

MIRIAM PUCCI BEN ZEEV

# Jewish Rights in the Roman World

*Texts and Studies in  
Ancient Judaism*

74

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**Mohr Siebeck**

# Texts and Studies in Ancient Judaism

## Texte und Studien zum Antiken Judentum

Edited by  
Martin Hengel und Peter Schäfer

74





Miriam Pucci Ben Zeev

# Jewish Rights in the Roman World

The Greek and Roman Documents  
Quoted by Josephus Flavius

Mohr Siebeck

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*To the memory of my father*



## Preface

It is a pleasure to acknowledge my gratitude to the scholars and friends who have helped me throughout these years of work.

Prof. David Asheri cannot be thanked enough, not only for this advice, and not only for his suggestions and sound criticism, but for the many kinds of assistance which he has given to me since I arrived in Israel in 1972. The conversations we have had together during these twenty-five years have been most important to me, always yielding more ideas, always encouraging me to do more and better work. My gratitude to him is immense.

Prof. Martin Goodman and Prof. Daniela Piattelli helped me find new answers to the problem of the sources used by Josephus. A further stage toward a possible solution was reached during a most interesting and stimulating conversation with Prof. Tessa Rajak and Prof. Joseph Modrzejewski, and I wish to thank both of them deeply for their assistance in finding new answers to old questions.

I owe much also to the constructive criticism of Prof. Mordechai Rabello and of Prof. Joseph Modrzejewski. Prof. Rabello helped me to find clearer formulations of the problems related to the imperial cult, and Prof. Modrzejewski discussed with me central themes concerning the legal status of the Greek cities vis-à-vis that of the *gentes* living in the Roman world. For the chapter on the meaning of the Jewish rights in practice, the credit is his to a great extent.

I wish to thank Prof. Aharon Oppenheimer for his prodigious assistance and his wise counsel. Prof. Daniel R. Schwartz has given me much good advice all along the way. Prof. Fergus Millar drew my attention to important new texts which constitute important parallels to the documents quoted by Josephus and was kind enough to send them to me. He also put me in contact with Prof. Peter Rhodes, who allowed me access to sections of his work, then in preparation, on the decrees issued by Greek cities. Prof. Martin Goodman has helped with valuable comments on the date of the document concerning Delian Jews. Prof. Zeev Rubin provided me with useful information about Roman official titles and calendar questions, and Dr. Israel Ben Shalom and Dr. Ephrat Habas shared with me their valuable experience concerning controversial interpretations of later Jewish sources. Prof. Mireille Hadas-Lebel has helped me find rare journals in the splendid libraries of Paris, and Prof. Hannah Cotton has suggested a possible new translation to a passage of Augustus' edict sent to Asian Jews. My thanks are also due to Prof. Pieter van der Horst, who has been so kind as to let me read his work on Sabbath



worship in the synagogue before publication, and to Prof. Ranon Katzoff and to Prof. Israel Shatzmann for having lent me their personal copies of books otherwise not available to me. Thanks also to Prof. Renato Oniga and to Prof. Fabio Vendruscolo of the University of Udine who have supplied useful references on the problem of the corruptions appearing in inscriptions and papyri, essential for understanding the meaning of those appearing in the documents quoted by Josephus. I am greatly indebted to Mrs. Colette Muscat, Mrs. Elisheva German, Mrs. Marcelle Hermeche, Mrs. Suzie Ganot and Mrs. Perlina Varon for their readiness to provide assistance of many kinds, and to Mrs. Fay Lifshitz, a dear friend who always stood ready to assist with English editing during the early stages of my work. Thanks go as well to Mr. Peretz Rodman, English copyeditor, for displaying extraordinary professional competence and ability, as well as insights that assisted in improving the arguments presented, accomplished with patience and good humor, and to Mrs. Judith Sternberg who has transformed the manuscript into camera-ready copy with exceptional professionalism, competence and patience. The kindness and diligence of the librarians of the Ben Gurion University of the Negev and of the Jewish National and University Library of Jerusalem have greatly helped me. In particular, I wish to thank Mrs. Sabina Sapirstein and Mrs. Kochevet Ben-Shachar. Thanks are due to Mrs. Caroline Carlier and to Mrs. Miriam Rabinovich, who have helped me preparing the index of the Greek words, to my uncle Mr. Roberto Gentilli, who suggested the title of this work, and to the Dean of the Faculty of Humanities at Ben Gurion University of the Negev, Prof. Jimmy Weinblatt, who has generously supported both the English editing and preparation for publication.

The mistakes which remain are obviously my responsibility. As I found in the work of Krebs, one of the first scholars who commented on some of Josephus' documents, "...confidentius spero, fore, ut lectores eruditi, si titubasse me, lapsumque viderint, mihi veniam concedant, humanitatemque praestent...". This work is a first step. More relevant parallels and a better understanding of the texts and of the problematic which they raise shall be made by others in the future.

Last in prefaces to books come thanks to family members, but as everyone knows, in importance they should come first. Without patience, help and support at home, time, effort and energy cannot be devoted to scholarly research. I was greatly assisted by my husband, who assumed many roles and responsibilities, generously freeing me from numerous duties of home and family, by my mother, always so ready to help in so many ways, and by my eldest daughter Michal, whose gracious efforts have enabled me to devote myself to research over many years. I apologize to them, and to the little ones, Sarah, Rivkah and Malkah Leah, for the adjustments in family life that these years of work have necessitated.

