regarding Jewish communities is by no means complete, and that Jewish petitions may well have been rejected in cases that are now lost to us. Certainly, both the expulsion of 161 BCE and Lucius Valerius Flaccus' attempt to prevent Asia's Jewish communities from sending money to the Temple in Jerusalem, suggest that Jewish rights were not always indisputably at the forefront of Roman officials' minds – and in this regard, they likely fared no worse than other communities in the Mediterranean world.

3.8 Augustan Legislation: Precedented Benevolence

The emergence of the empire in the aftermath of the Roman civil wars added a new layer to the interaction between Jewish communities and the Roman state. In addition to provincial governors and the senate, the latter of which at least theoretically retained its important position in centralised government, the supreme position of authority was now held by the *princeps*, who as a result of his position became the focus of petitions and delegations from all parts of the empire. It is little wonder, then, that Augustus became highly influential in Jewish life throughout the Mediterranean after his ascension to power.¹⁴⁷ His influence was felt not only in Judea, where he became heavily involved in the reigns of Herod the Great and his successors,¹⁴⁸ but also in Asia Minor and the cities of northern Africa – and, of course, Rome. A significant corpus of six measures from the time of Augustus once again appears in the works of Flavius Josephus,¹⁴⁹ while some additional evidence may be found in those of Philo of Alexandria.¹⁵⁰ These

146 See Trebilco (1991), 1 for the assertion that Josephus himself saw the documents he cited as precedent relevant for Jewish communities throughout the Diaspora.

147 A similar argument is made by Schuol (2007), 63.

148 Seeman and Marshak (2012), 51–53.

149 Flavius Josephus, *Antiquitates Iudaicae* 16.6.1–7 (160–173).

150 Philo of Alexandria, *Legatio ad Gaium* 158 and 311–317.

measures are especially fascinating because they demonstrate a stronger coherence and interdependence than even the measures from the republican period previously discussed.

3.8.1 *Delegations from Asia Minor and Cyrene*

Josephus introduces the Augustan documents by offering his personal perspective on the circumstances under which they were composed. He claims that Jewish communities had acquired the same rights and privileges as the other inhabitants of the cities in which they lived under the reigns of the Hellenistic kings,¹⁵¹ but that “the Greeks” subsequently tried to limit these liberties, which included the right to send money to Jerusalem. According to Josephus, similar events of this kind occurred throughout the eastern territories of the Roman Empire, and even inspired embassies by Jews from Asia Minor and Cyrene to Augustus, requesting his help in resolving their difficulties.¹⁵² This may be seen as an indication that the initiative of Jewish communities was once again a crucial factor in the creation of legal measures that were meant to protect their liberties, but in this particular case the resulting measures seem to have applied to a larger geographical area than had previously been the case. It is unclear, however, whether the delegations from Cyrene and Asia united their efforts, or approached the emperor separately. The letters cited by Josephus never mention these two regions together, which may suggest that the embassy was not, in fact, transregional. However, a degree of contact between Jewish communities was not, in itself unusual, and mutual assistance and joint embassies of individual cities, at least, did occur on occasion during the republican period.¹⁵³ For lack of concrete evidence, however, the suggestion that in this case, too, the various Jewish communities involved united their efforts because they encountered similar difficulties in their respective cities (explicitly indicated by the plural πόλεις), remains speculative at best. Still, whether formal cooperation occurred or not, it must be noted that this set of documents cited by Josephus collectively does appear to have a somewhat wider scope than the cases previously discussed, even if the delegations need not necessarily have functioned that way in practice.

The earliest two documents connected to these events are ascribed to Augustus’ close advisor Marcus Agrippa, and are both commonly dated to 14 BCE.¹⁵⁴

151 It is notable that none of the documents cited by Josephus actually mentions equal rights for Greek and Jewish citizens, which is referred to as *ισονομία*. See Pucci Ben Zeev (1998), 234 and Schuol (2007), 123.

152 Flavius Josephus, *Antiquitates Iudaicae* 16.6.1 (160-161).

153 Schuol (2007), 106-124 discusses the complaints brought forward by the Jewish communities of Asia Minor separately. For the difficulties in determining where exactly Agrippa received the delegation, see *ibidem* 107.

154 Pucci Ben Zeev (1998), 270 and 275-276.

The first letter in the collection is addressed to the magistrates, senate and people of Ephesus (Appendix 2.17),¹⁵⁵ whereas the second was directed towards the same authorities in Cyrene (Appendix 2.18).¹⁵⁶ While both letters are primarily concerned with the right of the respective Jewish communities to send money to the Temple in Jerusalem, a number of interesting differences occur that suggest that each passage was, in fact, a response to particular local circumstances. The letter to Ephesus grants Jews the right to send money to Jerusalem, and proclaims that anyone who violates this right is to be punished according to a pre-existing law on temple robbery. In addition, Agrippa makes mention of a letter he has sent to praetor Silanus, demanding that Jews could no longer be compelled to appear in court during Sabbath. No reason for this decision is offered in the letter itself, but other parts of Josephus' account may provide a degree of clarity in this regard. The historian describes the Ephesian delegation to Agrippa on two separate occasions, and in both cases, we learn that a hearing of both Jews and non-Jews took place, after which Agrippa ultimately took the former's side.¹⁵⁷ This decision appears to have been based at least in part on precedents provided by the representative of the Jewish delegation, Herod's chief diplomat Nicolas of Damascus, who argued that the Romans had previously allowed them to observe their own customs.¹⁵⁸ The presence of king Herod, who accompanied Agrippa on his journey through the province, likewise seems to have played an important part. According to one of Josephus' versions of the story, Agrippa declared that he would grant the requests of the Jewish delegation "because of Herod's goodwill and friendship towards him" (διὰ μὲν τὴν Ἡρώδου πρὸς αὐτὸν εὐνοϊάν τε καὶ φιλίαν ἔτοιμος εἶναι πᾶν ὅτιοῦν χαρίζεσθαι Ἰουδαίοις).¹⁵⁹ What emerges from Josephus' account, then, is that Agrippa's letter to Ephesus was once again the result of elaborate negotiations.¹⁶⁰

The issues discussed in Agrippa's letter to Cyrene are somewhat different, although their essence is rather similar. No provision exempting Jews from appearing in court on Sabbath is present, and those who have confiscated money earmarked for Jerusalem are simply required to make amends with the Jewish community (ταῦτα διορθώσασθαι τοῖς ἐκεῖ Ἰουδαίοις κελεύω), but are not punished as temple robbers. The issue of precedent, however, does reoccur. In this

155 Flavius Josephus, *Antiquitates Iudaicae* 16.6.4 (167-168).

156 Ibidem 16.6.5 (169-170).

157 The relevant passages may be found in ibidem 12.3.2 (125-128) and 16.2.3-5 (27-65) respectively. This argument is also made in a speech by Nicolas of Damascus presented by Josephus, which may be found in 16.2.4 (47-48).

158 Ibidem 12.3.2 (126) and 16.2.3 (28).

159 Ibidem 16.2.5 (60). For Herod's involvement in convincing Agrippa to listen to the Jewish delegation, see ibidem 16.2.3 (29). For more details on Herod's central role in the negotiations between Jewish communities and Rome, see Schuol (2007), 124-135.

160 Ibidem 123.

case, the Jewish delegation appears to have referred to an earlier letter by Augustus allowing their community to send money to Jerusalem. This Augustan decree is otherwise unknown to us,¹⁶¹ but according to the Jewish delegation the Cyrenians wilfully disobeyed it, harassing the city's Jews and confiscating the money ἐν προφάσει τελῶν μὴ ὀφειλομένων, "under the pretence of taxes that were not owed". This highly evocative phrase may serve as an indication of the problems that lay at the root of these disputes between Jews and their neighbours. It may be suggested the administrators of these towns, and possibly their inhabitants as well, were displeased with the fact that not insignificant amounts of money left the province.¹⁶² These financial considerations were then disguised as concerns about fiscal malversations, and used to set aside Augustus' wishes. As such, Agrippa's letter to Cyrene not only shows other example of Roman intervention having to be requested by a Jewish population confronted with local aggression, but also of the potentially fleeting nature of Roman commands, dependent as they were on implementation by the local authorities

3.8.2 *Passing on the Message: Temple Tax in Asia Minor*

The next three measures presented in Josephus' Augustan corpus are likewise focussed on the issue of the Temple Tax, and can presumably be dated to the year 12 BCE. The first of these documents is the longest (Appendix 2.19), and concerns the rights of the Jewish communities of the province of Asia as granted by emperor Augustus.¹⁶³ These rights – again – include not only the right to send money to Jerusalem, but also an exemption from having to appear in court during Sabbath and punishment for those who steal the Jewish community's consecrated money. In content, then, this proclamation is strongly similar to Agrippa's earlier letter to Ephesus, although the reason for this potential repetition is unclear.¹⁶⁴ However, the letter is slightly more explicit about Augustus' motivations for his display of benevolence, and states that Jews had been allies to the Romans since the time of his adoptive father Julius Caesar. Furthermore, the brief reference to a Jewish

161 Pucci Ben Zeev (1998), 234 sees this letter as conclusive evidence for Josephus' claim that Augustus interfered on behalf of the region's Jewish community in *Antiquitates Iudaicae* 16.6.1 (160-161).

162 Barclay (1996), 268-269, who also refers to the story told in the speech by Nicolas of Damascus presented in Flavius Josephus, *Antiquitates Iudaicae* 16.2.4 (31-57).

163 Ibidem 16.6-2 (162-165). The text as transmitted by Josephus omits an addressee, but in the final paragraph Augustus demands that his decision, along with the testimonial of the Jewish delegation, be inscribed on the temple of Augustus and Roma in Ancyra. See ibidem 16.6.2 (165). The fact that only the temple of Augustus and Roma in the province of Asia is mentioned, may very well indicate that this piece of legislation was meant for this region specifically. Moreover, there is no indication, either in the introduction by Josephus or in the letter itself, that Augustus' missive was sent anywhere else.

164 Philo of Alexandria, *Legatio ad Gaium* 313 reports similar measures, but also adds the provision that Jews could not be prevented from meeting.

honorary decree offered to Augustus (ὁ τε ψήφισμα τὸ δοθέν μοι ὑπ' αὐτῶν ὑπὲρ τῆς ἐμῆς εὐσεβείας ἧς ἔχω πρὸς πάντας ἀνθρώπους) may lead to the tentative suggestion that the granting of these rights was once again the result of requests made by a Jewish delegation, and gives a tantalising indication that flattery of the emperor could be a useful tool in achieving success in these matters. Two other letters in the collection furthermore provide a degree of insight into the way in which Augustus' orders were publicised among their intended audience. Augustus' letter includes instruction to have his orders set up in the temple of Augustus and Roma in Ancyra, and Josephus also cites a message from Augustus to the governor Norbanus Flaccus of Asia (Appendix 2.20),¹⁶⁵ and Flaccus' subsequent letter to the magistrates and senate of Sardis (Appendix 2.21) which suggest that the decree was also spread via lower Roman and local officials.¹⁶⁶ In Philo of Alexandria's *Legatio ad Gaium*, furthermore, we find a citation of a highly similar letter addressed to the magistrates of Ephesus.¹⁶⁷ All these passages serve to further demonstrate that Augustus' orders were primarily implemented on a local level, and that the regional administrative infrastructure played a significant role in ensuring that the emperor's wishes reached their intended goal.

This, however, is not the end of the collection presented by Josephus. A final letter dealing with the issue of the Temple Tax has been transmitted to us, which likely dates from 4 BCE and was once again prompted by a Jewish embassy (Appendix 2.22).¹⁶⁸ This delegation turned to the new governor Julius Antonius, claiming that they had been granted the right to adhere to their own religious customs and to send offerings to Jerusalem without hindrance.¹⁶⁹ In order to support this argument, they referred to the previous proclamations by Agrippa and Augustus, thus allowing us to connect all the previously discussed documents into a single dossier – as undoubtedly suited Josephus' purpose. The document also shows that these regulations had fallen into disuse within ten years of their original issuing, and that the Jewish communities of Asia were once again confronted with hostilities in the cities they inhabited. The exact circumstances of this request for repeated confirmation of previous order are not transmitted in the letter, but the document does show how important the preservation of precedents could be for Jewish communities: by using them, they could hold on to their rights, even if doing so could prove to be a frequent struggle. Even an imperial missive, it would seem, was no guarantee for a permanent change in

165 Flavius Josephus, *Antiquitates Iudaicae* 16.6.3 (166).

166 Ibidem 16.6.6 (171).

167 Philo of Alexandria, *Legatio ad Gaium* 314–315.

168 Flavius Josephus, *Antiquitates Iudaicae* 16.6.7 (172–173). For the dating of the letter, see Pucci Ben Zeev (1998), 289–290.

169 For the suggestion that these offerings were the Temple Tax, see Pucci Ben Zeev (1998), 287.

the attitude or behaviour of the local populations Jewish communities had to live with.

3.8.3 *Augustan Measures in Alexandria and Rome*

This is not to say, however, that Augustus' measures could not at times make tangible differences for both the political and religious life of Jewish communities. According to Philo of Alexandria, Augustus granted the Jews of his home-town a degree of self-governance in the form of a *γερουσία* after their ethnarch had passed away (Appendix 2.γ).¹⁷⁰ Information about this episode is scant, but it has been argued that Augustus' intervention was requested because the Alexandrian Jewish community feared instability in the wake of the ethnarch's death.¹⁷¹ Another example of Augustus' positive interventions is once again briefly referred to by Philo, who positively compares Augustus to the later emperor Caligula by mentioning an undated measure improving the access of Rome's Jewish community to the grain dole (Appendix 2.23).¹⁷² According to Philo, at least some Jews were eligible for the monthly distributions of grain or money used to feed designated Roman citizens living in the city.¹⁷³ While this was in itself a significant advantage, it could cause unforeseen problems when the distribution of these gifts took place during Sabbath, when observant Jews would be unable to go out into the public and claim the donations. Philo alleges that Augustus therefore granted the Jews of Rome special permission to pick up their allotted portion on the following day, thus preventing their exclusion. While this measure has been referred to as a "striking concession,"¹⁷⁴ a number of factors somewhat detract from its scope. First and foremost, it should be noted that this measure only applied to Jews in the capital, and had little relevance for those living outside the city.¹⁷⁵ It has even been suggested that the Jewish community of the city was responsible for the measure, and petitioned Augustus for it when they encountered problems.¹⁷⁶ In general, it is likely that Augustus, while he certainly seems to have taken a benevolent attitude towards the Jewish community of his capital, did not go out of his

¹⁷⁰ Philo of Alexandria, *In Flaccum* 74.

¹⁷¹ Gruen (2002), 72.

¹⁷² Philo of Alexandria, *Legatio ad Gaium* 158. For the contrast between Augustus and Caligula presented by Philo, see Schuol (2007), 291.

¹⁷³ This passage clearly suggests that at least some Jews were Roman citizens at the time, including former slaves, since there is little doubt that only citizens were entitled to the dole, thus Tacoma (2016), 84. It may also suggest that these Jews had been living in the city for some time, since it has been argued that recent migrants were excluded, see Bernard (2016). For Augustus' attempts to limit the number of people eligible for such grain distributions, see Garnsey (1988), 236-238.

¹⁷⁴ Barclay (1996), 292-293.

¹⁷⁵ Pucci Ben Zeev (1998), 438, who does mention that a similar measure may have applied to Alexandria, but does not cite any sources to support this claim.

¹⁷⁶ Gruen (2002), 29. The likelihood for this is somewhat increased by Suetonius, *De vita Caesarum: Augustus* 40.2, which reports that the population of the city could indeed have

way to be considerate: it has been rightly remarked that this is the only positive measure mentioned by Philo, who otherwise only gives examples of suppressive measures the emperor might have taken, but didn't, like expulsion, removal of citizenship or suppression of the synagogues.¹⁷⁷ Nevertheless, a ruler who was not, in principle, ill-disposed towards them could make the lives of Roman Jews significantly easier.

3.9 Expulsion under Tiberius

The effect of the opposite attitude would become evident under Augustus' successor Tiberius. In 19 CE, another expulsion of Jews took place in Rome (Appendix 2.B), and while the event has been recorded by a remarkable number of ancient authors, much about its circumstances remains unclear. The bare bones of the story are very similar in the most important versions of events, and suggest that Tiberius expelled the Jewish community from Rome and Italy, with the likely exception of a significant number of young men, who were conscripted into military service and sent to highly dangerous areas.¹⁷⁸ Furthermore, most authors mention that devotees of Egyptian rites were also expelled at the same time.¹⁷⁹ While these facts are rarely, if ever, contested,¹⁸⁰ reports about the motivations of the imperial administration differ strongly. Certainly, the least likely version belongs to Flavius Josephus, whose account of a high-ranking Roman matron being scammed out of money by no fewer than four nefarious figures, who used her new-found Jewish faith to their advantage, reads more like a conspiracy theory than anything else. Neither Suetonius nor Tacitus explicitly mentions any alternative reasons for the expulsion, and Philo states only that the Jewish community

an influence on the moment the dole was handed out: in this passage, Suetonius relates how Augustus originally wanted to distribute corn only three times a year for four months at the time, but was prevented from doing so by objections made by the general population. Both the measure reported by Philo and the one mentioned by Suetonius are said to have been the result of imperial concerns about the intended recipients' physical presence at the distribution of the dole, see Tacoma (2016), 85.

177 Gruen (2002), 28. See also Philo of Alexandria, *Legatio ad Gaium* 157.

178 Flavius Josephus, *Antiquitates Iudaicae* 18.3.5 (83-84); Suetonius, *De vita Caesarum: Tiberius* 36; Tacitus, *Annales* 2.85.4. Cassius Dio, *Historiae Romanae* 57.18.5a mentions only the expulsion, but not the forced military service, whereas Seneca, *Epistulae* 108.22 alludes to these events without naming any specifics, mentioning only that a number of foreign cults were persecuted at the time, without mentioning either the cults or nature of the persecution. Suetonius also mentions that religious clothing and attributes had to be burned.

179 Flavius Josephus, *Antiquitates Iudaicae* 18.3.4 (65); Suetonius, *De vita Caesarum: Tiberius* 36; Tacitus, *Annales* 2.85.4.

180 Williams (1989), 765.

was falsely accused by Tiberius' right-hand man Sejanus, although he never mentions of what crime.¹⁸¹ Cassius Dio, by contrast, claims that the Jews of Rome were expelled because they were attempting to spread their religion, and it is primarily this account that has led many to believe that proselytism must have been the primary cause of the expulsion.¹⁸² It is true that a number of other sources, too, give some indication that the attraction of Judaism to those not born into the community may have been perceived as part of the problem: Flavius Josephus, as we have seen, focusses strongly on the conversion of a single Roman matron, while Suetonius includes converts among the Jews who were expelled, and Tacitus makes mention of those who were "infected by that superstition" (*ea superstitione infecta*), which could be interpreted as a reference to conversion.¹⁸³ The latter author's claim that banishment could be avoided by those who gave up their religious rites may likewise point in this direction,¹⁸⁴ while the almost continuous juxtaposition of Judaism and Egyptian cults in the available accounts suggests that the perceived foreign character of these groups was, at the very least partially, an issue.

If we assume that proselytism was the sole cause of the expulsion, however, a number of factors remain unexplained. On the one hand, there is no indication of Jewish communities outside of Rome being targeted, and unless we assume that the inhabitants of the capital were more susceptible to conversion than those of other cities, this suggests that the measure was fairly limited in scope. In addition, the question remains why these expulsions took place in 19 CE. While some have argued that the Jewish community was causing unrest, possibly due to food shortages,¹⁸⁵ others connect the expulsion to the political unrest caused by the death of Germanicus in the same year.¹⁸⁶ The mysterious circumstances under which the designated heir passed away, the argument goes, may well have

181 This story is not repeated by any other source and is included by Philo in a passage specifically meant to demonstrate that Caligula's predecessors had generally been quite benevolent towards the Jewish community – an argument that can only be made by blaming not Tiberius himself, but his nefarious advisors, since Caligula had already been born when the expulsion took place and could thus conceivably have remembered it. These events may also have taken place later, since Sejanus was likely not yet a major political actor in 19 CE, thus Gruen (2002), 35. The claim made in Philo of Alexandria, *Legatio ad Gaium* 161 that Tiberius granted Jews throughout the empire their religious liberties nonetheless resembles fiction more than fact.

182 Barclay (1996), 298-300; Cappelletti (2006), 58-66; Smallwood (1976), 208. Cappelletti suggests that the issue was not necessarily Judaism itself, but rather the spread of that religion to the higher ranks of Roman society, a suggestion that may find confirmation in the fact that Egyptian cults were also targeted.

