

ABSTRACT

## SOME ROMAN LITERARY OPINIONS ON JUDAISM AND JEWS

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The purpose of this paper is twofold: (1) to trace references to Judaism in Latin literature: (2) to analyze and evaluate the most pertinent texts. The method of interpretation is based on a detailed analysis of the text, considering political and social background only to a limited extent.

The introduction outlines the problem and methods of the study, and gives a summary of the period's literary sources. Chapter one, based on an analysis of the speech Pro Flacco, 66-69, examines Cicero's attitude to Judaism. Chapter two is an analysis of Tacitus' Historiae, 5, 1-13. Its different sections examine the characteristics of the ethnographical excursus, the influence of conventional historiographical themes, and, finally, the discussion concentrates on particular points in Tacitus' presentation of the Jewish character. The conclusion compares the attitudes towards Jews in Cicero and Tacitus. Cicero appears as an advocate, who uses his derogatory remarks as a rhetorical device to invalidate Jewish witnesses. Tacitus' attitude is found to be biased, reflecting personal and general anti-Jewish prejudice.

The appendix discusses various opinions on Judaism in the Hellenistic world, pointing out a marked change of attitude between early and later Hellenistic writers.

## INTRODUCTION

The purpose of this introduction is to set forth as clearly as possible the reasons for my choice of subject and to define the source-and reference material.

A significant historical event of antiquity was the meeting of Jew and Greek and as a consequence the confrontation of Mosaic religion and Hellenic culture. This field of study is of particular interest to me. I had the opportunity to study old Hebrew thought and religion for several years. Later and gradually, I came to see some facets of the varied Graeco-Roman world. Hellenism is a very broad canvas and the field of cultural contacts is a particularly complex one. I believe that, in order to be better understood, the phenomenon of Hellenism should be studied separately in each people, which has been exposed to it. Among these peoples, two were most important for future cultural developments-the Romans because of their political preponderance and the Jews because of their religious influence.

It is fortunate that a large documentation exists for both the Romans and the Jews, but while Hellenism and its influence on Roman culture has been thoroughly covered for many years, the study of Hellenism and Judaism has been done only sporadically.

The main problem of this thesis is - what did certain Romans know about Judaism? And how was this knowledge expressed in their writings?

The period described in my thesis covers the two centuries from the conquest of Judea by Cicero's contemporary, Pompey, (63 B.C.) to the time when Tacitus wrote his Histories. Furthermore, I shall limit myself to literary evidence concentrating mostly on Cicero and Tacitus, the two Latin writers where the largest continuous passages about Jews in that period are found, and commenting on references to Jews in Latin writers of the late Republic and early empire only occasionally.

I would prefer to base any conclusions on the close study and analysis of the texts themselves, since in this particular field the opinions of some scholars, and among them such famous Jewish historians as Heinrich Graetz and Simon Dubnow, seemed biased to me, while other presented a distorted view of those ancient texts by importing into them some modern concepts and views.

Finally, I want to sum up here the main sources for the study of this period. The literature on the subject, especially if the Greek side is included, is abundant.

A) First, there are a number of Greek and Latin writers, who incidentally or specially referred to the Jews.

Unfortunately, there does not exist a complete work on Judea similar to Caesar's De Bello Gallico or Tacitus' Germania.

The writings of most of these authors have not come down to us completely but only in fragments. In most cases we have only brief quotations made of them by much later writers, or citations contained in very late compilations, such as lexicons or manuals for instruction.

A basic requirement for the study in this field is to be able to rely on a collection of these fragments, so that they may be compared and studied more readily. The first scholar to collect the fragments concerning the Jews was M. Théodore Reinach in his book Textes d'auteurs grecs et romains relatifs au Judaïsme. The book was published in 1895 and, as far as I have been able to find out, is till now the only basic reference-book for Graeco-Roman texts on the Jews. Here the Greek and Latin texts, several hundreds of them, are arranged in parallel columns, and furnished with some explanatory notes. In many of the later works in this field, scientists constantly refer to M. Reinach's book, recognize his authority as a great classical scholar in controversial questions and accept his judgment on the meaning of difficult or mutilated passages. Nevertheless, some consider his book as dated and due for a thorough revision.<sup>1</sup>

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<sup>1</sup>Johanan Hans Levy, late professor of Judaistic Hellenism at the Hebrew University, Jerusalem, was working on a new compilation of the texts, accompanied by a commentary, when the uncompleted work was interrupted by his death.

B) Secondly, there is the Jewish literature of the period. Here, since this literature was produced under various conditions and for diverse purposes, a further classification is necessary.

(1) The apologetic writings of the Jews or those books written in Greek, only very rarely in Latin, in which Jewish customs and history are explained or defended for non-Jewish readers. Most of these books have been lost and have left only inconsiderable fragments, but in the case of two writers we have extensive remains. One of them is the Alexandrian Jew Philo, a contemporary of the first Roman emperors. The other is the Palestinian Jew Joseph-ben-Matitiah, later known as Josephus Flavius.

Philo's extant writings are chiefly concerned with philosophic or religious exposition and are only indirectly of documentary value. But two of his writings are used as documents of historical value: a) In Flaccum, a defense of his people and a bitter invective against the Roman prefect of Egypt under the emperor Tiberius. b) The Legatio ad Gaium, a plea in behalf of the Alexandrian Jews made to the emperor Caligula by an embassy, of which Philo was himself a member.

Josephus is for many important matters our sole authority. Later historians of the period rely heavily on him, although

some distrust him, because of his role as traitor to his people during the great Jewish war and also because of the apologetic character that some of his writings have.

Many of his descriptions (e.g. the rule of Herod the Great, Antiquities 15-18, 1-8 and Wars, 1, 18-33; Judea during the "Great War with Rome" (68-70)-Wars 2,14...) give a vivid and dramatic picture. The closer study of Josephus and his period by such modern historians as H. Tacheray, S. Zeitlin, A. Shalit, and the additional evidence furnished by the writings of the Qumran sect and by the recent archeological discoveries connected with the last Jewish revolts (e.g. Professor Y. Yadin's findings at Massada, the Bar-Cochbah letters etc.) have greatly increased the recognition of Josephus as a reliable historian.

(2) Books written in Greek (and perhaps in Latin too) and intended for Greek-speaking Jews. Most of these books are lost, but some were transferred to the early Christian communities and may now be found in collections of Apocrypha and Pseudepigrapha. The division into these two main parts is an artificial one. These are Jewish books, which were written during the period of the second Temple, but were not accepted into the Canon of the Holy Scriptures (the Old Testament). Only the Catholic Church accepted the books known as Apocrypha as part of the biblical canon (e.g. the Books of the Maccabees), while

the Protestants went back to the Canon and its main divisions  
(I, Pentateuch, II Prophets, III, Writings

as established by the Jews.

תנ"ך-תורה, נביאים, כתובים.

The apocryphal and pseudoepigraphic books contain material valuable for the understanding of the period, which changed and developed biblical Judaism into the religion, that would so greatly influence the world under the forms of Christianity and Islam. (e.g. the appearance and gradual development of such concepts as - Life after death (תחיית-המתים)  
Messianism, God and Justice, "צדיק ורע לו, רשע וטוב לו"  
eschatological ideas etc.)

Some of these books are: (I am mentioning those, which are more closely connected with Roman times). The book Wisdom of Solomon is a pseudoepigraphic book (written as if by king Salomon) belonging to the class of "Wisdom-Literature". It was written in Greek, in the last century B.C. in Alexandria and is considered as one of the best writings of Jewish-Hellenistic literature. The author has very well succeeded in bringing into harmony Greek philosophical ideas with Jewish concepts. The book also contains interesting parallels with the writings of the Qumran sect.

The four Books of the Maccabees, and among these notably the third, written probably, only during the time of Augustus,

and as such forming an interesting document for the strengthening of Roman rule in Judea and the increase of anti-Roman feelings.

The Psalms of Solomon - originally in Hebrew, now only extant in Greek and apparently written during the conquest of Judea by Pompey. The songs, some similar to the biblical Psalms, others to the hymns of the Qumran sect, are an echo of the Judea that was torn by civil wars and partisanship.