Jerusalem, June 1998

Miriam Pucci Ben Zeev

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# List of Abbreviations

## 1. Inscriptions and Papyri

Aphr.	= Joyce Reynolds, <i>Aphrodisias and Rome</i> , London 1982
BGU	= <i>Berliner griechische Urkunden</i>
CIJ	= <i>Corpus Inscriptionum Judaicarum</i>
CPJ	= <i>Corpus Papyrorum Judaicarum</i>
FIRA <sup>2</sup>	= <i>Fontes iuris romani antejustiniani</i>
GC	= J.H. Oliver, <i>Greek Constitutions of Early Emperors from Inscriptions and Papyri</i> , Philadelphia 1989
IGSK	= <i>Inscripfen griechischer Staedte aus Kleinasien</i>
ILS	= <i>Inscriptiones Latinae Selectae</i>
OGIS	= <i>Orientis Graeci Inscriptiones Selectae</i>
RDGE	= R.K. Sherck, <i>Roman Documents from the Greek East</i> , Baltimore 1969
SEG	= <i>Supplementum Epigraphicum Graecum</i>
SIG	= <i>Sylloge Inscriptionum Graecarum</i>

## 2. Manuscripts of Josephus

P	= Codex Palatinus gr. no. 14
F	= Codex Laurentianus plut. 69 cod. 20
L	= Codex bibliothecae publicae Lugdunensis Batavorum F 13
A	= Codex Ambrosianus F 128
M	= Codex Medicaeus bibliothecae Laurentianae plutei 69 cod. 10
V	= Codex Vaticanus gr. no. 147
W	= Codex Vaticanus gr. 984
O	= Codex Oxoniensis
R	= Codex Regius

## 3. Periodicals

AC	= L'Antiquité classique
AClass	= Acta Classica
ACS	= American Classical Studies
AH	= Ancient History
AICA	= Annali dell'Istituto di corrispondenza archeologica
AJAH	= American Journal of Ancient History

AJPh	= American Journal of Philology
AJT	= American Journal of Theology
Anc.Soc.	= Ancient Society
Annales (ESC)	= Annales: économies, sociétés, civilisations
ANRW	= Aufstieg und Niedergang der römischen Welt
AP	= Archiv für Papyrusforschung und verwandte Gebiete
ASNP	= Annali della Scuola Normale Superiore di Pisa
ASPL	= Acta Societatis Philologiae Lipsiensis
BCH	= Bulletin de correspondance hellénique
BIDR	= Bullettino dell'Istituto di Diritto Romano "Vittorio Scialoja"
BSEAA	= Boletín del Seminario de Estudios de Arte y Arqueología
CISA	= Contributi dell'Istituto di storia antica dell' Università del sacro Cuore
CA	= Classical Antiquity
CJ	= The Classical Journal
CPh	= Classical Philology
CQ	= Classical Quarterly
CRAI	= Comptes rendus de l'Académie des Inscriptions et Belles- Lettres
CW	= The Classical World
EC	= Études Classiques
GRBS	= Greek Roman and Byzantine Studies
HR	= History of Religions
HSPH	= Harvard Studies in Classical Philology
HTR	= Harvard Theological Review
HZ	= Historische Zeitschrift
ILR	= Israel Law Review
JEA	= Journal of Egyptian Archaeology
JH	= Jewish History
JJP	= Journal of Juristic Papyrology
JJS	= Journal of Jewish Studies
JOAI	= Jahresheft des Österreichischen archäologischen Instituts in Wien
JQR	= Jewish Quarterly Review
JRS	= Journal of Roman Studies
JSJ	= Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period
JSS	= Journal of Semitic Studies
JTS	= Journal of Theological Studies
MGWJ	= Monatsschrift für Geschichte und Wissenschaft des Judentums
PAAJR	= Proceedings of the American Academy for Jewish Research
PBSR	= Papers of the British School at Rome
PCPhS	= Proceedings of the Cambridge Philological Society

PP	= La Parola del Passato
QIASA	= Quaderni dell'Istituto di archeologia e storia antica
RA	= Revue archéologique
RB	= Revue biblique
REJ	= Revue des études juives
REL	= Revue des études latines
RFIC	= Rivista di Filologia e di Istruzione Classica
RHDFE	= Revue historique de droit française et étranger
RHPHR	= Revue d'histoire et de philosophie religieuses
RIDA	= Revue internationale des droits de l'antiquité
RM	= Rheinisches Museum für Philologie
RMI	= La Rassegna Mensile di Israel
RN	= Revue Numismatique
RSA	= Rivista Storica dell'Antichità
SCI	= Scripta Classica Israelica
SCO	= Studi Classici e Orientali
SDHJ	= Studia et documenta historiae et iuris
StTh	= Studia Theologica
TAPA	= Transactions and Proceedings of the American Philological Association
VDI	= Vestnik drevnej istorii
WJA	= Würzburger Jahrbücher für die Altertumswissenschaft
ZDPV	= Zeitschrift des Deutschen Palästina-Vereins
ZNW	= Zeitschrift für die neutestamentliche Wissenschaft und die Kunde der älteren Kirche
ZPE	= Zeitschrift für Papyrologie und Epigraphik
ZSSR	= Zeitschrift der Savigny — Stiftung für Rechtsgeschichte

#### 4. Reference Works

CAH	= <i>Cambridge Ancient History</i>
CHJ	= <i>Cambridge History of Judaism</i>
CRJNT	= <i>Compendia Rerum Judaicarum ad Novum Testamentum: The Jewish People in the First Century</i> , I, ed. S. Safrai, M. Stern, Assen 1974.
CSS	= <i>Classical Studies in Honor of David Sohlberg</i> , ed. R. Katzoff, Y. Petroff, D. Schaps, Ramat Gan 1996.
DA	= Dissertation Abstracts. International Abstracts of Dissertations. Ann Arbor, Mich. Univ. Microfilms
GLAJJ	= M. Stern, <i>Greek and Latin Authors on Jews and Judaism</i> , Jerusalem, I, 1972; II, 1980.
MRR	= T.R. Broughton, <i>The Magistrates of the Roman Republic</i> , II, New York 1952; III, <i>Supplement</i> , Atlanta 1986.



