

Under the Romans, the Jews maintained and even strengthened their vertical alliance with the ruling power. At the outset it was in the Roman interest to support the Maccabean rebellion (167 – 141 B . C . E .) against the rule of the Syrian Greeks, Rome's chief rival in the eastern Mediterranean; and, indeed, the Jews were a pawn in the struggle between the two great powers. In fact, Judah Maccabee contracted an alliance with the Romans. Moreover, as Judaism spread through the next two centuries, the realistic Romans no doubt perceived that the Jews were too numerous (perhaps 10 percent of the population of the Roman Empire as a whole during the reign of Augustus 18 and 20 percent of the eastern half of the Empire) to risk antagonizing. The spread of the idea of spiritual redemption through a Messiah, with the attendant idea of political liberation from the foreign ruling power, during the period from the second century B . C . E . to the first century C . E . must have given a great boost to the spread of Judaism. It is striking that the motive that had led the biblical Pharaoh to enslave the Jews, namely fear of their expansion in numbers, led to the expulsion of Jews from the city of Rome in 139 B . C . E . (as mentioned in the first century C . E . by Valerius Maximus (1 . 3 . 3), 19 significantly the first mention of a Jewish community in Rome. The reason given for this action, according to Januarius Nepotianus's epitome of Valerius Maximus (1 . 3 . 3), as we have noted, is that the Jews had attempted to transmit their sacred rites to the Romans (*Romanis tradere sacra sua conati sunt*), clearly implying proselytism, or, in the epitome of Julius Paris, that the Jews attempted to infect the Roman customs with the cult of Jupiter Sabazius (*Sabazi* [i.e., Zevaoth] *Iovis cultu Romanos inficere mores conati sunt*), implying an attempt at syncretism or, more likely, an endeavor to spread Jewish practices among "sympathizers" without requiring the rite of conversion. The number of Jews in Rome at this time must have been very small; 20 but the precedent was, with this action, established that though the Jews were to be guaranteed the right to practice their religion themselves, the Romans, as they had shown with the suppression of the cult of Bacchus a half century earlier in 186 B . C . E . (Livy 39 . 8 – 18), resented the spread of a foreign religion among the Roman natives. But such an expulsion must have been short-lived. Indeed, it is interesting that the *lex Pappia* of 65 B . C . E . , which demanded the general expulsion of all non-citizens from Rome on the grounds that they were too numerous and unworthy to live with the Romans, does not seem to have affected the Jews, because a few years later, in 59 B . C . E . , Cicero, in his *Pro Flacco* (28 . 66), noted how numerous they were, how clannish, and how influential in the assemblies. Cicero was defending a client, and lawyers have been known to exaggerate; but it is self-evident that this courtroom tactic was possible only in a city with a Jewish community of some visibility and at least a modicum of influence. Shortly after Cicero's remarks, the standing of the Jews in the Roman Republic was enhanced significantly by no less a figure than Julius Caesar himself. Caesar, whose actions served as weighty precedents in the eyes of all his successors, was grateful for Jewish assistance rendered him during his civil war with Pompey, and he consequently granted the Jews numerous privileges. 21 In city after city in Asia Minor, decrees were issued exempting the Jews from military service, permitting them to send money to the Temple in Jerusalem, and allowing them to form corporate groups, a concession granted uniquely to the Jews that must have seemed remarkable and odious to the non-Jewish inhabitants, because such a privilege might well have appeared to be the first step toward challenging Roman authority. Not surprisingly, such preferential treatment did not leave relations with other groups in the community unscathed. The fact that no fewer than eight cities in Asia Minor were pressured by the Romans to stop their harassment of the Jews (if we assume, as most scholars do, that the Roman documents cited by Josephus are authentic) 22 indicates that such privileges were deeply resented. We may likewise infer that when the Romans gained control of Egypt in 31 B . C . E . the Greeks resented the fact that from being the ruling class they were now reduced to a subject status without even their own council, whereas the Jews retained their autonomy, including their *gerousia* , their *ethnarch*, their right of assembly in synagogues, and their own judicial system. Indeed, when the Jews sought to improve their status and to agitate for admission to the citizenship enjoyed by the Greeks, the latter, seemingly with reason, replied by demanding that the Jews undertake a corresponding increase in their civic responsibilities, such as military service, from which they had hitherto been exempt. In the end, when the general Marcus Vipsanius Agrippa in the year 14 B . C . E . was confronted by both sides, he diplomatically reaffirmed the status quo. Relations between Jews