The Book of the Jewish Sibyl contains apocalyptic visions, written over a long period of time. Some parts belong originally to the older part of the period (e.g. the III Sibylla was probably written in the II century B.C. and forms one of the earliest documents of the Maccabean period), while others were written only after the destruction of the second Temple.

All these books were intended mainly for Jewish readers, whose mother tongue was Greek. In Palestine and Syria the Jews spoke Aramaic, while the educated used Hebrew for literary purposes. Here books were written both in Hebrew and Aramaic; some were translated later into Greek, and from Greek into Latin and Ethiopic, and have survived as part of the Apocrypha. They all furnish details, although some only indirectly, for the development of Jewish institutions, beliefs, laws and the changes wrought on them by the contacts with-and gradual assimilation of ideas from the Graeco-Roman world.



(3) A third class of Jewish literature consists of the decisions and comments on the religious and legal institutions of the Jews. Although actual books were completed and edited relatively late (200 A.D. and after), the exposition of the consecrated ancient literature was begun early in our era and forms by itself an important source of information.

These books are primarily the Mishnah and the Toseftah (a supplement to the Mishnah)-which are the first two books to follow the Bible; the Tannaitic Midrashim (biblical interpretations and commentaries of the Tannaim, the first generations of the teachers of the law), the Jerusalem Talmud and the earlier portions of the Babylonian Talmud.

I shall only rarely refer to other than literary evidence, although other actual contemporary evidence for that period-the stones, coins, utensils, potsherds, and papyri inscribed with Hebrew, Aramaic, Greek, Latin, Babylonian, and Egyptian words-form a most interesting commentary on the events they illustrate.

SHOULD CICERO'S SPEECH PRO FLACCO BE CONSIDERED AN ANTI-JEWISH  
DOCUMENT?

Part I: The General Character of the Speech and its Background

I shall deal here with the general character of the speech, and then make an analysis of the speech, especially paragraphs 66-69.

Cicero's speech for the defense of L. Valerius Flaccus holds an important place among ancient texts on Jews and Judaism. Almost all the historians of the ancient Jewish people refer to it. The majority among them conclude, on the basis of this speech, that Cicero had anti-Jewish views.<sup>1</sup>

H. Graetz, who wrote at the end of the 19th century but is still considered among the best of Jewish historians, quotes a part of the speech's paragraphs concerning the Jews (his translation is faulty in some places). He concludes that Cicero was a narrow-minded, conservative Roman politician who used sophisticated, untruthful arguments to defend a Roman ex-  
praetor, who had robbed the provincials.

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<sup>1</sup>Heinrich Graetz, Geschichte der Juden, Band I, pp. 417-418. Simon Dubnow, A General History of the Jewish People, pp. 128-129. (In the Hebrew translation: דברי ימי עם עולם Berliner, Geschichte der Juden in Rom, I pp. 11 ff. Vogelstein-Rieger, Geschichte der Juden in Rom, I pp. 7 ff. J.A. Hild, "Les Juifs à Rome", Revue des Etudes Juives, Vol. 8, (1884) pp. 20 ff. M. Radin, The Jews Among the Greeks and Romans, p. 224 ff. Th. Reinach, Textes d'Auteurs Grecs et Romains Relatifs au Judaïsme, pp. 237 ff.

S. Dubnow wrote "Cicero's words (in the "Pro Flacco") show that fanatical hatred of paganism against the strange philosophy of life of the Jews, which started and grew in Hellenistic Alexandria, and later struck roots in Rome."<sup>2</sup>

Th. Reinach, and several other scholars, believe that Cicero's attitude towards the Jews was influenced by Apollonius Molo, who was his teacher in rhetoric and who wrote an anti-Jewish treatise.<sup>3</sup> Although there is no doubt about A. Molo's opinions on Jews, his epithets for them is "ἄθεοι καὶ μισάνθρωποι," we have no proof at all that Cicero learned from him anything else but the techniques of rhetoric. Other prominent Romans had Apollonius as teacher- the rhetor Marcus Antonius, the triumvir's grandfather, Mucius Scaevola, Caesar, and of these none was known as a foe of the Jews; on the contrary the Jews recognized Caesar as their benefactor.<sup>4</sup>

Apollonius Molo was one of the most influential rhetoricians of his day. He taught principally at Rhodes and wrote

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<sup>2</sup>S. Dubnow, A General History of the Jewish People, pp. 128-129. His own words are:

ש. דובנוב, דברי-ימי עם עולם, ע"מ קכ"ה-ט;  
 " בדברי קיקרו נתגלחה אותה שנאת האלילות האדוקה להפיסת  
 העולם היהודית הזרה שצמחה באלכסנדריה החלניסטית ונשתרשה  
 אח"כ ברומי."

<sup>3</sup>Th. Reinach, op. cit., pp. 241, 1.

<sup>4</sup>I. Susemihl, Geschichte der Griechischen Literatur in der Alexandriner Zeit, 2, pp. 130-131; 491.

several treatises on historical and rhetorical subjects. From Molo's writings only some small fragments remain, which do not show what his habits of thought were or what incentive he had to write a pamphlet against the Jews. Josephus, in his defense against Apion, mentions Molo's invectives against the Jews only briefly and, to judge from Josephus' defense against them, A. Molo attacked chiefly the unsociability of the Jewish people. Josephus charges A. Molo with unfairness, but A. Molo must have been much less offensive than Apion, since Josephus in his reply does not abuse him at all.<sup>5</sup>

The opinions of the above mentioned scholars seem subjective and unfair towards Cicero, especially so since they are wholly based on the three paragraphs (66-69) of the Pro Flacco. These paragraphs form only a small part of a speech, which firstly, was prepared according to definite rhetorical rules and secondly, was greatly influenced by the general political circumstances of the day. More attention and scrutiny should be paid to the speech as a whole, otherwise too much emphasis is put on single abusive phrases, which might be nothing more than rhetorical devices, used by an advocate because of the necessities of his case.

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<sup>5</sup>Fragments of Apollonius Molo's speech against the Jews, collected in Reinach, op. cit., pp. 60 ff.

What were the circumstances of the Pro Flacco? The defendant Lucius Valerius Flaccus belonged to the famous gens Valeria and Cicero bases an important part of his defence on the continuous glories and great services of the Valerian house. He tells that the first member of this family, P. Valerius Poplicola, to become consul was also the first consul of the Roman republic and, that since him the glory for faithful services to the state has been continuously increased by every single generation of the family.<sup>6</sup>

In the course of the speech Cicero mentions repeatedly L. Flaccus' father, who went through all the stages of the Roman "cursus honorum", and became a consul.

The defendant got the usual training of a Roman aristocrat and showed early a military inclination. He accompanied his father on his campaign in Asia in B.C. 86 and fought as tribunus militaris in 78 against the pirates. (Pro Flacco, par. 5, frg. Med.) Later he was quaestor in Spain, (pars. 6 and 100) and after that, during the Pontic war between Lucullus and Mithridates, the legate of Q. Metellus in his campaign against the pirates.

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<sup>6</sup>Cicero, Pro Flacco. par. 25 "cuius ex familia, qui primus consul factus est, primus in hac civitate consul fuit, cuius virtute regibus exterminatis libertas in republica constituta est, quae usque ad hoc tempus, honoribus, imperiis, rerum gestarum gloria continuata permansit". It is not strictly true that P. Valerius Poplicola was the first consul. He only was a substitute for Collatinus who with Brutus was the first consul.

In resounding words Cicero pays tribute to Flaccus' outstanding bravery during those campaigns.<sup>7</sup> His commander Metellus became Flaccus' friend and later appeared at the trial as one of the witnesses for the defense. Supported by these military successes, it was easy for Flaccus to get the praetorship. The office of praetor offered Flaccus, a member of the reactionary wing of the senatorial party, an opportunity to take an active part in the main political events of 63, which was also the year of Cicero's consulship.

L. Flaccus became Cicero's strong supporter in his struggle against Catiline. Together with another praetor, C. Pomptinus, he arrested near the Mulvian bridge the delegates of the Allobroges, supposedly on their way to Catiline, and got for Cicero the secret letters, which, with seals still unbroken "integris signis", were used by the consul (Cicero) as basic evidence for the accusation and condemnation of the Catilinarian conspirators.<sup>8</sup>

During the events of the days following the conspirators' arrest, Flaccus' name is not mentioned any more, but according

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<sup>7</sup>Cicero, ibid., par. 8. "vos modestissimum adulescentem, provinciae maximae sanctissimum virum, vestri exercitus fortissimum militem diligentissimum ducem temperantissimum legatum quaestoremque cognoverunt".