183 An argument referenced by Williams (1989), 770.

184 Both arguments are referenced by Williams (1989), 770.

185 Ibidem 104-105; Williams (1989), 781-783. The latter author suggests that economic causes may have been central, but admits that this cannot be proven.

186 Goodman (2007^a), 369; Gruen (2002), 33.

led to increased suspicion towards foreign religions, which evidently included both Judaism and Egyptian cults. Of course, this suggestion need not contradict the idea that anxiety about proselytism played a part in the expulsion of 19 CE – in fact, it might enhance the argument and explain why the expulsion took place at this particular time, and why only Rome, which must have been particularly prone to tensions of this nature, was targeted. In this context, those who converted to Judaism or became involved in Egyptian cults may even have been considered a particular threat, due to the fact that they had abandoned their own ancestral religious practices and may therefore be seen to have caused social instability.

In any case, these events certainly demonstrate that Jewish communities could, at times, be targeted by Roman authorities on account of their religion,¹⁸⁷ even if this appears to have occurred primarily because of its perceived outsider status rather than any particular practices intimately associated with it: neither Judaism nor the Egyptian cults appear to have been connected to accusations of any concrete crime, and both may thus be seen as a parallel to the treatment of diviners, who were likewise targeted because they were perceived as a threat to public order – and were furthermore likewise allowed to escape punishment if they recanted.¹⁸⁸ It should be noted, however, that these measures were strongly localised, and in the long run likely ineffective in spite of the harsh punishment of slavery that, according to Suetonius, threatened those who refused to leave the city. Only a few years after the expulsion, Rome's Jewish community seems to have recovered, and no lasting consequences appear to have occurred.¹⁸⁹

3.10 Riots in Alexandria: Religion and Citizenship

As scant in detail as the available accounts of Tiberius' expulsion are, in this sense they are representative of most references to the difficulties Jewish communities encountered in the respective cities they inhabited. The documents cited by Flavius Josephus, as we have seen, on occasion reference difficulties between Jewish and Greek inhabitants of Asia Minor, but exact reports of what happened are sadly lacking. The same cannot be said, however, for the violent clashes that took

187 While Rutgers (1998), 104 suggests that “[Jewish] civic or religious liberty was not otherwise impeded”, Flavius Josephus, *Antiquitates Iudaicae* 18.3.5 (84) reports that Jews who refused military service because they were afraid to break their ancestral law (πάτριοι νόμοι) were punished. This suggests that the measure may have been seen as an infringement of religious liberty, even if we (perhaps overly generously) assume that it was not intended as such. Furthermore, expulsion on account of one's religious beliefs can hardly be seen as maintaining one's religious liberty.

188 For similar suggestions, see Rutgers (1998), 100–101.

189 Barclay (1996), 300; Goodman (2007^a), 369; Gruen (2002), 32.

place in Alexandria between ca. 38 and 41 BCE.¹⁹⁰ The circumstances of these riots are described or referenced in a remarkable number of sources, including Flavius Josephus' *Contra Apionem*, and two accounts written by Philo of Alexandria. Philo was not only an eye-witness of the turmoil that engulfed his home town, but was also directly involved in attempts by the various parties to request imperial intervention, recording his experiences of both events in writings known respectively as *In Flaccum* and *Legatio ad Gaium*.¹⁹¹ While Philo's accounts in particular must be treated with caution due to the author's personal involvement and his focus on theology rather than history,¹⁹² his treatises are nonetheless invaluable sources on what happened both in Alexandria and in Rome – at least from the author's retroactive point of view.¹⁹³ Thus, while we should account for potential exaggerations, it is nonetheless likely that the core of the events described is correct, and the value of an eyewitness account cannot be discounted.

In addition, it should be noted that the reports of Philo and Josephus are to an extent supplemented by the opposing faction's perspective: both authors on occasion cite or paraphrase the arguments made by non-Jewish inhabitants of Alexandria, which allows us to get at the very least a general sense of the issues they considered to be central to the events in the city. The Greek perspective is likewise represented by a number of papyrological texts from a corpus that has collectively become known as the *Acta Alexandrinorum*. This group of texts consists of accounts of interactions between Greek Alexandrians and Roman emperors that often ended with the death of the former, a significant portion of which is extremely fragmentary, and all of which are generally considered to be

190 These clashes have, at times, been referred to as the 'first pogrom,' for instance by Barclay (1996), 51; Gruen (2002), 54 and particularly van der Horst (2002). A more indirect reference is made by Feldman (1993), 116. Due to the fact that this term evokes connections with later historical events, as has been rightly remarked by Gambetti (2009), 11, this terminology has been avoided in this discussion. See Bremmer (forthcoming) for a more elaborate discussion of the appropriateness of the term, which he ultimately concludes is only partially useful for our understanding of the events of 38 CE.

191 See van der Horst (2003) for a recent translation and commentary on *In Flaccum*. The Greek text of the treatise may be found in the Loeb edition of Colson (1941). For the edition of *Legatio* in the same series, see Colson (1962). A comparison between the account of Philo and that of Josephus may be found in Schwartz (2012).

192 Alston (1997), 173; van der Horst (2002), 469-470. Schwartz (2009), 212 sees Philo's angle in both treatises as philosophical rather than theological. Van der Horst's assertion that Philo's texts are problematic because he does not describe the causes of the riots is nevertheless not completely correct, as will be discussed in more detail below.

193 It is very likely that Philo wrote his accounts after the death of Caligula in January 41 CE, given his harsh portrayal of that emperor in *Legatio ad Gaium*. It is remarkable, however, that the author does not mention Claudius' later intervention in the matter. For the argument that Philo almost certainly invented his descriptions of Flaccus' emotional state, but could not divert too far from the historical truth in his descriptions of the events in Alexandria itself, see van der Horst (2003), 11-12.

at least partially fictionalised.¹⁹⁴ The *Acta* present highly biased descriptions of trials held by a variety of Roman emperors, who are generally depicted as siding with the Jewish community against Alexandrian nobles, who in turn are presented as heroically defending their position in the city. As such, the narratives are often profoundly anti-Jewish in tone.¹⁹⁵ It has been argued that the basis for these accounts can be found in the transcripts of actual historical trials,¹⁹⁶ but that the texts as we know them were transcribed in the late second to early third century CE,¹⁹⁷ during which time the stories contained in the texts likely underwent a significant fictionalising development. This late date of transcription, as well as the *Acta*'s polemic tone, make these texts rather tenuous sources, that nonetheless may provide us with insights about the literary afterlife of the events of 38 CE, as well as a Greek perspective on the Jewish presence in Alexandria. A final source that likewise deserves mention is a single papyrus that appears to contain a letter by emperor Claudius to the Greek inhabitants of Alexandria.¹⁹⁸ Although it has been argued that the text as we know it does not comprise the entire letter, but instead contains only an excerpt made by an individual favouring the side of the Greek Alexandrians,¹⁹⁹ the contents of the letter are generally considered to be predominantly reliable. When taking all the available sources into account, it becomes clear that they all exhibit a bias to some degree. In addition, certain crucial elements of the narrative appear to have been so obvious to the various authors describing these events that they neglected to mention them, which leaves the modern authors with several tantalising gaps. Nevertheless, the abundance of available material does make it possible to investigate the Alexandrian riots from various angles. This allows us to paint a reasonably nuanced, if somewhat incomplete picture of what transpired, and to determine which issues both parties saw as central to the conflict.

3.10.1 *Alexandria's Jewish Community: Position and Privileges*

Before discussing the events that transpired in 38 CE, it is important to first briefly consider the history of the Jewish presence in Alexandria. It is likely that a Jewish community was present in the city from its early days onwards,²⁰⁰ but the exact

194 Harker (2009), 1. For a critical edition of the relevant texts, see Musurillo (1949).

195 For the suggestion that the *Acta* are in fact against all things non-Greek, and not specifically anti-Jewish, see Harker (2009), 175.

196 Ibidem 96-98.

197 Ibidem 2.

198 This letter is commonly known as P.Lond. 6.1912.

199 Harker (2009), 25-26. Harker does not argue, however, that the letter as we know it is an outright falsification: instead, it is selective in the passages it cites. Even from the available extract, however, it becomes obvious that Claudius gave both sides reasons to be satisfied, and reasons not to be, as will be discussed in more detail below.

200 See, among others, Zangenberg (2013), 96-97.

status of this group has been much disputed, both in antiquity and in modern scholarship. According to Flavius Josephus, Jews had been present in Alexandria from the very moment of its foundation, and had even obtained political privileges equal to those of the Macedonian settlers of the region (ἴσης παρὰ τοῖς Μακεδόσι τιμῆς ἐπέτυχον), of which citizenship was most important.²⁰¹ While the reliability of this claim has been strongly doubted,²⁰² Josephus' insistence on the matter does indicate that the legal position of Alexandrian Jews was a point of importance, as well as disagreement: if ἰσονομία was indeed granted in Macedonian times, this would have set a very strong precedent, all but guaranteeing the status of the Jewish community in Josephus' own time. This may well be the reason why Josephus addresses the issue not just once, but on multiple occasions, citing a Roman precedent on top of its Macedonian predecessor (Appendix 2.β). Much about this Roman law, however, remains disputed: it is unclear whether it was issued by Caesar or Augustus,²⁰³ and its meaning likewise remains opaque. Josephus claims that the order was inscribed on a pillar of brass, and contained the notion that Jews were full citizens of Alexandria (ὅτι Ἀλεξανδρέων πολῖται εἰσιν). The terminology of citizenship used in this passage, however, is not so clear-cut as it may at first appear. The term πολίτης of course most frequently referred to a citizen in the legal sense of the word, but on occasion also appears to have been used to indicate residents of a city in general, especially when used by Jewish authors.²⁰⁴ It is therefore possible that Josephus deliberately used this ambiguity to add weight to his claims of Roman support for Jewish communities throughout the empire.²⁰⁵ In this context, it is particularly remarkable that Josephus' other mention of this pillar refers only to certain ordinances (δικαιώματα), but makes no explicit mention of citizenship, which at the very least constitutes a peculiar discrepancy, and suggests that the inscribed text instead referred to several more limited privileges.²⁰⁶

Whether Alexandrian Jews did indeed have citizenship equal to that of Greek Alexandrians thus remains very much in doubt, and the idea that Jews were full

201 Flavius Josephus, *Contra Apionem* 2.4 (35). A similar statement is made in *Bellum Iudaicum* 2.18.7 (487).

202 See, among others, Gambetti (2009), 24 and Gruen (2002), 71.

203 In Flavius Josephus, *Antiquitates Iudaicae* 14.10.1 (188) the author of the edict is described as Καῖσαρ Ἰούλιος, which may refer to both men, as shown in Pucci Ben Zeev (1998), 27–28. In *Contra Apionem* 2.4 (37), however, the phrasing Καῖσαρ ὁ μέγας is used, which would be more consistent with Augustus. If Caesar did indeed issue a command of this nature, it is possible that Augustus repeated it, as is suggested in Claudius' letter to the Alexandrians, P.Lond. 6.1912.87.

204 Barclay (1996), 62 and Pucci Ben Zeev (1998), 27–30. See, for instance, Flavius Josephus, *Antiquitates Iudaicae* 14.10.24 (259–261). See Delia (1991), 23–28 for the argument that the term Ἀλεξανδρεὺς could be used in a similarly ambiguous way – as may be seen in Flavius Josephus, *Contra Apionem* 2.4 (39–40).

205 Harker (2009), 214; Pucci Ben Zeev (1998), 29–30.

206 Flavius Josephus, *Contra Apionem* 2.4 (37).

citizens of Alexandria by default has overwhelmingly been abandoned by recent scholarship.²⁰⁷ It seems equally unlikely that the Jewish community attempted to gain full citizenship for all its members: since the Jewish community likely numbered in the tenths of thousands,²⁰⁸ such an attempt would be extravagant at best. Nevertheless, it remains likely that a select number of members of the Jewish elite held full Alexandrian citizenship,²⁰⁹ and that others attempted to gain access to this institution. The possession of citizenship, after all, not only entailed significant social status, but – in the case of Alexandria – also financial benefits due to the abolishment of the Roman poll tax for full Alexandrian citizens in the time of Augustus.²¹⁰ This, however, does not appear to have been the default status of the majority of Alexandria's Jewish community.²¹¹ The general consensus, though it has been phrased and framed in a variety of ways, is that Alexandrian Jews were primarily organised in a semi-political, semi-ethnic governing body of their own, which has at times been referred to as a *πολίτευμα*.²¹² While it did not amount to full citizenship, membership of this group did entail several important privileges, including a degree of self-governance in the form of a *γερουσία* and the right to adhere to the ancestral Jewish customs.²¹³ Furthermore, it served to set the Jewish community apart from the Egyptian class of the city's population, which enjoyed far fewer rights and was frequently regarded with derision.

3.10.2 *The Origins and Progression of the Riots*

While this may indeed be the most accurate description of the political status of Alexandria's Jewish community, it should nonetheless be noted that this issue was almost certainly controversial and unclear even in the first century CE: throughout the available descriptions of events, both the issue of citizenship and the issue of religion repeatedly reappear, and these factors historically combined

207 Barclay (1996), 63 and Harker (2009), 214.

208 Zangenberg (2013), 98 gives the figure of between 120,000 and 180,000 Jewish residents. Delia (1988) sees this estimate as too high, since it would have amounted to about a third of the general population of Alexandria.

209 Barclay (1996), 66-69 and Zangenberg (2013), 103.

210 Delia (1991), 30; Harker (2009), 212; Schäfer (1997), 136.

211 According to Harker (2009), 212, it remains unclear how the majority of the Jewish community was taxed. Harker (2009), 217-218 argues that Jews were exempted, while Barclay (1996), 49 maintains that the only distinction that was made, was the one between 'Greeks' and 'Egyptians' and argues that members of the Jewish community could belong to either group depending on their citizenship status. Schäfer (1997), 136 claims the same. That taxation was considered by the later tradition to have played some part in the conflict may be surmised from the *Acta Isidori*, recension C, line 29-30. See Musurillo (1954), 18-26.

212 Smallwood (1976), 225; Zangenberg (2013), 98-103. Barclay (1996), 65 and Harker (2009), 213-214 question the use of the term *πολίτευμα*, but agree that Jews formed their own, semi-political group with specific privileges.

213 Barclay (1996), 66; Harker (2009), 216-217; Zangenberg (2013), 100-101.

not only into strong debate, but also into violent outbursts.²¹⁴ While it has been argued that the riots that broke out in 38 CE were an extremely rare occurrence for Alexandria (and possibly the rest of the Roman world),²¹⁵ Philo's account suggests that tension in the city had been building for some time,²¹⁶ and furthermore provides a number of factors that contributed to its eventual eruption. On the one hand, he claims that Caligula became hostile towards the Jewish communities of his empire due to their refusal to acknowledge him as a god, and argues that the Greek Alexandrians therefore perceived his ascension to imperial power as the ideal opportunity to take action against a group against whom they already bore a grudge.²¹⁷ According to Philo, representatives of the city's Greek elite then approached the Roman governor Aulus Avilius Flaccus, and were apparently successful in convincing him to turn against the local Jewish community. It has been suggested that the reason for Flaccus' change in behaviour may be found in his fear that his less than friendly relationship with the new emperor might not only mean the end of his career, but also of his life.²¹⁸ According to the story, the leaders of the Greek faction were therefore able to persuade Flaccus that it was in his best interest to take their side: after all, if they interceded with the emperor on his behalf, they might be able to strengthen his position. The threat that an Alexandrian complaint about their governor might well have had the opposite effect, and could have become the final nail in Flaccus' coffin, may have been merely implied, but in spite of this it appears to have been effective: Philo claims that Flaccus proved unwilling to grant a fair hearing to Jews involved in legal disputes from this moment onwards.²¹⁹

The situation finally erupted into open violence when Agrippa I, king of Judea, visited Alexandria,²²⁰ which for a number of reasons aggrieved Greek Alexandrians in particular.²²¹ First and foremost, as Philo himself points out, the presence of a Jewish king reminded the Alexandrians that the status of their city, the former royal capital of the Ptolemies, had been greatly diminished under Roman rule,

214 For the suggestion that this confusion was at least in part due to a new Roman method of dividing the inhabitants of Alexandria, see Avidov (2009), 172-174.

215 Collins (2005), 87, who refers to Gruen (2002), 67-68.

216 Philo of Alexandria, *Legatio ad Gaium* 120.

217 Ibidem 116-120.

218 Feldman (1993), 114; Gruen (2002), 55; Smallwood (1976), 236.

219 Philo of Alexandria, *In Flaccum* 20-24. While not related to religious affairs, this episode provides an interesting example of the effect negotiation by local power players could have on Roman administration.

220 Ibidem 25-43.

221 For the suggestion that a large part of the anti-Jewish movement consisted of Egyptians, see Gruen (2002), 63-65. See Bremmer (forthcoming) for the idea that mobs often contained members of the higher social classes, and that this particular event was likely instigated by members of the Alexandrian elite.

whereas a group of people they saw as intruders appeared to prosper.²²² These hostile feelings were very likely aggravated by the debate surrounding Alexandrian citizenship: On the one hand, Alexandria no longer had a governing body of its own after its βουλή had been disbanded by Augustus,²²³ while the same emperor allowed the Jewish community to maintain a γερουσία. Even the various societies of the city, likely similar to Roman *collegia*, had been banned by Flaccus, who had not yet aligned himself with the Greek-Alexandrian cause – although it is likely that the Jewish synagogues were exempt, given their prominent presence later in Philo’s account.²²⁴ As such, Greek Alexandrians may have believed that the Jewish community not only made use of privileges to which it had no right by claiming citizenship, but even surpassed the Greek elite of the city in status. In this context, the presence of Agrippa I did the situation more harm than good: in other cases, Jewish rulers like Hyrcanus II and Herod may have come to the aid of Diaspora communities, but in this instance Agrippa functioned not as a negotiator, but as an involuntary incendiary. Non-Jewish Alexandrians viewed his visit as a provocation, and as a manifestation of illegitimate Jewish claims. The royal procession through the city therefore quickly became the first target of the mob: they publicly insulted and derided the king by dressing a local man who was known for his mental disability in royal insignia, and addressing him with the Aramaic word for “lord”.²²⁵ According to Philo, Flaccus failed to stop this mockery, which caused a further escalation of violence. The attention of the mob now turned to the synagogues, which they desecrated by decorating them with statues of the emperor, and in some cases destroyed completely.²²⁶ Philo describes these events as an attack on Jewish ancestral customs, and adds that things went even further: within a few days after the attacks on the synagogues, Flaccus issued an order stripping Jews of their legal protection and political rights, declaring them to be ξένοι καὶ ἐπήλυδες, foreigners and aliens.²²⁷ According to the author, this led to a final escalation of the violence: the Jewish community

222 Philo of Alexandria, *In Flaccum* 29. According to Josephus’ citation, the anti-Jewish polemicist Apion made a similar claim, which can be found in Flavius Josephus, *Contra Apionem* 2.12 (125) See also Smallwood (1976), 238.