- PIR<sup>2</sup> = *Prosopographia Imperii Romani*  
RGE = *Rome and the Greck East to the Death of Augustus*, edited  
and translated by R.K. Sherk, Cambridge 1984.  
SEHWW = M. Rostovtzeff, *The Social and Economic History of the*  
*Hellenistic World*, I, II, Oxford 1941.

## Introduction

The Roman and Greek documents quoted in the *Antiquities* of Josephus represent the main information we have concerning the rights and privileges bestowed upon the Jews, both in Judaea and in the diaspora, by the Roman authorities in the first century BCE and in the first century CE. These documents therefore are extremely important for the reconstruction of the Roman policy towards Jewish customs and practices both in Judaea and in the diaspora. They also help shed some light on the complex, and often otherwise unattested, relations between the Jews and the Greeks in communities such as those of Cyrene, Alexandria, Ephesus, Pergamum, Delos, Miletus, Tralles, Delos, Paros, Laodicea, Halicarnassus, Sardis and Dora on the Palestinian coast.

The documents dealing with Jewish rights quoted by Josephus in his *Antiquities* are scattered in three main groups. In the fourteenth book, while dealing with the period of Caesar, Josephus inserts documents written in the republican age. At the beginning, documents from Caesar's time appear: a decree issued by Caesar himself concerning Hyrcanus II and Judaea (document no. 1) and a number of fragmentary quotations of *senatus consulta* which confirm Caesar's decisions (documents nos. 2–6). They are followed by a *senatus consultum* issued during the consulship of Marcus Antonius and Publius Dolabella after Caesar's death (no. 8), and by three fragmentary versions of the decree issued by the consul Lucius Cornelius Lentulus in 49 BCE, granting exemption from military service to the Roman Ephesian Jews (nos. 10, 13, 16). We also find five letters concerning Jewish rights sent by Roman magistrates to the council and people of Greek cities of Asia Minor and of the islands (nos. 7, 9, 11, 14, 18). Then a number of Greek documents appear: a letter sent by a Greek city to a Roman magistrate (no. 17) and four decrees issued by the councils of Greek cities in Asia Minor (nos. 12, 19–21), all of them dealing with Jewish rights.

Documents written in the Augustan period are quoted by Josephus in the sixteenth book of the *Antiquities*, while dealing with Herod's reign. They consist of two documents issued by the emperor himself, namely, an edict concerning the Asian Jews (no. 22) and a *mandatum* sent to Norbanus Flaccus (no. 23), and of four letters written to the council of Greek cities by Agrippa (nos. 24 and 25), by Gaius Norbanus Flaccus (no. 26) and by Jullus Antonius (no. 27). With one exception, Agrippa's letter to the council of Cyrene (no. 25), all the documents written in Augustus' time deal with the rights of the Asian Jews.

Finally, three edicts issued at the middle of the first century CE appear in the nineteenth book of the *Antiquities*. Two of them are issued by the emperor Claudius: the first deals with the Alexandrian Jews (no. 28), the second concerns the Jews “in the rest of the world” (no. 29) and the last document is an edict issued by the prefect Petronius concerning the conflict between Greeks and Jews at Dora on the Palestinian coast, which confirms Claudius’ conferral upon the Jews of the right to follow their ancestral customs and laws (no. 30).

It therefore appears that these documents are of different kinds, including decrees passed by Roman magistrates (Lentulus, Caesar and Petronius), *senatus consulta*, letters written by Roman officials to the councils of Greek cities and edicts and *mandata* issued by the emperor; among the Greek documents, we find one letter and decrees issued by the councils of Greek cities.

Josephus is not the first historian who includes the text of documents in his historical narrative. “Citation of documents”, Rajak observes, “is not entirely alien to Greek historiography — witness the late Thucydides — but it is particularly a hall-mark of near-Eastern writing, starting with Ezra’s decrees of Cyrus, and making a pronounced appearance in the Roman treaties and Seleucid decrees of Maccabees I and II”.<sup>1</sup> No doubt, this tradition was part of a literary design, which however at the same time had clear apologetic purposes.<sup>2</sup>

Josephus himself shares them with his public: “And here it seems to me necessary to make public all the honors given our nation and the alliances made with them by the Romans and their autocrats, in order that the other nations may not fail to recognize that both the kings of Asia and of Europe have held us in esteem and have admired our bravery and loyalty. Since many persons, however, out of enmity to us refuse to believe what has been written about us by Persians and Macedonians because these writings are not found everywhere and are not deposited even in public places but are found only

<sup>1</sup> Tessa Rajak, “Was There a Roman Charter for the Jews?”, *JRS*, 74, 1984, p. 121. See also A. Momigliano, “Eastern Elements in Post-Exilic Jewish and Greek Historiography”, in: *Essays in Ancient and Modern Historiography*, Middletown 1977, pp. 31–33.