<sup>8</sup>Cicero, In Catilinam, 3,5-6. The third Catilinarian speech, held on the evening of the same day, describes all the details of the arrest.

to his general political views he must have agreed with Cicero and the other optimates on the strict course to be taken. It could be assumed, that Flaccus' attitude to the condemnation of the conspirators was one of the main reasons for the later enmity of Caesar and the popular party and, as a consequence, for the accusation of "de repetundis" brought against him in B.C. 59.

Cicero, in any case, bases part of his defense on Flaccus' service to the republic during Catiline's conspiracy. In 62 L. Flaccus got the governorship of Asia, "the richest and most exploited province of the Roman empire," and like many governors before and after him, used this office also for his personal advantage.

In 59 he was charged with maladministration and oppression (de repetundis).. Such a charge was not unusual in the last days of the republic, but in the case of Flaccus his accusers seem to have acted for special political reasons.

The defeat of Catiline was in some measure also a defeat for the popular party in Rome; only the conservative party soon forfeited the advantages of their victory by going too far. They were not content to arrest the conspirators, but used the momentary panic of the people and the power of the consul and the senate to kill them. The death verdict was a defiance of very old traditional guarantees of a Roman citizen's safety, and it seems ironical that this was committed by its most "humane consul".

Here, Cicero made two grave mistakes. First, he showed cowardice in letting the senate judge and in trying to put, though without success, all the responsibility on the senate, and secondly, by not respecting the Palladium of Roman liberty and security, the right to appeal. This constitutional breach was at the same time a great political mistake, for it provided the defeated popular party with an excellent weapon.

At the end of his consulship, Cicero might have seen already the signs of the future campaign against him and his party and which would end in his own exile. Q. Metellus Nepos, one of the new tribunes and an instrument of Pompey, offended Cicero by not allowing him to speak to the people at the end of his consular year. Pompey, on whom Cicero believed that he could rely for protection, was incensed against him, because of Cicero's declarations that he served the republic better through peace than others through war (Cedant arma togae).

Pompey allowed Metellus Nepos to offend Cicero and threaten him on several occasions with assertions that Cicero had murdered Roman citizens. The political circumstances got more and more difficult for Cicero. Pompey decided to ally himself with Caesar and leave the Optimates, while Cicero tried to keep both, Pompey and the Optimates, as allies and finally lost the trust and support of both.



In 61 Pompey arranged that, besides the conservative consul Valerius Messala, Papius Piso should be chosen as second consul. P. Piso immediately offended Cicero by not following the usus of his predecessors but addressing first in the senate the consul of 67, Piso, and not Cicero. This offense was only the beginning of Cicero's great troubles during the following two years. Clodius Pulcher became, since Cicero's role against him in the case of the offense of the Bona Dea, his greatest enemy. In 60 the first triumvirate was formed and Caesar, the consul of 59, acting in his capacity as Pontifex Maximus, agreed to the adoption of Clodius by the plebeian P. Fonteius. (de Domo, 41).

Cicero's personal safety was threatened when Clodius became, with Caesar's support, tribune-elect for 58 and prepared to secure Cicero's exile on the ground that he had executed the Catilinarian conspirators without a trial.

Cicero, forsaken now openly by Pompey, retired from all political activity to his country homes, but he was forced to continue his juridical activities.

Since the year 59 brought one accusation after another against those who in 63 were the leaders in the oppression of Catiline, Cicero had to defend them.

First C. Antonius, Cicero's colleague in the consulate, was accused of participation in the Catilinarian conspiracy

(in reality, for his betrayal of it) and, although defended by Cicero, he was condemned.

The second, also a former supporter of Cicero against the Castilinarrians, to be accused and defended by Cicero in 59 was A. Minucius Thermus (Pro Flacco, 98). He was acquitted.

The third former ally of Cicero chosen by Caesar and the populares to be destroyed by means of a legal charge was L. Flaccus.

Cicero sensed this and stated it openly in his speech, Pro Flacco. The peroration, especially paragraphs 95, 99, 105, is a flaming denunciation of the prosecution and an appeal to the jury not to permit the supporters of the dead traitor Catiline to win such a signal triumph.

"Oppressus est C. Antonius... iusta Catilinae facta sunt. Nunc a Flacco Lentuli poenae per vos expetuntur... Cum tabella vobis dabitur, iudices, non de Flacco dabitur solum: dabitur de ducibus auctoribusque conservandae civitatis... Si L. Flacco tantus amor in bonos omnis, tantum in rempublicam studium calamitati fuerit..."

Cicero also felt that the condemnations of his allies from 63 were only first steps towards his own destruction.<sup>9</sup>

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<sup>9</sup>Cicero, ibid, par. 96 "Nos iam ab indicibus neminamur, in nos crimina finguntur, nobis pericula comparantur."

In the case against Flaccus the main prosecutor, the Accusator, was Decimus Laelius, whose father had been a friend of Pompey.

It seems that Pompey, in order to please Caesar, got the case against Flaccus under way, and used the ambition of the young aristocrat Laelius for this purpose.

As usual in important cases there were several prosecutors - besides the accusator, D. Laelius; the others, the subscriptores, were C. Appuleius Decianus, Lucceius and L. Balbus. It is seen from Cicero's speech, that the initial charge was made by Decianus, an influential Roman financier, who lived in Apollonia and was personally hurt by Flaccus during the latter's governorship of Asia (Pro Flacco, 81). Caesar found in Decianus' hatred against Flaccus a ready opportunity to gratify his own allies and to pose as the protector of the oppressed provincials.

After Laelius had agreed to lead the case against Flaccus, he went to different towns in Asia, collected there a great amount of evidence and brought back with him to Rome a number of witnesses. In his speech Cicero describes in detail the energy and talent of young Laelius in collecting his evidence.

He and his companions organized popular assemblies in different Asiatic towns and used such means as threats or

promises of liberal expenses to induce his witnesses to come to Rome. While the case was being judged, the witnesses lived in Laelius' own home. (Pro Flacco, 14-15 and 40-44).

The trial took place probably at the end of 59. Flaccus was defended by Cicero and Hortensius, Rome's two most famous lawyers.

Hortensius spoke first and so dealt mostly with the legal points, while Cicero undertook the final speech of the trial. In the Courts Cicero prosecuted only twice--Verres in 70 B.C. and the tribune T. Munatius Plancus Bursa in 51, both times successfully. In all his other cases, he spoke for the defense and among the Defending counsel he usually spoke last, because he had, to an unparalleled degree, the faculty of rousing the jury's pity and sympathy for the defendant.<sup>10</sup>

Cicero's speech was successful, Flaccus was acquitted, although his guilt seems to have been especially patent. On the principal counts Cicero had no evidence, except praise for Flaccus' personal character, and abuse of the witnesses against him, whom he characterizes as lying and irresponsible Greeks.

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<sup>10</sup>Cicero, Brut., par. 190 "Tum Brutus: Hortensius cum partiretur tecum causas, perorandi locum, ubi plurimum pollet oratio, semper tibi relinquebat". Hortensius and Cicero opposed each other only in two cases, in these of P. Quinctius and C. Verres, and defended together C. Rabirius, L. Murena, L. Sulla, Flaccus, Sestius and Scaurus.

"Cicero," says Macrobius, "secured the acquittal of Flaccus by an apposite jest, although the defendant's guilt of the charges made was perfectly apparent". The joke, that helped Flaccus, he says, was not in the published speech as he had it.<sup>11</sup>

The speech, as we have it today, still has several excellent witty passages.<sup>12</sup>

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<sup>11</sup>Macrobius, Sat., 2, 1, 13: "referrem in quibus causis, cum nocentissimos reos tueretur, victoriam iocis adeptus sit, ut ecce pro L. Flacco, cum repetundarum reum ioci oportunitate de manifestissimis criminibus exemit. is iocus in oratione non extat, mihi ex libro Furii Bibaculi notus est, et inter alia eius dicta celebratur".