223 Barclay (1997), 49; Gambetti (2009), 57; Harker (2009), 218; Zangenberg (2013), 101.

224 Philo of Alexandria, *In Flaccum* 4. For Philo’s attitudes on these associations, see Seland (1996), 110–127.

225 Philo of Alexandria, *In Flaccum* 36–40.

226 Ibidem 42–53 and *Legatio ad Gaium* 132–137.

227 Philo of Alexandria, *In Flaccum* 53–54. Gambetti (2009) makes the argument that only Jews who lived outside the city’s overwhelmingly Jewish district Δ were deprived of their legal status (which in her mind included tax benefits) and declared foreigners, according to a precedent provided by Caligula in 37 CE. This line of thought depends almost entirely on the interpretation of one of the *Acta Alexandrinorum* found on P.Yale 2.107, and while such a theory does provide an explanation for the question why Jews were driven to a single district, there is simply not enough evidence to assume that the events described by Gambetti actually took place.

was driven together into a single district of the city,²²⁸ Jewish houses and shops were plundered,²²⁹ and people were tortured and killed.²³⁰ In some cases, the torments described by Philo seem to be related to the issue of citizenship: members of the Jewish *γενοσσία*, he claims, were punished “as if they were Egyptians”, rather than as “free men and citizens.”²³¹ In other cases, however, the actions of the mob appear to have been more religiously motivated, and we find stories of women being forced to eat pork to see if they were Jewish – which offers a notable parallel to the sacrifice-tests used in trials against Christians.²³²

3.10.3 *Religion, Politics, and Citizenship*

Judging by Philo’s account of the events of 38 CE, which has been summarised above, the causes of the Alexandrian riots appear to have been both complex and multi-faceted. While it has been argued that there is “no evidence, allusion, external hint or context of any kind” to support the view that the issue of citizenship played a part in the violence,²³³ its terminology, ambiguous as it may be, occurs too often in the various available sources for it *not* to be the case. This is not only true in Philo’s version of events,²³⁴ but also in the works of Josephus, who repeatedly cites hostile accusations that Jews gained their position in Alexandria by unlawful means,²³⁵ and makes a great point of refuting his adversary Apion’s own claim to citizenship of the city.²³⁶ The socio-political status of the Jewish community, however, also became heavily entwined with issues of religious identity. Participating in the proper cults in the appropriate way became a clear symbol of being a ‘true’ Alexandrian, and a distinguishing feature in the debate about who ‘belonged’, and who did not. This question was certainly partially political, and involved visible signs of loyalty to Rome in the form of participation in emperor worship,²³⁷ but it was also inherently religious, as is demonstrated by the aggression of non-Jewish Alexandrians towards the synagogues of the city. The link between civic status and religion is, however, most concisely presented in a

228 Philo of Alexandria, *In Flaccum* 55 and *Legatio ad Gaium* 124.

229 Philo of Alexandria, *In Flaccum* 56-60.

230 Ibidem 65-96.

231 Ibidem 80.

232 Ibidem 96. For the argument that this event belonged not to the immediate context of the show-trials in which it is described, but rather to the preceding riots, see Bremmer (forthcoming) and van der Horst (2003), 185. See ibidem 186 for other references to similar ‘tests’ in ancient sources.

233 Gambetti (2009), 248-249.

234 Philo even alludes to the issue of citizenship in the *Legatio ad Gaium* 194, which is otherwise rather unclear about the circumstances that prompted the riots.

235 Flavius Josephus, *Contra Apionem* 2.4 (33 and 38) and 2.6 (65).

236 Ibidem 2.3 (29-32).

237 See McLaren (2005), 275. It must be noted that emperor worship, in itself, combines aspects of the religious and the political. While this is not the place to discuss Roman attitudes towards the so-called imperial cult in detail, a few brief remarks must be made about Caligula’s

previously discussed passage ascribed to the anti-Jewish polemicist Apion, who asks the question:

[...], *quomodo ergo, inquit, si sunt cives, eosdem deos quos Alexandrini non colunt?*²³⁸

[...] so why, [Apion] says, do [Jews] not worship the same gods as the Alexandrians, if they are citizens?

The causes of the 38 CE riots, then, were firmly embedded in Alexandrian conceptions both of socio-political relations and religion,²³⁹ and it is important to consider the strongly localised nature of the conflict when discussing the measures taken by the various Roman authorities in response to it.

When reading Philo's account of the Alexandrian riots, it is easy to see the Roman governor Aulus Avilius Flaccus as the great villain of the story, who went along with Alexandrian anti-Jewish sentiments in order to protect his own interests and safeguard his position.²⁴⁰ Despite the viciousness of Philo's invective, however, it becomes clear even in *In Flaccum* that the governor's attitude was chiefly reactive, and likely aimed at maintaining peace and quiet in his province. The safeguarding of public order was considered to be the primary task of a Roman governor for the duration of his appointment,²⁴¹ but this is precisely where Flaccus appears to have failed. Contrary to what Philo suggests, however, this does not appear to have been for lack of trying. Flaccus disbanded the

attitude towards the practice. As we have seen, Philo cites Caligula's self-deification as one of the causes for the Alexandrian riots, as remarked in Philo of Alexandria, *Legatio ad Gaium* 116-120. While Philo presents this as an act of unparalleled madness, one might tentatively point towards the Hellenistic origins of the Roman ruler cult, which is briefly discussed in Rives (2007), 149. Like many cities in the eastern parts of the Empire, Alexandria had a tradition of ruler worship. For this reason, Caligula's endorsement of his personal cult, which was likely more explicit than that of his predecessors, may have fallen on especially fertile ground, and could potentially have been seen as an indication that traditional Alexandrian religious practices were viewed favourably by the Roman authorities. The fact that Claudius later felt the need to reject divine honours (see P.Lond. 6.1912, 48-51) may also point in this direction, and speaks for the idea that the issue of emperor worship did indeed play a part in the disturbances in Alexandria. It is especially telling that Claudius rejects the proposed cult because he does not wish to be "offensive towards [his] contemporaries".

238 Flavius Josephus, *Contra Apionem* 2.6 (65).

239 For the idea that it was precisely the dual identity of certain members of the Jewish community that caused offence, see Barclay (2007), 204-205.

240 It is uncertain whether this actually occurred. See Harker (2009), 12.

241 Fuhrmann (2012), 150-151.

clubs and associations of Alexandria in the earlier years of his time in office, presumably in an attempt to prevent disturbances,²⁴² showing that he was at some point aware of the potential dangers and willing to take unpopular decisions in an attempt to keep the peace. During the riots of 38 CE he likewise seems to have taken measures that, even when seen through the hostile lens of Philo's writings, could be seen as conciliatory, or at least protective. In a brief aside, Philo remarks that the governor at some point during the riots invited the leaders of the various factions, and made attempts to resolve the matter through negotiation.²⁴³ The fact that Flaccus gave orders to search Jewish homes for weapons may likewise be interpreted as a safety measure, intended to prevent increasingly violent clashes.²⁴⁴ Some of Flaccus' other measures, however, are less easy to interpret. While Philo accuses Flaccus of failing to react to the insults aimed at Agrippa I during his visit to the city, it has been argued that the decree that declared Jews to be "foreigners and aliens" was originally meant as an order for the expulsion of everyone who did not belong in the city – a not uncommon response to rioting and unrest. This measure may then have been misinterpreted by the Greek faction, who used it as an excuse to turn on the Jewish community.²⁴⁵ It is also possible that this measure was a concession to the wishes of the Greek Alexandrians, and while the decision sparked more violence, it might originally have been intended to prevent further escalation, and the corporal punishment of several members of the Jewish *ἐπεουσία* has at times been interpreted in a similar way.²⁴⁶ In spite of any speculation about the governor's anti-Jewish sentiments, then, he does not appear to have been the instigator of the events that occurred.²⁴⁷ Instead, it is likely that Flaccus made at least some effort to react to the circumstances in his city and prevent the violence from becoming unmanageable. Ultimately, however,

242 Philo of Alexandria, *In Flaccum* 4. See also Smallwood 236n.64 for the suggestion that the disbanding of the *collegia* was meant to prevent further rioting by Isidorus, one of the leaders of the later 38 CE riots, and his followers.

243 Philo of Alexandria, *In Flaccum* 76. The importance of this passage has been astutely remarked upon by Gruen (2002), 59.

244 Philo of Alexandria, *In Flaccum* 86-90.

245 Harker (2009), 15. Barclay (1996), 54 and 66 makes the argument that Flaccus' order did in fact target the political status of the Jewish community, but likewise suggests that this was seen as a sign that the Jewish community was no longer protected by the Roman authorities. It has been argued that it was not within the governor's powers to change the status and privileges of specific groups without imperial imperative, see Gambetti (2009), 176-180. It should be noted that Philo's description of these events is far from clear, and can hardly be used as the basis for a legal argument. In addition, it is very well possible that the Greek faction used their own precedents to argue their view on the status of (members of) the Alexandrian Jewish community.

246 Gruen (2002), 59.

247 It is unclear whether the description in Philo of Alexandria, *De Somniis* 2.18.123-32 of a Roman governor attempting to force the Jewish community to abandon their religious customs refers to Flaccus. It has not been interpreted as such by Feldman (1996), 95, and in any case the passage is too vague to allow for speculations about any potential legal measures.

his attempts at pacification failed, and it is very well possible that he was arrested on the orders of Caligula for this very reason.²⁴⁸

3.10.4 *A Delegation to Caligula*

Due to these escalating hostilities, it had become unlikely that the conflict between Greek and Jewish inhabitants of Alexandria would be locally resolved, and so the matter was referred to Rome (Appendix 2.δ).²⁴⁹ According to Philo, this was not the first time that the Jewish community had attempted to obtain imperial assistance, as he reports that they had sent a written petition with Agrippa I only shortly before.²⁵⁰ Agrippa's influence, however, proved of little use. After a seemingly positive first meeting, Caligula kept the delegations waiting while he himself travelled,²⁵¹ and before a second meeting could take place, an incident occurred in the city of Jamnia that put the mission of the Jewish delegation from Alexandria in jeopardy: the local Greek population had erected various statues in Caligula's honour, which the local Jewish community had subsequently destroyed.²⁵² Caligula then ordered that an enormous statue of himself should be placed in the Temple in Jerusalem (Appendix 2.ε), possibly as a punishment for what he saw as an act of profound hostility and possibly even rebellion.²⁵³ This imperial order in turn led to deep anxiety among Jewish communities throughout the eastern Mediterranean, and a flurry of hasty negotiations followed: at the request of various Jewish delegations Caligula's representative Petronius, as well as Agrippa I and his brother Aristobulus, attempted to dissuade the emperor from this course of action. In the end, the construction of the statue is said to have been prevented only by Caligula's death.²⁵⁴

These tensions certainly did not make for a pleasant atmosphere when Caligula finally received the respective Alexandrian delegations. The emperor mocked and insulted the Jewish embassy at every turn, but despite all premonitions to the contrary, nothing came of his evident hostility: Caligula was murdered before he

248 Gruen (2002), 56 and Harker (2009), 13.

249 The exact date is somewhat in doubt. See *ibidem* 14 for the suggestion that the two delegations left Alexandria in the winter of 38 CE.

250 Philo of Alexandria, *Legatio ad Gaium* 179.

251 *Ibidem* 181. See Harker (2009), 17–18 for the suggestion that Caligula was planning to visit Alexandria himself.

252 Flavius Josephus, *Antiquitates Iudaicae* 18.8.1–9 (257–309); Philo of Alexandria, *Legatio ad Gaium* 200–348. For the possible role of the Roman procurator Herennius Capito in these events, see Eck (2011), 66–69.

253 McLaren (2005), 265. For the argument that Caligula was simply ignorant of Jewish religious practices, see Gruen (2012), 144. Given the close relationship between Caligula and Agrippa I, one might ask if this interpretation is truly likely.

254 This version of the story is told in Flavius Josephus, *Antiquitates Iudaicae* 18.8.9 (305–309) and *Bellum Iudaicum* 2.10.5 (199–203). See Gruen (2012), 137–138 for the suggestion that this course of events seems all too convenient.

could reach a verdict or take concrete action to resolve the crisis in Alexandria in favour of either party.²⁵⁵ According to the available accounts, then, Caligula became involved in the Alexandrian riots only after the outbreak of violence could not be locally resolved, and ultimately contributed little (if anything) to its resolution. A rare argument to the contrary, however, has been made by Sandra Gambetti in her analysis of the 38 CE riots. According to Gambetti, Flaccus would not have been able to change the legal status of the Jewish community without imperial approval.²⁵⁶ Furthermore, she suggests that Philo's account of the riots in *In Flaccum* has been unfairly privileged over that in the *Legatio ad Gaium*, which according to her interpretation puts the blame for the events in Alexandria squarely on Caligula.²⁵⁷ She argues that the emperor himself had issued a law at an earlier date which stated that the privileges of the Jewish community would henceforth be limited to those who lived in the traditionally Jewish district Δ of the city, and that everyone who lived outside of this quarter would lose their right of residence.²⁵⁸ According to this law, the rights of the Jewish community would be "territorial and not personal".²⁵⁹ According to Gambetti, then, Flaccus was simply enforcing Caligula's legislation, a point of view that she supports by referencing the Papyrus P.Yale 2.107, a text commonly considered to be part of the *Acta Alexandrinorum*.²⁶⁰

It is precisely this dependence on P.Yale 2.107, however, that makes Gambetti's interpretation of the events of 38 CE problematic. We might ask, for instance, why Caligula would ultimately order Flaccus' arrest if, as Gambetti argues, there was no serious animosity between the two, and the governor had done nothing more than enforce imperial orders.²⁶¹ Furthermore, Philo's two accounts of the riots do not appear to be as contradictory as Gambetti suggests: Caligula may serve as the primary antagonist of the *Legatio* (as is to be expected in a work

255 Philo of Alexandria, *Legatio ad Gaium* 349-373. See also Flavius Josephus, *Antiquitates Iudaicae* 18.8.1 (257-260), who claims that Caligula became incredibly angry upon meeting the Jewish delegation, refused to listen to their version of events in full, and promised to punish them at a later date. This promised punishment apparently never took place. See Harker (2009), 18 for the suggestion that Caligula ruled in favour of the Greek Alexandrians. A possible reference to this may be found in the historically equally dubious *P.Giss.Lit.* 4.7 iii.27-35, the relevant part of which may be read in Tcherikover and Fuks (1960), 64-66 (no. 155). If Caligula did indeed rule in favour of the Greek Alexandrians, however, nothing appears to have come of this ruling.

256 Gambetti (2009), 176-180.

257 Ibidem 6.

258 Ibidem 149; 172-182.

259 Ibidem 240.

260 See Harker (2009), 195-196 for the history of this text and the various ways in which it is referenced.

261 Seland (2010). For Flaccus' arrest and trial, see Philo of Alexandria, *In Flaccum* 108 and further. Philo's phrasing in this instance is interesting. He claims that Flaccus was arrested ἐνεκά [...] τῶν Ἰουδαίων, "because of the Jews". See *In Flaccum* 116.

dealing primarily with the two delegations to Rome rather than the origins of the Alexandrian riots), but Philo never insists on the personal intervention of Caligula before the outbreak of the riots, as we might have expected him to do if he was at this point in time indeed “free to openly accuse” the emperor.²⁶² His claims that the Alexandrian mob responded to what they perceived as a favourable political climate in no way imply that any direct incentive to do so was given by the central authorities. Indeed, Caligula’s involvement before the start of the riots is mentioned nowhere outside of P.Yale 2.107, a text that – it has been noted – is not only extremely fragmentary, but furthermore contains various serious anachronisms that make its historical reliability extremely doubtful.²⁶³

Up to this point in time, then, the involvement of both central and local authorities in the Alexandrian riots was primarily reactive, and strongly rooted in local events and concerns. It must be noted, however, that the circumstances surrounding the Alexandrian riots also demonstrate that the connections between various Jewish communities were not always employed to such positive effect as our sources from the republican and early imperial period suggest. While it is true that Agrippa I served as a negotiator in the case of Caligula’s intended desecration of the Temple, and various Jewish communities attempted to convince the emperor’s representative to prevent this measure from being carried out, Philo repeatedly expresses fear that trouble in one city, be it Alexandria, Jerusalem, Rome or Jamnia, could lead to difficulties for other Jewish communities as well.²⁶⁴ After all, if positive precedent could be disseminated between the Jewish communities of various cities, the same could happen to measures that were detrimental to their wellbeing.

3.11 The Reign of Claudius

When Caligula was assassinated in 41 CE, the troubles in Alexandria were far from resolved, and violence in the city even erupted again soon after his death.²⁶⁵ This meant that the new emperor, Claudius, was confronted with the competing Alexandrian factions almost immediately after his ascension.²⁶⁶ Claudius appears to have seen the urgency of the situation, and promptly responded to the requests

²⁶² Gambetti (2009), 6.

²⁶³ Ibidem 35-37.

²⁶⁴ See, for instance, Philo of Alexandria, *In Flaccum* 47 and *Legatio ad Gaium* 120; 188-206 and 370.

²⁶⁵ Flavius Josephus, *Antiquitates Iudaicae* 19.5.2 (278). See Harker (2009), 18 for the suggestion that this new outbreak of violence may have been a reaction to an anti-Jewish judgement made by Caligula.

²⁶⁶ It is unclear whether the two delegations sent to Caligula were still in Rome at this time, or whether new embassies were dispatched. Gruen (2002), 78-79 argues for the former, but adds that the Alexandrian Jews likely sent another delegation. A similar view is held by Harker

made by both delegations (Appendix 2.ζ). His decisions have been transmitted to us in two versions,²⁶⁷ one of which is presented in Flavius Josephus' *Antiquitates Iudaicae*,²⁶⁸ and the other as part of the papyrological record.²⁶⁹ Both versions of the text are plainly responding to an embassy,²⁷⁰ but otherwise they present a number of significant differences in their presentation of Claudius' decisions.

3.11.1 *Claudius' Letter to the Alexandrians*

The text of Claudius' letter as presented by Josephus seems to exhibit a benevolent attitude towards the Alexandrian Jewish community, placing the blame of the riots almost entirely on the shoulder of the Greek Alexandrians. The text emphasises that Jews had been inhabitants of Alexandria since the earliest days of the city's existence and held equal citizenship to Greek Alexandrians. The letter concludes by stating that the privileges the community had held before 38 CE should be restored, and that both parties should take care to prevent further disturbances:

βούλομαι μηδὲν διὰ τὴν Γαίου παραφροσύνην τῶν δικαίων τῷ Ἰουδαίῳ ἔθνει παραπεπτωκέναι, φυλάσσεσθαι δ' αὐτοῖς καὶ τὰ πρότερον δικαιώματα ἐμμένουσι τοῖς ἰδίοις ἔθεσιν, ἀμφοτέροις τε διακελεύομαι τοῖς μέρεσι πλείστην ποιήσασθαι πρόνοιαν, ὅπως μηδεμία ταραχὴ γένηται μετὰ τὸ προτεθῆναί μου τὸ διάταγμα.²⁷¹

I decide, therefore, that none of the rights of the Jewish people fall away because of Gaius' [Caligula's] madness, and that the rights which they previously held be preserved for them, including the right to abide by their own customs. And I order both parties to apply great caution, so that no disturbance occurs in the execution of my orders.

(2009), 18-19. Claudius' letter to the Alexandrians, P.Lond. 6.1912.90-91 suggests that two Jewish embassies, likely with competing views, were present. See Gambetti (2009), 224n.38 for an overview of the various theories on this subject, and Schäfer (1997), 151 for the view that one Jewish embassy was more radical, whereas the other was more moderate. See Harker (2009), 26 for the idea that the text of Claudius' letter was summarised by a copyist, and is therefore now more obscure on this subject than it was originally intended.

267 For the suggestion that Josephus' version is in fact an earlier pronouncement made by Claudius that was subsequently revoked, possibly due to the fact that violence had once again broken out in Alexandria, see Pucci Ben Zeev (1998), 309-313. This, however, seems unlikely due to simple time constraints. See Gruen (2002), 82; Harker (2009), 19.

268 Flavius Josephus, *Antiquitates Iudaicae* 19.5.2 (279-285).

269 P.Lond. 6.1912, more commonly known as *Claudius' letter to the Alexandrians*.

270 The Josephus-version of the letter claims that the petition was made by the kings Agrippa and Herod, the papyrus-version makes mention of the various delegations.

271 Ibidem 19.5.2 (285).

The authenticity of this version of Claudius' letter has often been doubted, and with good reason. The fact that the letter appears to confirm general Jewish citizenship of Alexandria is generally considered to be not just dubious, but even a likely falsification on the part of either Josephus himself or by one of his sources.²⁷² Likewise, it is highly implausible that Claudius would openly refer to his predecessor as insane in an official letter.²⁷³ This is not to say, however, that Josephus' version of Claudius' decisions should be dismissed out of hand. It has been astutely remarked that only the part of the letter cited above actually seems to contain Claudius' actual orders, as is indicated by the customary βούλομαι. Everything before that, including the reference to full Jewish citizenship may be interpreted as a summary of the arguments brought forth by the Jewish delegation.²⁷⁴ This would support the idea that Claudius in fact only restored the rights the Jewish community had held pre-38, including the use of their own religious customs, but did not grant the entire Jewish community full Alexandrian citizenship.