<sup>2</sup> See P. Collomp, “La place de Josèphe dans la technique de l’historiographie hellénistique”, in: *Etudes historiques de la Faculté des Lettres de Strasbourg*, Paris 1947, pp. 81–82. The list of the Roman treaties and Seleucid decrees cited in I and II Maccabees is given in Rajak, “Was There a Roman Charter?” (supra, note 1), p. 121, note 50. See also eadem, “Jewish Rights in the Greek Cities under Roman Rule: a New Approach”, in *Approaches to Ancient Judaism, V: Studies in Judaism and Its Greco-Roman Context*, ed. W.S. Green, *Brown Judaic Studies* 32, Atlanta 1985, p. 22. As for the documents issued by Ptolemaic, Seleucid and Roman authorities on behalf of the Jews quoted by Josephus, see L. Troiani, “Per un’interpretazione della storia ellenistica e romana contenuta nelle ‘Antichità Giudaiche’ di Giuseppe (libri XII–XX)”, *Studi Ellenistici*, I, ed. B. Virgilio, Pisa 1984, pp. 42–44.

among us and some other barbarian peoples, while against the decrees of the Romans nothing can be said — for they are kept in the public places of the cities and are still to be found engraved on bronze tablets in the Capitol ... from these same documents I will furnish proof of my statements” (*Ant.* XIV, 186–188). Josephus also apologizes to his public for not quoting all the available documents: “I have refrained from citing them all as being both superfluous and disagreeable; for I cannot suppose that anyone is so stupid that he will actually refuse to believe the statements about the friendliness of the Romans towards us, when they have demonstrated this in a good many decrees relating to us, or will not admit that we are making truthful statements on the basis of the examples we have given” (*Ant.* XIV, 267). Similarly we read in *Ant.* XVI, 174–178: “Now it was necessary for me to cite these decrees since this account of our history is chiefly meant to reach the Greeks in order to show them that in former times we were treated with all respect and were not prevented by our rulers from practising any of our ancestral customs but, on the contrary, even had their co-operation in preserving our religion and our way of honoring God. And if I frequently mention these decrees, it is to reconcile the other peoples to us and to remove the causes for hatred which have taken root in thoughtless persons among us as well as among them. For there is no people which always follow the same customs, and it also happens that there are great differences among cities. And it is most profitable for all men, Greeks and barbarians alike, to practice justice, about which our laws are most concerned and, if we sincerely abide by them, they make us well disposed and friendly to all men. We therefore have a right to expect this same attitude from them, for one should not consider foreignness a matter of differences in practice but of whether there is a proper attitude to goodness. For this is common to all men and alone enables society to endure”.

Since Josephus’ purposes are overtly apologetic, it is clear that he quotes only those documents which exhibit a favourable attitude toward the Jews. In the same period of time, other documents were issued by the Roman authorities which attested a much less favourable attitude towards the Jews. Such were the orders of expulsion of Roman Jews which were issued several times from the second century BCE to Claudius’ time,<sup>3</sup> the decree issued by Flaccus,<sup>4</sup> and the imposition of the payment of the *Fiscus Judaicus* after the

<sup>3</sup> M. Stern, “The Expulsions of Jews from Rome in Antiquity” (Hebr.), *Zion*, 44, 1979, pp. 1–27; P. Watson, *Paul, Judaism and the Gentiles. A Sociological Approach*, Cambridge 1986, pp. 89, 91–94; Christiane Saulnier, “Il les chassa de Rome”, *Le Monde de la Bible*, 51, 1987, pp. 8–9; D. Slingerland, “Suetonius *Claudius* 25.4, Acts 18, and Paulus Orosius’ *Historiarum Adversum Paganos Libri VII*: Dating the Claudian Expulsion(s) of Roman Jews”, *JQR*, 83, 1992, pp. 127–144; L.V. Rutgers, “Roman Policy towards the Jews: Expulsions from the City of Rome during the First Century C.E.”, *CA*, 13, 1, 1994, pp. 56–74.

<sup>4</sup> Barclay observes that “Josephus would take care to omit reference to those occasions (e.g. the decision of Flaccus which we know from Cicero) on which Roman rule was less accommodating to Jewish sensibilities. ... Josephus gives a highly partisan selection of

defeat of the Jewish rebellion in 70.<sup>5</sup> It is also likely, as Trebilco suggests, that some Jewish claims to rights were rejected by the Romans at certain times.<sup>6</sup> In other words, documents existed which for obvious reasons Josephus chooses not to quote. It follows that the picture which emerges from the documents that appear in the *Antiquities* is one-sided.<sup>7</sup> It is also a partial picture. The same Josephus admits that “there are many other such decrees... I have refrained from citing them all as being both superfluous and disagreeable...” (*Ant.* XIV, 265–6). The Jewish diaspora was widely dispersed. Philo mentions “Jewish colonies sent out at divers times to the neighbouring lands Egypt, Phoenicia, the part of Syria called the Hollow and the rest as well and the lands lying far apart, Pamphylia, Cilicia, most of Asia up to Bithynia and the corners of Pontus, similarly also in Europe, Thessaly, Boeotia, Macedonia, Aetolia, Attica, Argos, Corinth and most of the best parts of Peloponnese. And not only are the mainlands full of Jewish colonies but also the most highly esteemed of the islands Euboea, Cyprus, Crete” (*Leg.* 281–2). It therefore appears that the texts quoted by Josephus do not deal with diaspora Judaism in Roman times in a uniform way, but with some specific communities only, and chiefly with the Asian ones. Beyond them, a number of documents deal with Judean Jews, such as those written in Caesar’s days (nos. 1–6), and the *senatus consultum* passed during the consulship of Marcus Antonius and Publius Dolabella (no. 8). Only one document concerns all the Jews (document no. 29), another Alexandrian Jewry (document no. 28), a third one the Jewish community of Cyrene (document no. 25). Josephus gives us only selected documents, choosing ones which help him to substantiate the notion he was interested in stressing over and over, namely, that through republican and imperial times, the Romans respected and honored the Jewish people.<sup>8</sup> Josephus’ apologetic purposes in quoting his documents coincide here with those of the Roman propaganda, which emphasized the Romans’ readiness to recognize the rights of the peoples living under their rule. The reason which the Romans gave to this policy of theirs was religious considerations and respect for the gods, to whom Rome owed its own good luck. These motives, which appears in epigraphical sources (such as *RDGE* nos. 23, ll. 37–38; 34,

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material” (J.M.G. Barclay, *Jews in the Mediterranean Diaspora from Alexander to Trajan (323 BCE–117 CE)*, Edinburgh 1996, p. 263).