<sup>12</sup>Cicero, op. cit., par. 39 "o pastores cupidos litterarum". par. 46 "dimidio redderet stultiores." par.70. "in foro versaris, sed tamen in Pergameno". par. 76 "non plus aurum tibi, quam monedulae committebant".

## PART II

### ANALYSIS of the SPEECH

paragraphs 66-69

#### A

In his speech Pro Cluentio, par. 139 Cicero states, that an advocate is retained not to affirm his personal beliefs, but to say what the circumstances require.

"Sed errat vehementer, si quis in orationibus nostris, quas in iudiciis habuimus, auctoritates nostras consignatas se habere arbitratur. Omnes enim illae causarum ac temporum sunt, non hominum ipsorum aut patronorum... Nunc adhibemur, ut ea dicamus, non quae nostra auctoritate constituentur, sed quae ex re ipsa causaque ducantur."

This quotation of Cicero's view could help, I think, to make the analysis of paragraphs 66-69 more objective. In his defense of Flaccus Cicero based his plea on four main points.

a) He praised Flaccus for his active help towards saving the republic against the faction of Cataline. (pars. 1-5; 24-26; 94-106).

b) He accused the prosecutor of enlisting an excessive number of witnesses and winning them over by bribery or threats. (pars. 6, 13, 15, 18).

c) He made a patriotic appeal to Roman prejudice by passing quickly over the relevant details of the accusation and declaring that this trial is a quarrel between Rome and Asia, and not between private citizens. In this way, he gave the case a national turn, stating that it is shameful and dangerous for the Roman empire, that a honoured Roman citizen should be accused and offended by Asiatics of doubtful character. (para. 8, 24, 40).

d) Improbatio testium-- Cicero attacked at length the different witnesses and tried to prove their personal irresponsibility and unfitness to give evidence. (para. 11-13; 93).

For this last purpose, Cicero divided the witnesses into several groups:

1. The inhabitants of the Asiatic towns. They, according to Cicero, cannot be trusted since these nations never used trustworthy procedures in the courts. To prove this statement Cicero analyzes the general judicial procedure in Greek courts. (para. 9-10; 23-24; 26, 36, 57).

Cicero talks about the superficial way in which Greeks approach a testimony, about the looseness of morals in the public assemblies in the hellenized towns of Asia, where it was decided to accuse Flaccus, and finally concludes that this moral decadence was one of the reasons for the destruction of Greece. He compares

to the decadence of the Greek states the strict Roman laws, and warns against an imitation of Greek ways. He adds as final proof of Greek perfidy the fact of their alliance with Rome's recent enemy, king Mithridates of Pontus, who with Greek help killed many thousands of Roman citizens, residing in the province of Asia. (pars. 58, 60, 61).

2. The tone of the speech changes when Cicero starts to speak of the Greeks from Athens, Sparta, Massilia, who sent representatives as witnesses to Flaccus' praiseworthy behaviour during his office in their cities.<sup>13</sup>

When speaking about the three cities, which agreed to praise L. Flaccus, Cicero does not mention any more the Greek alliance with king Mithridates, although Athens, for instance, opened her gates to him. Furthermore, there is no allusion to disorderly proceedings in public assemblies, although the troublesome Athenian ecclesiae were proverbial in Rome and Cicero himself in this same speech, (par. 17) criticizes Athens on this account. Cicero speaks now only about Athens' contribution to culture, her splendid past, her noble origin. Sparta he praises for her strict conservatism and Massilia for her aristocratic rule and moral discipline.

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<sup>13</sup>Cicero, ibid. pars. 62-63. The representatives of these cities appeared as laudatores, but their evidence had the same value as that of usual witnesses -- see A. Du Misnil, Ciceros Rede fur L. Flaccus, Einleitung pp. 12-26.



"These are the kinds of witnesses on whom Flaccus relies -- Hisce utitur laudatoribus Flaccus, his innocentiae testibus" (par. 64).

3. With the words "ut Graecorum cupiditati Graecorum auxilio resistamus", Cicero introduces a third class of witnesses, the "Asiatici testes", the representatives of Phrygia, Mysia, Caria and Lydia. But these, says Cicero, are only "barbari" with no right at all to call themselves Greeks. As proof Cicero brings well-known Greek proverbs on every one of these four nations, sayings which, with true Greek dexterity, show all the Greek contempt for their Asiatic-barbaric nature.<sup>14</sup>

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<sup>14</sup>Cicero, ibid., par. 65.  
A. Du Mesnil, op. cit., pp. 158-160 quotes for these proverbs:

" φρὺξ ἀνὴρ πληγείῳ ἀμείνων καὶ διαχονέστερος."

(Paroemiogr. I. Gregor, Cypr. Cent. III 95)

" ἐν καρὶ τὸν κίνδυνον: ἐπὶ τῶν εὐτελέσι τὰς πείρας ποιουμένων."

(Paroemiogr. I ed. Leutsch Cent. III 59).

" τῶν μυσῶν ἔσχατος."

(Plato Theaetetus. 43p. 209 B)

4. A fourth group are the Jewish witnesses from Asia. Their indictment against Flaccus was that he unlawfully confiscated their contributions to the temple in Jerusalem.

"Sequitur auri illa invidia Judaici" -- next comes the malicious accusation about the gold of the Jews. (Pro Flacco, 66). Flaccus forbade the export of gold from the province of Asia. He did this, says Cicero, according to former edicts of the senate and proved by this very act his lofty sense of duty. Besides, this was a worthy act against a foreign superstition. There is no question here of embezzlement or sacrilege.

Pompey's precedent does not apply (the prosecutor had opposed to Flaccus' sacrilegium the religious respect of Pompey, who, although Jerusalem's conqueror, touched nothing in the temple), -- not respect of the Jewish religion but prudence before his detractors in Rome deterred him. The collection of the money was impeccable; the Jewish gold in the different Asiatic towns was collected and accounted for by most trustworthy Roman officials. So "ubi igitur crimen est?". There is no charge of theft, but only "Invidia quaeritur, a iudicibus oratio avertitur, vox in coronam turbamque effunditur".

The real purpose of the charge is to excite odium, ill-feeling against Flaccus, it is not the jury that the prosecution is addressing, but the audience, the crowd about us.

Cicero's assertion about the confiscation of the temple-funds is on the whole correct. It is undoubtedly a fact that the exportation of precious metals had been frequently forbidden and, although the senatorial resolution was not a law, no one could very well deny that it was within the imperium of a provincial governor to make such a regulation if he saw fit.<sup>15</sup> We know, on the other hand, that the self-imposed temple-tax of the Jews had been sanctioned. Even if this exemption was established more by custom than law Flaccus' act would be felt as an act of oppression, since the strict or lenient enforcing of the edict on this point was purely a matter of discretion. But the importance of the passage, in trying to establish Cicero's attitude to the Jews, does not rest on the justice or injustice of the accusation against Flaccus. The importance consists first, in its picture of the Jewish community at Rome and secondly, in its indication of Cicero's personal views. In this respect the most pertinent sentences are (pars. 66, 67, 69): "scis quanta sit manus, quanta concordia, quantum valeat in contionibus... multitudinem Iudaeorum flagrantem non nunquam in contionibus..."

And then:

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<sup>15</sup>Cicero, In Vat., 5, 12, mentions that Vatinius was sent in 63 B.C. as quaestor to Puteoli to see that gold and silver was not exported. (A. Du Mesnil, op. cit., p. 162).

Sua cuique civitati religio, Laeli, est, nostra nobis. Stantibus Hierosolymis pacatisque Iudaeis tamen istorum religio sacrorum a splendore huius imperii, gravitate nominis nostri, maiorum institutis abhorrebat; nunc vero hoc magis, quod illa gens quid de nostro imperio sentiret ostendit armis; quam cara dis immortalibus esset docuit, quod est victa, quod elocata, quod serva facta.

Cicero points out as characteristics of the Jews:

a. They crowd the public meetings in Rome. But he accused the Phrygi and Mysi in Rome of the same disorderly behaviour.<sup>16</sup>

b. The Jewish religion is nothing but a barbara superstitio.

Cicero makes no distinction between the Jewish and other oriental religions.

c. There is a great difference between Rome's and Judea's religions. The success of a people served as proof for the power of its gods -- this was a common belief in antiquity. "The immortal gods" helped the Romans to conquer Jerusalem and its temple and so the conclusion was, that the Jewish god was also defeated. But this is a general Roman view on conquered peoples and their gods.<sup>17</sup>

d. The Jews are Rome's enemies. Cicero also accused the Greek towns of Asia of treachery towards Rome (pars. 58, 60, 61).

