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Author(s): Leonard Victor Rutgers

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Roman Policy towards the Jews: Expulsions from the City of Rome during the First Century C. E.

Tant de causes secrètes se mêlent souvent à la cause apparente, tant de ressorts inconnus servent à persécuter un homme, qu'il est impossible de démêler dans les siècles postérieures la source cachée des malheurs des hommes les plus considérables, à plus forte raison celle du supplice d'un particulier qui ne pouvait être connu que par ceux de son parti.

—Voltaire, *Traité sur la tolérance* (1763)

IN THIS ARTICLE I want to discuss the evidence for expulsions of Jews from the city of Rome in the first century C.E. Scholars have long been interested in the reasons underlying these expulsions. Because the ancient literary sources regarding such expulsions are scanty and often contradictory, no generally accepted explanation for the rationale behind these events has hitherto been offered. We in fact often lack even the most basic kind of information. Not infrequently it remains obscure, for example, how many Jews were expelled by Roman authorities and to what social class they belonged. Similarly, we simply cannot tell whether expulsions of Jews from Rome were at all effective in the long run.

Rather than studying individual expulsions of Jews in isolation—as several scholars have done recently—I have opted in this article for a more comprehensive approach. In order to explain Rome's decision to remove Jews from the

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capital of its empire, it is necessary to study the question of the position of the Jews in the Roman Empire in general. In addition, it is necessary to study the evidence for expulsions of people other than Jews. Finally, we also need to establish if (and if so, how) Romans were tolerant of other, non-Roman peoples.

THE FIRST ROMAN LEGAL MEASURES REGARDING THE JEWS:
THE *ACTA PRO JUDAEIS*

Although the Jews of both Palestine and the Diaspora had steadily moved into the orbit of the Roman world in the course of the second century B.C.E., Rome did not develop a substantial body of laws regarding the Jews until the second half of the first century B.C.E. Only then, in the fifty-odd years from Caesar to Augustus, did Roman magistrates pass a number of decrees aimed at protecting the free exercise of Jewish religion. They decreed that Jews might gather freely in *thiasoi*, observe the Sabbath and the Jewish festivals, send money to the Temple in Jerusalem, and enjoy autonomy in their communal affairs. Jews were also absolved from compulsory enrollment in the Roman military.¹

Josephus, our only ancient source on these decrees, indicates that by passing legal measures in favor of the Jews Rome acted in its own interest, but not of its own initiative. In the later first century B.C.E., Roman law on the Jews developed primarily in response to the requests of the Jewish communities of the Aegean, Asia Minor, and other parts of the Near East, including Cyrenaica, to help them protect their traditional Jewish way of life against the constant attacks of their Greek neighbors.

Roman legal measures normally took the form of *senatus consulta* that were sent to individual Greek cities of the East in order to settle specific disputes between Jews and Greeks. Because the rulings contained in these *senatus consulta* never attained universal validity, it is not correct to regard such senatorial decrees as a Magna Charta or formal document that aimed at defining the legal status of all Jewish communities in the eastern Mediterranean once and for all. The *senatus consulta* regarding the Jews were essentially *ad hoc* measures that related to geographical units of much smaller dimension.² That this was so

1. Josephus, *AJ* 14.190–264, 16.162–73. For later measures taken by Claudius, see Josephus, *AJ* 19.278–91, 19.299–311, 20.1–14. 1 Macc. 15 claims that Rome became a guarantor of Jewish religious liberty throughout the Mediterranean as early as the second century B.C.E. But there is no convincing evidence to substantiate this claim: see J.-D. Gauger, *Beiträge zur jüdischen Apologetik: Untersuchungen zur Authentizität von Urkunden bei Flavius Josephus und im ersten Makkabäerbuch* (Cologne: Hansten, 1977) 299f. The enrollment of the Jews in the *formula amicorum et sociorum* of the Roman People in 140 B.C.E. did not oblige the Romans to protect the rights of individual Jews living in the Diaspora: see *ibid.* 188f., 205, 229f., 253f., 324.

2. Earlier literature in L. H. Feldman, *Josephus and Modern Scholarship* (Berlin: de Gruyter, 1984) 273–76. T. Rajak, “Jewish Rights in the Greek Cities under Roman Rule: A New Approach,” in W. S. Green, ed., *Approaches to Ancient Judaism*, vol. 5, *Studies in Judaism in Its Greco-Roman*

should not surprise us: a variety of sources indicates that in the later Republic and early Principate Rome tried to leave the constitutions of the Greek cities intact as far as possible.³

Scholars have often wondered whether the documents presented by Josephus are at all genuine. Josephus is the only ancient author to mention these decrees. We furthermore also know that Josephus's text suffers from serious textual corruptions. Finally, numerous mistakes in chronology and in the names of serving magistrates further complicate the interpretation of this already problematical text.⁴ All this is true. Yet, instead of focusing exclusively on the more formal characteristics of Josephus's account, we rather need to ask whether textual difficulties suffice to discredit altogether the evidence presented by Josephus as regards the substance of these decrees. The answer to this question is negative. For example, it is well known from sources other than Josephus that attacks on Jewish property were punished immediately by the Roman authorities.⁵ It is likewise well known that anyone who attempted to confiscate money destined for the (Second) Temple in Jerusalem was liable to prosecution.⁶ Last but not least, evidence for Jews serving in the Roman military is virtually nonexistent.⁷ Such evidence suggests uniformly that when Roman magistrates intervened in disputes involving Jews, they were enforcing decrees very similar to the ones Josephus claims the Romans issued. There thus exists little circumstantial evidence to suggest that Josephus invented these decrees to insert them in his *Antiquities* for purely apologetic purposes.

From a Jewish perspective, the first series of Roman senatorial decrees concerning the Jews was above all important in that they gave the various Jewish communities under Roman rule something to fall back on when under pressure from their non-Jewish neighbors.⁸ From the Roman point of view, the *senatus*

Context (Atlanta: Scholars Press, 1985) 23; *ead.*, "Was There a Roman Charter for the Jews?" *JRS* 74 (1984) 107–23.

3. L. Mitteis, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs* (Hildesheim: Olms, 1963) 85–109; R. Bernhardt, *Polis und römische Herrschaft in der späteren Republik (149–31 v. Chr.)* (Berlin: de Gruyter, 1985) 219f., 227f.

4. These problems are discussed in detail by H. R. Moehring, "The *Acta pro Judaeis* in the *Antiquities* of Flavius Josephus," in J. Neusner, ed., *Christianity, Judaism and Other Greco-Roman Cults: Studies for Morton Smith at Sixty* (Leiden: Brill, 1975) 124–58. More recently, C. Saulnier, "Lois romaines sur les juifs selon Flavius Josèphe," *RBi* 87 (1981) 161–98.

5. Hippol. *Haeres.* 9.1–9.

6. Witness Cicero, *Flacc.* 66–69; and cf. Philo, *Leg.* 156. For evidence from Cyrenaica, see M. W. Baldwin Bowsky, "M. Tittius and the Jews of Berenice," *AJPh* 108 (1987) 509.