However, while the gist of Josephus' version of Claudius' letter may not have been too far from the truth, it remains likely that it is ultimately a heavily abbreviated and edited version of the emperor's real reply.²⁷⁵ The text as presented on the papyrus known as P.Lond. 6.1912, while it is very plausibly abbreviated as well,²⁷⁶ likely approaches the historical truth more closely. It addresses not only the conflict between Greek and Jewish Alexandrians, but also presents a response to other issues relevant for the wellbeing of the city, such as questions about Claudius' personal cult and the possible re-institution of the Alexandrian βουλή.²⁷⁷ While these issues may appear to be entirely separate from the 38 CE riots, as we have seen both of them played a part in the outbreak of the violence. The papyrus letter thus goes beyond reprimanding both parties for their behaviour, but instead addresses the fundamental causes of dissatisfaction in Alexandria. Even the passage that deals directly with the Alexandrian Jewish community exhibits little of the blatant favouritism that is present in Josephus' version of the letter. Instead, Claudius seems to blame both parties in equal measure:

τῆς δὲ πρὸς Ἰουδαίους ταραχῆς καὶ στάσεως μᾶλλον δ' εἰ χρὴ τὸ ἀληθὲς εἰπεῖν τοῦ πολέμου πότεροι μὲν αἴτιοι κατέστησαν [...] ὅμως οὐκ ἐβουλήθη

272 Gruen (2002), 82; Harker (2009), 27; Schäfer (1997), 149; Smallwood (1976), 229n.38; Tcherikover and Fuks (1957), 70n.45; Tcherikover (1961), 411-412.

273 Harker (2009), 27; Schwartz (1990), 103-104.

274 Ibidem 101-102. See also Pucci Ben Zeev (1998), 316-318.

275 Harker (2009), 26.

276 Harker (2009), 25-26.

277 P.Lond. 6.1912.49-52 and 66-73. The request for a personal cult in Claudius' honour was denied because the emperor did not believe it to be appropriate for a mortal man to claim

ἀκριβῶς ἐξελένξαι, ταμιευόμενος ἑμαυτῷ κατὰ τῶν πάλειν ἀρξαμένων ὀργὴν ἀμεταμέλητον· ἀπλῶς δὲ προσαγορεύωι ὅτι ἂν μὴ καταπαύσῃται τὴν ὀλέθριον ὀργὴν ταύτην κατ' ἀλλήλων αὐθάδιον ἐγβιασθήσομαι διζαί ὅσον ἐστὶν ἡγεμῶν φιλάνθρωπος εἰς ὀργὴν δικαίαν μεταβεβλημένος.²⁷⁸

Regarding the trouble and strife, or rather, if it is necessary to tell the truth, the war, with the Jews, which party was responsible for it I was unwilling to establish exactly, [...] though I keep within myself an unrelenting anger against whosoever starts the conflict again: and I tell you plainly that if you do not stop with this deadly and stubborn strife against each other, I will be forced to show how a loving princeps responds when driven to righteous anger.

After reprimanding both sides of the argument and insisting on their peaceful behaviour in the times to come, Claudius acknowledges that the Jewish community has been present in Alexandria for a long time. He tells the Alexandrians that he, like Augustus, has formally allowed Jews to practice their ancestral customs, and charges them not to disrupt these rites in any way.²⁷⁹ Claudius here not only refers to his use of precedent, but also to the fact that he came to his decision διακούσας ἀμφοτέρων, after having heard both sides – a clear allusion to his conversation with the various delegations.²⁸⁰

So far, the contents of P.Lond. 6.1912 are very similar to Claudius' pronouncements as represented by Josephus, even if the tone is markedly different.²⁸¹ In a clear departure from Josephus' account, however, Claudius continues by reprimanding Alexandria's Jewish community, telling them to "bargain for nothing more than they previously had" (μηδὲν πλῆωι ὧν πρότερον ἔσχον περιεργάζεσθαι).²⁸² He then encourages the Jewish community not to infringe on the games presided over by the gymnasiarchs or kosmetes (μηδὲ ἐπισπαίρειν γυμνασιαρχικοῖς ἢ κοσμητικοῖς ἀγῶσει), and subsequently reminds them that they should be content to enjoy their privileges ἐν ἄλλοτρίᾳ πόλει, in a city not their own.²⁸³ The interpretation of this passage has proved somewhat unclear, particularly due to the obscure meaning of the verb ἐπισπαίρειν. While this is overwhelmingly taken to mean that Claudius banned Jewish participation in these games to prevent

honours that were normally reserved for the gods. In the case of the βουλή Claudius made no formal pronouncement, but instead promised an investigation.

278 Ibidem 73-82. For a critical edition of this passage, see Tcherikover and Fuks (1960), 41 (no. 153).

279 P.Lond. 6.1912.83-86.

280 Ibidem 86-88.

281 See Gambetti (2009), 233 for the suggestion that the papyrus text and Josephus' version are diametrically opposed to each other.

282 P.Lond. 6.1912.89-90.

283 Ibidem 92-95.

Jewish youths from entering the *ephebeia* and thereby from gaining Alexandrian citizenship,²⁸⁴ some have instead suggested that Claudius' remark is simply meant to prevent Jews from attending the games *en masse* in order to provoke a riot.²⁸⁵ This interpretation, however, does not take the immediate context of the phrase into account: after all, why would Claudius urge the Jewish community to stay away from public festivals in the midst of telling them to be satisfied with the rights they already had if there was no connection between these remarks?²⁸⁶ Claudius' insistence that the Jews of Alexandria were living in "a city not their own" furthermore implies a separation between the Jewish community and the city of Alexandria.²⁸⁷ This passage of Claudius' letter therefore confirms that the issue of Jewish citizenship likely played a part in the origin of the 38 CE riots, but some details of Claudius' ruling nevertheless remain unclear: certainly, Jewish families who had not enjoyed citizenship before 38 CE were now banned from obtaining this status, but Claudius' insistence that Alexandrian Jews were to maintain the privileges they had previously enjoyed leaves open the tentative possibility that those who already had Alexandrian citizenship were allowed to keep it.²⁸⁸

In his letter, then, Claudius gave both parties reasons to be satisfied, and reasons not to be.²⁸⁹ He promised the Greek Alexandrians an investigation into the possible re-institution of their βουλή and accepted a number of the honours they offered to him and his predecessors – although notably not a personal cult in his honour. All this had the added benefit of preventing further violent behaviour towards the Jewish community being perpetrated in his name. Alexandrian Jews, on the other hand, were given the right to adhere to their ancestral customs and the promise of imperial protection for their religious rites, but they could not

284 Barclay (1996), 71; Harker (2009), 22 and 185-186; Smallwood (1976), 234; Tcherikover and Fuks (1960), 53 (no. 153); Zangenberg (2013), 103. Another reference to a Jewish Alexandrian participating in the ephebate may be found in Tcherikover and Fuks (1960), 29-33 (no. 151). For the nature of the ephebate, see Laes and Strubbe (2014), 104. Delia (1991), 71-88 argues that the ephebate was not in itself a requirement for Alexandrian citizenship, although it was of great social significance, and Egyptians were specifically excluded from participation.

285 Gruen (2002), 80-81; Kasher (1985), 314-321.

286 P.Lond. 6.1912.89-90 and 94-95. See also Schäfer (1997), 151.

287 Kasher (1985), 325-236 takes this phrasing to mean that Claudius regarded Alexandria as his personal property, over which he should have the final say. This interpretation, however, seems ill suited to the preceding lines, which all appear to deal with the position of the Jewish community within the city. Kasher's interpretation would hold equally true for Greek Alexandrians and thus does not explain why this remark is directed at Jews specifically.

288 Barclay (1996), 59-60 argues to the contrary.

289 For a similar argument, see Harker (2009), 21-22. Some indication that non-Jewish Alexandrians were dissatisfied with Claudius' judgement may be found in the *Acta Isidori*, one of the *Acta Alexandrinorum*. The text may be found in Musurillo (1954), 18-26, and contains a description of the emperor as being remarkably pro-Jewish (possibly even Jewish himself), and having had one of the Alexandrian delegates executed.

expand their claim to citizenship and were banned from bringing in their compatriots from either Egypt or Syria to support their cause.²⁹⁰ As such, Claudius' efforts to restore law and order in Alexandria are much more substantial than a simple order to cease hostilities: they address many of the fundamental political and religious causes of the 38 CE riots, and are founded in pre-existing laws and privileges, thus increasing their perceived legitimacy. The emperor thus presented a potential solution that was firmly rooted both in local circumstances and in the wishes of the different parties involved.

3.11.2 *To the Entire World?*

Claudius' reference to Jews from Egypt and Syria, however, also proves that he was aware that connections between various Diaspora communities existed, and that conflicts like the one in Alexandria could easily spread. That much, certainly, had become obvious from Caligula's attempt to have his effigy placed in the Jerusalem Temple, and the wide-spread outrage that followed. According to Josephus' account of the Alexandrian riots, Claudius therefore issued a second proclamation closely related to his first, this time directed *εἰς τὴν ἄλλην οἰκουμένην*, to the rest of the inhabited world (Appendix 2.24).²⁹¹ The missive granted Jewish communities throughout the empire the same rights that had previously been confirmed for the Alexandrian Jews: they would be allowed to maintain their *πάτρια ἔθη* without hindrance,²⁹² so long as they treated their non-Jewish neighbours with respect – a clear sign that the emperor may have feared the outbreak of more riots like the ones that had plagued Alexandria.²⁹³ Claudius' motivations for this decision appear, once again, to have been rooted in negotiation and precedent: not only does he indicate that his decision was prompted by a request made by Herod II and Agrippa I, both of whom had also played a part in preventing the desecration of the Temple under the rule of Caligula, he also indicates that he is unwilling to change the policy previously established by Augustus, not just in the case of Jewish communities, but also for the Greek cities of the eastern Mediterranean. The contents of this missive at first glance seem so far-reaching that they have been considered inauthentic by a number of authors, but ultimately the document is mostly accepted as genuine.²⁹⁴ We should be careful, however, not to ascribe a landmark-status to Claudius' proclamation out of hand. It has been

290 P.Lond. 6.1912.96-98. This may be the reason why Josephus' version of the letter is said to be addressed to both Alexandria and Syria, as argued by Pucci Ben Zeev (1998), 313. Syria may have also been addressed because of the disturbances in that region surrounding the construction of Caligula's statue in the Temple, in which Petronius as legate of Syria played a major part.

291 Flavius Josephus, *Antiquitates Iudaicae* 19.5.3 (286-291).

292 Later in the same passage, the phrase *τοὺς ἰδίους δὲ νόμους* is used.

293 Smallwood (1976), 247 argues that this was the main objective of this proclamation.

294 For an overview, see Pucci Ben Zeev (1998), 333.

correctly remarked that this measure was not necessarily innovative, but rather collects the decisions that had previously been made on a city-to-city basis by Augustus in one coherent decision.²⁹⁵ In addition, Trebilco is very likely correct in suggesting that Claudius' measure probably amounted to nothing more than a general statement of goodwill. There is no mention of concrete behaviours that are allowed (or forbidden), and no punishment for those who went against the emperor's will appears to have been established.²⁹⁶

While Claudius' measure was certainly of great value to Jewish communities as a possible precedent, it proved far from effective in practice. Soon after Claudius had issued his confirmation of Jewish rights,²⁹⁷ the Greek inhabitants of the city of Dora placed a statue of the emperor in the local Jewish synagogue.²⁹⁸ According to Josephus' account, king Agrippa I was incensed by what he saw as a violation of his ancestral laws, and approached the Roman governor of Syria Publius Petronius with his complaint – apparently citing Claudius' letters to Alexandria in the process. Petronius then offered a stern rebuke, likewise referring to Claudius' previous orders and confirming that everyone should practice their own religion (ἐκάστους τὰ ἴδια ἔθνη θρησκεύειν; 2.25).²⁹⁹ He also warned lower magistrates that they should take strong action if any similar events occurred again, lest it be thought that they had consented to the local population going against the emperor's orders. The Jewish community of Dora was likewise warned not to retaliate, again with a reference to Claudius' letters to Alexandria. The governor's missive cited by Josephus once again contains the familiar elements of appealing to precedent and negotiations between various levels of government, but it is most significant for what it says about the enforcement of Roman legal measures: the ink of Claudius' proclamation was barely dry when Jewish religious practices were once again violated, notably in a way remarkably similar to the actions of anti-Jewish groups in Alexandria. Given the hostility faced by Jewish communities in a number of cities, even sweeping statements of Jewish religious liberty like the one made by Claudius could hardly be considered effective. The frequent need for the repetition of legal measures, as well as their dependence on local magistrates for enforcement may not detract from the intended scope of Claudius' declaration of goodwill, but do severely limit the practical significance of an imperial missive supposedly addressed to the entirety of the Roman world.

295 Rajak (2002^b), 316. For a similar argument, see Pucci Ben Zeev (1998), 342.

296 Trebilco (1991), 10. A similar argument is made by Rajak (2002^b), 317, who calls the proclamation “a fine-sounding verbal gesture”.

297 For the date of these events, see Pucci Ben Zeev (1998), 344 and 347.

298 Flavius Josephus, *Antiquitates Iudaicae* 19.6.3 (300–311).

299 It is unlikely that Petronius is referring to Jewish citizenship of Dora. See Pucci Ben Zeev (1998), 354–355.

3.11.3 *Expulsion under Claudius*

Another event that somewhat diminishes the importance of Claudius' empire-wide proclamation regarding Jewish rights, is the expulsion of the Jewish community from the city of Rome that allegedly took place during the emperor's own reign. The available source material is somewhat confusing, and at times may be suspect, but it is generally accepted that Claudius took some form of action against the Jewish community in his capital at some point during his time in power, or at the very least attempted to do so (Appendix 2.η and 2.C). Both Suetonius and the book of Acts seem to suggest that Claudius ordered all Jews to leave Rome,³⁰⁰ whereas the later account by Cassius Dio claims that the size of the Jewish community prevented him from doing so. Instead, Dio claims that the emperor banned the Jewish community from holding meetings, but allowed them to continue practicing their ancestral religion (τῷ δὲ δὴ πατρίῳ βίῳ χρωμένους ἐκέλευσε μὴ συναθροίζεσθαι).³⁰¹ This discrepancy has led to a school of thought that assumes that we are dealing with separate events that took place at different times during Claudius' reign: the ban on Jewish meetings is commonly thought to have taken place in 41 CE, while a number of scholars assumes that the expulsion order only occurred around 49 CE.³⁰² This, then, would leave us with two separate measures, which in itself speaks volumes about the temporary nature of this type of order. In any case, it is likely that both measures were taken with public order in mind: Dio's account juxtaposes the ban on Jewish meetings with Claudius' general ban on *collegia*, and even taverns, while Suetonius' work mentions that the Jewish community was expelled because of its continuous involvement in disturbances.³⁰³

The nature of these disturbances, however, remains the subject of much debate. While it has been suggested that Claudius' measures were not aimed at the Jewish community in particular, but should instead be seen as an attempt to increase general political stability,³⁰⁴ a common explanation draws on Suetonius' reference to a mysterious figure called Chrestus, who was apparently responsible

300 Acts 18.1-3; Suetonius, *De vita Caesarum: Claudius* 25.4.

301 Cassius Dio, *Historiae Romanae* 60.6.6. This is interpretation of this phrase most commonly accepted. For a discussion of an alternative interpretation, that suggests that Claudius may also have banned the Roman Jews from practicing their ancestral religion, see Gruen (2002), 37-38.

302 Barclay (1996), 305-306; Botermann (1996), 134-135; Cappelletti (2006), 87; Gruen (2002), 38n. 146; Smallwood (1976), 212-216.

303 Barclay (1996), 305-306; Cappelletti (2006), 89; Goodman (2007^a), 370; Rutgers (1998), 106; Smallwood (1976), 216. Gruen (2002), 37-41 argues that Claudius' attempts to restore traditional religion may have played a part in the expulsion.

304 Gruen (2002), 37-41 argues that Claudius' attempts to restore traditional religion may have played a part in the expulsion and rejects the idea that the Jewish community of Rome may have been a genuine threat to the public order.

for the unrest among Rome's Jewish population. As will be discussed in more detail in the following chapter, this has at times been seen as an indication that the Jewish community became divided over the best way to deal with the emerging Christian movement, and that this split led to the violent outbursts in the city indicated by Suetonius' phrasing *impulsore Chresto*.³⁰⁵ It should be noted, however, that Suetonius' phrasing is far from clear, and that even the link between Christians and the text's *Chrestus* is hardly guaranteed. The name Chrestus was a common one during the period, and Suetonius' text does seem to imply this person's presence in Rome at the time of the unrests.³⁰⁶ It is thus very well possible that we are not dealing with an oblique reference to the emergence of Roman Christianity, but instead with an instigator of unrest known under a very human name.³⁰⁷ Whatever the case, all available sources indicate that the Jewish community was the primary target of the expulsion measure, and it is unlikely that the cause of the unrest mattered much from Claudius' perspective – what mattered was being able to end it.³⁰⁸ Despite the claims made in *Acts* 18.1-3, however, it is unlikely that the entire Jewish community was removed. As evidenced by the repeated expulsions of diviners, this would likely have proved difficult, not to mention beyond the authorities' intention, and it is therefore more plausible that only part of the community was forced to leave the city – quite possibly only for a relatively short amount of time, as had frequently been the case for diviners.³⁰⁹ This, it should be noted, is not to discount the importance of Claudius' measure: even if the number of people actually expelled was relatively small, and even if Jews were allowed to practice their own religion as long as they didn't hold meetings to do it, these events still suggest that Claudius was willing to act against the Jewish community of his capital when he found it necessary to do so. Such a course of action was not unthinkable, and Claudius was willing to use it when public order demanded.

305 Barclay (1996), 306; Botermann (1996), 98-102; Cappelletti (2006), 73-89; Smallwood (1976), 215-216. For the argument that Claudius was explicitly attempting to target the early Christian movement specifically, rather than Rome's Jewish community, see Dibelius (1971), 78. For the manuscript tradition on the correct reading of the name, see Boman (2011).

306 Goodman (2007^a), 370; Gruen (2002), 39.

307 It is notable that the brief reference to this expulsion in *Acts* 18.1-3 states only that Jews were compelled to leave Rome by the emperor's orders, without making any mention of disputes about the emerging Christian movement. It seems likely that the author of *Acts* would have mentioned such conflicts, especially given the fact that he otherwise frequently emphasises the rejection of early Christians by the existing Jewish authorities.

308 The idea that Christians were caught up in this measure in some way will be discussed in more detail in chapter 4 –Early Christianity in Roman Legal Measures.

309 Barclay (1996), 306; Cappelletti (2006), 88-89; Smallwood (1976), 216. For the idea that those expelled returned to Rome relatively quickly, see Barclay (1996), 306 and Smallwood (1976), 216. See *Romans* 16.3 for a mention of Aquila and Priscilla as members of the Roman Christian community.

In many ways, the early imperial period saw a consolidation of the pattern in Judeo-Roman interactions that had emerged during the republican period. Almost all of the interventions of the Roman state on behalf of Jewish communities were still prompted by a request made by those communities themselves, frequently in response to difficulties they encountered on a local level – particularly in Diaspora cities with a mixed population and significant legal diversity. The use of precedent and negotiation remains an important factor in this regard, and both are used regularly to obtain a favourable outcome in the available sources. Whether these negotiations were conducted with the intervention of rulers like Herod and Agrippa I, or (more frequently) by embassies sent by specific towns or regions, it is notable that the vast majority of measures continues to be prompted by local circumstances, and as such remains relatively small in scope, both in a temporal and in a geographical sense. Requests for repeated confirmation of previously granted rights continue to emerge with some regularity, sometimes even within a few years after the original ruling. The 38 CE riots and the subsequent interactions with various Roman authorities in many ways exemplify this pattern: not only were they in all likelihood caused by strongly localised religious and socio-political factors, but attempts to resolve the conflict also heavily involved references to precedent by both parties, as well as delegations to Rome when matters could not be resolved on a local level.

However, the ultimate consequences of these riots also demonstrate that the various Diaspora communities were far from isolated, and that not only beneficial precedents could spread. This becomes particularly evident in the case of Caligula's attempt to erect a statue of himself in the Jerusalem Temple, which may well have started out as a response to a local conflict in Jamnia, but ultimately affected Jewish communities throughout the Diaspora, and especially in Alexandria. It may well have been a desire to prevent similar disturbances that led Caligula's successor Claudius to issue the first known measure aimed at Jewish communities throughout the Roman Empire. It should be noted, however, that Claudius did little more than collectively confirm privileges that had previously been granted on a city-by-city basis, and that his edict still depended heavily on local enforcement. The measure also appears to have done little to resolve existing tensions, as is demonstrated by the fact that renewed conflict broke out in Dora soon after it had been issued. A final aspect of Judeo-Roman relations that should be addressed are the expulsions of the Jewish community from the city of Rome that occurred both under Tiberius and under Claudius. These expulsions were very likely attempts to maintain public order and possibly political stability, and also serve to demonstrate that – despite available precedent – Jewish communities and their religious practices were far from untouchable. Even after Claudius issued his confirmation of Jewish ancestral customs 'to the rest of the world', he himself undertook action against the Jewish community of his

own capital, thus demonstrating that its members were still seen as potentially hostile outsiders. The privileges of these communities, then, could be revoked when Roman administrators considered it necessary to do so.