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<sup>16</sup> Cicero, Pro Flacco, par. 57 "Hic in hac gravissima et moderatissima civitate,... quantos fluctus excitari contionum videtis."

<sup>17</sup> St. Augustine, De Consensu Evang., 1, 13, 20 - brings as an often repeated question of the Romans "The God of the Jews, whom you (Christians) declare to be the almighty and true God, why did He not conquer for them the Romans and did not even help them not to become Roman slaves?".

A first conclusion might be reached now. Just as Cicero did not attack the Jews alone, but all the different peoples, who had sent witnesses against Flaccus, so he did not use against them special accusations, as the mentioned historians wrongly deduced, but invectives used by him repeatedly and in similar form also against the other nations. It seems, furthermore, that Cicero used in his speech for the defense of Flaccus certain arguments, which were a standing part of the rhetorical techniques in use by Roman advocates. This impression will become clearer if the Pro Flacco is compared with two other of Cicero's speeches the Pro Fonteio and the Pro Scauro. About all three speeches, in which Cicero speaks for high Roman officials accused of obvious maladministration and oppression in different provinces, it might be said, that Cicero fought defensive battles for indefensible causes.

M. Fonteius was governor of Gallia Narbonensis, and on his return to Rome was accused by the Allobroges de repetundis. The speech, which is in places fragmentary, was probably delivered in 70. Cicero's defense was based on the alleged unreliability of any testimony from mere Gauls in contrast with that of Romans resident in the province.

These were the arguments which Cicero used here for his improbatio testium:

a. There is no trust in Gallic witnesses, for they are Rome's enemies: "An vero dubitatis, iudices, quin insitas inimicitias istae gentes omnes et habeant et gerant cum populi Romani nomine? ... Hi contra vagantur laeti atque erecti passim toto foro cum quibusdam minis et barbaro atque immani terrore verborum (Pro Fonteio 33. See also 12, 32, 41, 43, 49).

b. The religious practices of the Gauls are so strange to the Romans, that their evidence as witnesses should not be trusted. Other nations pray and sacrifice to their gods before a battle, but the Gauls fight the gods, since they dared to plunder Apollo's Temple at Delphi and besieged the Capitol of Jupiter, the god, whose name is used as a seal in Roman testimony. ("ille Jupiter, cuius nomine maiores nostri vinctam testimoniorum fidem esse valuerunt"). (Pro Fonteio, 30). Cicero's arguments against the religion of the Gauls, explain the aim of his arguments against the Jewish temple in his "Pro Flacco".

The Romans attributed to the giving of evidence in court a religious sanctity. Fides contains both juridical and religious connotations and if, according to Roman tradition, a testimonial is a religious ritual, distrust in a witness, who does not believe in Roman gods, is understandable. Cicero, of course, used these beliefs for his own purpose, by stressing the unreliability of barbaric "superstitions" (religions).

It is obvious, I think, that Cicero used national prejudices as rhetorical devices. If Gauls are the accusers of his client, they are perjurers, murderers, enemies of the human race. "Tribes", he says, "so far removed from other races in character and customs that they fight, not for their religion, but against the religion of all men".<sup>18</sup>

If they are Sardinians, these are a "tribe whose worthlessness is such that the only distinction they recognize between freedom and slavery is that the former gives them unlimited license to lie."<sup>19</sup>

M. Scaurus was *propraetor* in Sardinia and accused de repetundis in 54 B.C. In his speech "pro Scauro" Cicero uses very similar means to invalidate the witnesses for the prosecution.

a. The prosecutors of Scaurus enlisted excessive numbers of Sardinians and persuaded them by threats or bribery to come to Rome and accuse Scaurus. (Pro Scauro, pars. 17, 20, 37, 38, 40).

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<sup>18</sup>Cicero, Pro Fonteio, par. 30 "Quae tantum a ceterarum gentium more ac natura dissentiunt: quod ceterae pro religionibus suis bella suscipiunt, istae contra omnium religiones."

<sup>19</sup>Cicero, Pro Scauro, par. 38 "natio, cuius tanta vanitas est, ut libertatem a servitute nulla re alia nisi mentiendi licentia distinguendam putent."

b. The witnesses are irresponsible because they are Sardinians. The Sardinians are of Phoenician origin. All the records of past ages established, that the Phoenicians are a most treacherous nation. Their descendants were the Carthaginians, similar in perfidy to their ancestors. The Sardinians have a mixture of Punic and African blood, and more than that -- they were expelled from Carthage and forced to settle in Sardinia as undesirables.<sup>20</sup>

c. The great difference between Roman dignitas and Sardinian perfidy does not permit the possibility that a Roman citizen of an illustrious family should be condemned because of barbaric accusations.

The abusive paragraphs in all these three speeches are quite of the same type. They form a set rhetorical device, one of the forms of vituperatio.

Could it not be that certain rhetorical commonplaces " κοινοὶ τότοι ", concerning some nations were developed by professional rhetoricians, so as to be used to support the statements made or to illustrate them?

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<sup>20</sup>Cicero, ibid., pars. 42-43 "Fallacissimum genus esse Phoenicum omnia monumenta vetustatis atque omnes historiae nobis prodiderunt: ob his orti Poeni multis Carthaginiensium rebellionibus, multis violatis fractisque foederibus nihil se degenerasse docuerunt: a Poenis admixto Afrorum genere Sardi non deducti in Sardiniam atque ibi constituti, sed amandati et repudiati coloni."



An examination of some text-books of rhetorics, and especially their chapters on the interrogation of witnesses, might be helpful for further analysis.

B

The book Rhetorica ad Herrenium of unknown authorship (once wrongly attributed to Cicero), and dating probably from the second decade of the first century B.C., is a technical manual of rhetoric. In book 1 (5, 8) the author gives some practical, concise advice on how to influence the audience by offending and mocking the opponents. "Ab adversariorum persona benevolentia captabitur si eos in odium, in invidiam, in contumtionem adducemus." In another part, the author advises the barrister to argue that witnesses may be corrupted by bribery, or partiality, or intimidation, or animosity.<sup>21</sup>

These are the same principles which Cicero used in the above speeches for the defense.

Similar rules were established by Quintilian in his Institutio Oratoria (book 5, 7). He dedicated a full chapter to the interrogatio testium and in his advice he seems to follow the practices of Cicero. He also gives a list of arguments to be used against the opponent's witnesses, e.g. that they were enlisted by gratia, metu, pecunia, ira, odio, amicitia, ambitu. (5, 7, 33). He adds, that if the opponents bring a great

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<sup>21</sup>Ad Herrenium, (2, 7, 11). "testes corrumpi posse vel pretio, vel gratia, vel metu, vel similtate".

number of witnesses they should be accused of conspiracy "si abundabit, conspirationem" (5, 7, 23) - an argument Cicero used against the Jews, the Gauls and the Sardinians. In another part of his work Quintilian wrote about special treatises on the examination of witnesses, intended for the use of lawyers (2, 1, 11; 4, 27).

These rhetorical text-books contained a whole collection of loci communes, which used to be learned by heart even by famous lawyers. Hortensius, Cicero's most famous rival, wrote, according to Quintilian, such a rhetorical text-book and, although none of these treatises have come down to us, their general character and purpose can be assumed from Quintilian's descriptions. Cicero, when attacking the witnesses for the prosecution in the "Pro Flacco" or the "Pro Fonteio", uses these traditional general patterns. (Pro Flacco, 6, 26. Pro Fonteio, 23).

This assumption can further be examined in another of Cicero's speeches, also given in a case of de repetundis, only this time Cicero was not counsel for the defense but the prosecutor. This was his famous case against Verres.

In 70 B.C. Cicero agreed to represent the people of Sicily against Verres, their former governor, and for this purpose he travelled through Sicily's towns, collected evidence and brought Sicilian witnesses to Rome. The case of Verres

resembles in its form and subject-matter the cases of Flaccus, of Fonteius and of Scaurus; only this time, Cicero defended a foreign people against a Roman official. This may be seen, in comparing some of the relevant features.