7. Jews could serve in the Roman army (cf. *CTh* 16.8.24, 12.1.100, 16.8.16, 16.8.24), but it is not clear if they ever did so in large numbers. Two epitaphs of soldiers published by A. Scheiber (*Jewish Inscriptions in Hungary: From the Third Century to 1686* [Leiden: Brill, 1983] nos. 4 and 6) contain names that are Semitic but not necessarily Jewish. The same is true of the names in V. A. Tcherikover et al., *Corpus Papyrorum Judaicarum* 3 (Cambridge, Mass.: Harvard University Press, 1964) no. 465. Further references in L. Cracco Ruggini, "Note sugli ebrei in Italia dal IV al XVI secolo," *RSI* 6 (1964) 932 n. 21.

8. See, e.g., Josephus, *AJ* 16.172.

consulta were significant in terms of both administration and law: these decrees quickly assumed the role of legal precedents to which provincial governors and indeed emperors could refer in order to justify their decisions when confronted with disputes over Jewish rights.⁹ For the ancient historian, finally, an analysis of Josephus's account is particularly interesting in that it helps to place into a long-term perspective the question of the expulsions of Jews from Rome during the first century C.E. Josephus's description serves to illustrate that Roman policy toward the Jewish community of Rome during the first century C.E. was not a new phenomenon, but rather that this policy followed patterns that had already been established in the later Republic. The most salient feature of this policy (at least for the purpose of this article) was that Rome did not have a standard policy toward the Jews: Roman magistrates responded to situations.

THE CIVIC STATUS OF THE JEWS OF ROME

In order to understand the legal aspects of the expulsions of Jews from Rome during the first century C.E. we need to know something about the civic status of those Jews.

Philo says that the Jews of Rome were mostly slaves who had become Roman citizens after manumission.¹⁰ This seems to be fairly close to the truth. Jews may have reached Rome as early as the middle of the second century B.C.E.¹¹ Whether they arrived there as free *peregrini* or whether they descended from manumitted slaves who had first reached Rome through the slave markets of the eastern Mediterranean (such as Delos) it is impossible to tell.¹² After Pompey's victories of 63 B.C.E. in Syria and Palestine, new Jewish slaves were brought in, this time directly from Palestine. We do not know how many of these prisoners of war actually reached Italy or what percentage of them ended up as slaves in the city of Rome.¹³ What is clear, however, is that by the time of their arrival, a Jewish community was already well established in Rome. It must have counted free immigrants among its members as well as the many who were slaves or freedmen.

9. Josephus, *AJ* 16.173, 19.282–3, 19.304–6; V.A. Tcherikover et al., *Corpus Papyrorum Judaicarum* 2 (Cambridge, Mass.: Harvard University Press, 1960) no. 153, col. V, lines 86–87. Edicts issued by an emperor remained in force after his death: F. Millar, *The Emperor in the Roman World* (31 B.C.—A.D. 337) (Ithaca: Cornell University Press, 1977) 252–53; *RE* 5 (1905) 1947.

10. Philo, *Leg.* 156.

11. E. M. Smallwood, *The Jews under Roman Rule: From Pompey to Diocletian* (Leiden: Brill, 1976) 130; H. J. Leon, *The Jews of Ancient Rome* (Philadelphia: The Jewish Publication Society of America, 1960) 3–4; H. Solin, "Juden und Syrer im westlichen Teil der römischen Welt: Eine ethnisch-demographische Studie mit besonderer Berücksichtigung der sprachlichen Zustände," *ANRW* II.29.2 (1983) 607.

12. The enrollment in the *formula amicorum et sociorum* (cf. A.N. Sherwin-White, *Roman Foreign Policy in the East 168 B.C. to A.D. 1* [Norman: University of Oklahoma Press, 1983] 58–77) resulted in all Jews on Roman territory who were not Roman citizens or slaves automatically becoming *peregrini*; see Kübler in *RE* 19 (1937) 639–55 s.v. *peregrinus*.

13. Josephus, *AJ* 14.78; Plut. *Vita Pomp.* 45.1–2; App. *Mith.* 117.571; Eutropius, *Breviarum a.u.c.* 6.16.

That a not inconsiderable number of Jews in Rome had become *cives Romani* by the time of Augustus can be inferred from their participation in the monthly doles;¹⁴ exact figures, however, cannot be given. Not every slave of Jewish origin automatically became a Roman citizen upon manumission, since not all manumissions were formally carried out, that is *testamento*, *vindicta*, or *censu*. Informal manumission led, at least after 19 C.E., to a status inferior to that of the Roman citizen, namely to that of the Junian Latin.¹⁵ Of course, such *Latini Iuniani* could become *cives Romani*, for example by serving in the police or by supplying Rome with corn for a period of time, but once more, it is not clear whether this was common or even whether achieving the status of Roman citizen was considered desirable.¹⁶ Cicero remarks that prisoners of war should be freed after six years of slavery, but this cannot be taken to mean that Jewish (or non-Jewish) slaves were always quick to acquire their freedom.¹⁷

Under Roman law Jews in Rome during the first century C.E. belonged to one of the three following categories. (1) Some were slaves. Although lacking legal personality, slaves were subject to criminal law. In case of criminal offenses they could be punished either by their master or by the Roman state. (2) Some were free *peregrini* or *Latini Iuniani*. As such they were largely outside the sphere of the *ius civile* and subject to the *coercitio* of the magistrates. They could be chased out of the city without any form of trial.¹⁸ (3) Some were Roman citizens, who could only be expelled after they had been found guilty of a criminal offense in a Roman court.¹⁹ Yet, even after having been convicted, a Roman citizen had the right to appeal (*provocatio*) to a higher authority, in the present case the emperor.

THE EXPULSION OF JEWS FROM ROME UNDER TIBERIUS

Various authors relate how in 19 C.E. Jews as well as worshipers of Isis were expelled from Rome. The sources disagree as to why these expulsions took place and who was responsible for them.²⁰ That the problems that had arisen were serious is,

14. Philo, *Leg.* 158; A.N. Sherwin-White, *The Roman Citizenship*, 2d ed. (Oxford: Clarendon Press, 1973), esp. 221f.

15. A. Watson, *Roman Slave Law* (Baltimore: Johns Hopkins University Press, 1987) 24f. On formal manumission, see Gaius 1.17.

16. Watson (above, n. 15); P. R. C. Weaver, "Where Have All the Junian Latins Gone? Nomenclature and Status in the Early Empire," *Chiron* 20 (1990) 275–305, esp. 303f. R. MacMullen, "Notes on Romanization," *BASP* 21 (1984) 167.

17. Cic. *Phil.* 8.32.

18. Examples of limited legal protection provided to *peregrini* in *RE* 10 (1919) 1229–30 s.v. "Ius Gentium."

19. When someone's guilt was beyond doubt, however, or when someone was a *confessus*, no trial was necessary: cf. W. Kunkel, "Prinzipien des römischen Strafverfahrens," in *Kleine Schriften: Zum römischen Strafverfahren und zur römischen Verfassungsgeschichte* (Weimar: Böhlau, 1974) 17f.

20. Tacitus, *Ann.* 2.85.4–5; Suet. *Tib.* 36.1; Josephus, *AJ* 18.63f.; Dio Cassius 57.18.5a; Philo, *Leg.* 159–61. Cf. also Philo, *In Flacc.* 1. I do not believe that the evidence provided by Philo suggests two separate moves against the Jews in Tiberius's reign, *contra* Smallwood (above, n. 11) 208f. and Solin (above, n. 11) 688 n. 218b.

however, beyond doubt: the incident was scandalous enough for the Senate to deal with it directly rather than to leave it to the intervention of the city prefect.²¹

Because of the contradictory statements in the primary sources, scholars have offered differing accounts of what actually happened. Some argue that Jews and devotees of Isis were expelled for religious reasons, while others contend that Rome acted merely to maintain law and order.²² Let us consider these two views in turn.