and the Roman authorities were not, of course, without grave and ultimately explosive tensions, but before the great revolt of 66 – 74 C . E . even the most serious incidents were relatively short-lived. In 19 C . E ., as we have noted, Jews were reportedly expelled from Rome. Again, the expulsion is apparently connected with Jewish expansionism, because the reason given, at least in Josephus's account, is that Jewish embezzlers had defrauded a noble proselyte; 23 and there is consequently reason to believe, as indeed is explicit in Dio Cassius's version, that Jewish missionary activity played a role in this decision. 24 On the surface, this expulsion would seem to be an expression of prejudice against Jews, inasmuch as the punishment meted out to the Jews was far harsher than that imposed on the adherents of the Isis cult (the two incidents are linked in Tacitus [*Annals* 2 . 85], Suetonius [*Tiberius* 36 . 1], and Josephus [*Ant.* 18 . 65 – 84]), who, though they had committed a far more serious offense, were punished much less severely. But this hardly marked a reversal of the traditional policy of toleration toward the Jews, because, in any event, the banishment was brief, though it was apparently not connected with the evil machinations of Tiberius's minister Sejanus, who was not the power behind the throne as early as 19 . 25 In any case, in the year 31 Tiberius restored the rights of the Jews (Philo, *Legatio ad Gaium* 24 . 160). Moreover, it seems most likely that, as in the expulsion of 139 B . C . E ., only proselytes were expelled, because Tiberius, who was careful to obey the letter of the law (Velleius Paterculus 2 . 129 . 2 ; Tacitus, *Annals* 3 . 69 . 6 , 4 . 38 . 3) and who is praised as an administrator by Josephus (*Ant.* 18 . 170 – 78), would have avoided banishing any citizen without a trial. 26

In the same year, 19 C . E ., Germanicus, Tiberius's nephew, apparently discriminated against the Jews during his visit to Egypt by not including Jews (Josephus, *Against Apion* 2 . 63) in his distribution of grain (Tacitus, *Annals* 2 . 59); but Josephus excuses this slight by saying that it was a barren year and that there was a dearth of grain, though one is surely tempted to ask why, if Germanicus was unable to distribute grain to all the inhabitants of Alexandria, he chose to withhold it from all the Jews. Furthermore, Josephus accounts for this discrimination by noting that it was in accord with the opinion of all the Roman emperors about the Jewish inhabitants of Alexandria, presumably that they were not citizens. We may guess that there is more than a coincidence that this event occurred in the same year that marked the expulsion of Jews from Rome. In any case, the significant point is that Josephus, in an essay in which he goes to great lengths to refute anti-Jewish attitudes, refuses to view Germanicus's action as a case of anti-Jewish prejudice. To support his conclusion, Josephus notes that the administration of the grain supplies was withdrawn not only from the Jews but also from the rest of the Alexandrians, though Tacitus (*Annals* 2 . 59), in his version of the incident, gives no such indication and says that Germanicus reduced the price of grain by opening the granaries and adopted many practices pleasing to the multitude. Indeed, in defending the Roman emperors against the charge of discrimination, Josephus (*Against Apion* 2 . 64) stresses that the charge of the Nile and indeed of the entire province, which had been given to the Jews by the Ptolemaic rulers, was continued by the Roman emperors, "who regarded them as not unworthy of such a trust." Philo (*De Somniis* 2 . 18 . 123 – 32) refers, without mentioning his name, to someone whom he knew of the ruling class who, when he was in charge of Egypt presumably as governor, unsuccessfully attempted, first by force and then by argument, to get Jews to disobey their ancestral customs, and especially the Sabbath, hoping thereby to lead them to irregularity in all other matters pertaining to their Jewish practices. We may remark that the striking thing here is that the governor first tried force and then persuasion, rather than, as one would expect, the reverse order. Apparently, as Philo himself indicates, the reason why the administrator gave up his attempt to compel the Jews was that he aroused general indignation; and the Romans were too pragmatic to disregard such a universal condemnation of their behavior. Even the concerted attack on the Jews engineered by the Alexandrian mob in 38 C . E ., with the connivance of the Roman governor, Flaccus, is blamed by Philo not on Rome's policies, because he fervently believed that it was Rome's mission to establish law and order in the world, but rather on the faithless governor, Flaccus. Indeed, the Emperor Caligula himself may be said to be responsible for the termination of the persecution; and, in fact, the strength of the vertical alliance between the Jews and the emperor was shown by the recall of Flaccus shortly thereafter by Caligula, who, at least in this instance,