In the case of Flaccus, the prosecutor Laelius emphasized the difference between Flaccus, who committed a sacrilegium in confiscating the temple's gold, and Pompey, who did not violate the temple's treasures, although he conquered Jerusalem and was entitled to spoil. Cicero tried to invalidate this argument of Laelius, by declaring that Pompey did that not out of respect for Jewish beliefs, but because he wanted to avoid suspicion and calumny in Rome. In his charge against Verres, on the other hand, Cicero emphasizes in several places the worthlessness of a Roman official, who dared to befoul the Roman name by robbing and violating holy places in Sicily.<sup>22</sup>

In the three speeches for the defense mentioned above, Cicero attacks the foreign witnesses for their pride and threats against a Roman, but in his speech against Verres Cicero pleads, that his witnesses are "timorous and calamity-stricken Sicilians... the humble suppliants of the Roman people." (In Verrem, 1, 28; 2, 81). In his accusation against Verres Cicero also declared,

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<sup>22</sup> Cicero, In C. Verrem Actio Secunda, 2, 4; 2, 50-51; 5, 184-188. In book 4, 120-122; 131 Cicero compares Verres with Marcellus, the Roman general who conquered Syracuse, but did not touch her treasures.

just as in the "Pro Flacco", that the Roman state is in danger: only here it is not because strangers attacked Roman officials, but because Rome is hated by foreign peoples on account of the oppression committed by some of her representatives.

In his three speeches for the defense Cicero appeals to Roman national pride and prejudice; in his speech for the prosecution, he asks for equally just laws for Roman citizens and provincials. The conclusion reached by this comparison between the different speeches of Cicero is that Cicero's arguments were not based on his personal opinions, but were dependent on the arguments of his opponents. Since, for instance, the prosecutor in the case of Flaccus spoke for the Jews and their rights, Cicero, the counsel for the defense, responded by attacking the Jews and accusing Laelius of betraying the Roman religious tradition. Just as Greeks are liars if they are on the other side, and men of honour on his own, as shown almost in successive paragraphs of the "Pro Flacco", so we may be sure, if Cicero were prosecuting Flaccus, a few eloquent periods would praise the character of those ancient allies and friends of Rome, the Jews.

National vituperatio, invective and abuse against a people as a whole, was part of Greek and Roman rhetoric.

In controversy a laughter-loving people like the Greeks would naturally try to render the opponent ridiculous. Especially

on the side of religion, Jews maintained their difference from their neighbours, and claimed superiority to them. A Greek enemy would be much inclined to heap ridicule, first on the pretensions to superiority, and then on the religious form itself. That may be the basis of a story which soon became widely current to the effect that the Jews worshiped their god in the form of an ass.

The story is probably of Egyptian origin. We know from Josephus' defense against Apion that Apion, the rhetorician Molo and other Greek and Hellenized Egyptians used it. The importance for us, in trying to establish Cicero's attitude to the Jews, is that Cicero, although he used in different speeches vituperatio against the base origin of peoples and their religion (e.g. the Sardinians in the Pro Scauro), he did not mention against the Jews the ass-god, the scrofulous prophet Moses, the savage inhospitality and fanaticism -- tales first used against the Jews by the above mentioned Greeks and later also by Tacitus. It may be that Cicero did not know them. His main taunt used in the Pro Flacco is quam dis cara -- how dear to the gods -- laughing at the claim of the Jews to possess in a high degree the favor of the Divinity, and pointing out that in reality their city was conquered and they were enslaved by the Roman gods and the Roman people.

The conclusion must be that Cicero, in his speeches praised or abused nations ex causa et tempore, non ex natura (Verres, 1, 33).

The historians who have thought that Cicero hated the Jews personally, would have to admit that he also hated the Phrygi, the Lydi, the Mysi and Cari, the Sardinians and the Allobroges.

Here the passage from the Pro Cluentio, par. 139, which I quoted at the beginning of this part (page 21), "adhibemur ut ea dicamus, non quae nostra auctoritate constituentur, sed quae ex re ipsa causaque ducantur," should be remembered again, to see that the opinion, which branded Cicero on the basis of the Pro Flacco, as a narrow-minded Jew-hater, has no factual basis.

C

The previous parts of this analysis of the paragraphs 66-69 in the Pro Flacco prove, I hope, that Cicero's invectives against the Jews are only a lawyer's devices chosen because of the necessities of his case and not because of his personal opinion.

But what was Cicero's opinion on Judaism? What did he know about the Jews? To judge from the above paragraphs -- very little. Cicero was probably not interested in what went on among the strata of society to which the Jews in Rome belonged. He considered himself one of the optimates and so, naturally, his attitude was one of contempt to the infima plebs in general and to foreigners belonging to it in particular.

Nevertheless, it seems that a few details which show his personal opinion might be discovered, details which could also be important in the reconstruction of the history of the Jewish community in Rome during Cicero's days.

But first -- the Jews from several towns in Asia said of Flaccus that he had confiscated illegally their sacred funds. According to Cicero's defense, Flaccus' act was perfectly legal and the Jews had no case at all. But is it possible that the Jews would have raised an accusation without any legal basis



to support it? It might be assumed that the Jews, knowing, of course, that a pro-praetor had the right to forbid the export of gold, protested not against the veto of export itself, but against the confiscation of their gold, which was probably done on the ground that they had tried to smuggle it out after the governor's edict. It seems, therefore, that the Asiatic Jews were appealing mainly against the charge of smuggling which alone had given Flaccus the right to confiscate their sacred funds. From Cicero's defense it also appears that the prosecutor Laelius charged that Flaccus had intended to steal the Jewish gold, and Cicero tried to prove that it was all delivered to the treasury.

It is difficult to prove now anything definite in this respect, having before us nothing but Cicero's speech. Nevertheless it seems suspicious, for instance, that Cicero mentions only four Asiatic towns, Apamea, Laodicea, Adramytium, Pergamum, where the Jewish gold was seized and kept, and not other towns like Smyrna, Ephesus, Miletus, where large Jewish communities existed. Was it because only in these four towns the gold was delivered and accounted for according to the law?

Then again, when Cicero talks against the Jewish witnesses from Asia, he also criticizes sharply the appearance of the Jews of Rome among the public in court. Very little

is known about the Jews of Rome before and during Cicero's time. According to Philo, Pompey brought a large number of Judean prisoners to Rome in 63 B.C. The majority was freed by their coreligionists shortly after, and these are the people here referred to.<sup>23</sup> Others believe that the settlement of Jews in Rome started much earlier, probably in early Maccabean times.<sup>24</sup>

In any case, we have in 59 B.C. an established Jewish community in Rome, necessarily organized in synagogues and chiefly of servile origin. According to the Pro Flacco the Jews formed an active and troublesome element in the turbulent city populace. Cicero said that the charge of the auri Judaici was invented by the demagogues, so as to rouse that part of the populace against Flaccus and his party, the Optimates.

In fact, this is the only place in the speech, where Cicero refers to the popular odium sought to be incited against his client. He speaks of the number and power of the Jews in contionibus, in the political meetings and in the crowd about him during the trial. Cicero says he will have to speak in submissa voce tantum ut iudices audiant, for he fears the power of this troublesome element. (Pro Flacco 66).

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<sup>23</sup> Philo, Leg. ad Caium, 23.

<sup>24</sup> M. Radin, The Jews among the Greeks and Romans, 230.

This is, of course, just some fine acting on the lawyer's part. Cicero was really not afraid to say loudly what he wished to say, and if the jury could hear him, part of the crowd could hear him as well. But although the Roman Jews were probably not as redoubtable as Cicero would have his jury believe, one fact stands out -- quanta concordia -- the great unity among the Jews and their readiness to help each other.<sup>25</sup>

A wrong done to Jews in Asia Minor brings out the Jews in Rome in large numbers to attend the trial. Cicero tries to use this restlessness of the Jews in Rome to rouse the jury against the Jews in Asia.

Cicero points out two facts as characteristic of the Roman Jews. First, that they are often to be found near the gradibus Aureliis, the stone steps of the tribunal Aurelianum, a meeting place for the infima plebs in those days.

In Pro Cluentio 93, de Domo 54, Pro Sestio, 34 - and other speeches Cicero mentions these same steps.