From Josephus's account it seems to follow that in 19 C.E. Jews were expelled from Rome for religious reasons. Josephus writes that a few Jews deceived an aristocratic female proselyte called Fulvia by stealing the "purple and gold" Fulvia had intended as gifts to the Temple in Jerusalem, and that it was this that led to the expulsion. This rather detailed account is highly interesting, but it cannot be taken at face value. In dealing with the Isis worshipers the Roman authorities punished only the *auctores seditionis*, who were found guilty of seriously maltreating an aristocratic woman:²³ why then, on being confronted by a less serious offense committed by a few Jews, should they have punished the whole Jewish community of the city? Given Rome's generally moderate policy toward the Jews, and given the fact that Roman magistrates took the trouble of issuing a special *senatus consultum*, it is hardly possible to accept Josephus's view that the Roman authorities blamed the entire Roman Jewish community for the misdeeds of a handful of culprits.²⁴ It is quite possible, therefore, that Josephus inserted the story of Fulvia in order to absolve the Jews from any real responsibility for the expulsion of 19 C.E.²⁵

Some scholars who reject the deception of Fulvia by a few impostors as the reason for the expulsion of Jews from Rome suggest, along with Dio and possibly Tacitus, that the reason for expelling the Jews must be sought in the fact that in

21. See, in general, P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford: Clarendon Press, 1970) 30–33.

22. References to earlier literature in M. H. Williams, "The Expulsion of the Jews from Rome in A.D. 19," *Latomus* 48 (1989) 765, to which should be added Solin (above, n. 11) 686–89, and the uncritical essay by G. Marasco, "Tiberio e l'esilio degli ebrei in Sardegna nel 19 d.C.," in A. Mastino, ed., *L'Africa romana: Atti del VIII convegno di studio, Cagliari, 14–16 XII 1990* (Sassari: Gallizzi, 1991) 649–59.

23. In case of the Isis worshipers, the charge is most likely to have been adultery: so, correctly, Garnsey (above, n. 21) 22. Cf. also M. Malaise, *Les conditions de pénétration et de diffusion des cultes égyptiens en Italie* (Leiden: Brill, 1972) 88f. The adultery laws promulgated by Augustus continued to be valid under Tiberius and later emperors: see the list of adultery prosecutions in S. Treggiari, *Roman Marriage. Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford: Clarendon Press, 1991) 509–10. On the importance of adultery cases in later Roman penal law in general, see T. Mommsen, *Römisches Strafrecht* (Graz: Akademische Druck- und Verlagsanstalt, 1955) 528–29 and 691f. On the Roman practice of punishing accomplices to a crime, see *ibid.* 100–103; and, on the *auctor seditionis*, *ibid.* 564.

24. Note that also Philo, who is likewise somewhat apologetic about what happened, remarks that the people who were really guilty were few in number (*Leg.* 161).

25. *Pace* Williams (above, n. 22) 775–77, and *contra* Marasco (above, n. 22) 652, 654. But Williams' suggestion that the men who carried out the deceit became folk heroes is far-fetched. Malaise (above, n. 23) 88 considers even the story involving the Isis priests an invention.

general the Jews of ancient Rome were all too successful in making new converts.²⁶ Tacitus observes that “another debate dealt with the proscription of the Egyptian and Jewish rites,” and then continues by remarking that four thousand men *libertini generis* were sent to Sardinia to help suppress brigandage there; all others had to leave Italy “unless they had renounced their impious rites by a given date.”²⁷ Dio writes that “as the Jews had flocked to Rome in great numbers and were converting many of the natives to their ways, he [*sc.* Tiberius] banished most of them.”

The interpretation of these passages raises several problems. Tacitus nowhere states that Jews were found objectionable because they tried to win over new converts. He observed only that the Senate decided to expell all practitioners of Judaism and of “Egyptian rites.” By adding that all those who were willing to give up their “impious rites” did not have to leave Italy, he implied that the offense of those to be expelled had to do with their religious customs rather than with regular offenses of a criminal nature.²⁸ Yet, Tacitus never elaborated in any detail on the rationale behind this measure. In his eyes, the Senate’s decision was too self-evident to need a more specific explanation.²⁹

Dio, by contrast, is very explicit as to why Jews were expelled from Rome: Jews were proselytizing on too large a scale.³⁰ Although this explanation is straightforward, it is nevertheless not very plausible. The passage in Dio’s *Roman History* is only a casual reference inserted into an account written roughly two-hundred years after the expulsion. It is even more problematical that evidence pointing to widespread conversion of non-Jews to Judaism under Tiberius is extremely weak. It is true that Jewish proselytism was one of the favorite subjects of first-century authors who wrote about the Jews,³¹ though the remarks are rather stereotypic. It is also true that in the first century C.E. some upper-class Romans felt attracted to Judaism, not improbably because of its “lofty moralism with high moral codes.”³²

26. Leon (above, n. 11) 19; Smallwood (above, n. 11) 203–4; M. Stern, *Greek and Latin Authors on Jews and Judaism 2* (Jerusalem: Israel Academy of Sciences and Humanities, 1976–84) 70; Solin (above, n. 11) 687; K. A. D. Smelik, “Tussen tolerantie en vervolging,” *Lampas* 22 (1989) 181; Suet. *Tib.* 36.1.

27. On the translation of this expression, see Solin (above, n. 11) 687–88. L. Feldman, “Jewish Proselytism,” in H. W. Attridge and G. Hata, eds., *Eusebius, Christianity, and Judaism* (Leiden: Brill, 1992) 372–408. Nothing, however, warrants the conclusion that these people were “proseliti ebrei,” *contra* Marasco (above, n. 22) 649.

28. Suetonius says of the astrologers only that those who gave up the practice of their art were permitted to stay.

29. Mommsen thought that the practice of Judaism by *cives Romani* (even Jewish ones) constituted an abandonment of Roman religion (“Der Religionsfrevel nach römischem Recht,” in *Gesammelte Schriften* 3 [Berlin: Weidmann, 1907] 403–6, 413), but this is too rigid and less convincing. Mommsen (p. 418) believed that before 70 C.E. the “Jewish privileges” did not apply to a Jew who became a Roman citizen.

30. This passage is, in my view, not superior to all other accounts, *contra* Smallwood (above, n. 11) 208. I agree with Williams (above, n. 22) 767–78.