<sup>5</sup> Contemporary sources are papyri concerning Egypt (*CPJ* II, nos. 160–229). See also *CPJ*, I, pp. 60, 80–85, and *GLAJJ*, I, pp. 198–200; II, p. 129.

<sup>6</sup> P.R. Trebilco, *Jewish Communities in Asia Minor*, Cambridge 1991, p. 12.

<sup>7</sup> A.M. Rabello, “The Legal Condition of the Jews in the Roman Empire”, *ANRW*, II, 13, 1980, p. 682. On the material left out by Josephus, see J. Juster, *Les Juifs dans l’empire romain*, I, Paris 1914, pp. 152–154 and Rajak, “Jewish Rights” (supra, note 2), p. 34, note 12. On the apologetic function of the quotation of documents in Josephus, see J.D. Gauger, *Beiträge zur jüdischen Apologetik*, Köln-Bonn 1977, pp. 9–11.

<sup>8</sup> See S.J.D. Cohen, “Respect for Judaism by Gentiles according to Josephus”, *HTR*, 80, 1987, pp. 409–430.

ll. 11–24; 38, ll. 23–25; *Aphr.* no. 8, l. 39) are the same stressed by Josephus while quoting Nicolaus: “it is not only to us but to almost all men that you have been benefactors in your rule by preserving existing rights and adding more than were hoped for, and one might make an endless speech if one were to enumerate each of the benefits which they have received from you” (*Ant.* XVI, 49).<sup>9</sup>

Consciously or not, this message was probably meant for different publics. On one hand, Josephus aimed at reminding the Romans of the old tradition on which the Jewish rights were based — an issue which had to be particularly urgent in Domitian’s day.<sup>10</sup> On the other hand, he surely had in mind also his Greek readers, whom he wanted to be aware that the Jews throughout the empire stood under the special protection of the Romans. As Tessa Rajak observes, “Josephus wanted to make a broad case for the acceptance by pagans of the practice of the Jewish religion among them and that of paganism by Jews, namely, for mutual understanding between Greeks and Jews. This was an open and problematic issue in the period in which Josephus lived. An attempt by the Greco-Syrian citizens of Antioch to get permission from Titus to destroy the bronze tablets on which Jewish rights were engraved ... shows that the arrangements still had value for the Jews as late as A.D. 71. The problems involved therefore were still real to Josephus”. Troiani, too, emphasizes that Josephus’ interest in his documents was due to their contemporary significance.<sup>11</sup>

The Jewish situation in the diaspora seems to have been particularly tense in Josephus’ days and he himself was somehow involved, as we understand from his own statement in *Bell.* VII, 448. Latent unrest was to explode less than one generation after Josephus’ death in the so-called “Jewish revolt” in Trajan’s days. “Where a document was favourable” Tessa Rajak observes, “it was a piece of ammunition in a fight for religious and, consequently, often physical survival. Roman decisions mattered because they sought to control Greek official decisions, and Greek official decisions mattered not, primarily, because of the precise issue to which they were addressed, but because they influenced opinion and behaviour and because any point of difference which arose was ground which, for each party, had to be defended”.<sup>12</sup>

It is also probable that, quoting his documents, Josephus wanted to reach the attention of his fellow Jews too. He himself states that one of his purposes is that of “reconciling the other nations to us and of removing the causes for hatred which have taken root in thoughtless persons among us as well as

<sup>9</sup> See Troiani, “Per un’interpretazione” (supra, note 2), p. 39, note 2.

<sup>10</sup> See M.H. Williams, “Domitian, the Jews and the ‘Judaizers’. A Simple Matter of *Cupiditas* and *Maiestas*?”, *Historia*, 39, 1990, pp. 196–211.

<sup>11</sup> Rajak, “Jewish Rights” (supra, note 2), p. 22; eadem, “Was There a Roman Charter?” (supra, note 1), p. 121; Troiani, “Per un’interpretazione” (supra, note 2), p. 45.

<sup>12</sup> Rajak, “Jewish Rights” (supra, note 2), p. 31.

among them”, which Troiani is probably correct interpreting as referring to diaspora Jews.<sup>13</sup> At the same time, Josephus had probably in mind also the Jews living in Judaea. “If the Romans are the basis for the freedom of the Jews to follow the law of Moses”, Moehring observes, “and if the Romans did not revoke these rights even after they had crushed the Judaeian rebellion of 66–70 CE, then the lesson for any Jewish reader is clear: it would be criminal madness ever again to endanger the peaceful relations between Rome and the Jews”.<sup>14</sup>

No doubt, Josephus had many good reasons to quote his documents, and this is one of the reasons which lead scholars to doubt their authenticity.