3.12 The Road to War: The Time of Nero

Whereas Alexandria may well have been the city most central to Judeo-Roman relationships in the early imperial period, that changed during the reign of Nero. The focus of these interactions would move towards the province of Judea, where a series of events not dissimilar to the ones that had led to the Alexandrian riots would form the basis for not just legal measures, but also for outright military intervention. The causes of the conflict that has become known as the Great Revolt – or the “Jewish War”, to follow Josephus’ terminology – are described by a number of ancient authors. The Roman accounts of both Tacitus and Suetonius provide a rather simplified version of events in which any substantial grievance with Roman rule is conveniently omitted. Instead, they ascribe the cause of the revolt to an oracle that was at the time thought to predict the overthrow of Rome, and the independence of Judea.³¹⁰ It should be noted here that both authors agree in indicating Jerusalem and the surrounding cities as the heartland of the revolt, and neither makes mention of simultaneous acts of rebellion by Jewish communities in other provinces of the empire. Still, substantial mention of the deeper causes of this regional – if destructive – uprising against Roman rule is notably omitted.

As may be expected, however, Flavius Josephus devotes a significant amount of attention to the context of the revolt, discussing the worsening relations within the region that preceded the immediate outbreak of the conflict in some detail.³¹¹ According to Josephus, troubles started under Ventidius Cumanus, who was procurator in Judea between 48 and ca. 52 CE, during the celebration of Passover. While a degree of military presence on such occasions was not, in itself, unusual, one of the soldiers sent by the procurator (possibly a non-Jewish inhabitant of the region), supposedly antagonised the festival goers by exposing

³¹⁰ Suetonius, *De vita Caesarum: Vespasianus* 4; Tacitus, *Historiae* 5.13. Interestingly, this oracle is also mentioned by in Flavius Josephus, *Bellum Iudaicum* 6.5.4 (312–313), where it is included in a list of portents warning the Jewish rebels about their ultimate defeat. Josephus, too, appears to think that the incorrect interpretation of this oracle fanned the flames of the rebellion, although it is far from being the only cause he mentions.

³¹¹ Only part of the commentary on Josephus’ *Bellum* has so far appeared in the Brill series of Mason (1999–2016). For the full text of the account, see the Loeb edition of Thackeray (1927–1928).

himself and shouting insults.³¹² As a result, some young men began assaulting the soldiers by throwing stones, and Cumanus attempted to regain control by calling in reinforcements to drive the worshippers from the Temple sanctuary. On another occasion, Josephus describes how a soldier tore and burned a copy of the Torah after confiscating it from some robbers, and was subsequently punished by Cumanus to prevent further escalation.³¹³

While Josephus' description of events should not necessarily be taken at face-value,³¹⁴ his account – if true – does suggest the existence of strong underlying tensions in the region that were ready to erupt into the open, and repeatedly did so whenever a divisive incident occurred.³¹⁵ This appears to have been the case not just in Jerusalem itself, but also in Caesarea, where Jewish and non-Jewish inhabitants of the town came to blows, and even requested the emperor Nero's intervention (Appendix 2.θ).³¹⁶ Josephus claims that citizenship of the city was at the heart of the dispute, and that the then-procurator Felix handled the situation so badly that the Jewish community of the town sent a delegation to Rome to make a complaint. The Greek population, however, sent a delegation of its own to ask for the denial of Jewish citizenship,³¹⁷ and when Nero granted this request, apparently due to the influence of a number of his most important advisors, violence erupted once again. The nature of the riots shows that tensions were not just political or ethnic, but also religious in nature: according to Josephus, Greek inhabitants of the city purchased lands surrounding the synagogue, and built new structures that actively prevented the Jewish community from gaining access to the premises. The new procurator, Gessius Florus, was asked for help, and according to the story even paid for his assistance, but he left the city without intervening in any way. Matters only worsened when the Caesarean Greeks allegedly performed a mock-sacrifice near the entrance of the synagogue during Sabbath, thus polluting the property. While the administrative details of this episode are exceedingly scant,

312 Ibidem 2.12.1 (224-227). Josephus makes mention of the prevalence of military presence during festivals in the same passage. See also *Bellum Iudaicum* 2.13.7 (268) for the claim that the garrison in Caesarea, at least, was mostly Syrian, which may suggest that the provocative soldier in this case may have been a local, and especially non-Jewish, as well. For the animosity that the presence of Roman soldiers could generate, see Fuhrmann (2012), 187-189.

313 Flavius Josephus, *Bellum Iudaicum* 2.12.2 (229-231).

314 See Mason (2011) for an elaborate discussion of the reliability of Josephus as a historical source for the Great Revolt.

315 For the suggestion that violent outbreak initially tended to occur in response to specific incidents, see Goodman (2007^a), 386. For the importance of underlying regional ethnic tension, see Mason (2014), 205.

316 Josephus tells this story twice. For the first version, see Flavius Josephus, *Antiquitates Iudaicae* 20.8.7 (173-178) and 20.8.9 (183-184), and for the second *Bellum Iudaicum* 2.13.7 (266-270) and 2.14.4-5 (284-292).

317 The second party in this dispute is referred to as Greeks in *Bellum Iudaicum*, but as Syrians in *Antiquitates Iudaicae*.

it is not difficult to see echoes of the Alexandrian riots that took place several years earlier: once again, we see an intermingling of religious and political issues, claims of being 'at home' in a city to the exclusion of other parties, the reference to existing precedents from both sides, and negotiations between various layers of government, including the central Roman administration.³¹⁸ The fact that Nero ruled in favour of the Greek inhabitants of Caesarea is significant, and despite the fact that Josephus attributes the emperor's ruling to his advisors rather than himself, it still demonstrates that not all encounters between Jewish communities and the Roman authorities ended in the confirmation of Jewish rights.

What also stands out about Josephus' description of the situation in Caesarea, and the rest of Judea, is the fact that the various Roman administrators involved in these events had to deal with a variety of factions within the Jewish community itself,³¹⁹ which made it difficult to satisfy all parties and made causing offense particularly easy, even with the best of intentions. According to Josephus' narrative, however, good intentions were the last thing on the minds of several of Judea's procurators – a suggestion that may well be confirmed by Tacitus' version of events.³²⁰ After violence had once again broken out in Caesarea, and attempts by local Roman authorities to prevent further disturbances had failed, a Jewish delegation followed Florus to Jerusalem in order to once again request his intervention.³²¹ The procurator responded by confiscating money from the Temple,

318 The Jewish community of Caesarea was not the only group to appeal directly to the emperor. According to Josephus, procurator Cumanus was banished by Claudius after a complaint about his handling of a conflict between Galilean Jews and Samaritans was made by a Jewish embassy, as shown in Flavius Josephus, *Bellum Iudaicum* 2.12.3-7. One of his successors, Gessius Florus, was apparently so hated by the population that they begged the governor of Syria to help them get rid of him, see *ibidem* 2.14.3 (280).

319 To fully explore the various factions in the revolt, as well as their motivations, would be well beyond the scope of this chapter. It deserves mention, however, that groups like the *Sicarii* were not only anti-Roman, but also aimed their assassination-attempts at members of the Jewish priestly elite, as may be seen in Flavius Josephus, *Antiquitates Iudaicae* 20.8.5 (164). For the disagreements between various groups on the best way to interact with the Romans, see Smallwood (1976), 274 and 277-278, and particularly Wilker (2012). For a more elaborate discussion of the causes of the war as portrayed in Josephus vs. its portrayal in other sources, see McLaren (2011). For the economic difficulties that may well have formed the background of the revolt, see Freyne (2002), 50-54; Goodman (1987), 51-75; Smallwood (1976), 282.

320 See Tacitus, *Historiae* 5.9-10, in which the historian casts a particularly harsh judgement on procurator Felix, and states that *duravit tamen patientia Iudaeis usque ad Gessium Florum procuratorem*. The term *patientia* indicates that he has at least some regard for the restraint of the Jewish inhabitants of the province, and casts a rather dim view not only on Felix, but also on his successor Gessius Florus, under whose authority the war broke out. For the profound influence of local Roman administrators on the situation, see Mason (2016), 278, who suggests that the revolt was not so much aimed at the central Roman authorities, but rather against its local representatives. A less critical view of the Roman procurators may be found in Eck (2011).

321 Flavius Josephus, *Bellum Iudaicum* 2.14.5 (291-292).



IMAGE III

Depiction of the Menorah of the Jerusalem Temple on the so-called Arch of Titus, Rome. The arch is dated to ca. 82 CE and was commissioned by the senate under Titus' successor Domitian.

claiming that he did so on imperial orders. This behaviour was seen as a provocation, and was met with both outrage and mockery. According to Josephus, some ridiculed the procurator's apparent greed by publicly pretending to beg on his behalf, which in turn inspired Florus to march on Jerusalem.³²² Subsequent attempts at restoring the peace, both by parts of the inhabitants of Jerusalem and by Queen Berenice and King Agrippa II, ultimately failed.³²³ Eventually, high priest Eleazar even decided to cease the sacrifices made in the Temple for the wellbeing of the emperor, which had thus far functioned as a symbolic act of loyalty to Rome.³²⁴ If Josephus is to be believed, this was as good as a declaration of war.³²⁵ Violence soon escalated, and after some initial successes for the rebels in 66 CE, emperor Nero gave Vespasian command over three legions and a significant number of auxiliaries and ordered him to end the rebellion.

3.13 The Early Flavians: Taxation and Leniency

Vespasian would emerge from the Great Revolt as emperor of Rome, and it is therefore little wonder that the war is often considered to have been the foundation of the Flavian dynasty's claim to power,³²⁶ as well as a turning point in

³²² Ibidem 2.14.6 (295-296).

³²³ Ibidem 2.14.7-2.18.1 (297-407).

³²⁴ Ibidem 2.17.2-3 (408-416). See McLaren (2005), 271-273 for a brief exploration of the sacrifices offered on behalf of Rome.

³²⁵ For the important role sacrifice played in the political relations of the Roman world, see Rives (2014), who also notes that this was initially a point of similarity between Jewish and Roman religious practices, and that the Roman authorities would therefore likely have attached similar importance to these events.

³²⁶ As argued by, among others, Overman (2002) and Zangenberg (2016), 1437-1449.

the relationship between the Roman authorities and the Jewish communities of the empire.³²⁷ From a Jewish perspective, it is easy to see why this may have been the case. After all, the Temple in Jerusalem had been destroyed by Titus' troops during the later stages of the revolt, and loot from the sanctuary played a significant part in the Flavian triumph (see Image III).³²⁸ In addition, the early years of the Flavian dynasty saw the institution of the so-called Jewish Tax, which was collected by a special treasury known as the *Fiscus Iudaicus*.³²⁹ The tax is commonly regarded as a replacement for the traditional Jewish Temple Tax after the destruction of the Temple in Jerusalem,³³⁰ like its predecessor amounting to two *drachmae* or the Roman equivalent of two *denarii*, and was imposed on Jews throughout the Roman Empire. This wide scope in particular has often been seen as a clear sign that the Roman authorities held Jews in all parts of the empire responsible for the recent revolt.³³¹ Perhaps most comprehensively, the Jewish Tax has been described as "a dramatic signifier of new loyalty," indicating that it served both as a permanent reminder to Jewish communities of what they had lost, and as a warning against future rebellions.³³²

3.13.1 *Intervention in Antioch*

To characterise the attitudes of Vespasian and Titus as altogether anti-Jewish, however, would not do justice to the full scope of their policies. That much, at least, becomes clear from the new emperor's responses to the outbursts of

327 See, for instance, Schwartz (2014), 86-89. See also Goodman (2007^a), 3: "Over the following centuries [after 70 CE] Jews were pushed to the margins of Roman society. Rome came to be viewed by Jews as the epitome of evil power." See Ando (2007), 7 for some criticism of Goodman's decision to open his exploration of the relationship between Jerusalem and Rome by discussing the revolt.

328 Despite Josephus' claims to the contrary, it is likely that the Temple was destroyed on purpose. See Rives (2005), 145-152. Image is a private picture taken by the author, May 2012.

329 I have chosen to firmly distinguish between the Jewish Tax and the *Fiscus Iudaicus* because the foundational date of the latter remains somewhat unclear. For the idea that the post-revolt tax was merged with a pre-existing provincial coffer for Judea, see Alpers (1995), 301-302, who is followed by Zangenberg (2016), 1440. This idea is firmly rejected by Günther (2017), 176-178, and more cautiously by Heemstra (2010), 12. See Günther (2017), 179 for the argument that the *Fiscus Iudaicus* was established precisely to collect the Jewish Tax.

330 Flavius Josephus, *Bellum Iudaicum* 7.6.6 (218). The tax is also mentioned by Cassius Dio, *Historiae Romanae* 65.7.2, as well as Appian, *Syriaca* 50.251-253 and Origen, *Epistula ad Africanum* 14.

331 For the idea that the Jewish Tax was linked to the humiliation of the Jewish people, see not only Appian, *Syriaca* 50.251-253, but also Avidov (2009), 4. Pucci Ben Zeev (2005), 124-125 refers to the tax as a "frustrating humiliation." A similar sentiment is expressed by Schwartz (2014), 89. See Goodman (1992), 31 for the argument that the expansive character of the tax was in part due to the ambiguity of the term *Iudaeus* and Goodman (2005), 170 for the suggestion that "the state appeared opposed to Judaism wherever its practitioners might be."

332 Gruen (2002), 246.

violence that took place outside Judea in the aftermath of the Great Revolt. One particularly interesting example occurred in Antioch, where the legal status of the Jewish community had been a point of contention for a long time, possibly from the very foundation of the city onwards.³³³ Little is known about existing tensions before the outbreak of the revolt in Judea,³³⁴ and Josephus even mentions that the Jewish community in Antioch was among the few exempt from the wave of anti-Jewish violence that gripped the province of Syria in 66 CE.³³⁵ Barely a year later, however, the situation was radically different.³³⁶

After an accusation of conspiracy to commit arson had been levied against the Jewish community, its members were forced to sacrifice according to Greek custom on penalty of death. This test was intended to 'prove' that the accused was not, in fact, Jewish – and therefore apparently innocent of involvement in the alleged plot. As such, the event may be seen as a parallel to similar demands made of Christians during trials against them: a willingness to participate in the accepted religious customs was seen as a way to distance oneself from a group of potentially threatening outsiders. As a further measure, Roman troops were even enlisted to prevent the Jewish community from celebrating Sabbath. While it has been suggested that the Roman authorities were simply too preoccupied with the situation in Judea to pay much attention to this violation of Jewish rights,³³⁷ it is more likely that this measure was intended to prevent meetings from taking place and thus preserve public order in a time of war. This theory is supported both by the fact that the Jewish community apparently held on to the right to buy their own oils without non-Jewish interference even during the revolt (Appendix 2.26),³³⁸ and by Titus' response to a renewed outbreak of violent riots when he visited the city in 70 CE (Appendix 2.27). Shortly before, a fire had broken out in the city, and the temporary governor of Syria could only barely restrain the furious Greek inhabitants, who were intent on once again blaming the Jewish community.³³⁹ When Titus arrived, he was met with requests to expel Jews from the city, and – when that petition was denied – to remove the bronze tablets on

333 Smallwood (1976), 359-360.

334 Some reports about conflict in Antioch alongside the 38 CE riots in Alexandria exist, but these stem from the sixth century author John Malalas and go unmentioned by Josephus. While we need not dismiss these accounts in full, the evidence is ultimately too sparse to draw any significant conclusions.

335 Flavius Josephus, *Bellum Iudaicum* 2.18.4 (479). It is unclear why this would have been the case. The theory presented by Smallwood (1976), 361 that the presence of the Roman legate must have prevented the outbreak of violence is interesting, but ultimately cannot be proven.

336 Flavius Josephus, *Bellum Iudaicum* 7.3.3 (46-53).

337 Smallwood (1976), 362.

338 Flavius Josephus, *Antiquitates Iudaicae* 12.3.1 (120). This passage is dated to the time of the revolt by Barclay (1996), 256n.65.

339 Flavius Josephus, *Bellum Iudaicum* 7.3.4 (54-62). Note the parallel to the treatment of Christians in the aftermath of the Great Fire (Appendix 3.ii).

which Jewish privileges were displayed.³⁴⁰ This request, too, was denied – as was a request made by Greek Alexandrians to the same effect.³⁴¹

While details on the administrative procedures surrounding these decisions are scant, it thus seems very likely that the Flavians were willing to protect Jewish communities that had not been directly involved in the recent uprising, and that violence against these communities and attempts to limit their rights were largely instigated by their immediate neighbours. When such tensions were absent, the same was overwhelmingly true for measures by the Roman authorities. The Jewish community of Rome itself does not appear to have responded to the revolt in a significant way, and likewise faced few consequences that can be detected – with the notable exception of the Jewish Tax.³⁴² The unrests that are reported to have occurred in Syria – and, as we shall see below, North Africa – tended to be at least in part inspired by local tensions and conflicts, the outcome of which depended largely on local Roman officials. The Flavians themselves, however, do not appear to have been particularly hostile towards the Jewish population of their empire in general.

3.13.2 *The Jewish Tax*

Why, then, was the Jewish Tax so widely imposed (*Appendix 2.1*)? In order to better understand the origins of this new regulation, it is important to first and foremost consider the wider fiscal policy of the Flavian dynasty. When the Jewish Tax was implemented, presumably around 71 CE, the Roman Empire was attempting to recover from severe financial and political difficulties.³⁴³ The Year of the Four Emperors in 68/9 CE had caused not only substantial chaos throughout the empire, but also a significant loss of resources in Italy.³⁴⁴ Rome had suffered the destruction of one of its principal sanctuaries, the temple of Jupiter on the Capitoline hill, and the restoration of this highly symbolic building alone would require significant funding – which was famously to be provided by the new tax levied on the Jewish inhabitants of the empire.³⁴⁵ Furthermore, the recent power

340 Ibidem 7.5.2 (100–111).

341 Flavius Josephus, *Antiquitates Iudaicae* 12.3.1 (121–124). Little to nothing is known about the exact nature of the events in Alexandria that led to this petition. While both passages deal prominently with Jewish political rights, the nature of the violent outbursts in 67 CE and the mention of specific oils used by the Jewish community suggest that religious privileges also played a significant part. Rajak (2017), 48 argues that these two instances may be reflective of a wider pattern in the Diaspora.

342 Barclay (1996), 310; Gruen (2002), 42; Smallwood (1976), 356–357.

343 For a discussion of the starting date of the Jewish Tax, see Heemstra (2010), 10–11.

344 Alpers (1995), 198; Griffin (2008), 26. These financial difficulties are mentioned in Tacitus, *Historiae* 4.9.

345 The connection between the temple of Jupiter and the Jewish Tax is made both in Cassius Dio, *Historiae Romanae* 65.7.2 and Flavius Josephus, *Bellum Iudaicum* 7.6.6 (218).

vacuum made the speedy establishment of a stable new government absolutely imperative. In a number of ways, the empire was in dire need of a renovation,³⁴⁶ and Vespasian, who had a reputation for being a competent administrator, needed the finances to do it. The new emperor increased existing taxes by a substantial amount,³⁴⁷ while also reviving those that had fallen into disuse, and implementing new ones in the form of the Jewish Tax – and possibly the taxes collected by the *Fiscus Asiaticus* and the *Fiscus Alexandrinus* as well.³⁴⁸ While it is not completely clear if the latter two *fisci* were indeed first created under the Flavians,³⁴⁹ Vespasian's willingness to be inventive in order to increase his government's revenue is well-attested.³⁵⁰ He reduced the percentage of silver in imperial coinage,³⁵¹ and reincorporated a number of regions that had previously enjoyed a degree of independence into the administrative structure of the Roman provinces – and thereby made them subject to central taxation.³⁵²

Under such circumstances, the Jewish Tax may, in Roman eyes, not even have seemed particularly innovative. After all, it was not unusual to use the taxation of subjugated peoples as a type of compensation for the costs of war which had been common in the time of the republic.³⁵³ Normally, such taxation would have been limited to a specific geographic territory, but in this case, the well-organised, long-standing system of the Temple Tax may have suggested to the Roman authorities that Jews throughout the empire could be seen as a single fiscal unit – even if many

346 See also Suetonius, *De vita Caesarum: Vespasianus* 8.1.

347 Eck (2008), 283.

348 Cassius Dio, *Historiae Romanae* 65.8.3 claims that Vespasian created a number of new taxes, and revived some others that had fallen into disuse. Notably, he mentions the Jewish Tax separately. For the parallel between the *Fiscus Iudaicus* and the other two *fisci*, see also Castritius (2006), 284n.27; Griffin (2008), 27; Günther (2017), 178; Feldman (1993), 492n.43; Mrozewicz (2010), 27–28. Griffin expresses some hesitation about the significance of the *Fiscus Alexandrinus*, but does not explain why.