31. Sources in Stern (above, n. 26) vol. 3, index, s.v. “proselytism.”

32. Smallwood (above, n. 11) 205.

Yet, as a result of the inclusivist character of Roman religion, as opposed to the exclusivist tendency of Jewish and, later, early Christian monotheism, sympathy for Judaism could also take forms other than conversion. From a Roman perspective there was nothing strange about integrating the Jewish god into a larger, non-Jewish pantheon.³³ Furthermore, to think that many conversions to Judaism took place because Roman religion had become petrified by the early first century C.E. is grossly to oversimplify the situation. Recent studies have shown that in the early Principate the Roman cults of old had far from disappeared. In this period many Romans were *not* desperately looking elsewhere for spiritual guidance.³⁴ In this context we should also consider, once more, Josephus's story of the proselyte Fulvia. Even if the story as a whole is probably fictional, it contains valuable information in its details. According to it, the Jews of Rome were punished only for stealing the "purple and gold" Fulvia wanted to send to the Temple in Jerusalem. Nowhere does Josephus indicate that Jews were penalized for converting a member of the ruling class to Judaism.³⁵ On the basis of these considerations, then, it is simply impossible to maintain that in early first-century Rome conversions to Judaism were taking place on a large scale;³⁶ nor, more important, can one tell whether Roman authorities thought such conversions were actually taking place. Inscriptions from the third- and fourth-century Jewish catacombs cannot, of course, be used to demonstrate that the number of proselytes in the first century C.E. was either large or small.³⁷

Another explanation for the expulsion of the Jews from Rome in 19 C.E. favors political over religious concerns. The evidence for this thesis, however, is even more scanty than for a religious one. H. Solin, unsatisfied with Josephus's explanation of the event, designates the Jews of Rome as a "ständiges

33. E.g. *SHA, Alex. Sev.* 29.2. Other good examples in E. Bickermann, "The Altars of the Gentiles: A Note on the Jewish 'Ius Sacrum,'" in *Studies in Jewish and Christian History* 2 (Leiden: Brill, 1980) 339–40. See in this context also M. H. Williams, "Theosebes gar en—The Jewish Tendencies of Poppaea Sabina," *JThS* 39 (1988) 97–111, esp. 104–5; S. J. D. Cohen, "Crossing the Boundary and Becoming a Jew," *HTHR* 82 (1989) 13–33; J. Reynolds and R. Tannenbaum, *Jews and Godfearers at Aphrodisias*, Cambridge Philological Society Suppl. vol. 12 (Cambridge, 1987); and A. F. Segal, *Paul the Convert: The Apostolate and Apostasy of Saul the Pharisee* (New Haven, Yale University Press, 1990) 95f.

34. K. Latte, *Römische Religionsgeschichte* (München: Beck, 1960) 327f.; Smallwood (above, n. 11) 205. With special emphasis on the Isis cult, Malaise (above, n. 23) 152f., esp. 155; 357f. For different views, A. Momigliano in *Ottavo contributo alla storia degli studi classici e del mondo antico* (Roma: Edizioni di storia e letteratura, 1987) 234; A. Wardman, *Religion and Statecraft among the Romans* (London: Granada, 1982) 23f., 42f., 113–14; J. H. W. G. Liebeschütz, *Continuity and Change in Roman Religion* (Oxford: Clarendon Press, 1979) 27f.

35. Esp. Josephus, *AJ* 18.81–83.

36. Tac. *Hist.* 5.5 does not, in my view, support the inference that Jewish proselytism was successful, *contra* Segal (above, n. 33) 86, a book that contains an otherwise very useful discussion of conversion. Williams (above, n. 22) 771–72 shows that Tacitus is misleading with his designation *ea superstitio infecti*.

37. *Contra* Williams (above, n. 22) 771 and n. 32, and *contra* Smallwood (above, n. 11) 205 n. 14. For the dating of the Jewish catacombs, see L. V. Rutgers, "Überlegungen zu den jüdischen Katakomben Roms," *JbAC* 33 (1990) 140–57.

Ferment der Unruhe," but he does not offer any evidence in support of this judgment. There is no such evidence in the ancient sources. To anyone familiar with the so-called *Berliner Antisemitismusstreit* it need hardly be pointed out that in reality Solin's phrase is nothing but a condensed and somewhat garbled version of the phrase that sparked this controversy. It may be found in the third volume of Mommsen's *Römische Geschichte*: "Auch in der alten Welt war das Judentum ein wirksames Ferment des Kosmopolitismus und der nationalen Dekomposition usw."³⁸

In a recent study, M. H. Williams independently arrives at a conclusion very similar to that of Solin.³⁹ She too tries to show that the Jews of Rome were guilty of unruly behavior. In order to prove her case she refers to a passage in Suetonius and to the account of a famous *repetundae* case of 59 B.C.E. written by Cicero in defense of the propraetor of Asia of the year 62 B.C.E., L. Valerius Flaccus. A closer look at both sources, however, reveals that these references do not support Williams' point. Cicero, it is true, depicts the Jews of Rome in his *Pro Flacco* as a disorderly lot, but his remarks are not trustworthy. In other defense speeches, Cicero discredits non-Jewish opponents using exactly the same kind of expressions he applies to the Jews on this occasion.⁴⁰ It is obvious, therefore, that Cicero's negative comments on the Jews of Rome are rhetorical devices too stereotypical to be of much evidential value.⁴¹ In addition, even if these comments are correct, they predate the events of 19 C.E. by some eighty years. The passage from Suetonius is likewise useless as evidence for the idea that Jews were a disturbing element in Rome. To infer that in 19 C.E. Jews in Rome were notorious troublemakers from the fact that in 44 B.C.E. Jews were among those who had most intensely lamented the death of Caesar, flocking to the Forum for several nights in succession to see the dictator's bier, is in fact too ridiculous to merit further comment.⁴²

Williams suggests, furthermore, that the real reason why the Roman Senate expelled Jews in 19 C.E. was to suppress the unrest caused by a deficiency in Rome's corn supply in that same year. This cannot be proven, as she herself admits, but the suggestion certainly has its merits. It was quite common for the Roman authorities to expel easily identifiable groups from Rome in times of political turmoil. Such expulsions were ordered not for religious reasons, but rather to maintain law and order. It is conceivable that the expulsion of both

38. Solin (above, n. 11) 686, sim. 690 n. 224. T. Mommsen, *Römische Geschichte*, 8th ed. (Berlin: Weidmannsche Buchhandlung, 1889), 3.550. On this controversy, see C. Hoffmann, *Juden und Judentum in den Werken deutscher Althistoriker des 19. und 20. Jahrhunderts* (Leiden: Brill, 1988) 87-132.

39. Williams (above, n. 22) 780.

40. Examples in B. Wardy, "Jewish Religion in Pagan Literature during the Late Republic and Early Empire," *ANRW* II.19.1 (1979) esp. 604f.

41. This also explains how in other contexts the same Cicero argues in a much more conciliatory tone (*Off.* 3.6.28, *Fin.* 5.23.65).

42. Suet. *Iul.* 84.5.

Jews and worshipers of Isis in 19 C.E. is just another example of such a policy.⁴³ But as a result of the piecemeal information provided by the ancient sources, several of the most basic questions remain unanswered. Why, for example, were *the Jews* chosen to be expelled for reasons of law and order? What had *the Jews* done to interfere with the law? How would an expulsion of *Jews* (as opposed to any other group of the city populace) have aided the reestablishment of law and order? One simply cannot tell.