showed the good sense generally typical of the Roman emperors in their attitude toward the Jews. Flaccus was then put on trial 27 and exiled (Philo, *In Flaccum* 18 . 146 – 49). Not long after this incident, the Alexandrian Jews sent a delegation, headed by Philo, to the Emperor Caligula in Rome to ask him to reassert the traditional Jewish rights granted by the Ptolemies and confirmed by Julius Caesar and Augustus (Josephus, *Ant .* 18 . 257 – 60). The opponents of the Jews likewise sent a delegation, headed by the grammarian and intellectual Apion. Here the “Jewish question,” for the first time in history, was discussed before a high tribunal. 28 Apion’s argument was that the Jews were unpatriotic because they did not pay the honors due to the emperor. Philo, in his treatise *Legatio ad Gaium* , describes the ridicule that the emperor poured on the Jewish delegation; nevertheless, Caligula did not harm the Jewish delegation but merely dismissed them with a joke. 29 Philo clearly presents this as an aberration from traditional Roman policy. Caligula’s attempt to foist his worship as a god on the Jews was regarded by both Philo and Josephus as mad; but even so, we may note that there is no evidence for the assumption that Caligula issued an edict ordering all the inhabitants of the empire, including the Jews, to take part in the worship of the emperor. 30 Moreover, that the Roman governor of Syria, Petronius, in the last analysis was convinced by the Jewish protests to withhold implementation of Caligula’s orders shows how the administrative system of the empire could check an occasional unwise emperor. And so great was the influence of the Jewish king, Agrippa I, in the Roman court where he had been raised, that he was able to persuade the mad emperor Caligula himself to abandon his plans (Philo, *Legatio ad Gaium* 42 . 330 – 34 ; Josephus, *Ant .* 18 . 289 – 301). 31 Furthermore, the key role of Agrippa I (Josephus, *Ant .* 19 . 236 – 38) in the accession of Claudius as Caligula’s successor to the throne in 41 C . E . represents the climax of Jewish influence at court. Claudius himself, to be sure, whom some Alexandrian Jew-baiters declared to have been a castoff son of the Jewess Salome (CPJ 2 . 156 d, lines 11 – 12), followed an “evenhanded” policy in not enlarging Jewish privileges in Egypt; but, of course, he abolished the restrictions imposed on the Alexandrian Jews during the attack of 38 . Indeed, shortly after his accession to the throne, when factional war was renewed in Alexandria between the Jews and their opponents, the new emperor, Claudius, apparently influenced by his friend Agrippa, issued an edict (*Ant .* 19 . 280 – 85) reaffirming the equal civic rights of the Jews. The success of the Alexandrian Jews in winning the favor of the Roman emperor is particularly well illustrated in Claudius’s handling of the lawsuit (CPJ 2 . 156) brought by Isidorus, the head of the gymnasium in Alexandria, in 41 C . E . against the Jewish king Agrippa I. 32 In the end the tables were completely turned, and the prosecutor himself and his ally, Lampon, were put to death. The statement (Suetonius, *Claudius* 25 . 4 , and *Acts* 18 : 2) 33 that Claudius expelled from Rome the Jews who persisted in rioting at the instigation of Chrestus (*Iudaeos impulsore Chresto assidue tumultuantis Roma expulit*), as we have suggested, must be understood, in the light of Dio Cassius’s remark (60 . 6 . 6), to mean that Claudius did not expel the Jews, because, as he says, they had increased so greatly in numbers, but rather that he ordered them, while continuing their traditional mode of life, not to hold meetings. In any case, it was legally impossible to expel those who had any degree of citizenship, as some Jews certainly did. 34 Here again it is the sheer number— and, presumably, influence— of the Jews which served to protect them. In any case, neither Josephus, who is very full at this point, nor Tacitus makes any mention of any expulsion. If, as most scholars believe, the reference to Chrestus is actually to Christus, that is Jesus, perhaps only the Christians were expelled. Or, alternatively, perhaps Claudius did indeed expel all the Jews from Rome and may even have issued an edict to that effect; but under pressure from the Jews, and presumably especially from Agrippa I, he revoked this order and forbade only the right to assemble. 35 In the land of Israel, the pressures that led to revolution in 66 cannot be perceived in the main as a result of anti-Jewish bigotry, although some of the special characteristics of Judaism certainly contributed both to Jewish resistance and to Roman irritation and repression. In the crucial decades before the revolt, Jews were often successful in pressing appeals to the governor of Syria, under whose jurisdiction the Land of Israel lay, and even to the emperor himself; and there are various indications, as we have indicated, that Jewish and Samaritan influence in the imperial court was not negligible. 36 Thus we may note, for example, the case of the recall of the procurator Pontius Pilate (Josephus, *Ant .* 18 . 89) because of the