Secondly, that they have influence in the public assemblies, the contiones. Why did the Roman Jews frequent the contiones? Because they belonged to the unemployed, lazy proletariat frequently loitering in the forum, or, because

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<sup>25</sup> A. Du Mesnil, op. cit., p. 162 comments to Cicero's words: "Interessant, dass ein bis auf den heutigen Tag bemerkenswerter Zug an ihnen erwähnt wird, ihr Zusammenhalten, concordia."

they had a special, positive interest to appear as a strongly-united group in the assemblies? In the troublesome days of the year 59 the contiones were used by the populares as a powerful political instrument against the optimates and the senate.

There were elements in the Roman plebs which were readily bribed to fight for the democrats; also often favouring the democrats were the collegia, professional or religious co-operatives. These collegia became Caesar's partisans mainly because of promises of recognition and enlargement of their co-operative rights. The first man to try to use the collegia for his political purposes was Catiline, and therefore the senate decided in 64 to dissolve them. The leaders of the democrats continued after Catiline's downfall to use his tactics in the collegia. Clodius, Caesar's main helper in this field, declared the collegia legal again, after he was elected tribunus plebis in 59.

In 56, when the senate became stronger again, the edict against the collegia was renewed, but the optimates lacked the strength for the law's complete enforcement. The first to put definitely and effectively an end to the political anarchy in the collegia was Caesar. In 46 he passed a new law, which became the basis of the collegium's status in the following period of the Roman empire. Caesar ordered all the collegia to dissolve "except those that were founded in the old days."<sup>26</sup>

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<sup>26</sup>Suetonius, Divus Iulius Caesar, 42 "cuncta collegia praeter antiquitus constituta, detraxit".

According to the official document brought by Josephus, Caesar included the Jewish religious community in Rome among the legally-permitted cooperatives.<sup>27</sup>

From the Pro Flacco it seems that the Jewish community in Rome, which had been recognized as a religious collegium, was influenced by the party-politics in those days. We do not know, if the Jewish collegium was also considered among the illegal cooperatives during the years 64-59 B.C. Even if their collegium was not dissolved by the senate's decree in 64, it could be that the demagogues roused them by rumours that the optimates in the senate were about to forbid their cooperative and as proof adduced the confiscation of the Jewish funds by Flaccus. Cicero's speech might have strengthened that rumour. There is no way today to establish the main reason that stirred the Roman Jews in 59. But in any case, it is clear that the Roman Jews took part in the contiones and tried to help Caesar and Clodius in their fight against the senate, particularly in that part of the struggle that was connected with the collegia.

This is shown by Cicero's speech. Cicero wants the jury to believe that the prosecutor Laelius enlisted the help of the Roman Jews and brought them to the tribunal Aurelianum.

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<sup>27</sup> Josephus, Jewish Antiquities, 14, 215.

so as to change the proceedings against Flaccus into a riotous public meeting. Therefore, the whole charge of the Jewish gold is only an invidia, a means to rouse the Jews against him and the optimates. There was, probably, some truth in this charge of Cicero.

Although I do not believe, as I said before, that the Pro Flacco contains Cicero's personal opinion on Judaism, there are in the pertinent paragraphs one or two sentences, which show something of his view on religion and tradition. These are the words where he praises Flaccus for his firm stand against the Barbarae superstitioni and again, the sentence where he emphasizes the great difference between the religious ritual in Jerusalem and the dignity and custom of the Romans (Pro Flacco, 67; 69).

These words of Cicero probably expressed the opinion of any conservative aristocrat of the late Roman republic. Cicero's words show that he did not find it necessary to examine the Jewish religion and its commands. He was not interested in its independent, absolute value, but only in its relationship to his own people and state. And so the only important fact was that the Jewish religion was a very different religion from the Roman and according to this difference alone the judges must judge.

Cicero, furthermore, believed that the Roman religion was one of the main supports of the Roman state. Any infringement against the Roman religious tradition endangered the republic and so, Flaccus was to be recommended for his severitas against the barbarians.

In these last years before the definite downfall of the republic, the official religion started to crumble, together with the other institutions of the Roman state, and the first to leave the old traditions for barbarae superstitiones were the poor, the infima plebs.<sup>28</sup>

It would be interesting to know more about the Jewish community in Rome and its means and ways to acquire some rights and privileges. The congregation grew little by little; Caesar helped them. According to Suetonius, the Jews especially persisted in their lamentations near Caesar's pyre.<sup>29</sup>

During Augustus' days they are mentioned only very briefly by some Roman writers. From Tiberius on, anti-Jewish feelings become stronger. This time the anti-Jewish opposition gets a more religious colouring, testifying in this way to the growing influence of Judeo-Christian precepts.

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<sup>28</sup> Cicero, in calling the religion of the Jews a barbara superstitio, shows his contempt of this religion by giving it the attribute barbara. In Latin the term superstitio was not disparaging in itself, sometimes it was synonymous with religio. But the rituals and customs dictated by the Jewish religion (e.g. the contempt of idols, dietary laws, circumcision, etc.) seemed barbaric to Romans.

<sup>29</sup> Suetonius, Divus Iulius Caesar, 84 "praecipueque Judaei, qui etiam noctibus continuis bustum frequentarunt".

For many generations Cicero has been considered the outstanding representative of a lost and superior civilization. Why did he not bother to know more about religion -- religion besides ritual?

Cicero appears in the Pro Flacco as an advocate, influenced by party-politics, and not as a thinker.

It must, of course, be remembered that, although Cicero had great intellectual gifts and far-ranging interests, he studied philosophy only when he could not deal in politics. He did not have the moral authority of Demosthenes. Among the many different comparisons made between the two men since antiquity, the one most relevant to Cicero as he appears in the Pro Flacco is the comparison by Rousseau, that Demosthenes was an orator, but Cicero an advocate.

Yet, I would not like to end this chapter on a note of criticism of Cicero.

He certainly was one of the most civilized men who ever lived and, if he seems at times devious and too devoted to the science of persuasion, it should be remembered in what difficult times he lived.

"... rara temporum felicitate, ubi sentire quae velis et quae sentias dicere licet".

Tacitus, Historiae, 1,1.





One reason for the meagreness of scientific writings on Tacitus' opinion on the Jews is the difficulty commentators have in defining the principles on which Tacitus based his historical writings. Tacitus did not state openly what his opinion was on the different peoples, whose history he described. He preferred, as many other historians did, artfully to interweave his principles with his descriptions of events.

The commentator, therefore, has to look assiduously for the guiding ideas of Tacitus, the historian, and if these are found, there still remains the difficult task of distinguishing between Tacitus' personal opinions and those that were the traditional ones of his generation, of his social milieu and of the Roman people.

In conclusion, it was obvious to commentators that the attempt to extricate the personal opinion of the historian Tacitus and to fathom his personality was very hazardous.

An historical investigation often opens with a comparison between a given writer and his sources. Unfortunately, the direct sources of Tacitus for the mentioned chapters are

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Latin texts. The general commentaries on the Historiae (Orelli, Golzer, Furneaux) have very little on these special chapters. R. Syme, Tacitus (Oxford, 1963) - the best, recent English study on Tacitus, mentions occasionally the historian's attitude to Jews, but he too does not deal specifically with Historiae 5, 1-13.

mostly lost. It is safe to assume that his ultimate sources were generally Greek writings, some of which are still extant.

Stories about the Jews and their origin, arranged in the same pattern as Tacitus' description in the Historiae, appeared from Alexander onwards in Hellenistic literature. But Hellenistic historical treatises, dated several hundred years before Tacitus and, therefore, written with a different purpose and based on different suppositions, can at the best explain only in part the writings of an historian in the days of the emperor Trajan, whose main aim was to glorify the past of the Romans and to induce his generation to return to the old, ancestral virtues. Therefore a minute comparison, as used for other histories, between Tacitus' story on the Jews and that of other ancient writers is not too helpful.

Another reason for the lack of scientific historical studies on the Historiae, 5, 1-13 is probably the fact that they are so obviously faulty. The immediate impression of these chapters is that they are just a collection of "old wives' tales".

Most of his descriptions of the origin of the Jews, of their customs and traditions are absolutely wrong and so historians preferred not to consider them at all and to leave them for people dealing in folk-tales. This extreme approach is wrong, I think, since these chapters contain historical material worthy of research.