What we do know is that the measures taken by the Roman state were confined to the Jewish community in Rome and not directed against the Jewish population in other parts of the Roman empire.⁴⁴ As in the case of other troublemakers, the verdict was *relegatio* but not *deportatio*.⁴⁵ Jews were banished from Rome, but it appears that their civic or religious liberty was not otherwise impeded. In fact, it is conceivable that they did not have to move very far away from the capital. The decision to conscript Jews, probably in auxiliary units, was made in order to expel a significant number of Jewish *cives Romani* and *Latini Iuniani* without having to go to the trouble of convicting each one individually.⁴⁶ The action could not have encompassed all Jewish citizens living in Rome at this time. Women, children, and those above or below military age were not legally affected by these measures. In fact, one wonders how individual Jews were at all identified.⁴⁷ Yet, even though some Jews escaped direct punishment, it was clear to everyone that in taking such harsh measures, Rome was determined to restore law and order.

THE EXPULSION OF JEWS FROM ROME UNDER CLAUDIUS

During the reign of Claudius, the Jewish community and the Roman authorities clashed once more. The sources yield even less information than they do for the events of 19 C.E.⁴⁸

In their accounts of these events both Suetonius and Dio indicate that Clau-

43. Williams (above, n. 22) 783. Different and unconvincing is Marasco (above, n. 22) 657–58. Exile as a punishment for committing *vis publica* of one sort or another is well documented in Roman legal sources: see Garnsey (above n. 21) 113.

44. Tacitus writes that Jews were expelled from Italy, while Josephus and Suetonius talk about an expulsion from Rome only. The latter authors are probably correct. Solin's argument that Josephus must be believed because Josephus of all people "hat die Strafe sicher nicht unterschätzt" is incorrect ([above, n. 11] 686 n. 212; sim. Smallwood [above, n. 11] 204). After all, it is conceivable that Josephus would have attempted to play down the extent of the expulsion had it concerned the whole of Italy. Note that in dealing with the expulsion of astrologers and actors from Rome Tacitus likewise always talks about expulsions from the whole of Italy: *Ann.* 2.32, 4.14, 15.52, 13.25; *Hist.* 2.62. Is this a coincidence?

45. Garnsey (above, n. 21) 116, 119.

46. Note that freedmen were not normally admitted to the legions: *RE* 5.1 (1923) 604, and esp. 612–22 s.u. *dilectus*.

47. Did Roman officials proceed as aggressively as they did later under Domitian (Suet. *Dom.* 12.2)? Similarly, one wonders how the worshipers of Bacchus who were expelled in 186 B.C.E. (Livy 39.17.5) were identified in the first place. (Through informers? cf. Livy 39.17.1.)

48. Suet. *Claud.* 25.4, Dio Cassius 60.6.6, Acts 18.2, Oros. *Adv. Paganos* 7.6.15.

dius intervened because he wanted to maintain law and order. Suetonius, in a famous phrase, writes that Jews were expelled because "they constantly made disturbances *impulsore Chresto* [at the instigation of Chrestus]." Acts 18.2 confirms that Claudius banished Jews from Rome, but does not specify why. According to Dio, Claudius did *not* banish the Jews from Rome, because there were too many of them. In Dio's version, Claudius rather permitted the Jews to continue to live their traditional Jewish way of life. At the same time, however, he suppressed all gatherings, whether of Jews or of non-Jews, because he considered such gatherings a potential source of unrest.

Because the interpretation of Suetonius's phrase *impulsore Chresto* is difficult, opinions differ as to what caused these disturbances. Some see in *Chrestus* an otherwise unknown individual by that name,⁴⁹ while others consider *Chrestus* to be a synonym for Christianity and, consequently, believe that it was the preaching of Christianity that led to all this commotion.⁵⁰ Most recently, Slingerland has argued forcefully that a Christian interpretation of the evidence provided by Suetonius is wrong because it is based exclusively on arguments *ex silentio*.⁵¹ Slingerland's observations, while not new, are correct. Yet, though it cannot be proved, the idea that the appearance of Christianity created unrest within the Roman Jewish community still remains, in my view, an attractive possibility.⁵²

Whatever upset the Jews of Rome, however, there can be no doubt that Rome intervened because there were disturbances, and not because it wanted to meddle in the internal affairs of the Jewish community of Rome. We would like to know the nature of the disturbances referred to by Suetonius, and how an expulsion of Jews would affect the reestablishment of law and order. Were the Jews really responsible for these disturbances, as Suetonius claims? Or were they just a convenient group whose expulsion could serve as an example to reestablish peace and quiet among the city populace at large? Why the Jews? Even though the passage from Suetonius can be interpreted to mean that only a small group and not the entire community was expelled, one also wonders how many Jews were expelled, or what legal machinery was used to achieve this purpose.⁵³ We have no answer to these important questions.

49. Solin (above, n. 11) 659, 690, following E. Koestermann, "Ein folgenschweres Irrtum des Tacitus (*Ann.* 15.44.2f.)?" *Historia* 16 (1967) 456–69.

50. Smallwood (above, n. 11) 211, and P. Lampe, *Die stadtrömischen Christen in den ersten beiden Jahrhunderten: Untersuchungen zur Sozialgeschichte* (Tübingen: Mohr, 1989) 6, interpret the term as misapprehension on the part of Suetonius.

51. D. Slingerland, "Chrestus: Christus?" in A. J. Avery-Peck, *New Perspectives on Ancient Judaism* 4 (Lanham: University Press of America, 1989) esp. 143.

52. Cf. Lampe (above, n. 50) 8–9.

53. Leon (above, n. 11) 24, Solin (above, n. 11) 690, Lampe (above, n. 50) 7. Smallwood (above, n. 11) 210f. has suggested that under Claudius measures against the Jews of Rome were taken on two separate occasions, but there are several reasons for believing that Jews were expelled only once; cf. Stern (above, n. 26) 2.116, Solin (above, n. 11) 689–90, Smallwood (above, n. 11) 216, Lampe (above, n. 50) 8; see also D. Slingerland, "Suetonius *Claudius* 25.4 and the Account in Cassius Dio," *JQR* 79 (1989) 305f., esp. 320; and see the discussion in *id.*, "Suetonius *Claudius* 25.4,

PROBLEMS UNDER DOMITIAN

Dio Cassius recounts that under Domitian, “many who drifted into Jewish ways were condemned.” The charge against these people was atheism. From Dio’s remarks it is not clear what kind of attachment to Judaism these people displayed, nor do we know who was responsible for familiarizing them with Jewish beliefs and practices. Even though it may very well have been an additional factor, we cannot even be sure whether attraction to Judaism was the real reason for prosecution. It is certainly conceivable that the charge “Jewish ways” offered nothing but a convenient excuse for the autocratic Domitian to eliminate all those suspected of conspiracy. Punishments were heavy. They varied from the confiscation of property to the death penalty.⁵⁴ Despite such rigorous actions against those who felt affinity for Judaism, the Roman Jewish community as a whole was left undisturbed under Domitian. The *fiscus Judaicus* was rigorously extracted in these days,⁵⁵ but no one who was born a Jew seems to have been banished from Rome.⁵⁶

FURTHER REFLECTIONS ON THE EXPULSIONS OF JEWS FROM
FIRST-CENTURY ROME

Was Rome’s policy toward the Jews in first-century Rome determined by religious concerns, by the wish to maintain law and order, or by a combination of the two?