Samaritans' complaints that he had used undue force in suppressing them. We may guess that one factor in the rapid turnover of procurators in Judaea was Jewish pressure on the Syrian governor in view of the excesses to which the Jews were subjected, and that the relatively long tenure of Pilate (ten years) was due to the influence of Sejanus, an avowed Jew-baiter, 37 on the Emperor Tiberius during part of this period. That the rabbis could and did send delegations to the emperor would indicate that they must have felt that they would receive a favorable response; and indeed this was usually the case. The Jews had considerable influence at the imperial court through the friendship between the royal family and Jewish leaders such as Agrippa I and II. Thus, we find that when a dispute between the Jews and the Samaritans was brought before the Emperor Claudius (War 2 . 232 – 46 ; Ant . 20 118 36), it was the intervention of the young Agrippa II on behalf of through his friendship with the emperor's wife Agrippina, that on Claudius to punish the Samaritans and to dismiss the procurator Cumanus in disgrace for his improper handling of the matter. We may also note that during the first seven years of Nero's reign we know of no fewer than twelve accusations of improper administration made against Roman provincial officials in various parts of the empire, of which six led to condemnations. 38 Josephus's success in getting Nero to overrule the detention of some priests by the procurator Felix (Josephus, Life 13 – 16) may illustrate the influence that Jews had at the Roman imperial court, because he was able to do so through the intervention of the emperor's wife, Poppaea Sabina, "a worshipper of G-d" (yeoseb}w : Josephus, Ant . 20 . 195), perhaps a "sympathizer" with Judaism, 39 to whom Josephus was introduced by Aliturus, an actor of Jewish origin who was a special favorite of Nero (Life 16). That Seneca, despite his bitter remarks about the Jews in his writings 40 and despite the fact that he had been a tutor to Nero and was his chief adviser during the first eight years of his reign, was apparently unable to persuade him to impose an anti-Jewish policy, would again illustrate the strength of the Jewish position at court. If Nero finally did annul the equal civic rights of the Jews in Caesarea (Ant . 20 . 183), this is clearly exceptional and is explained by Josephus as due to the large bribe whereby the Greeks prevailed on Beryllus, Nero's tutor and secretary of Greek correspondence, to influence the emperor. The numerous messianic movements in the Land of Israel, which reached a climax in the first and early second centuries C . E . and which, by definition, sought to establish a Jewish state completely independent of the Romans, must have been a source of great anxiety to the Romans. Josephus (War 6 . 312 – 13) states that what more than anything else incited the Jews to revolt against the Romans in 66 was an ambiguous oracle, found in their sacred scriptures, to the effect that at that time one from their own country would become ruler of the world. The Jews, says Josephus, understood this to mean someone of their own people, whereas in reality, he insists, it referred to the assumption of imperial authority by Vespasian on Jewish soil. Tacitus (Histories 5 . 13 . 2) similarly remarks that the ancient priestly writings of the Jews contained the prophecy that the year 66 was the very time when the East should grow strong and that men emanating from Judaea would possess the world. Tacitus, to be sure, interprets this prophecy to refer to the accession to power of Vespasian and Titus, but it is clear that, as he himself says, the masses of the Jews understood it to refer to a Jewish ascendancy of a messianic nature, though he does not use that term itself. Suetonius (Vespasian 4 . 5) uses almost the same language, stating that over all the Orient there had spread an old and established belief that at that time men coming from Judaea were fated to rule the world. He, too, refers the prediction to the emperor of Rome, while noting that the Jews understood it to refer to a Jewish ruler. Suetonius, however, does add one element, namely that this belief had penetrated the entire Orient, in other words, that Jews throughout the East had shared this messianic belief; and hence, we may assume, the Romans must have viewed it with particular apprehension as a revolt that would embrace the entire Jewish community of the eastern Mediterranean, including, presumably, the major Jewish centers of population of Asia Minor, Syria, the Land of Israel, and Egypt. 41 That the leading rabbi of his day, Jo ĩ anan ben Zakkai, however, could go over to the Roman general Vespasian and predict that he would gain the throne, and that later his pupil, the great Joshua ben ĩ ananiah, could urge the Jews to accept the Roman suzerainty through his telling the famous Aesopian fable of the lion and the crane (Genesis Rabbah 64 . 10) would indicate that many rabbis were reconciled with Roman rule;

and indeed it has been conjectured that some of the differences between Josephus's account in the Jewish War and his account in the Antiquities may be explained by Josephus's emphasis in the latter that the Romans could rely only on the Pharisees in ruling the Land of Israel. 42 After the bloody and unsuccessful Jewish revolution of 66 – 74 , one would have thought that the Romans would have reversed their policy of toleration toward the Jews. And yet, though one might well have expected him after the capture of Jerusalem to be vindictive toward the Jews, Titus, when persistently and continuously petitioned by the people of Antioch (Josephus, War 7 . 100 – 111) to expel the Jews from their city, refused, stating that now that the Jews' country had been destroyed there was no other place to receive them. Thereupon the people of Antioch petitioned Titus to remove the special privileges that the Jews had, but this, too, Titus refused. The non-Jewish inhabitants of Alexandria also, we hear (Ant . 12 . 121 – 22), asked Vespasian and Titus to deprive the Jews of the rights of citizenship; but these Romans refused this request likewise. Indeed, aside from the admittedly humiliating transformation of the Temple tax into a poll tax called the tax to the *fiscus Iudaicus* for the upkeep of the temple of Jupiter Capitolinus, the privileges of the Jews were not diminished. 43 After the war against the Romans, the Jewish leaders of Alexandria seized six hundred Sicarii who had taken refuge with them and turned over these revolutionaries to the Romans to be put to death (War 7 . 409 – 19)—a shameful effort to prove loyalty to the Roman rulers and to restore the vertical alliance. Undoubtedly, there was a great increase in the population of Jews in