The issue of the authenticity of these documents is actually the first question to be asked, namely, whether we are allowed to use them as authentic historical documents and to draw conclusions from their content — a question often dealt with since the eighteenth century, but often with preconceptions which invalidate the conclusions. Moehring correctly emphasizes that often apologetic trends in modern research seem to have been responsible both for the acceptance of these documents as authentic and for their rejection as forgeries. “Shifts in the interpretation of the documents cited by Josephus”, Moehring observes, “— and in practice this means their acceptance as authentic or their rejection as forgeries — are based not so much on intrinsic factors, i.e. better historical knowledge of the *Sitz im Leben* of the documents themselves, but rather to a high degree on apologetic concerns of modern historians. ...There certainly is a great amount of pseudohistory present: the use of Josephus for contemporary apologetic purposes without regard for the intention of his writings”. Moehring’s critical examination of representative modern interpretations of selected passages in Josephus’ documents is surely highly instructive.<sup>15</sup>

Even independently of any theological preconceptions, the documents quoted by Josephus raise questions not always easy to answer pertaining to their possible authenticity. At close inspection, they reveal textual corruptions, fragmentary state, and chronological mistakes. Moreover, no order whatsoever may be found among the documents themselves. No wonder why scholars conceived the possibility that Josephus may have forged the documents he quotes.<sup>16</sup>

<sup>13</sup> L. Troiani, “Un nuovo studio su Giuseppe”, *Athenaeum*, 63, 1985, p. 192; idem, “I lettori delle *Antichità Giudaiche* di Giuseppe: prospettive e problemi”, *Athenaeum*, 64, 1986, pp. 344–350.

<sup>14</sup> H.R. Moehring, “Joseph ben Matthia and Flavius Josephus: The Jewish Prophet and Roman Josephus”, *ANRW*, II, 21, 2, 1984, pp. 896–7.

<sup>15</sup> H.R. Moehring, “The *Acta pro Judaeis* in the *Antiquities* of Flavius Josephus”, in: *Christianity, Judaism and other Greco-Roman Cults*, III, ed. J. Neusner, Leiden 1975, p. 126.

<sup>16</sup> M.S. Ginsburg, *Rome et la Judée*, Paris 1928, p. 85.

It is however a fact that since the eighteenth century and in spite of the doubts concerning their authenticity, Josephus' documents have been used as historical sources, and philological and historical aspects emerging from them have been examined thoroughly.<sup>17</sup> At the beginning of this century Josephus' documents, in spite of their corruptions and mistakes, were regarded as substantially authentic documents, so that Juster used them in his comprehensive survey on the Jews in the Roman empire without even discussing the issue of their authenticity.<sup>18</sup> Between 1900 and 1924, the works of Willrich appeared, displaying an extremely critical attitude toward the documents written in Hellenistic times quoted by Josephus. He does not relate, however, to those from Roman times.<sup>19</sup> In the twenties, Rice Holmes, dealing with the decrees written in Caesar's time, observes that "Josephus' report of the decrees which Caesar made in favour of the Jews has occasioned voluminous controversy; but whoever follows it will find that the points in dispute are comparatively unimportant and that the statements which command general assent suffice for the essential truth of history".<sup>20</sup> In the fifties, however, Bickermann felt that more research was necessary to reach definite conclusions, and he examined a small number of Josephus' documents, namely, those dealing with Antiochus III and the Jews, comparing

<sup>17</sup> J.T. Krebs, *Decreta Romanorum pro Iudaeis facta e Iosepho collecta et commentario historico-critico illustrata*, Lipsiae 1768; T. Mommsen, "Sui modi usati da' Romani nel conservare e pubblicare le leggi ed i senatusconsulti", *AICA*, 30, 1858, pp. 181–212; L. Mendelssohn, *De senati consulti Romanorum ab Iosepho Antiq. XIV 8, 5 relati temporibus commentatio*, Diss. Leipzig 1873; F. Ritschl, "Römische Senatusconsulte bei Josephus", *RM*, 29, 1874, pp. 337–344; L. Mendelssohn, "Senati Consulta Romanorum quae sunt in Iosephi Antiquitatibus", *ASPL*, 5, 1875, pp. 87–288; F. Ritschl-L. Mendelssohn, "Nochmals der römische Senatsbeschluss bei Josephus Antiqu. XIV, 8, 5", *RM*, 30, 1875, pp. 419–435; T. Mommsen, "Der Senatsbeschluss bei Josephus ant. 14, 8, 5", *Hermes*, 9, 1875, pp. 281–291; B. Niese, "Bemerkungen über die Urkunden bei Josephus Archaeol. B. XIII. XIV. XVI.", *Hermes*, 11, 1876, pp. 466–488; L. Mendelssohn, "Zu den Urkunden bei Josephus", *RM*, 32, 1877, pp. 249–258; F. Rosenthal, "Die Erlasse Caesars und die Senatsconsulte im Josephus Alterth. XIV, 10 nach ihrem historischen Inhalte untersucht", *MGWJ*, 28, 1879, pp. 176–83; 216–28; 300–22; W. Judeich, *Caesar im Orient*, Leipzig 1885, pp. 119–141; P. Viereck, *Sermo graecus quo senatus populusque Romanus magistratusque populi Romani usque ad Tiberii Caesaris aetatem in scripto publicis usi sunt examinatur*, Göttingen 1888, pp. 96–116; A. Büchler, "Die priesterlichen Zehnten und die römischen Steuern in den Erlassen Caesars", *Festschrift zum Achtzigsten geburstage Moritz Steinschneiders*, Leipzig 1896, pp. 91–109; M. Rostowzew, *Geschichte der Staatspacht in der römischen Kaiserzeit bis Diokletian*, Leipzig 1902, pp. 476–478. See also E. Schürer, *The History of the Jewish People in the Age of Jesus Christ*, I, ed. G. Vermes, F. Millar, Edinburgh 1973, pp. 272–4, notes 20–23.