Analyzing the expulsions of Jews from Rome under Tiberius and Claudius, I have shown that there is only very little ancient evidence to suggest that in the first century C.E. Roman Jews were persecuted because of their religious practices and beliefs.⁵⁷ Insofar as the sources indicate at all why Roman authorities decided to act, they all suggest that the main motive was the wish to suppress unrest. The fact that Roman authors use disparaging terms such as *superstitio* and “impious [*profani*] rites” in describing these events reflects a general antipathy to un-Roman religious practices.⁵⁸ In the case of Tacitus and Suetonius, the choice of a depreciative vocabulary in respect to Jews may, in addition, have

Acts 18, and Paulus Orosius’ *Historiarum Adversum Paganos Libri VII: Dating the Claudian Expulsion(s) of Roman Jews*,” *JQR* 83 (1992) 127–44.

54. Dio 67.14.1–3.

55. Most recently, M. H. Williams, “Domitian, the Jews and the ‘Judaizers’—A Simple Matter of Cupiditas and Maiestas,” *Historia* 39 (1990) 196–211, esp. 209.

56. The evidence in the apocryphal Acts of John and rabbinic evidence cannot be used to document an expulsion of Jews from Rome under Domitian (*contra* Smallwood [above, n. 11] 383–84).

57. Correctly seen by A. Momigliano, “Freedom of Speech and Religious Tolerance in the Ancient World,” in S. C. Humphreys, *Anthropology and the Greeks* (London, 1978) 189, 193.

58. Tac. *Ann.* 2.85, Suet. *Tib.* 36. See, in general, S. Calderone, “Superstitio,” *ANRW* II.1.2 (1972) 377–96.

been caused by Rome's bitter experiences during the Jewish Revolt of 66–70/73 C.E. The use of such verbal aggression, however, should not mislead us into believing that Roman magistrates expelled Jews from first-century Rome for religious reasons. At best, a dislike for Judaism served to justify on a subconscious level decisions that had essentially been reached on the basis of administrative and legal considerations.

Other data further support the idea that Rome's measures concerning the Jews had straightforward political causes. For example, Roman law of this period never prescribes expulsion as the penalty for un-Roman religious practices. Of course, irreligious behavior could be exploited in the courts,⁵⁹ yet neither *impietas* nor *superstitio* was considered a criminal offense. Before the fourth century, no technical legal term for religious crimes seems to have existed.⁶⁰ To my knowledge, there is no evidence to support Mommsen's view that in the early Principate Roman citizens who converted to Judaism were liable for capital punishment.⁶¹

If the objective of the authorities in first-century Rome really was systematically to stamp out Judaism as a religion, why then, one might ask, did they simultaneously protect the free exercise of Jewish religious practices in other parts of the empire? The many senatorial decrees issued at the end of the Republic, the measures concerning the Jews in Alexandria taken by Claudius,⁶² and the fact that, during the First Jewish Revolt, Titus was unwilling to abrogate privileges that had been accorded to the Jewish inhabitants of Antioch,⁶³ are all expressions of a policy aimed at guaranteeing the unimpeded observance of Jewish cult practices.

Rome was of course capable of treating the Jews harshly, but usually it had good reasons when it did so. Under Vespasian the Jewish temple at Leontopolis in Egypt was destroyed. This happened, in the words of Josephus, because Vespasian was "suspicious of the incessant tendency of the Jews to revolution."⁶⁴ Similarly, during the Jewish Revolt of 66–70/73 C.E. Rome treated her adversaries without clemency.⁶⁵ In Rome itself one of the more prominent commanders of the same revolt, being a *hostis* of the Roman people, was put to death without formal trial.⁶⁶ Yet, it is clear that these were special measures that were dictated

59. J. A. North, "Religious Toleration in Republican Rome," *PCPhS* 25 (1979) 85, 98 n. 2.

60. This was already noted by Mommsen (above, n. 29) 399–400, 406–7; cf. also A. Watson, *The State, Law and Religion* (Athens: University of Georgia Press, 1992) *passim*.

61. The sources cited by Mommsen (above, n. 23) 574 n. 3 do not prove his point. The evidence for this does not predate the second century C.E. (Stern [above, n. 26] 2.625). Nor have I found evidence that citizenship was bestowed on the basis of religious preference (so Segal [above, n. 33] 89).

62. Josephus, *AJ* 19.278f.

63. Josephus, *BJ* 7.100–111.

64. Josephus, *BJ* 7.420.

65. M. Goodman, *The Ruling Class of Judaea: The Origin of the Jewish Revolt against Rome, A.D. 66–70* (Cambridge: Cambridge University Press, 1987) 231, 235–36.

66. Josephus, *BJ* 7.154. In that sense a *hostis* was similar to a *confessus*; cf. Kunkel (above, n. 19) 22. On the Roman law of war, Mommsen (above, n. 23) 59.

by the war. They did not have any lasting effect on Rome's general policy toward the Jews.⁶⁷

Josephus mentions the expulsion of Jews from Rome in 19 C.E. in direct conjunction with an expulsion of devotees of Isis. This connection is not accidental. In repeatedly expelling the devotees of this Egyptian goddess during the first centuries B.C.E. and C.E., Roman magistrates had concerns very similar to the ones that prompted them to banish the Jews from Rome.⁶⁸ Measures against the cult of Isis were not taken out of fear of non-Roman religion *per se*. They occurred rather in times of general political unrest, as in 58 B.C.E. when Clodius manipulated religion for factional purposes.⁶⁹ On such occasions restrictive measures such as forbidding Isiac cult practices from taking place inside the *pomerium* quickly followed. Yet significantly, Isis worship outside the *pomerium* was not prohibited, nor were its practitioners ever severely persecuted.

In the first and early second centuries C.E., astrologers formed another group that was chased out of Rome at regular intervals. Like the actions against Jews and worshipers of Isis, such expulsions took place without exception in times of political turmoil. Yet, again, an edict forbidding astrology throughout the Roman Empire was never issued, at least not before the time of Diocletian.⁷⁰

The Roman response to the events surrounding the Roman Jewish community in the first century C.E., then, did not differ essentially from the way in which Rome treated Isis worshipers and astrologers: when law and order were seriously disturbed, expulsion was used as a means to suppress disorder. In dealing with such situations, Roman authorities systematically applied a well-tryed formula that can be traced back as far as the Bacchanalia affair of 186 B.C.E. In that year, which followed a period of general unrest, the Senate took vigorous action against the worshipers of Dionysos. These not only had shocked their Roman contemporaries by immodest and promiscuous behavior, but were also alleged to have committed crimes such as the forging of wills and even murder. What most upset the *Patres*, however, was that the number of these worshipers "was so great that they almost constituted a state in the state."⁷¹ In Roman eyes, then,

67. Cf. Josephus, *BJ* 7.100–111, 447–50; *AJ* 12.124; *Vita* 424.

68. Tac. *Ann.* 2.85, Suet. *Tib.* 36. Cf. H. Last, "The Study of the Last 'Persecutions,'" *JRS* 27 (1937) 84–88; G. E. M. de Ste Croix, "Why Were the Early Christians Persecuted?" *P&P* 26 (1963) 24–25, 28.

69. Dio Cassius 53.2.4 (28 B.C.E.); Malaise (above, n. 23) 78, 369f., 378; Latte (above, n. 34) 282f.; F. Coarelli, "I monumenti dei culti orientali in Roma," in U. Bianchi and M. J. Vermaseren, eds., *La soteriologia dei culti orientali nell'impero romano* (Leiden: Brill, 1982) 33–67, esp. 53f.