Rome after the revolution, because so many captives were taken there and because many of them were apparently freed from slavery by their fellow Jews. That the Jewish king Agrippa II was given the *ornamenta praetoria* , that his sister Berenice became the mistress of the Emperor Titus himself, and that the historian Josephus was given a pension and a residence in the former mansion of the emperor meant that Jewish influence in high places remained. Under Domitian (81 – 96) the *fiscus Iudaicus* was collected very strictly (*acerbissime* , “very harshly,” “very bitterly”) through informers (Suetonius, Domitian 12); but this hostile attitude seems to have been prompted again by Jewish (and/or Christian) success in winning converts, especially at the court itself in the persons of the emperor's cousin Flavius Clemens, who was executed, and the latter's wife Flavia Domitilla (Suetonius, Domitian 15 . 1 ; Dio Cassius 67 . 14 . 1 – 2 ; Eusebius, *Historia Ecclesiastica* 3 . 19 – 20), who was exiled. But, just as before, this hostility was short-lived, and with Nerva (96 – 98) the persecution for following Jewish ways was ended. After the death of Domitian, there was again a relaxation of anti-Jewish pressure, perhaps, we may conjecture, because the Romans were so busy waging wars in the East against the Parthians and because they feared that the Jews would form a “fifth column” if they were persecuted. In any case, even the great Diaspora revolt of 115 – 17 C . E . does not appear to have caused fundamental changes in Roman policy. One might suppose that Hadrian (who ruled from 117 to 138), as an intellectual, would have been influenced by the anti-Jewish prejudice that was widely prevalent among Roman writers, but this was not so. Indeed, during his reign, the Jews, at least at first, had high hopes that the traditional formula of the emperors, favorable to the Jews, would be resumed; and indeed this hope seems to have been borne out by his first act, executing the hated governor of Judaea, Lusius Quietus. Whether Hadrian's decree forbidding circumcision was issued before (so *Scriptores Historiae Augustae* , Hadrianus 14 . 2) 44 and thus contributed to the Bar Kochba rebellion (his edict forbidding circumcision was, in any case, directed not merely against Jews but against all who practiced it) in 132 – 35 C . E . is uncertain. 45 Most likely, Hadrian's legislation concerning circumcision was a continuation of the legislation concerning castration rather than a specific measure aimed at the Jews. 46 But, in any case, the revolt itself was followed by a series of draconian decrees against many Jewish observances. Yet these, too, were alleviated by his successor Antoninus Pius. That the latter (*Digest* 48 . 8 . 11) permitted Jews to circumcise their own children but not converts is another indication that the chief objection was to proselytism. Antoninus Pius's successor, Marcus Aurelius, as he was passing through the Land of Israel on his way to

Egypt, is reported by the fourth-century Ammianus Marcellinus (22 . 5 . 5) to have been often disgusted with the “malodorous and rebellious Jews” (*Iudaeorum fetentium et tumultuantium*); nevertheless, it is revealing that this did not lead to persecution of the Jews but rather to a cry of sorrow (*dolenter*): “O Marcomanni, O Quadi, O Sarmatians, at last I have found a people more