349 Procurators for all three *fisci* are first recorded in Flavian times. See Heemstra (2012), 12n.8. As Alpers (1995), 278n.961 rightly notes, however, this does not necessarily mean that they were first established during this period.

350 Vespasian's dedication to the collection of taxes has become almost proverbial, as demonstrated by the maxim *pecunia non olet* (Suetonius, *De vita Caesarum: Vespasianus* 23.3) he supposedly coined.

351 Griffin (2008), 26.

352 Ibidem 27–28 and 39, who states that taxation need not have been the sole reason for re-annexation, but that increased revenue was certainly the result. Suetonius, *De vita Caesarum: Vespasianus* 8.4 mentions that Vespasian withdrew the liberties of Achaëa, Rhodes, Samos, Byzantium and Lycia that had been granted to them by Nero. Mrozewicz (2010), 28 interprets this as a reinstitution of taxes.

353 Gambash (2015), 159. Zangenberg (2016), 1441 emphasises that Vespasian did not consider the revenues of the Jewish Tax personal spoils, but instead treated them as public money.

of them had not been directly involved in the revolt.³⁵⁴ Vespasian's attempts to increase the yield of the tax may likewise be detected in the fact that he expanded the age-range of the original Temple Tax, and applied it to both men and women, as well as children and slaves.³⁵⁵ This flexible use of a pre-existing fiscal structure not only allowed Vespasian to tap into a potentially vast source of revenue,³⁵⁶ but also had the added benefit of preventing further unrest. If the money of the empire's Jewish communities was redirected to Rome, instead of continuing to make its way to Jerusalem, it could not be used to restore the Temple, which had been so centrally important during the revolt and attracted the loyalty of the Jewish inhabitants of the Diaspora.³⁵⁷ In addition to being financially profitable, then, the tax was symbolically representative of Jewish defeat and newly enforced loyalty to Rome, and as such likely played an integral part in upholding Flavian authority.

3.13.3 *The Aftermath of the Revolt in Alexandria and Cyrene*

That the stability of the empire was of significant interest to Vespasian likewise becomes clear from the events that took place in Alexandria during the aftermath of the revolt. Hostilities in the city had once again broken out in 66 CE,³⁵⁸ presumably in response to Rome's perceived anti-Jewish sentiments and residual resentments from the 38 CE riots,³⁵⁹ and despite intervention by the Roman authorities, tensions persisted for a number of years.³⁶⁰ The subsequent influx of

354 For the idea that the Romans often adapted pre-existing taxes, see Weikert (2017), 163. Bruce (1964) likewise suggests that Vespasian simply adapted the pre-existing Temple Tax due to financial considerations, but contradicts himself by continuing to argue that the Jewish Tax was only ever imposed on the eastern provinces of the empire.

355 See Heemstra (2010), 9 and 13-14. Non-Jewish slaves of Jewish owners were almost certainly included in the tax. It is not completely clear if Jewish slaves of non-Jewish masters were liable for taxation as well. If so, their owners would likely have been required to pay, which would reinforce the idea that Vespasian's motives were financial rather than punitive. See Smallwood (1976), 373n.62. Tcherikover and Fuks (1960), 114 make a good argument for the idea that Jewish slaves of non-Jewish owners were not included in the tax, despite seeing it exclusively as a punishment for the Jewish revolt.

356 For the idea that the Jewish Tax amounted to 5-6% of the total tax revenue, see Mrozewicz (2010), 28. For the return of ca. 10 to 12 million *denarii* per year, see Smallwood (1976), 374.

357 Rives (2005), 153 and 162; Zangenber (2016), 1441-1442, both of whom also argue that Vespasian may have intended the temple of Capitoline Jupiter as the object of redirected loyalties. For the idea that the Jewish Tax demonstrated Rome's toleration of Judaism, see Horbury (2014), 117 and Keresztes (1979), 258, whose view may be supported by later Christian authors. See Origen, *Epistula ad Africanum* 14 and Tertullian, *Apologeticum* 18.8.

358 Flavius Josephus, *Bellum Iudaicum* 2.19.7 (490-492).

359 Smallwood (1976), 365.

360 See Flavius Josephus, *Bellum Iudaicum* 2.18.8 (494-498) for the intervention of the Roman governor Tiberius Alexander. For Titus' refusal to dissolve Jewish privileges, which has been previously addressed, see *Antiquitates Iudaicae* 12.3.1 (121).

Sicarii from Judea after the end of the revolt led to great consternation among Alexandria's Jewish elite, who wanted to have nothing to do with any form of resistance against the Romans, and accordingly attempted to resist the rebels, thus demonstrating that – in Josephus' description at least – Jewish support for the revolt was far from universal.³⁶¹ Lupus, the new governor of Alexandria, reported these unrests to Vespasian, who subsequently ordered him to demolish the so-called Temple of Onias in Leontopolis – an alternative temple which had been built by an exiled high priest during the reign of Antiochos IV centuries earlier (Appendix 2.λ).³⁶² According to Josephus, the emperor feared that the temple might be used as a rallying point for a new revolt, and this idea was not, in itself, far-fetched. While it has been noted that the Temple of Onias held little attraction for the Alexandrian Jewish community, and therefore was unlikely to have become the focus of further rebellion from those quarters,³⁶³ this does not preclude the possibility that non-Alexandrian Jews may have seen this rather differently, and that Vespasian may nevertheless have ordered the temple to be destroyed to prevent it from becoming a replacement for the Temple in Jerusalem – and thus a cause for further unrest.³⁶⁴

There were, however, certain lines that Vespasian would not cross, as becomes clear from an event that took place in Cyrene only a short time after the disturbances in Alexandria.³⁶⁵ Here, too, the *Sicarii* played a significant part in causing disturbances, presumably aided by severe local socio-economic tension.³⁶⁶ This movement primarily attracted Jews from the lower classes, who hoped that their new leader – a man called Jonathan – would help them to escape their financial difficulties. Despite the fact that no violence appears to have been used, this greatly concerned the members of the Alexandrian Jewish elite, who asked Catullus, then governor of Cyrenaica, to intervene. When Jonathan was subsequently arrested, he accused the Jewish elite of also being involved in his plans. This accusation was readily accepted by Catullus, who proceeded to kill the accused and seize their properties, thus using their previous request for his help in

361 Flavius Josephus, *Bellum Iudaicum* 7.10.1 (409-416). The discussion about the reasons for Jewish support for the *Sicarii* in Alexandria in Smallwood (1976), 367 assumes the introduction of the Jewish Tax as the primary reason for anti-Roman sentiments in Alexandria. While this may be partially true, this explanation does not take the almost continuous Alexandrian conflicts into account. While it is certainly true that Titus had just confirmed Jewish rights, this does not mean that the animosities had been in any way resolved. Thus, non-elite Jews may have seen the *Sicarii* as help in their dispute with Greek Alexandrians, rather than a chance to revolt against the Romans.

362 Flavius Josephus, *Bellum Iudaicum* 7.10.2-4 (420-436).

363 Smallwood (1976), 367-368.

364 Rives (2005), 153-154.

365 Flavius Josephus, *Bellum Iudaicum* 7.11.1-2 (437-446). Barclay (1996), 239 suggests a dating of 73 CE for these events.

366 Applebaum (1979), 220 and 223.

de-escalating a potentially dangerous situation to his own advantage (Appendix 2.κ). Up to this point, the governor's behaviour went unopposed, likely because, according to Josephus, at least part of the confiscated property benefitted the imperial coffers,³⁶⁷ or potentially because removing a powerful governor at this stage could have dangerously weakened the Flavian powerbase.³⁶⁸ Whatever the case, Catullus was never formally punished for his actions, but only received a reprimand. However, the accusations he levied against several prominent members of the Jewish communities of Alexandria and Rome, including Josephus himself, were not taken seriously, and subsequently went unheeded.³⁶⁹ the emperor, it seems, saw no evidence for a wide-spread conspiracy against his rule, and was furthermore unwilling to spread the existing unrest further.

3.13.4 *After the Revolt*

All things considered, it is unlikely that the early Flavians saw the Jewish communities of their empire as a unified threat that was to be held collectively responsible for the Great Revolt. The only instance of legal interactions during their rule that affected Jewish communities throughout the Roman territories was the Jewish Tax, which, as we have seen, was motivated by a complex variety of factors. On the one hand, it certainly seems likely that the tax was at least in part inspired by traditional Roman ways to financially retaliate against recently subjugated peoples, and that the suppression of the Great Revolt by whatever means necessary, taxation included, played a significant part in legitimising Flavian authority.³⁷⁰ However, fiscal considerations likewise appear to have played a role in the implementation of the tax, as did concerns for the stability of the empire and the desire to prevent further unrest. These mechanisms were not necessarily unique

367 Flavius Josephus, *Bellum Iudaicum* 7.11.2 (446).

368 Applebaum (1979), 222–223.

369 Flavius Josephus, *Bellum Iudaicum* 7.11.3–4 (447–453). Another possible reference to these events may be found in his *Vita* 76, although this remains somewhat obscure.

370 The slogan *IUDAEA CAPTA* features prominently on Flavian coinage, and painted Vespasian and his successors as conquerors of foreign territories, rather than generals who had put down a rebellion in a Roman province. A unique, and apparently very early gold coin with the legend *IUDAEA RECEPTA* in the collection of the Israel Museum in Jerusalem suggests that this framing was not present from the very start of Vespasian's reign. The coin may be viewed via <<https://www.imj.org.il/en/exhibitions/unique-coin-recaptured-judea>>. Unlike most emperors since the time of Augustus, the Flavians could not refer to a dynastic tradition to legitimise their rule. Instead, they used their military victories to demonstrate that they were the ones to restore Rome to its former glory after the recent civil war. See Goodman (2005), 171 and Rives (2005), 156. This restoration was demonstrated both by a significant building programme, which included the destroyed temple of Jupiter Optimus Maximus and a temple of Pax. See Zangenberg (2016), 1437–1445 for the visibility of the war in the city of Rome.

to Rome's interaction with Judaism,³⁷¹ but the particular shape this measure took may well have been influenced by the fact that the Temple Tax was available as a precedent. Adapting a pre-existing system of taxation, while this was understandably interpreted as a slight, might simultaneously have been an attempt to maximise the government's revenue in a time when it was desperately needed.

In any case, the tax should not be seen as a sign that Jewish communities would henceforth be faced with empire-wide vindictive and repressive policies. Both in Alexandria and Antioch, Jewish communities continued to be protected from attacks by their non-Jewish neighbours, and appear to have been allowed to maintain their own traditions and customs. Vespasian likewise proved unwilling to believe in a wide-spread attempt by members of the Jewish elite to destabilise his rule, and actions against the Jewish community of Rome itself appear to have been absent altogether. Whether various Jewish communities were faced with hostilities, then, seems to have depended in large part on local circumstances and pre-existing grievances: Flavian policy did not necessarily correspond with public opinion in the cities of the empire. Moreover, Jewish communities in the Diaspora, and in Judea itself, appear to have been divided on whether to support or reject the revolt. Roman officials by and large seem to have been concerned with maintaining peace, and setting exceptions like Catullus in Cyrene aside, they were generally unwilling to turn the Judean revolt into a war against all Jews throughout the empire. As such, differences in the treatment of Jewish communities in various parts of the empire likely continued to exist. This may even have been true for the collection of the Jewish Tax: it is likely that local synagogues played a significant part in helping officials of the *Fiscus Iudaicus* determine who was part of the Jewish community of a particular town, and was thus liable to pay the Jewish Tax.³⁷² This, indeed, could account for Cassius Dio's claim that only observant Jews were required to pay the tax, although this may also be an anachronism on his part, as we shall see below.³⁷³ Moreover, there are some tentative indications that regional differences in the formal characteristics of the tax existed. Egypt in particular seems to have used a different type of coinage than the rest of the empire, and members of the Jewish community there likely paid two obols extra to cover the exchange rate.³⁷⁴ In addition, it has been

371 See, for instance, Augustus' treatment of Egypt, which contains a number of parallels, including the use of the phrase *AEGYPTO CAPTA* on coinage. See *ibidem* 1430-1433 for these and other numismatic parallels. For the suggestion that Augustus converted pre-existing Egyptian taxes into tribute to Rome, see Rathbone (1993).

372 Heemstra (2010), 23.

373 Cassius Dio, *Historiae Romanae* 65.7.2.

374 Cappelletti (2006), 106-109; Heemstra (2010), 15; Weikert (2017), 164.

suggested that the age-limits for taxation were different in Egypt than elsewhere, possibly to correlate with the poll tax in that region.³⁷⁵

3.14 Domitian and Nerva: Changes in the Jewish Tax

Despite the fact that the Jewish Tax was instituted by Vespasian, it is his second son Domitian who has become most closely associated with the measure. Suetonius tells us that the emperor once again faced the financial difficulties his father and brother had attempted to resolve, primarily due to growing military expenses and ambitious building projects.³⁷⁶ In an attempt to balance his budget, Domitian not only resorted to the devaluation of his coins,³⁷⁷ but also to a wide variety of measures that ancient authors describe as tyrannical and unjust.³⁷⁸

3.14.1 *Harsh Enforcement under Domitian*

According to Suetonius, part of Domitian's financial programme was the vigorous collection of the Jewish Tax (Appendix 2.μ),³⁷⁹ although the exact nature of his measures continues to be the subject of intense debate.³⁸⁰ The phrasing of Suetonius' account is hardly helpful in this regard:

*Praeter ceteros Iudaicus fiscus acerbissime actus est, ad quem [sc. fiscum Iudaicum] deferebantur, qui vel improfessi Iudaicam viverent vitam, vel dissimulata origine imposita genti tributa non pependissent. Interfuisse me adulescentulum memini, cum a procuratore frequentissimoque consilio inspiceretur nonagenarius senex an circumsectus esset.*³⁸¹

Among other [sc. taxes] the *Fiscus Iudaicus* was administered with extreme rigour, on account of which both those who, though they did not declare themselves, nevertheless lived a Jewish life, and those who, having hidden their origin, did not pay the tax imposed on their people, were accused. I [i.e. Suetonius] recall being present as a young man, when a man of ninety

375 Cappelletti (2006), 114-115 and 117.

376 Suetonius, *De vita Caesarum: Domitianus* 12.1.

377 Griffin (2008), 69-76; Heemstra (2010), 25-26.

378 Griffin (2008), 76. See also Suetonius, *De vita Caesarum: Domitianus* 12.2. The idea that Domitian condemned members of the Roman elite in order to confiscate their property seems to be confirmed by Cassius Dio, *Historiae Romanae* 67.14.

379 This passage notably contains one of the first references to the term *Fiscus Iudaicus*. The passage seems to imply that the collection of other taxes was strictly enforced as well.

380 It is almost impossible to present a complete overview of the available literature. For this reason, a number of representatives of the major schools of thought will be cited below.

381 Suetonius, *De vita Caesarum: Domitianus* 12.2.

years old was inspected by the procurator – and an exceedingly crowded court – to see if he had been circumcised.”

Suetonius mentions two separate groups that were accused of evading the Jewish Tax: those who lived a Jewish life, but nevertheless did not declare themselves to be Jewish, and those who hid their Jewish origins. These descriptions have proven to be at least somewhat ambiguous, although a degree of consensus about the members of the second group (people who hid their Jewishness to avoid taxation) has been reached: it seems very likely that they included not only practicing Jews who were unwilling to pay, but also Jewish apostates, and possibly Jews who sympathised with Christianity.³⁸² It remains fundamentally unclear, however, who was included in Suetonius’ first group (those who lived a Jewish life without declaring themselves). It does not appear to be in doubt that these were people who were not part of a Jewish community from birth, but who were nevertheless perceived to sympathise with Judaism in some way. However, the question remains what level of involvement in a Jewish community was required to be included in this category. While some have suggested that this group only included full converts, claiming that Suetonius’ description of the old man’s humiliating ordeal excludes anyone who was not circumcised from either group mentioned by the author,³⁸³ others have suggested the exact opposite, and include only sympathisers with Judaism (θεοσεβείς), claiming that converts would hardly be *improphi*.³⁸⁴ Others again think that these people who lived a Jewish life may have included a more diverse range of people, including not only individuals who had not become full members of the community by circumcision, but were nevertheless attracted to Jewish lifestyle, but also gentile Christians, who were believed to be Jewish because of their similarly monotheistic views.³⁸⁵

The interpretive problem, it seems, arises from the confusing connection between the two groups that, according to Suetonius, were denounced to the *Fiscus Iudaicus*, and the circumcision-test described later in the same passage. On closer examination, these two elements of Suetonius’ account seem to refer to separate phases in the legal process. The two groups described by the author were not those convicted of having evaded the Jewish Tax, but rather those who were likely to be denounced for having done so by private accusers, as is implied by

382 Barclay (1996), 311; Cappelletti (2006), 126-127; Heemstra (2010), 54-62; Schäfer (1997), 114.

383 Goodman (2007^a), 445; Schäfer (1997), 115. Williams (1990), 199 expresses a similar view, and adds that Domitian did not include any new groups in the tax, but simply strictly upheld the existing rules. Goodman (2005), 173 claims that few pagans would have converted to Judaism after the destruction of the Temple. While the number of converts may have been small, it is impossible to prove that none were converted at all.

384 Smallwood (1976), 376-377. Keresztes (1973) 4-5 includes both sympathisers with Judaism and full proselytes.

385 Heemstra (2010), 32-54 and (2014).

the verb *deferebantur*.³⁸⁶ However, while such accusations would likely be encouraged by Domitian, who sought to increase the revenue of the Jewish Tax as much as possible, it would be unwise to see these groups as distinct legal categories.³⁸⁷ The circumcision-test, on the other hand, seems to have been used at a later stage to determine the truth of the charges that had been brought forward. If this is correct, both actual converts and so-called ‘Judaizers’ may well have been included among those who were accused of living a Jewish life without admitting to it, but circumcision seems to have been an important criterion in determining who was actually required to pay the Jewish tax in a legal context – whether they were still active members of the Jewish community or not.³⁸⁸ This course of action likely increased the number of tax-payers, since those who had drifted away from Judaism would likely not have been included in the lists supplied by synagogues.³⁸⁹ This, and the use of anonymous accusations, the use of which Trajan would later condemn in the context of trials against Christians, may well have been responsible for the inclusion of the Jewish Tax in Suetonius’ list of fiscal abuses.³⁹⁰

The question remains, then, what became of those who were found not to be circumcised, despite having been accused of evading the Jewish Tax on account of their alleged affinity with Judaism. Although it is not inconceivable that they were subjected to other tests on the basis of dietary practices and observance of the Sabbath, and were held liable for the Jewish Tax on this basis, concrete evidence for such practices is ultimately lacking.³⁹¹ Another argument that has been made, largely on the basis of an account by Cassius Dio, is that these people were subsequently met with another, second charge, and were potentially even executed on this basis.³⁹² According to the relevant passage, Domitian had the consul Flavius Clemens and his wife killed on the basis of their atheism, ὅφ’ ἦς καὶ ἄλλοι ἐς τὰ τῶν Ἰουδαίων ἦθη ἐξοκέλλοντες πολλοὶ κατεδικάσθησαν, “on account of which many others who drifted towards the Jewish customs, too, were

386 See Lewis and Short (1975) ad loc. II.B.2.b.

387 The contrary view is held by Günther (2017), 182, who describes both categories as legal offenses.

388 A similar view is held by Heemstra (2010), 64-65. For the view that apostates were more likely to be resentful of this policy than practicing Jews, see Goodman (1992), 32. Weikert (2017), 171 suggests that a degree of confusion existed about who was supposed to pay the Jewish Tax, since some would have left the Jewish community after the Great Revolt, whereas others would have converted to Judaism.

389 Cappelletti (2006), 127.

390 Barclay (1996), 311; Cappelletti (2006), 124-125; Williams (1990), 200-202. The argument made by Bruce (1964) that Domitian was the first to impose the Jewish Tax on Jews living in Italy, who had previously been exempt, has little to recommend it.