70. F. H. Cramer, "Expulsion of Astrologers From Ancient Rome," *C&M* 12 (1951) esp. 10, 12, 21, 49; Liebeschütz (above, n. 34) 119f.

71. Livy 39.8.8; cf. 14.16.2f., 39.13.14. North (above, n. 59) 86f.; P. Garnsey, "Religious Toleration in Classical Antiquity," in W. Shiels, ed., *Persecution and Toleration, Studies in Church History* 21 (Oxford, 1984) 8–9; J. M. Pailler, *Bacchanalia: Répression de 186 av. J.-C. à Rome et en Italie: Vestiges, Images, Tradition*, BEFAR 270 (Rome: École Française, 1988) esp. 247f.; R. A. Bauman, "The Suppression of the Bacchanals: Five Questions," *Historia* 39 (1990) 334–48.

the cult of Bacchus appeared above all as a politically dangerous *coniuratio*.⁷² The Senate reacted by punishing those held responsible for conspiracy. Worship of Bacchus was forcefully discouraged, but, significantly, it remained possible under certain conditions.⁷³

All the elements one later encounters in Rome's actions against Jews, Isis worshipers, and astrologers are thus present in Livy's account of the Bacchanalia affair: when law and order were disturbed, Roman authorities interfered because they feared the possible political consequences of such disturbances. The scope and actual effectiveness of the measures taken tended to be limited. Interventions were most likely to occur in periods of general civil unrest. Religious concerns played only a subordinate role; that is, intervention was not generally aimed at suppressing religious practices as such, but was usually carried out because specific criminal offenses that could be formally prosecuted had been committed.

WERE THE ROMANS TOLERANT?

It has long been customary to see in Rome's dealing with the Jews aspects of tolerance or intolerance. For example, Rajak considers the expulsions of Jews from first-century Rome a sign of a Roman intolerance not dissimilar to the intolerance displayed by the Greek cities of Asia Minor half a century earlier. Williams regards the forcible undressing of a ninety-year-old Jew reported by Suetonius as indicative of persecution, while Wardman defines persecution by the test of "a government's will or reluctance to take steps which it knows will be offensive to a significant group" and concludes that in Judaea, Alexandria, and indeed in the entire Diaspora Jews felt persecuted.⁷⁴ Does the evidence justify such conclusions?

To label Rome's policy toward its subjects as tolerant or intolerant is misleading when such terms are not clearly defined. The word "tolerance" can mean the mere willingness to allow people to practice their religion provided that there is no particular reason to stop them. But in other contexts, as for example in Voltaire's *Traité sur la tolérance* (1763), the word has wider implications. It is used to indicate a policy of tolerance, that is, a policy based on the belief that people have a *right* freely to practice their religion (whatever it may be).⁷⁵

72. Livy 14.17.6. North (above, n. 59) 91 maintains that it is impossible to distinguish between political and religious issues.

73. Livy 39.18.7–9, *CIL* 1² 581, North (above, n. 59) 91, Paillet (above, n. 71) 821, Bauman (above, n. 71) 342–43, 347.

74. Rajak (above, n. 2) 28; Suet. *Dom.* 12.2.; Williams (above, n. 55) 205, 209, 211; Wardman (above, n. 34) 125–27.

75. Voltaire, *Traité sur la tolérance* (Paris: Flammarion, 1989 [1763]) *passim*; Roger Williams, *The Bloody Tenent of Persecution for Cause of Conscience Discussed* (1644) as cited in S. Ettinger, "The Beginnings of the Change in the Attitude of European Society Towards the Jews," *Scripta Hierosolymitana* 7 (1961) 201.

Roman laws of the first century C.E. that relate to Jews give the impression that tolerance or intolerance was nothing but a by-product in the formulation of a given policy. Conscious efforts to be tolerant or intolerant do not seem to have been frequently made.⁷⁶ Rome was interested in keeping the urban masses under control and in checking initiatives of too political a nature. For the rest, Roman authorities just let people be. The first definition of “tolerance” is thus more appropriate than the second to characterize Roman policy toward the Jews.

Further evidence likewise illustrates that tolerance was only a by-product of Rome’s administrative measures. The reaffirmation of Jewish privileges in Asia Minor by the Senate in the last half of the first century B.C.E., for example, was primarily an organizational measure aimed at reestablishing peace and quiet on the local level. It was not the expression of a policy whose main objective was to ensure religious freedom. That the motive behind Rome’s confirmation of Jewish privileges during the first centuries B.C.E. and C.E. did not result from a policy of tolerance also follows from the fact that most, if not all, senatorial and imperial decrees regarding the Jews were not initiated by the Romans themselves, but were the result of initiatives taken by individual Jewish communities.⁷⁷ Comparably, during the First Jewish Revolt (66–70/73 C.E.), Rome showed little mercy to the Jewish insurgents. Yet no repressive measures were taken against the Jews of the Diaspora. Again, this happened not because Romans were generally tolerant, but simply because such measures were not necessary. Later, early in the third century C.E., the decurionate was imposed on Jews wealthy enough to carry the financial burdens connected with this office.⁷⁸ Once again, such an act is not indicative of specifically pro- or anti-Jewish feelings on the part of Roman authorities. Rather it was the economic situation of the empire that necessitated the measure. All these examples suggest that Roman policy toward the Jews was often guided by purely pragmatic concerns rather than by an ideology of tolerance.

There were many areas where Roman authorities did not regulate. Once more, it is not correct to equate such nonintrusion with tolerance. In first-century Rome, shrines dedicated to gods of foreign extraction were springing up throughout the city.⁷⁹ Urban officials do not seem to have interfered with this development. Clearly, such officials did not display tolerance. They were just being indifferent. Even when it came to persecuting the earliest Christian com-

76. *Contra Smelik* (above, n. 26) 179.

77. Garnsey (above, n. 71) 11. On the pattern of “petition and response” in general, see Millar (above, n. 9) 541–44.

78. *Dig.* 50.2.3.3, 27.1.15.6.

79. See Coarelli (above, n. 69) 33–67, esp. the map between pp. 38 and 39 (the evidence partly postdates the period addressed in this article); S. M. Savage, “The Cults of Ancient Trastevere,” *MAAR* 17 (1940) 26–56; M. Le Glay, “Sur l’implantation des sanctuaires orientaux à Rome,” in *L’urbis: Espace urbain et histoire*, CEFR 98 (Rome: École Française 1987) 545–57. On the *ad hoc* character of urban development in first-century Rome, see D. G. Favro, “The Urban Image of Augustan Rome” (Ph.D. dissertation, University of California, Berkeley, 1984).

munities in the course of the second century C.E., an element of noninterference did not disappear completely: the emperor Trajan decided that Christians should be punished, but simultaneously made it clear that no efforts should be made to track them down.⁸⁰

Much of what has been said with regard to tolerance also holds true in respect to intolerance. After the First Jewish Revolt the Temple tax was converted into the *fiscus Judaicus*. It has been suggested that a punitive element played a role in this conversion, but there is little ancient evidence that points in that direction.⁸¹ It is not correct to infer that the Romans wanted to penalize the Jews from the fact that some Jews viewed the Jewish tax as a punishment.⁸² It is much more likely that Rome construed this measure as an ingenious redirecting and systematization of an already existing tax. Especially when seen in the larger context of Vespasian's taxation policy, the institution of the *fiscus Judaicus* ceases to appear as an act of vindictiveness that was aimed at the Jews because they were Jews. In the 70s C.E. various forms of taxation were enforced with great rigor among all subjects of the empire.⁸³ To their disappointment, even the opportunistic Alexandrians had to pay the same heavy taxes as everyone else.⁸⁴ Thus, for Vespasian, it was not merely privy money that did not stink; no money did.⁸⁵

Earlier Roman measures concerning the Jews can likewise not be said to reflect an ideology of intolerance. Julius Caesar, the great benefactor of the Jews, had doubled taxation in kind in Judaea, but this was not a specifically anti-Jewish measure.⁸⁶ Little less than a century later, Claudius confirmed the existing rights of the Jewish community of Alexandria in 41 C.E. but abolished the last remnants of the Jewish state following the death of Agrippa I three years later. Again, decisions like these were reached on the basis of administrative concerns. They were not influenced by pro- or anti-Jewish sentiments, but must rather be seen within the larger framework of the ruling of the empire.