unruly then you.” Indeed, the official attitude of the Roman government was not merely to tolerate Judaism but positively to protect it, so long as it posed no threat, through attempts at proselytism, to the state cult or to the social and political order. 47 Evidence that the government continued to protect the Jews is to be seen in the sentence to forced labor in the mines of Sardinia imposed (probably during the reign of Commodus [180 – 92]) by the Roman praetor on a slave named Callistus (or Calixtus), later to become pope, who had broken into a synagogue in Rome and disrupted the Sabbath service. 48 During the reigns of Septimius Severus (193 – 211) and Caracalla (211 – 17), according to Ulpian (Digest 50 . 2 . 3 . 3), Jews were permitted to hold governmental, presumably municipal, offices, which apparently had been closed to them previously, perhaps as a result of the Bar Kochba rebellion in 132 – 35 , 49 with the proviso that this right was accompanied by a duty to undertake such responsibilities as did not involve a transgression of their religion. In the third century the Emperor Elagabalus (218 – 22), who worshipped the sun-god, was so positively disposed toward the Jews, Samaritans, and Christians that, at least according to the *Historia Augusta* (Antoninus Heliogabalus 3 . 5), he declared that their religion and rites should be transferred to Rome so that all such mysteries could be included in his religion. He is even said (Antoninus Heliogabalus 7 . 2 , Dio Cassius 79 . 1) to have undergone circumcision and to have abstained from pork. Elagabalus’s successor, Alexander Severus (222 – 35), according to the *Historia Augusta* (Alexander Severus 22 . 4), respected (reservavit , “preserved”) the privileges of the Jews. So great were his sympathies for the Jews that he was taunted by the people of Antioch, of Egypt, and of Alexandria with the title “Syrian synagogue-chief (œrxisun gvgow) and high priest (œrxiere w).” 50 Moreover, so intense was his admiration for Abraham that he is said to have kept a bust of him (Alexander Severus 29 . 2), together with busts of Jesus, Orpheus, 51 and others, in his private sanctuary. Furthermore (Alexander Severus 45 . 6 – 7), before naming anyone to important administrative or military positions, he would announce his name publicly and invite people to challenge the nomination, declaring that in doing so he was following the example of Jews and Christians, who observed this custom in announcing the names of those who were to be ordained priests. In addition, we are told (Alexander Severus 51 . 6 – 8) that he often repeated the statement that he had heard from either a Jew or a Christian, “What you do not wish that a man should do to you, do not do to him”—the Golden Rule ascribed to Hillel (Shabbath 31 a), to Rabbi Akiva (Avoth de-Rabbi Nathan B 26 , p. 53 (Schechter), and (and in a positive formulation) to Jesus (Matthew 7 : 12 , Luke 6 : 31). Indeed, even after the Roman emperors adopted Christianity as the official state religion, the continuity between the legislation of the pagan emperors and that of the early Christian emperors with regard to the status of the Jews is often as striking as the differences. 52 Furthermore, there is no sudden peripeteia under Constantine, so that even at the end of the fourth century, in the year 393 , the Emperor Theodosius I issued a law (Codex Theodosianus 16 . 8 . 9) that significantly begins, “It is sufficiently established that the sect of the Jews is prohibited by no law,” and then proceeds to establish grave concern (graviter commovemur) at the interdiction imposed in some places on the assemblies of the Jews. 53 A further law was issued in 412 by the Emperors Honorius and Theodosius II (Codex Theodosianus 16 . 8 . 20) prohibiting the seizure of synagogues and continuing the exemption of the Jews from appearance in court on Saturdays and Jewish holidays. 54

4 . T H E R R E A C T I O N S O F T H E O M A N G J E W S T O T H E O V E R N M E N T

Now that we have surveyed the attitude of the Roman government toward the Jews, we may examine the reaction of Jews to the Roman administration. The essential toleration, particularly by the Romans, extended to the Jews does not go unappreciated in rabbinic literature. 55 To be sure, it is hardly necessary to point out that various rabbinic comments denounced Rome as a wicked kingdom; but these are balanced in part by a significant number of favorable remarks. 56 Thus, although the rabbis speak of Esau (that is, Rome) 57 as the epitome of wickedness and equate Rome with the hated Amalek, 58 the rabbis (in an anonymous comment) did not forget that Esau was the brother of Jacob (Genesis Rabbah 75 . 4 , Leviticus Rabbah 15 . 9) and that the two nations derived from them had complementary missions to perform. Indeed, that Jacob (Israel) and Esau (Rome) are twins is emphasized by the coincidence (Pesiqta Rabbati 20 . 95 a– 96 a) that the Torah was given in the month of Sivan, under the zodiacal sign of Gemini, the twins, to show that it belongs not only to Israel but also to

Esau, his twin brother. Presumably this is an allusion to the possibility that any Gentile may become a Jew through conversion, as many Romans actually did. This parallelism between the two peoples may well have been enhanced by their common view that they had been divinely chosen for a