<sup>18</sup> Juster, *Les Juifs* (supra, note 7), pp. 132–158, 213–242.

<sup>19</sup> H. Willrich, *Judaica. Forschungen zur hellenistisch-jüdischen Geschichte und Literatur*, Göttingen 1900; idem, "Caligula", *Klio*, 3, 1903, pp. 85–118, 288–317, 397–470; idem, *Urkundenfälschung in der hellenistisch-jüdischen Literatur*, Göttingen 1924.

<sup>20</sup> T. Rice Holmes, *The Roman Republic and the Founder of the Empire*, III, New York 1967 (first ed. 1923), p. 507.



them, both in their content and in their formal features, to extant original documents from Seleucid times. The conclusion reached pointed toward authenticity.<sup>21</sup>

Until the middle of the seventies, a general tendency is found in contemporary scholarship to believe that Josephus' documents may be safely used for historical reconstructions.<sup>22</sup> Then a revolutionary article written by Moehring appeared in 1975. After the Jews had lost their war, Moehring observes, Josephus wanted to conquer a place for them in the minds of the educated among their opponents, and in order to achieve his end, he was willing to use any literary weapon at his disposal. Josephus' documents would therefore be not real documents, but possible forgeries, which possessed not much more than antiquarian value in Josephus' time and should be read today as part of Josephus' apologetic scheme. As confirmation, Moehring points to the numerous corruptions which appear in the documents, chronological mistakes, and the lack of order among the documents themselves. Josephus' documents are therefore regarded as "possible forgeries, an apologetic device by a highly partisan author".<sup>23</sup> Moehring's conclusions are accepted by Attridge and Alexander.<sup>24</sup> Hennig and Botermann, too, label Josephus' documents (at least those concerning Claudius' time) as forgeries.<sup>25</sup> These conclusions, however, are not generally shared and Josephus' documents continue to be used as historical pieces of evidence by scholars such as Millar, Badian, Sherk, Trebilco, Huzar, Yavetz and Ben Shalom, and also

<sup>21</sup> E. Bickerman, "Une question d'authenticité: les privilèges juifs", *Annuaire de l'Institut de philologie et d'histoire orientales et slaves*, 13, 1953, Mélanges Isidore Lévy = E. Bickerman, *Studies in Jewish and Christian History*, II, Leiden 1980, pp. 24–43.

<sup>22</sup> The documents are used as historical sources by F.M. Heichelheim, "Roman Syria", in: *An Economic Survey of Ancient Rome*, IV, ed. T. Frank, Baltimore 1938, pp. 231–233; Rostovtzeff, *SEHWW*, II, pp. 999–1001; E. Bammel, "Die Neuordnung des Pompeius und das römisch-jüdische Bündnis", *ZDPV*, 75, 1959, p. 82. Tcherikover goes so far as to state that the documents quoted by Josephus "fortunately are free from suspicion of forgery. They may therefore be utilized" (V. Tcherikover, *Hellenistic Civilization and the Jews*, Philadelphia 1959, p. 306), and in Vermes-Millar's revision of Schürer's *The History of the Jewish People in the Age of Jesus Christ*, I, Edinburgh 1973, p. 53, note 19, we read: "no-one today doubts the essential authenticity of the documents".

<sup>23</sup> H.R. Moehring, "The *Acta pro Judaeis*" (supra, note 15), pp. 133–157, especially pp. 129, 133 and 156.

<sup>24</sup> Attridge writes: "the numerous historical anomalies contained in Josephus' documents may be an indication that some of the documents are apologetic forgeries" (H.W. Attridge, "Josephus and his Works", in: *Jewish Writings of the Second Temple Period*, ed. M.E. Stone, Assen 1984, p. 226), and Alexander observes that some of Josephus' texts could have been fabricated "with an eye to tangible, political advantage" (P.S. Alexander, "Epistolary Literature" in *Jewish Writings of the Second Temple Period*, ed. M.E. Stone, Assen 1984, p. 588).

<sup>25</sup> D. Hennig, "Zu neuveröffentlichten Bruchstücken der 'Acta Alexandrinorum'", *Chiron*, 5, 1975, pp. 326–334; Helga Botermann, *Das Judenedikt des Kaisers Claudius*, Stuttgart 1996, pp. 108–113.

by scholars who deal specifically with the documents themselves, such as Smallwood, Goldenberg, Rabello, Piattelli, Saulnier, Rajak, Hadas-Lebel, Sanders, Stemberger and Barclay.<sup>26</sup> None of these studies, however, takes into consideration the specific issues raised by Moehring, and adequate answers to his questions are still a desideratum in contemporary research. The issue is still an open one, and the time has come to devote to it more research.

The problems raised by Moehring are real ones. Many of the documents quoted by Josephus are preserved in a fragmentary way; they contain