From the moment they had first encountered Jews onwards, upper-class Romans had grown used to making a distinction between practical considerations and ideas of a more theoretical nature. In Latin literature of the first century C.E., negative remarks on Jews and Judaism went hand in hand with a tendency to confirm rather than to abrogate Jewish privileges. From a Roman

80. For "accusatory" as opposed to "inquisitorial," see de Ste Croix (above, n. 68) 15. Cf. also Voltaire (above, n. 75) 69–76.

81. S. W. Baron, *A Social and Religious History of the Jews* 2 (Philadelphia: The Jewish Publication Society of America, 1952) 106, believes Vespasian instituted the tax to demonstrate to the rebels in Gaul and Germany that Rome was powerful enough to curb revolts.

82. A. Carlebach, "Rabbinic References to Fiscus Judaicus," *JQR* 66 (1975) 57–58.

83. Suet. *Vesp.* 16. Carlebach (above, n. 82) 61 is not aware of this.

84. Dio Cassius 65.8.2–4.

85. Suet. *Vesp.* 23. On the conceptual background of this tax as interpreted by Josephus, see M. Simon, "Jupiter-Yavhé," *Numen* 23 (1976) 56–57, 65–66; cf. also C. Saulnier, "Flavius Josèphe et la propagande flavienne," *RBi* 96 (1986) 545–62.

86. On the rate of this tax, R. Duncan-Jones, *Structure and Scale in the Roman Economy* (Cambridge: Cambridge University Press, 1990) 189–90.

perspective, there was nothing anomalous about this combination of maintaining the legal status of the Jewish community on the one hand with strong verbal abuse of this same community on the other. Several centuries later we encounter the same phenomenon once more, this time in the laws dealing with Jews contained in the *Codex Theodosianus* of 438 C.E.⁸⁷ Such a state of affairs shows that in unconditionally calling Roman attitudes toward the Jews tolerant or intolerant, one is making a complex set of issues too simple. In the early fifth century, as in the first, verbal “intolerance” could very well be combined with practical “tolerance,” at least as far as the Jews were concerned. Now as then, attitudes to religion and way of life did not directly or automatically affect decisions of a political or administrative nature.

CONCLUSIONS

The evidence discussed in this article warrants the conclusion that the constant factor in Roman policy toward the Jews was that there was no such constant factor. In the Republican period, as in the early Empire, Rome’s “Jewish policy” remained in essence a collection of *ad hoc* measures with often limited effectiveness in both space and time. The *senatus consulta* of the late first century B.C.E. as well as the expulsions of Jews from Rome a few decades later are all examples of a policy that responded to situations. The *ad hoc* character of Roman policy toward the Jews resulted from the fact that both the Jewish communities of the Mediterranean and the policies of individual emperors were subject to change. In the earlier Roman Empire, there never was a standard Roman “Jewish policy,” let alone a Magna Charta for the Jews.

To call Rome’s treatment of the Jews either tolerant or intolerant is to misunderstand the nature of Rome’s dealings with the Jews. Rome readily acknowledged the distinctiveness of the Jewish people and, when they were under attack, was willing to help the Jews protect it—witness, for example, the series of *senatus consulta* dating to the later first century B.C.E. In general, however, Roman magistrates remained hesitant to supervise too closely the practices that expressed aspects of this distinctiveness. In fact, most of the time they saw no reason to do so.⁸⁸ Thus, Roman magistrates treated the Jews the way they did not because they were consciously tolerant, but simply because they had no reason to hinder the free exercise of Jewish religious practices. It is not necessary, therefore, to suppose that Rome treated the Jews reasonably in explicit response to Jewish *beneficia*. Nor is it correct to state on the basis of the limited number of attested Jewish *beneficia* that “toleration of the Jews was sporadic

87. Listed but not interpreted by A. Linder, *The Jews in Roman Imperial Legislation* (Detroit and Jerusalem: Wayne State University Press and the Israel Academy of Sciences and Humanities, 1987) 60–61.

88. Cf. Garnsey (above, n. 71) 12. *Contra* Smelik (above, n. 26) 179f.

because their loyalty to the empire was an uncertain factor.”⁸⁹ The opposite is true: well into late antiquity, nontoleration (or better, interference with) rather than toleration of the Jews was sporadic.

Study of the expulsions of Jews from first-century Rome serves to illustrate the central concern that profoundly determined Rome’s measures concerning its Jewish subjects: the wish to maintain law and order. When law and order were maintained (in the eyes of the Roman authorities), Jews had nothing to fear. When they were disturbed, as in 19 C.E. or under Claudius, legal and administrative measures were taken. In addition to being aimed at remedying the situation, such measures frequently also resulted in impeding the free exercise of religious practices. Interventions by Roman authorities were usually not isolated events. More often than not, Rome intervened in periods characterized by an atmosphere of general unrest among the city populace. In such cases, the emperor or the Senate normally followed a pattern first developed while resolving the Bacchanalia affair of 186 B.C.E.: expulsion of those who on the basis of their un-Roman rituals and practices could easily be represented as threatening the boundaries of Roman society.⁹⁰ In the first century C.E. this happened to at least segments of the Jewish community of Rome; before and after, it happened in a more or less identical fashion to other groups such as Isis worshipers and astrologers. Why *Jews* were chosen to be banished from Rome on at least two occasions during the first century C.E., it is impossible to tell. In placing the expulsions of Jews from first-century Rome within the larger framework of Roman republican and early imperial administration we unfortunately perceive only the how, not the why. But this much is clear: the expulsion of Jews from first-century Rome cannot be regarded as an example of a specifically “Jewish policy” on the part of Roman officials: people other than Jews could be and were expelled under circumstances comparable to those under which the Jews had to leave the city at least twice in the first half of the first century C.E. Thus, in banishing Jews from Rome, Roman officials did not display a systematic ideology of anti-Judaism; they merely gave expression to general administrative concerns as they had arisen unanticipated at specific points in place and time.

Istituto Olandese, Rome

89. Garnsey (above, n. 71) 11, 25; cf. also Rajak (above, n. 2) 116–18.

90. On the possible influence of the Bacchanalia on Pliny’s famous *Letter* 96, Pailler (above, n. 71), esp. 759–70; Bauman (above, n. 71) 342–43.