OFFICIAL ANTI-JEWISH BIGOTRY 103 unique destiny, as the Bible, on the one hand, and Livy and Virgil, on the other hand, emphasize. Each was said to have engaged, after great suffering, in a massive national exodus to a promised land, the Israelites from Egypt to Canaan, the Romans from Troy to Rome. Each had a great leader, Moses and Aeneas respectively, who had a very special relationship to the divinity. 59 Moreover, both the Bible and Virgil have an apocalyptic technique that looks forward to a kind of salvation. There is even sympathy for Esau (Rome), because (Avot de-Rabbi Nathan, Version B, 47 . 130) we are told that for three tears that Esau shed (Gen 27 : 38) Israel suffered in three wars (i.e., in 66 – 74 , 115 – 17 , and 132 – 35). The frequent remark by the rabbis (for example, by the patriarch Rabban Simeon ben Gamaliel in the first half of the second century [Genesis Rabbah 65 . 16]) that Esau was rewarded for his filial piety may be an allusion to the pietas for which the ancient Romans were known, particularly as seen in the character of Aeneas in Virgil's Aeneid . 60 Indeed, the rabbis (Genesis Rabbah 65 . 16 – 17) state that the good fortune that the descendants of Esau, that is the Romans, enjoy on earth is due to the great respect that Esau showed toward his father Isaac. In fact, Rabbi Simlai, who lived in the second half of the third century and who spent most of his life in Palestine though he was born in Babylonia, presents a scenario (Genesis Rabbah 67 . 5) in which G-d rebukes Isaac for speaking kind words to Esau after the latter cried when he discovered that Jacob had received Isaac's blessing. Isaac's reply to G-d's charge that Esau is wicked is that Esau acts righteously in honoring his parents. The Midrash (Genesis Rabbah 80 . 14) declares that one of the rewards bestowed on Esau for his filial piety was that princesses sought to marry into his family. There is even a tradition, noted, to be sure, much later (fourteenth century) by Joshua ibn Shu'aib (Va-yishla 'i 16 c), that Jacob realized his inferiority to Esau in the honor that Esau showed his father and that he therefore feared that G-d would prefer Esau to himself. The Midrash (Midrash Psalms 25 . 19) is bold enough to state that if Esau hates Jacob for taking away his birthright he is justified. Indeed, the occasional persecution of the Jews by the Romans, the descendants of Esau, is excused by the fact (Genesis Rabbah 67 . 7) that the Romans are merely the agents of G-d. 61 The very fact, as we have noted, that the Rabbi Levi in the third century 62 synchronizes the founding of Rome with the day when King Solomon married the daughter of the Egyptian Pharaoh Neco and the day when the king of Israel, Jeroboam the son of Nebat, made two golden calves and the day that the prophet Elijah was taken up to heaven, indicates an attempt to link the destinies of the Jews and the Romans. That this chronology pushes back the founding of Rome more than a century and a half before 753 B . C . E ., the traditional date of Rome's founding, 63 is

104 CHAPTER 3 a distinct compliment to the Romans, who were very self-conscious about their relatively recent origin. 64 That the founding of Rome is synchronized with a date in the life of King Solomon, the wisest of all men, according to the Bible (1 Kgs 4 : 31) and the rabbis (Pesiqta Rabbati 14 . 59 , Song of Songs Rabbah 1 . 1 , no. 9), is likewise a distinct tribute to the Romans. Similarly, the linkage with the prophet Elijah, who is to usher in the Messiah, connects Rome with the messianic aspirations of the Jews; and, indeed, the third-century Babylonian Rav specifically links the coming of the Messiah with the Roman Empire, saying (Sanhedrin 98 b) that the Messiah will not come until the Roman power has engulfed Israel (that is, the whole world in which Israel is scattered) for nine months (that is, the period of pregnancy), an interpretation of the prophecy in Micah 5 : 2 . There is definite admiration in the statement that the site of Rome was established by none other than the angel Michael (Jerusalem Talmud, 'Avodah Zarah 1 . 2 . 39 c; Song of Songs Rabbah 1 . 6), 65 who stuck a stick in the sea, which grew into a large thicket of reeds and became the site of Rome. Far from casting aspersions on the parentage of Romulus and Remus, the fourth-century Rabbi Yudan (Midrash Psalms 10 . 6 , p. 95 Buber; 17 12 134 ; Esther Rabbah 3 . 5), in the name of Rabbi Judah, refers to fatherless children, who, when their mother would not raise were nurtured by a she-wolf summoned by G-d to give them suck they grew up, and who later built two huts on the site of Rome in fulfillment of the passage "Thou hast been the helper of the fatherless" (Ps 10 : 14). Hence, the founding of

Rome is part of a divine plan. We may note that in the alternate version of the passage (Esther Rabbah 3 . 5) Esau, the twin brother of Jacob, is identified as the father of the twins, and consequently there is a further link with the Jews. It should have been tempting, moreover, for the rabbis, in their sermons, to attack the Romans with regard to their origins by comparing Romulus's murder of his brother Remus at the beginning of Roman history with Cain's murder of his brother Abel at the beginning of human history, but there is no such allusion. In a remarkable passage (Song of Songs Rabbah 1. 6 . 4), the third-century Rabbi Levi notes that each time the two huts were built in Rome they collapsed, until an old man named Abba Kolon told the Romans that unless water from the Euphrates were mixed with mortar, the buildings would not stand. He volunteered to get this water and, disguised as a maker of barrels, he journeyed to the Euphrates, where he obtained some water, returned, and mixed it with mortar. The huts now remained standing— hence the proverb “A city without Abba Kolon is unworthy of the name.” The city thus built was called Rome-Babylon. A person named Abba Kolon is not otherwise known in the Talmudic corpus; and the best guess seems to be that he is literally “father of a colony.” 66 . , p. them as them, until