391 For this argument, see Zangenberg (2016), 1443.

392 See Goodman (1992), 32 and especially Heemstra (2010), 64-66. Pucci Ben Zeev (2005), 125 argues that Domitian attempted to launch a persecution against the Jewish population of his empire, or would have done so if he had lived longer.

convicted.”³⁹³ For this reason, it has been argued that Jewish communities faced active persecution on a significant scale during the reign of Domitian because they refused to venerate the emperor as *dominus et deus noster*, “our lord and god” – behaviour that would have amounted not only to atheism, but to outright treason, and therefore execution.³⁹⁴ Marius Heemstra has even suggested that a second test, similar to the sacrifices prescribed in trials against Christians, followed the check for circumcision.³⁹⁵

Ultimately, however, there is little evidence for this: it is now generally considered unlikely that Domitian presented himself as divine,³⁹⁶ and no sacrifice-test is ever mentioned in the context of either Domitian’s accusations of atheism or indeed the trials concerning the Jewish Tax. It is likewise notable that Suetonius does not mention any trials on the basis of atheism at all, and instead describes the execution of Flavius Clemens as having been based on trumped up political charges against members of the political elite living in the capital that Domitian saw as a threat to his authority.³⁹⁷ No reports of people from the lower classes being executed on account of their Jewish sympathies have been transmitted to us, and it is therefore likely that most members of this group escaped further punishment. Furthermore, Cassius Dio’s reference to πολλοί, written at a substantially later date, can hardly be seen as conclusive evidence for a larger-scale persecution of proselytes outside the city Rome. In fact, Dio’s mention of political exiles being recalled to the city after Domitian’s death may well suggest that these events only occurred in the capital.³⁹⁸ It is more likely, therefore, that we are instead dealing with a charge of *maiestas* that is very similar to the ones used against members of the Roman elite who were linked to illicit divination throughout the imperial period.³⁹⁹ Suspicions of Jewish sympathies among members of Domitian’s inner

393 Cassius Dio, *Historiae Romanae* 67.14.1-2. The same people are said to have been exiled on account of their Christianity, not Judaism, in Eusebius, *Historia Ecclesiastica* 3.18. For a more thorough exploration of these events in relation to the treatment of early Christianity, see chapter 4 – Early Christianity in Roman Legal Measures.

394 Smallwood (1976), 379. A similar view is expressed by Cappelletti (2006), 133. For the phrase *dominus et deus noster*, see Suetonius, *De vita Caesarum: Domitianus* 13. It should be noted that this phrase is not attested in any official inscriptions from the time of Domitian.

395 Heemstra (2010), 29-30.

396 Jones (1992), 108-109.

397 Suetonius, *De vita Caesarum: Domitianus* 15.1.

398 Cassius Dio, *Historiae Romanae* 68.1.2.

399 See Schäfer (1997), 116 and Weikert (2017), 172 for the connection between the trial of Flavius Clemens and *maiestas*. Griffin (2008), 76 and Williams (1990), 206-211 argue that charges of atheism were only levied against members of the higher classes.



IMAGE IV

Reverse of a sesterce displaying a palm tree, the abbreviation S[enatus] C[onsultum], and the words *fisci iudaici calumnia sublata*. The coin is dated to 97 CE, and was minted in Rome.

circle, whether real or feigned,⁴⁰⁰ may even have been particularly sensitive. After all, the emperor's hold on power was still strongly based on his father's and brother's victory in the Jewish War.⁴⁰¹

3.14.2 Innovations under Nerva

Domitian's death in 96 CE did not put an end to the Jewish Tax, although his direct successor Nerva did change the Roman government's way of dealing with the institution (Appendix 2.v). This becomes clear not only from Cassius Dio's assertion that the new emperor put an end to malicious accusations of *maiestas* and a Jewish way of life,⁴⁰² but also from coins dated to the time of Nerva which proudly proclaim *FISCUS IUDAICI CALUMNIA SUBLATA* (see Image IV).⁴⁰³ However, the theory that Nerva abolished the Jewish Tax altogether, even if only for a short time, is ultimately unfounded.⁴⁰⁴ The absence of documentary evidence for the tax from Nerva's notably short reign is hardly statistically significant, and the tax continued to be paid for decades, and possibly even centuries, afterwards.⁴⁰⁵

400 Goodman (2005), 174 suggests that the accused need not necessarily have held Jewish sympathies to be accused of doing so.

401 Ibidem 171. See also Zangenberg (2016), 1446-1449.

402 Cassius Dio, *Historiae Romanae* 68.1.2. The claim by Heemstra (2010), 70 that only slaves and freedmen were no longer allowed to make this accusation is based on an incorrect citation of Stern (1980), 384-385.

403 Image accessed via the Münzkabinett der Staatlichen Museen zu Berlin Online Catalogue (<<http://ikmk.smb.museum/object?id=18200252>>), with permission (CC BY-NC-SA).

404 For this theory, see Goodman (2007^b), as well as Goodman (2005), 176 and Goodman (2003), 25-27, the latter of which argues that Nerva substantially relaxed the Flavian policy on Judaism until his adoption of Trajan. Bruce (1964) suggests that Nerva restored the tax-exempt status of Jews living in Italy that Domitian had abolished.

405 Heemstra (2010), 19-21.

It is more likely that Nerva's measures put an end to the malicious accusations that had fuelled the atmosphere of paranoia that characterised the later years of Domitian's reign.⁴⁰⁶ The fact that all available sources focus strongly on the removal of legal missteps and adherence to proper procedure is a strong argument in this theory's favour: the word *calumniā* ("false accusations") is prominently present on Nerva's coinage, and Cassius Dio includes his reference to Judaism in an account of Nerva's attempts to restore those who had been falsely accused by Domitian to their previous positions. It is very well possible that this abandoning of unbridled accusations on the subject of the Jewish Tax, and the possible appointment of a specialised praetor to deal with disputes,⁴⁰⁷ benefited those who had moved away from Judaism, which may explain Cassius Dio's earlier claim that only observant Jews were obliged to pay the tax.⁴⁰⁸ It has also been argued, however, that Nerva's attempts to distance himself from Domitian's policy, including his reference to the abuse of the Jewish Tax on coinage, should first and foremost be seen as an attempt to restore relations with the Roman senatorial elite.⁴⁰⁹ These two possibilities, of course, need not exclude each other: even if Nerva's attempts to restore proper legal procedure was aimed at the higher classes, their influence may very well still have been reflected in the lives of people on the lower end of the social scale. This does not mean, however, that Nerva's relaxation of Domitian's policy was necessarily meant as an act of benevolence towards Judaism, which would hardly have been displayed on a series of coins. It is more likely that he intended to signal the start of a new era, in which there was no room for abuse of imperial power or a tyranny of the courts, and where public order would once again be restored.

3.15 Trajan and Hadrian: The Causes and Consequences of Revolt

Nerva's departure from Domitian's policies may have been lauded in Rome, but it would not prove to be sufficient to prevent the outbreak of a series of revolts by Jewish groups in various provinces under the reign of his successor Trajan. As has been discussed before, similar eruptions of violence had occurred in Alexandria

406 Griffin (2008), 74; Keresztes (1973), 6; Williams (1990), 200; Zangenberg (2016), 1443.

407 Heemstra (2010), 71.

408 Cassius Dio, *Historiae Romanae* 66.7.2. For this point of view see Goodman (1992), 33 and Heemstra (2010), 10. For the argument that Nerva limited the scope of the tax after it had been expanded by Domitian, see Keresztes (1979), 260. See Heemstra (2014) for the argument that Flavius Josephus' *Antiquitates Iudaicae* may have contributed to this renewed focus on Jews who adhered to their ancestral customs.

409 Günther (2017), 186-188. For the notion that Nerva's coinage referencing the Jewish Tax was only distributed in Rome, which would support the idea that the Roman elite was the intended audience, see Goodman (2007^a), 447.

and Cyrene in the wake of the destruction of the Temple, but the anti-Roman resentments do not appear to have died down with these riots.

3.15.1 *The Diaspora Revolt*

Starting in 115 or 116 CE, Jews in Libya, Egypt and Cyprus, and possibly Babylonia and Judea as well,⁴¹⁰ took up arms against the Roman authorities, almost certainly because the latter were thought to be preoccupied with Trajan's campaign against Parthia.⁴¹¹ The causes of the revolts remain the source of much speculation, but it is likely that anti-Roman sentiments caused by the destruction of the Temple and the financial strain of the Jewish Tax,⁴¹² continuing hostilities between Jewish and Greek residents of various cities,⁴¹³ and religious motivations each played a part.⁴¹⁴ It is likely, however, that the exact mixture of and interaction between these elements varied from region to region, or even from city to city.⁴¹⁵ Whatever the causes of the revolt (or revolts) were, the scale of the devastation appears to have been vast. Cassius Dio reports enormous casualties among the non-Jewish population of these provinces, and even claims that the rebels resorted to cannibalism.⁴¹⁶ In Cyrene, pagan temples appear to have been destroyed.⁴¹⁷ The Roman response to these events was correspondingly harsh, not in the least because the rebellion in northern Africa threatened Rome's grain supply.⁴¹⁸

After the revolt, evidence for Jewish communities in Egypt and Cyrene disappears for a significant period of time,⁴¹⁹ Trajan's recent conquests in Mesopotamia

410 Goodman (1992), 34 and Smallwood (1976), 415-421. While the connection to Trajan's campaign in Parthia is beyond dispute, the archaeological evidence for the revolt in Mesopotamia is rather scant, see Applebaum (1979), 299-300. The extent of the unrest in Judea remains debated. For the argument that it was less severe than the conflicts in the Diaspora, see Applebaum (1979), 322-323 and Smallwood (1976), 421-427. See Horbury (2014), 257-264 for the argument that the so-called War of Quietus amounted to serious difficulties in Judea.

411 Horbury (2014), 195; Pucci Ben Zeev (2005), 142.

412 Ibidem 123-125.

413 Goodman (1992), 34; Horbury (2014), 166; Pucci Ben Zeev (2005), 125-126. This aspect is supported by one of the *Acta Alexandrinorum*, the *Acta Hermaisci*, which is set early in Trajan's reign and describes a Greek embassy sent to Trajan, presumably in the aftermath of another conflict in Alexandria. It is important to remark that Trajan is depicted as greatly favouring Jews, despite the later conflict. For the text of the *acta*, see Musurillo (1954), 44-48. For a more elaborate discussion of the events in Alexandria, see Pucci Ben Zeev (2005), 133-141.

414 See Goodman (1992), 34-35 for the theory that Jewish rebels deliberately attacked pagan sanctuaries. See Pucci Ben Zeev (2005), 141 and Smallwood (1976), 397 for the possible Messianic inclinations of the rebels.

415 Pucci Ben Zeev (2005), 125-141 and 264.

416 Cassius Dio, *Historiae Romanae* 68.32. Eusebius, *Historia Ecclesiastica* 4.2.1-5 reports significant casualties on the Jewish side.

417 Applebaum (1979), 272-285.

418 Smallwood (1976), 403.

419 Applebaum (1979), 342-343; Pucci Ben Zeev (2005), 264; Seeman and Marshak (2012), 65.

were abandoned,⁴²⁰ and according to Cassius Dio Jews were even banned from ever setting foot on Cyprus again.⁴²¹ No such ban is reported for any of the other regions involved in the revolt, which may lead us to tentatively assume that some differences in the handling of the revolt in the various provinces existed. Due to lack of evidence, however, this remains nothing more than speculation. For the most part, Rome's response to the revolt was a show of military, rather than legislative, force, and there is no evidence that Jewish communities like those of Italy and Asia Minor, which did not participate in the uprisings, suffered any consequences.⁴²² The fact that the famous Babatha archive continues to display the use of Jewish law is particularly interesting in this regard: the archive was found in a region that became part of the Roman province of Arabia in 106 CE, and continued through to 132 CE, apparently without any Roman repression of Jewish customs taking place.⁴²³

3.15.2 *Causes and Consequences of the Bar Kokhba Revolt*

In 132 CE, less than twenty years after the end of the uprisings under Trajan, another revolt broke out in Judea. This conflict is generally referred to as the Bar Kokhba Revolt, after its leader, and is often considered to have been a continuation of the previous revolts in the Diaspora.⁴²⁴ Despite this possible connection, the violence appears to have been limited to a relatively small region, and the causes of the conflict are once again difficult to determine. Ancient sources offer rather contradictory accounts, none of which are entirely satisfactory. According to Cassius Dio, the revolt broke out because Hadrian had founded a new city, known as Aelia Capitolina, in place of Jerusalem, and had used the former location of the Jewish Temple to build a temple for Jupiter (Appendix 2.ξ).⁴²⁵ According to the *Historiae Augustae*, however, the rebels were incensed *quod vetabantur mutilare genitalia*, “because they were forbidden to mutilate their genitals.”⁴²⁶ Of these two, the former theory seems to be most closely related to the truth, although the exact course of events surrounding Hadrian's founding of Aelia Capitolina remains the subject of debate. In part, this is due to the fact that Eusebius contradicts Cassius Dio by describing the change from Jerusalem to Aelia as a punishment for the

420 Goodman (1992), 35; Pucci Ben Zeev (2005), 264–265; Smallwood (1976), 421.

421 Cassius Dio, *Historiae Romanae* 68.32.

422 Goodman (1992), 36; Seeman and Marshak (2012), 65.

423 For a more elaborate analysis of this fascinating archive, see Schuol (2007), 224–236, but particularly Czajkowski (2017) and Oudshoorn (2007), the latter of whom makes the argument that this archive displays use of Roman procedural law combined with what is referred to as Jewish substantial law.

424 Applebaum (1979), 342; Goodman (1992), 35; Smallwood (1976), 426.

425 Cassius Dio, *Historiae Romanae* 69.12.1.

426 *Scriptores Historiae Augustae*, *Hadrianus* 14.2.

revolt, rather than its cause.⁴²⁷ The legend “for the freedom of Jerusalem” and “Jerusalem the Holy” on coins struck by the rebels, however, may lend some credence to the theory that Roman intervention in the city had, at the very least, been announced before the start of the rebellion.⁴²⁸ Whether the name of Aelia Capitolina was already attached to this intervention before the revolt remains unclear, but it is very well possible that the building project was only finished after the revolt had been suppressed, which may explain Eusebius’ confusing statement.⁴²⁹ Ultimately, however, any attempt to determine Hadrian’s motives remains speculative: some might be inclined to see the re-building of the city as a punishment for perceived Jewish offenses on Hadrian’s part, or at the very least as an attempt to ensure Roman control over the region,⁴³⁰ while others continue to argue that it was an honour, a part of the emperor’s famously elaborate programme of building and restoring cities, that backfired spectacularly.⁴³¹ Due to a lack of evidence, it is impossible to determine the truth. Nevertheless, it should be noted that no disturbances in the Diaspora are reported, which may suggest that the founding of Aelia Capitolina interacted with more localised circumstances to trigger the revolt.⁴³² Hadrian’s reported attempt to banish all Jews from his new city likewise went without response (Appendix 2.o),⁴³³ notably even in Jewish sources.⁴³⁴ For this reason, and because such a mass-expulsion would have left the inhabitants of the emperor’s new city without an available workforce, it has been suggested that no such decree was ever issued, and that devout Jews may have instead left the city of their own volition.⁴³⁵ It is clear, however, that the measure –if it ever existed – was barely enforced, and a Jewish presence in the city is reported once more within a relatively short period after the revolt.⁴³⁶

427 Eusebius, *Historia Ecclesiastica* 4.6.4.

428 Eshel (2006), 107; Horbury (2014), 309–311. Goodman (2003), 29 sees the founding of Aelia Capitolina as a punishment for the revolt under Trajan, rather than the Bar Kokhba Revolt, and draws his reader’s attention to the coins of the rebels.

429 Smallwood (1976), 433; Tsafir (2003), 32. Ibidem 34–36 suggests that the naming of the city may have been intended as punishment, but that its founding predated the revolt. In doing so, he rejects a hoard of coins containing both Bar Kokhba coinage and coins referencing Aelia as unreliable: according to Tsafir, these coins need not have been deposited at the same time. For the idea that the name Aelia Capitolina did indeed predate the revolt, see Meshorer (1989).

430 Goodman (2003), 28–29.

431 Rizzi (2010), 13–14; Tsafir (2003), 33.

432 Isaac (2003), 37.

433 This event is referenced by Eusebius, *Historia Ecclesiastica* 4.6.3; Justin, 1 *Apology* 47.4–6; Justin, *Dialogue with Trypho* 16.

434 Horbury (2014), 405, who nevertheless believes that Eusebius’ account reflects an older decree.

435 Goodman (2007^a), 478.

436 Horbury (2014), 405; Schäfer (1995), 164.

Hadrian's supposed ban on circumcision (Appendix 2.π), which is indicated as the primary cause of the revolt by the *Historiae Augustae*,⁴³⁷ has raised substantial concerns among most modern authors, and it has been doubted whether such a measure may indeed be seen as contributing factor.⁴³⁸ Aside from the fact that the source is often considered to be unreliable, such an empire-wide ban does not explain why only Jews in Judea chose to rebel against a measure that would have been of concern to Jewish communities throughout the empire.⁴³⁹ The fact that a ban on circumcision and other Jewish practices is nonetheless prominently present in the Rabbinic tradition has led to the suggestion that we are instead dealing with a punitive measure, issued for Judea – possibly by local officials – either during or after the revolt.⁴⁴⁰ Another possible explanation, for which evidence is perhaps most solid, is that Hadrian issued a law that, while not aimed at Jews in particular, could nevertheless be interpreted as limiting their ancestral practices. The *Digesta* indeed cites a rescript attributed to Hadrian, in which the emperor bans castration,⁴⁴¹ but even setting aside the fact that the measure appears to have been formulated in response to a particular query, no specific reference to circumcision is ever made. That is not to say, however, that it was not taken as such.⁴⁴² After all, the *Digesta* likewise cites a rescript issued by Antoninus Pius, in which it is clearly stated that Jewish inhabitants of the empire are permitted to circumcise their own sons – but no-one else (Appendix 2.28).⁴⁴³ Notably, the text of the rescript specifies that anyone who broke this law should be prosecuted according to the existing law regarding castration. This suggests that Hadrian's previous proclamation could not have specifically mentioned circumcision, and that Pius was instead attempting to resolve lingering uncertainty about its interpretation, likely at the request of Jewish petitioners.⁴⁴⁴ In doing so, he both formally protected the Jewish custom of circumcision and limited

437 Scriptorum *Historiae Augustae*, *Hadrianus* 14.2.

438 Abusch (2003), 73; Isaac (2003), 38; Oppenheimer (2003), 55–56.

439 Ibidem 68.

440 Horbury (2014), 314–316; Oppenheimer (2003); Smallwood (1976), 429–431. Isaac (2003), 38 claims that Hadrian did not ban circumcision by Jews, but instead continued a long-standing ban on conversion. For the tentative suggestion that these measures were issued by local officials, see Abusch (2003), 83–84.

441 *Digesta* 48.8.4.2.

442 For the argument that the rescript was indeed interpreted as a ban on circumcision, see Nogrady (2006), 181–182.

443 *Digesta* 48.8.11. Cappelletti (2006), 136 and Isaac (2003) see this as an implicit ban on conversion to Judaism. However, see Feldman (1993), 385 for the idea that a ban on circumcision would not prevent women from converting. A possible connection to pseudo-Paul, *Sententiae* 5.22.4 may exist.

444 Abusch (2003), 88; Horbury (2014), 314; Noethlichs (1996), 77. Schäfer (1997), 104 likewise agrees that Antoninus Pius' edict does not amount to an equation of circumcision and castration in the time of Hadrian.

its application, although it would be unwise to assume that the law was widely enforced: the Roman government was strongly dependent on self-reporting, and we may ask ourselves how much of a barrier this law actually was to those with a sincere desire to convert. Furthermore, it bears repeating that this measure is contained in a rescript, and may thus have had a more limited application than is suggested by the passage's later inclusion in the *Digesta*. It is little wonder, therefore, that reports of circumcisions during this period do not describe them as a particularly remarkable occurrence.⁴⁴⁵ Whatever the case, Antoninus' rescript shows that a degree of uncertainty about the correct interpretation of Hadrian's ban on castration existed during his reign. If such obscurity existed not only in Pius' own time, but also in Judea prior to the Bar Kokhba Revolt, it may have given local officials too much room for anti-Jewish interpretation. As a result, the measure may have contributed to anti-Roman sentiments, and led to the idea that a ban on circumcision had been the cause of the rebellion.