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<sup>26</sup> F. Millar, *The Emperor in the Roman World (31 BC–AD 337)*, London 1977, p. 321; Eleanor Huzar, "Claudius — the Erudite Emperor", *ANRW*, II, 32, 1, 1984, p. 638 ("The edicts [quoted by Josephus] are in the style of Claudius, and, indeed, are closely paralleled in an indisputably Claudian letter to the people of Alexandria dated shortly after these edicts. In the light of the similarities of the documents and the fact that Josephus was publishing his work when the inscriptions could well have been extant, it is reasonable to see these edicts as genuine"); Trebilco, *Jewish Communities* (supra, note 6), p. 7; Z. Yavetz, *Julius Caesar: The Limits of Charisma* (Hebr.), Tel Aviv 1992, pp. 101–103; I. Ben Shalom, *The School of Shammai and the Zealots' Struggle against Rome* (Hebr.), Jerusalem 1993, pp. 8–10; E. Mary Smallwood, *The Jews under Roman Rule*, Leiden 1976, p. 558 ("The authenticity of the documents is hardly in doubt. Though some are mutilated, the style and terminology are those of genuine Roman and municipal enactments"); R. Goldenberg, "The Jewish Sabbath in the Roman World up to the Time of Constantine the Great", *ANRW*, II, 19, 1, 1979, p. 415, note 12; Rabello, "The Legal Condition" (supra, note 7), p. 682; Daniela Piattelli, *Concezioni giuridiche e metodi costruttivi dei giuristi orientali*, Milano 1981, p. 37; Christiane Saulnier, "Lois romaines sur les Juifs selon Flavius Josèphe", *RB*, 88, 1981, pp. 161–95; Rajak, "Was There a Roman Charter?" (supra, note 1), p. 109 ("every new investigation [even by the most sceptical of researchers] serves to confirm that the formal features of the documents are correct for genre and period, to a degree which makes it very difficult to conceive of them as forgeries"; eadem, "Jewish Rights" (supra, note 2), pp. 20, 33, note 3; Mireille Hadas-Lebel, "L'image de Rome auprès des Juifs –164 +70", *ANRW*, II, 20, 1987, p. 789; E.P. Sanders, *Jewish Law from Jesus to the Mishnah: Five Studies*, London 1990, p. 366, note 39 ("I accept the quotations of documents in Josephus as being generally authentic, as do most scholars"); G. Stemberger, "Die Juden im Römischen Reich: Unterdrückung und Privilegierung einer Minderheit", *Christlicher Antijudaismus und Jüdischer Antipaganismus: Ihre Motive und Hintergründe in den ersten drei Jahrhunderten*, ed. H. Frohnhofen, Hamburg 1990, p. 10; L.V. Rutgers, "Roman Policy towards the Jews: Expulsions from the City of Rome during the First Century C.E.", *CA*, 13, 1, 1994, p. 58 ("We 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. It is likewise well known that anyone who attempted to confiscate money destined for the (Second) Temple in Jerusalem was liable to prosecution. Last but not least, evidence for Jews serving in the Roman military is virtually nonexistent. 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"); Barclay, *Jews in the Mediterranean Diaspora* (supra, note 4), p. 263 ("although each document needs to be separately assessed, there is sufficient material here of probable authenticity to give us solid ground on which to build").

corruptions, especially in the spelling of the names and in the titles of Roman magistrates; often the date is lacking; there is no order whatsoever among the documents themselves, and it also happens that documents from Hasmonean times are mistakenly quoted as if they were dealing with the Roman period (the so called chronological mistakes). Moehring is correct. The documents quoted by Josephus create a problematic which must be examined thoroughly.

The meaning of these documents and their possible interpretation from the historical point of view, too, are a matter of controversy in contemporary research. Recently, the legal value which has to be ascribed to these documents has been challenged for the first time. The view maintained by Juster and by most scholars who wrote after him holds that the grants bestowed by Caesar upon Hyrcanus II had legal value and constituted the basis for all the grants they were later to receive. In other words, the Jews received a definite legal position in Caesar's days.<sup>27</sup> The indisputable fact, however, that the grants given to the Jews by the Romans were openly ignored by their Greek neighbours and had to be given over and over again by later Roman authorities may cast some doubt on their actual legal value.<sup>28</sup>

The meaning of the Jewish rights in the context of the Roman policy toward the Jews has to be defined too. No doubt, Jewish monotheism constituted a particular, special feature in its pagan environment, with an "unknown God"<sup>29</sup> impossible to see and impossible to worship in image or statue. The Jewish Divinity could not be brought around in the Roman triumph of 70 CE, and the only way to emphasize the superiority of Roman gods over the Jewish One was the transformation of the tax payed to the Temple of Jerusalem into a new tax for the reconstruction of the temple of Jupiter Capitolinus in Rome. All this was indubitably unusual. We may however wonder whether this automatically also means that the rights bestowed upon the Jews by the

<sup>27</sup> Juster, *Les Juifs* (supra, note 7), pp. 213–217; Smallwood, *The Jews* (supra, note 26), p. 124; A.M. Rabello, *A Tribute to J. Juster: The Legal Condition of the Jews under Visigothic Kings, brought up-to-date*, Jerusalem 1976, p. 220, and idem, "The Legal Condition" (supra, note 7), p. 692.

<sup>28</sup> Rajak, "Was There a Roman Charter?" (supra, note 1), pp. 109–115.

<sup>29</sup> This is the title of an article by Tessa Rajak ("The Unknown God", *JJS*, 28, 1977, pp. 20–29). Other 'Unknown Gods', however, are well attested to in the Greco-Roman world. See E.J. Bickerman, "Anonymous Gods", *Journal of the Warburg Institute*, I, 1937–8 = idem, *Studies in Jewish and Christian History*, III, Leiden 1986, pp. 270–281. Van der Horst emphasizes that "in fact, the term ἄγνωστος θεός is not unequivocal. It may mean a god who is quite well-known to one people, but not or not yet known to another, i.e. a foreign deity... It may mean a deity whose name nobody knows because it has been forgotten... Further, it may mean a god unknown to those who did not receive a special initiation or revelation, or unknown or unknowable — ἄγνωστος can have both meanings — because of the limitations of human knowledge" (P.W. van der Horst, "The Altar of the 'Unknown God' in Athens" (*Acts* 17:23) and the "Cult of 'Unknown Gods' in the Hellenistic and Roman Periods", *ANRW*, II, 18, 2, 1989, p. 1443).

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