OFFICIAL ANTI-JEWISH BIGOTRY 105 Indeed, one possible moral of the story is that unless Rome incorporates within itself Jewish wisdom (since Abraham, the ancestor of the Jewish people, came from Ur near the Euphrates in Chaldaea, whence the water was fetched) it cannot stand. The connection of Rome with Babylon is a way of saying that Rome derived its strength from the old civilization of the Orient. One thinks of Juvenal's bitter comment that in his day (in the early second century C . E .) Rome had been so deeply influenced by the Orient, presumably both through immigration of Jews and through conversion of pagans to Judaism, that in effect the Syrian river Orontes had long since been flowing into the Tiber (Juvenal 3 . 62). The rabbinic appreciation of Rome is seen in the supreme compliment paid to the Roman genius in law by the third-century rabbi Simeon ben Lakish (Resh Lakish) (Genesis Rabbah 9 . 13). Commenting on the verse “And behold it was very good,” he says that this refers to the earthly kingdom, because the Hebrew letters for “very” (me'od) and “man” (adam) are the same, though in a different order. How then, asks the rabbi, does the earthly kingdom earn such an encomium? He answers that it does so because it exacts justice (the passage uses the Greek word d kh [or d kaion]) for humanity. That the earthly kingdom is Rome is clear from the substitution by the rabbis of Edom (i.e., the Talmudic synonym for Rome) for Adam (which is spelled with the same letters); and this indeed is the reading in the Vilna edition. Of course, Resh Lakish may be using ironic sarcasm, because the phrase “very good” is applied in this Midrash to death (70 . 1) and to the evil inclination (72 . 1), but there is no indication of such sarcasm in the passage. This high regard for the fairness of Roman law was apparently reciprocated, to judge from the anecdote (Jerusalem Talmud, Baba Qamma 4 . 4 , Sifre Deuteronomy 33 . 3 , and Baba Qamma 38 a) that the government of Rome sent two commissioners to Rabban Gamaliel II at the end of the first century to investigate the Torah and that these emissaries found it correct in all points except one (that if the ox of an Israelite gores an ox of a Gentile there is no liability, whereas there is liability if the ox of a Gentile gores that of an Israelite). They promised, however, not to report this exception to the government. That the Romans were truly fair in their administration of justice may be seen from the absence from the Talmudic corpus, even though the rabbis are highly articulate in mentioning their grievances against Roman oppression, of any overt discrimination against Jews in matters pertaining to civil rights. 67 The rabbis, moreover, may well have been acquainted with Roman law, which, in the degree of its development, has often been compared with Talmudic law, because there had apparently been a school of Roman law in Caesarea in the Land of Israel since the third century. 68

That the rabbis appreciated the Pax Romana , though not without ambiguity, is apparent from an otherwise lost Midrashic comment, quoted by medieval authorities, that notes that the numerical value of the name Esau is equal to that of shalom (“peace”), that is, 376 . 69 The Midrash then adds that but for this name, which appears to be a direct allusion to the Pax Romana , no creature would be left in peace by Esau. Of course, we must add that Rabbi Phinehas ben î ama and Rabbi î ilkiah, dating from the mid-fourth century, in the name of Rabbi Simeon, liken the Roman Empire in its administration to the pig that deceptively stretches out its cloven hoofs as if to say that it is a kosher animal. Similarly, the Roman government robs and extorts and yet

maintains the appearance of holding court (Midrash Leviticus Rabbah 13 . 5 , Genesis Rabbah 65 . 1). 70 One is reminded of the Briton Calgacus's comment in Tacitus (Agricola 30): "Where they make a devastation, they call it peace" (ubi solitudinem faciunt, pacem appellant). None of this should obscure the fact that the Jews, alone among all the subjects of the empire, erupted into revolt three times between the middle of the first and the middle of the second century. This is hardly the symptom of an idyllic relationship. Nevertheless, the revolts were not the norm. They took place against the backdrop of an essentially tolerant policy that was a manifestation, at least in the Diaspora, of a vertical alliance between Jews and the government. Where this alliance did break down, the cause was largely the same kind of fear that led the biblical Pharaoh to his decree, namely that the Jews were becoming so numerous in the Hellenistic period, chiefly through successes in proselytism, and were thus undermining the religion that was directly connected with the state. The reckless confidence that G-d would support their cause in demanding complete independence from Rome seems to have spurred the various revolutionary movements against the Roman Empire. It is especially striking that even in revolt the Jews did not appear to have sought horizontal alliances with other oppressed peoples, though such co-ordination would have made much sense, because so many other nations and tribes fought bitterly against the Romans. Relations between Jews and the Roman government, in particular, were marked by alliance and revolt; but it is the alliance that was dominant, thanks largely, particularly during the imperial period, to the overpowering influence of the rabbis, which increased during the period of Roman rule because of the tremendous prestige of the rabbinic academies. Indeed, we may remark that persecution in general was almost unknown in antiquity. Our survey leads us to conclude that official governmental prejudice against Jews was not a significant phenomenon in the ancient world.