3.16 The Late Second and Early Third Century: Completing the Picture

After the end of the Bar Kokhba Revolt, a number of final cases of Roman legislation dealing with Judaism have been transmitted to us, dating from the late second and early third century CE. The first of these is a measure by Septimius Severus, who according to the *Historiae Augustae* forbade conversion to either Judaism or Christianity, proscribing heavy penalties for anyone who disobeyed (Appendix 2.p).⁴⁴⁶ This measure has often been seen as a more explicit repetition of Antonius Pius' rescript forbidding circumcision by non-Jews, possibly in response to a misunderstanding similar to the one that likely prompted the issuing of that previous proclamation.⁴⁴⁷ If we accept this interpretation, the law may represent a shift in the Roman legal treatment of Judaism, for the first time explicitly "policing the boundaries of the Jewish community."⁴⁴⁸ It should be noted, however, that the source that mentions this measure is not particularly reliable,⁴⁴⁹ and that the ban on proselytism does not appear to have been particularly rigorously enforced: mentions of conversion continue to appear, without any mention of negative consequences.⁴⁵⁰ In any case, even if a ban on conversion to Judaism

445 Justin, *Dialogue with Trypho* 8.4; 23.3-5; 123.1, as referenced by Feldman (1993), 385-386.

446 Scriptores *Historiae Augustae*, *Severus* 17.1. A similar law may be found in pseudo-Paul, *Sententiae* 5.22.3. An argument may be made, however, that pseudo-Paul's text reflects a later period. See Feldman (1993), 386.

447 Abusch (2003), 90; Stern (1980), 625.

448 Abusch (2003), 90.

449 Feldman (1993), 386.

450 Ibidem 386; Isaac (2003), 51. It should be noted that the passage in Eusebius, *Historia Ecclesiastica* 6.12.1 cited by Feldman describes a conversion from Christianity to Judaism going

was indeed issued, this almost certainly did not amount to the religion being suppressed altogether: after all, Septimius Severus and Caracalla allowed Jews (*qui Iudaicam superstitionem sequuntur*) to obtain local public office (*honores*; Appendix 2.29).⁴⁵¹ While various explanations for this measure exist,⁴⁵² its most remarkable and significant aspect is the fact that Jews are explicitly exempt from duties that would compel them to violate their ancestral customs (*sed et necessitates eis imposuerunt, qui superstitionem eorum non laederent*). This amounts to a formal recognition of the particular difficulties members of various Jewish communities could face when holding public office, and it is likely that the measure made it easier for members of Jewish communities to be accepted as negotiating partners by Roman officials.⁴⁵³ However, it is unlikely that the consequences of this measure were the same in every city. That much was likely true for most of Jewish life in the Diaspora, and it is likely that relations between Jews and their non-Jewish neighbours continued to be ambivalent even within individual cities.⁴⁵⁴ While it is therefore unlikely that the hostilities so prominently present in accounts from earlier periods disappeared entirely,⁴⁵⁵ it is nonetheless notable that Severus Alexander is said to have respected Jewish privileges (*Iudaeis privilegia reservavit*; Appendix 2.31), which indicates that Jewish communities could still expect a degree of support if they found themselves challenged. Caracalla's rescript regarding a bequest left to the Jewish community of Antioch furthermore suggests that Jewish communities continued to be integrated in the Roman legal system (Appendix 2.30). Although Caracalla ultimately declared that the legacy could not be claimed by the community for which it was intended, this likely did not occur on the basis of anti-Jewish sentiments, and the very existence of the rescript serves as an indication that Jews continued to be able to plead their case

unpunished. Such a conversion may have been of significantly less concern to the Roman authorities than a conversion that involved a former adherent of Roman practices.

451 *Digesta* 50.2.3.3.

452 Feldman (1993), 101 sees this as a reversal of a previous ban on Jews holding public office issued after the Bar Kokhba Revolt (for which no evidence exists), while Smallwood (1976), 513 sees it almost as a punishment due to the heavy burden public office represented in the period. Trebilco (1991), 47 and 174 sees this measure as a practical move to increase the number of people who could hold office, but also acknowledges that it was an honourable position that may have benefited the status of members of the Jewish elite.

453 For the way in which Rabbis, in particular, were embedded in Roman administration, see Lapin (2012).

454 For an exploration of this topic in the case of Sardis, see Rajak (2002^a).

455 Rajak (2017), 41. It is notable that the literature of the *Acta Alexandrinorum* continued to be widely read and transmitted until the second and early third century, as argued by Harker (2009), 2, and that even an emperor like Trajan is depicted as greatly favouring the Jewish inhabitants of the empire (see the *Acta Hermaisci*, also known as P.Oxy. 1242). The last emperor mentioned in one of the *Acta* is Caracalla. This not only indicates that anti-Jewish sentiments continued to exist, but also that Jews should not be seen as a completely marginalised group in this period.

with the emperor and that arguments related to Jewish law could furthermore be brought forward in legal negotiations of the period.⁴⁵⁶ Like the archaeological and epigraphic record, then, the legal interactions of the period after the Bar Kokhba Revolt suggest that Jewish communities, and their customs, continued to exist – and in some cases even thrive.⁴⁵⁷

3.17 Conclusion

Throughout this chapter, we have discussed the extensive range of legal interactions between Jewish communities and the Roman authorities that occurred until the middle of the third century CE. While the focus of this discussion has been on the imperial period, an analysis of Roman measures taken in the republican period has also been included, to prevent disconnecting the events of later times from possible precedents, and to provide a more complete and coherent context for these occurrences. While the list of legal interactions that has been transmitted to us is both long and diverse, it must be once again emphasised that the surviving corpus may well be selective, and that the available sources sometimes lack the details or context relevant for historical research. Nevertheless, our sources include both descriptions by members of the various Jewish communities of the Roman Empire of specific events or measures, documents from the Roman authorities, and accounts by non-Jewish individuals. As such, the available sources on the legal position of Judaism in the Roman world can provide us with an overall picture, and allow us to detect the general trends and mechanisms that governed the relevant interactions. The types of measures considered in this chapter include discussions on the granting and confirmation of Jewish rights, as well as expulsions, and a wide variety of other measures. Political treaties with the various rulers of Judea have, where necessary, been included to provide further

456 This argument is made in Yaron (1964). For this particular rescript, see *ibidem* 284–286, where Yaron makes the argument that the bequest was left to what was known as *incertae personae*, and could thus not be collected under Roman law. Under Jewish law, however, such a claim does appear to have been possible. This argument is expanded upon by Humfress (2011), 42, who like Yaron does not see the reference to the *universitas Iudaeorum* in the rescript as referring to a formally recognised entity, but rather to unspecified individuals. The contrary view is held by Eckhardt (2019), 146n.121.

457 Ameling (2004), *passim*. See pages 46–51; 179–186; 204–206 and 224–297 for inscriptions concerning synagogues in various towns in Asia Minor, the first of which uses the style of a polis-decree. See pages 162–167 for a dedication to a presumably non-Jewish woman who was honoured for her favour towards the Jewish community. See pages 168–174 for the allocation of theatre seats to Jews, which demonstrates a degree of integration of the Jewish community into local public life. For the idea that Jewish communities were allowed to exist by the Antonines due to their importance for tax revenue, see Goodman (2016).

context. Geographically, most of these events took place in the eastern Mediterranean, primarily Alexandria and the cities of Asia Minor, although an important number of measures relates to the city of Rome itself. Both the temporal and geographical context of these events have been crucial to our discussion.

The known interactions between Jewish communities and the Roman authorities dealt with an impressive number of issues, the most centrally important of which was likely the right to uphold Jewish ancestral customs. This issue, it seems, took many different forms, depending on the specific community that requested Roman intervention and the period in which said intervention was requested. In some cases, references to Jewish custom are abstract and include few details, but in other cases we find more specific reports of the various concerns Jewish communities living in the Diaspora could have. The right to send money to Jerusalem frequently reoccurs in the available sources (although all these cases naturally date to the period before 70 CE), as do measures allowing Jews to observe the Sabbath, in the form of exemptions from both military service and from public duties on that particular day. Jewish communities also frequently appear to have requested the right to hold meetings to perform their devotions, or made complaints when the synagogues in which such meetings were held were violated. In the second century CE, the legality of circumcision (and by association conversion to Judaism) appears to have become a more central issue, but in this period, too, explicit references to Jewish communities being allowed to maintain their customs continue to occur, which suggests that this issue was still very much in people's minds.

Overwhelmingly, however, no real punishments for those who hindered Jewish religious practices appear to have been established: only in two scant cases do we hear that those who attempted to confiscate Jewish sacred money were to be treated as if they had robbed a temple – a notable use of non-Jewish precedent in a Jewish context – and in one case the city of Halicarnassus established a fine for anyone preventing Jews from practicing their customs. Otherwise, however, a mere stern rebuke appears to have been the sole expression of Rome's displeasure. Even after the Alexandrian riots, Claudius' retribution appears to have gone no further than a vague, if threatening, warning to both parties involved in the conflict. Nevertheless, the available sources suggest a strong willingness to judge Jewish requests favourably on the part of the Roman authorities. It should be noted, however, that our principal source on the matter is hardly unbiased: it is very likely that Flavius Josephus tailored the selection of documents he presents to the reader in order to suggest continuously good relations between Jewish communities and Roman authorities. It remains possible, therefore, that Jewish requests for protection of their ancestral customs were at times rejected.

Indeed, there are a number of indications that the attitudes of Roman officials could at times be decidedly less than favourable: the Jewish community was expelled from Rome on a number of occasions, Domitian appears to have viewed sympathy for Judaism in his inner circle with suspicion, and neither Caligula nor Nero appear to have been particularly open to Jewish requests for protection. It seems unlikely, therefore, that Judaism was formally considered to be a '*religio licita*', even during the early imperial period. A similar combination of favourable and unfavourable measures appears to have persisted after the perceived watershed of the Great Revolt. With the sole exception of the Jewish Tax, to which other causes likely also contributed, there is no solid evidence that any Roman measures adversely affected Jewish communities throughout the empire: Jewish communities in regions that did not participate in the revolt, or subsequent unrests in later decades, do not seem to have been systematically targeted by the Roman authorities. In fact, the customs of the Jewish communities in Antioch and Alexandria were protected by the early Flavians, and while those who attempted to evade the new tax were aggressively sought out under Domitian's rule, it is likely that they were not necessarily punished. While Hadrian's supposed ban on circumcision has often been seen as an explicitly anti-Jewish measure, there is some evidence to suggest that it was not intended as such. A later rescript by Antoninus Pius may well have been intended to clarify a point that was originally obscure, and while this ambiguity may have been locally used to prevent Jews from practicing their ancestral customs, this does not appear to have been an empire-wide policy. The official attitudes of the Roman authorities towards Judaism, then, appear to have been neither universally favourable, nor universally negative – whatever their personal views might have been. Instead, much seems to have depended on the particular circumstances in which each interaction occurred.

One of the most central elements of Judeo-Roman interaction that emerges from the available corpus, is the fact that the initiative of particular local communities, both Jewish and non-Jewish, played a central part in the dealings of the Roman authorities with Judaism. This was not only the case for the early political treaties between the Maccabean rulers and the Roman senate, but especially in the attempts to maintain Jewish ancestral customs that dominate the record of the republican and early imperial period. On many occasions, Jewish communities themselves requested Roman assistance. In a significant number of cases, we find reports of such requests for intervention occurring in the context of disputes and conflicts with non-Jewish neighbours, showing that these communities tended to have very concrete reasons for drawing the attention of the authorities to their problems. According to the evidence transmitted to us, such conflicts often related to non-Jews attempting to hinder Jewish communities in practicing their ancestral customs, although socio-political circumstances appear to have played a part in a number of significant events, including the conflicts in

Alexandria, Caesarea and Antioch. In such cases, the question of who 'belonged' in a particular city both in a political and in a religious sense appears to have been at the forefront of the respective disputes. On occasion, this sense of 'belonging' even appears to have been tested by the local population, who could investigate whether certain individuals were Jewish in a number of ways. During Domitian's strict enforcement of the Jewish Tax, Jewishness was ascertained by determining whether a person had been circumcised, while the consumption of pork was demanded during the Alexandrian riots, and sacrifice according to Greek customs was employed in Antioch. However, not all interactions were prompted by the deliberate hindering of Jewish ancestral practices by the local population. In certain other cases, Jewish communities simply seem to have encountered difficulties in adhering to established procedures, and made the Roman authorities aware of this fact, as for instance in the case of Augustus' decision to allow the Jewish community of Rome to pick up grain rations on a different day when the appointed date coincided with the Sabbath. Although evidence is somewhat scant, the same may have been true for the ruling on circumcision made by Antoninus Pius, which was likely an emendation of a previous Hadrianic ruling on castration that, whether intentionally or not, appears to have impacted at least some Jewish inhabitants of the empire.

The procedures followed by Jewish communities, however, could also be employed by the non-Jewish inhabitants of the cities of the empire, and on a number of occasions we find evidence of opposing delegations being heard by various Roman authorities, and indications that debates about the appropriate course of action took place. The most famous and explicit example of this are the Alexandrian riots of 38 CE, but one might just as well refer to Titus' intervention in Antioch during the aftermath of the Great Revolt, or to earlier cases like the events in Laodicea and Miletus, both of which date to the late republican period and make reference to non-Jewish delegations pleading their case in opposition to their Jewish neighbours. Both Marcus Agrippa's intervention on behalf of the Jewish communities of Asia and Nero's involvement in the disturbances in Caesarea preceding the Great Revolt may also be seen as part of this pattern, as could the charges brought forward against Jews accused of attempting to evade the Jewish Tax in the time of Domitian – although in the latter case we appear to be dealing with charges made by and against individuals rather than entire communities.

It should be noted that complaints brought forward by either party during the republican and early imperial period were usually initially presented to local or regional Roman officials, or even to the city authorities. Setting aside cases brought to the attention of an emperor or another high Roman official during his presence in a particular city, whether in Rome or elsewhere, the imperial administration generally appears to have been the primary respondent only in cases dealing with the political status of certain groups, or in the response to larger-scale military

matters – as for instance in the case of the Jewish Tax. It was usually local Roman officials who initially dealt with conflicts and, sometimes by request, referred a matter to higher-ranking magistrates or the central authorities for advice or approval when necessary. This pattern seems to have changed somewhat during the second century CE, when more centralised efforts are mentioned, although this is likely due to the nature of the available sources, which generally pay less attention to the procedures followed to establish a particular ruling than the material available from earlier periods.

In this process of negotiation with various authorities, a number of factors appear to have been crucially important in determining the resulting decision, first among which is the ability to employ existing, recognised institutions and structures. In the first century CE, Jewish communities at times called in the help of the various rulers of Judea, whose political status and sometimes personal connections to the imperial court could prove to be highly instrumental in maintaining Jewish ancestral customs. The availability of precedent likewise played a significant role in negotiations with the Roman government, and likely continued to do so throughout the first two centuries CE. On the one hand, the very use of terms like *πάτριοι νόμοι* itself refers to the importance of existing traditions, while on the other hand pre-existing Roman rulings could be used to encourage another, similar decision. In general, Roman authorities were inclined to leave existing regulations in place, or make use of known precedent, although it should be noted that this did not always work to the advantage of Jewish communities, as demonstrated by Claudius' demand that the Jewish inhabitants of Alexandria should not ask for more rights than they already had. Finally, the desire to preserve public order and prevent unrest frequently emerges as a prominent concern on the part of various Roman officials. Examples of this may be found in the various expulsions of the Jewish community from Rome, but also in Aulus Avilius Flaccus' alleged attempts to placate the Greek Alexandrian elite, and the efforts made in Claudius' later letter to the Alexandrians to satisfy both parties in the conflict. Even Domitian's actions against members of the Roman elite that he perceived to be sympathising with Judaism could be seen in this context.

For the majority of the first century CE, Roman measures on Judaism make mention of a single city, or a specified area that in practice was often no larger than a province, and were initially applied in the area that had originally prompted the intervention of the Roman authorities. It should be noted, however, that the various Jewish communities of the Mediterranean world were hardly isolated: the very existence of Flavius Josephus' elaborate corpus of Roman rulings suggests that precedents from one city were considered to be potentially relevant in the other, and references to the regulations of other cities occur on a number of occasions in the available sources. The same, however, held true for less favourable interactions. Caligula's attempt to place his statue in the Temple in Jerusalem, for

instance, while inspired by local disturbances in Jamnia, had a substantial effect on Jewish communities elsewhere in the Diaspora, particularly in Alexandria. In addition, such connections between various Jewish communities were sometimes also observed by the Roman authorities themselves, although this seems to have influenced policy only on an extremely select number of occasions, notably in relation to extensive conflict or the threat thereof. The most long-lasting of these measures is the implementation of the Jewish Tax, which in itself could well be regarded as building on existing practices. The other is Claudius' edict addressed "to all the world", which appears to have been prompted not only by the threat of spreading unrest after the disturbances in Alexandria, but also by the intervention of kings Agrippa and Herod, thus showing the importance of negotiation and the use of power structures recognisable to the Roman authorities therein. After the end of the Great Revolt, it becomes somewhat difficult to determine if the existing pattern of legal rulings applying to specific regions continued, although the fact that repercussions for the next two revolts fell exclusively to the communities that participated in them suggests that, to an extent, it did. While it is possible that the measures dating from after the Bar Kokhba Revolt had a wider application, it should be noted that the measures from both Hadrian and Antoninus Pius are contained in rescripts, and thus were at least prompted by local requests for imperial guidance.

The fact that Roman measures were also overwhelmingly locally enforced becomes clear in a significant number of the sources available to us, especially in those dating from the republican and early imperial period. On a number of occasions, local Roman officials are ordered to see to the publication of the new regulations in the area under their jurisdiction. It also becomes clear that the effectiveness of such measures was often limited, and that Jewish communities frequently had to make repeated requests to Roman officials because earlier regulations had fallen into disuse, as becomes especially clear from the series of documents dealing with the Temple Tax dating from the Augustan period. Likewise, expulsion of the Jewish community from the city of Rome do not appear to have been effective, as does Claudius' sweeping edict "to all the world": within a limited number of years, disputes similar to the ones in Alexandria that had prompted the emperor's proclamation would contribute significantly to the outbreak of the Great Revolt. The laws from the second century CE limiting or banning conversion to Judaism, too, appear to have had a very limited effect in practice. The only notable exception in this regard is the Jewish Tax, but even in that case, the exact level of enforcement seems to have varied according to time, and possibly also place.

When discussing the legal interactions between Jewish communities and the Roman state, it thus becomes clear that the creation, content and enforcement of measures relating to Judaism are simply too often too deeply rooted in local

and temporal circumstances for a single, unified policy (whether in the form of a charter or otherwise) to have existed. Throughout the first two centuries CE, the legal position of Jewish communities in the Roman Empire was subjected to repeated re-negotiation, and while the results of such negotiations frequently appear to have been favourable for Jews, this was certainly not universally the case. It also becomes clear, however, that in addition to Roman interest in political stability, factors like the availability of previous Roman rulings to serve as precedent, and the presence of politically important representatives like the kings of Judea, could significantly aid Jewish communities who wished to safeguard their ancestral customs – a term in itself closely related to legal precedent. Far more than any Roman policy, it were these considerations that shaped the lives of Jewish communities in the Roman Empire.

The known legal measures involving Jewish communities, then, serve to illuminate the significant extent to which negotiations between various levels of government and the inhabitants of the provinces could, and did influence, the treatment of religious communities by the Roman authorities. Whether the outcome of specific legal interactions was favourable or repressive in nature, it remains important to note that such measures did not emerge from straightforward top-down policies, but rather from a variety of factors and from the arguments presented by the parties involved. The availability of relevant precedents could be a particularly useful tool for communities seeking to uphold their religious practices: as we have seen on a number of occasions, a favourable ruling, once made, could be repeated and reinforced, even in different regions from the ones from which they originally emerged. The presence of established structures likewise proved to be particularly useful: a religious group with a recognisable leader, as well as long-standing institutions, could be incorporated in the Roman administrative system with greater ease, and could thus significantly aid the negotiating process. It should be noted, however, that even for religious groups who were in these ways well-established, the question of ‘who belonged’, and who could by contrast be seen as a religious outsider, continued to be exceedingly relevant, as becomes most evident from the frequent hostilities faced by Jewish communities on a local level. Furthermore, the existence of various types of tests to determine who was Jewish and who wasn’t not only suggests a concern for determining who could be considered a religious outsider, but also implies a desire to pressure these perceived outsiders to conform to general religious norms. While Jewish communities, then, were on many occasions able to find the support of the Roman authorities, they likewise shared many of the difficulties that would also be faced by their Christian counterparts.