First, the historian examining this particular Roman period may remember that Cornelius Tacitus, the historian, was also a consular belonging to the senatorial class and, that he must be considered as an important representative of Roman civilization in general.

His views, since they demonstrate the opinions of the Roman leading class about the Jewish people, should be considered. Even if it is true that his views represent only one class in Rome, that of the strict conservatives, this was the party that determined Rome's politics.

Tacitus' tales belong to the Roman tradition about the Jewish people and as such, though appearing to any modern observer as gross falsifications, had their place in determining the relationship between Rome and Judea.

Tacitus mentions the Jews several times in his Histories and Annals. (Historiae 2, 4; 2, 78; Annals. 2, 42; 85; 12, 23; 15, 44 - describes the burning of the Christians by Nero), but the longest and most complete description on the origin of the Jews and their traditions is found in the Histories, book 5, chapters 1-13.

Section (b) The Ethnographical Excursus in Ancient Historiography.

The Histories describe the period between the death of Nero (69 B.C.) and that of Domitian (96 B.C.). In book 5 Tacitus deals with the wars of Vespasian and Titus against the Jews. In accord with ancient tradition in historiography, Tacitus interrupted his descriptions of the Roman war against Judea by a detailed ethnographical Excursus. In this account he described the origin, customs and historical development of the enemy, then the geography of the country, and added only at the end a short description of the siege of Jerusalem.

In introducing his excursus on the Jews, Tacitus used a conventional formula, found also in other historians when they wanted to link an ethnographical egressio with the description of a certain historical event.

Historiae, 5, 2 "Sed quoniam famosae urbis supremum diem tradituri sumus, congruens videtur primordia eius aperire".

The same introductory phrase, with only some slight changes, was widely used by ancient historians and some parallels prove that it was part of an accepted historiographical tradition.

Caesar has: "Quoniam ad hunc locum perventum est, non alienum esse videtur de Galliae Germaniaeque moribus et

quo differant hae nationes inter sese proponere". (B.G. 6, 11, 1).

Sallust conforms to the same convention when he introduces an ethnographical digression..

"Sed quoniam in eas regiones per Leptitanorum negotia venimus, non indignum videtur egregium atque mirabile facinus duorum Carthaginiensium memorare; eam rem nos locus admonuit".

(Jug. 79, 1; so also Jug. 17, 1)

The Greek historian Diodorus of Sicily, who lived in the second half of the last century B.C., wrote a history entitled βιβλιοθήκη ἱστορική in forty books. Only a few of these books are preserved in their entirety, but a fragment from one shows that he too used a similar phrase in introducing the description by Hecataeus of Abdera of the origin of the Jews and their laws: "ἡμεῖς διαμέλλοντες ἀναγράφειν τὸν πρὸς Ἰουδαίους πόλεμον, οἴκετον εἶναι δειλαμβάνομεν προδιελθεῖν ἐν κεφαλαίοις τὴν τε τοῦ ἔθνους τούτου ἐξ ἀρχῆς κτίσιν καὶ τὰ παρ' αὐτοῖς νόμιμα."

Hecataeus' "History of Egypt" is now extant only in a few fragments preserved in Diodorus of Sicily and Josephus (Contra Apionem 1.22 seq.) The above cited quotation is included in book 40 of Diodorus' history, a book which again is preserved

only as a fragment included in the form of quotations in a much later work, the Bibliotheca, written in the 9th century by the Byzantine patriarch Photius (cod. 244)<sup>2</sup>

These quotations show that on some points Tacitus followed faithfully traditional patterns in historiography. But, I think, Tacitus the historian disregarded traditional ways of writing when these disagreed with the aims of Tacitus the moralising teacher. I shall try to prove this later on.

In his Historiae Tacitus did not follow the development of a certain event from its beginning to its end, but described separately the different happenings of each year as they occurred. So, after describing in the first thirteen chapters of book five the siege against Jerusalem during the year 69, he leaves Judea and describes the revolt of Civilis in Germania, as it started and developed during the same year. He continued the story of the Jewish war in the following books of the Histories, but these are not extant.

Among more recent studies, K. Trudinger "Studien zur Geschichte der griechisch-romischen Ethnographie" and Ed. Norden Germanische Urgeschichte in Tacitus Germania contribute greatly

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<sup>2</sup>S. Reinach, op. cit., 14.

In the Institutio Oratoria, 4, 3, 12 Quintilian treats at length the occasions and rules for digressions ( παρέκβασις or egressio) in oratory.

to the understanding of Tacitus' methods as an historian and as an ethnographical writer.

Although both deal with the chapters on the Jewish origin only incidentally, nevertheless these general studies certainly help to a better understanding of the particular.

Trudinger and Norden use two main approaches in their research of ancient ethnography, one is the analysis of specific literary forms mainly used by historians and the second is the establishing of sources an historian might have used and the way, in which he borrowed directly from them or chose to select from and change them.

The comparison between Tacitus' style and that of other historians shows that he followed literary rules traditionally used by former historians when describing peoples' origins and their customs. According to the two scholars mentioned above ancient ethnographers followed well-established rules concerning not only form and style but also content.<sup>3</sup>

The style used in descriptions of peoples' origins, customs, traditions had to be simple, devoid of figurative ornamentation, using short coordinate sentences of simple syntactical structure. It is true that in his chapters on the Jews Tacitus

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<sup>3</sup>Norden, op. cit., pp. 457.  
Trudinger, op. cit., 163; 168.



uses a simple form quite different from the high style of other parts of his books. But the striking conclusion of their careful research was that besides rules of style and form generally followed, ancient historians used single ethnographical motifs and patterns which reappear time and again in the descriptions of widely-different peoples.

The traditions of one people as described by one historian, were apparently copied by another writer in his description of another people because he might see some resemblance between them. Gradually, certain features were used currently and generally by writers in their descriptions of the origins of strange people without due emphasis on the real differences between them. These constituent ethnographic features added colour and apparently appealed to the trained taste of ancient readers, but they diminish greatly the historical value of these treatises.

A number of these general, ethnographical motifs are found in Tacitus' description of the Jewish origin and contribute to the inaccurate character of that account. But here too this opinion of commentators, when applied in the analysis of Tacitus' thirteen chapters, could clarify only a few features and details. It is apparent that Tacitus used some traditional patterns of Graeco-Roman historiography. But I do not think that he did

nothing but translate and transmit fables about the Jews current in different Hellenistic writings. He had a personal opinion about Jews. He did not like them, and his own feelings principally coloured his descriptions of Jewish ways. Tacitus must have known Jews. The Jewish community in Rome was flourishing in his day. For years Tacitus had been a member of the quindecimviri, which was one of the four great priestly colleges in Rome.<sup>4</sup> As one of the "Fifteen", to whom the Sibylline books and a general supervision of foreign cults was entrusted, Tacitus must have observed, among other religious ceremonies the rituals of the Jewish religion.

Tacitus was proconsul Asiae during 114-115 and in this province additional contacts with and knowledge about Jews and Christians were almost unavoidable.

After his return from Asia he wrote his famous chapter on Nero's prosecutions against the Christians (Annals, 15, 44), and expressed in it the same kind of feeling that he had shown previously against the Jews. Therefore we may presume that Tacitus acquired his prejudices against the Jews early in his life and did not change his opinion, even when he had an opportunity for first-hand information.

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<sup>4</sup>Tacitus, Annals, 11, 11... "iisque intentius adfui sacerdotio quindecimvirali praeditus... sed quia collegio quindecimvirum antiquitus ea cura et magistratus potissimum exsequebantur officia caerimoniarum.

These facts lead to the supposition that Tacitus did not draw all his knowledge about Jewish customs and beliefs from literary sources alone. Another factor in support of the supposition that Tacitus based his description on personal observations of the Jews, is the fact that he was a contemporary of Vespasian and Titus, whose long but successful wars greatly intensified interest in Jewish life.

Parts of his descriptions -- (e.g. Jewish separatism, the irrational strangeness of their religion, their "superstition", etc.) were current before Tacitus and ready for him to use, but he did not copy without examining and carefully selecting the material. The impression, on the contrary, is that Tacitus held a firm conviction on this subject and if he made mistakes (in the description of rituals, beliefs) it was not because of lack of opportunity to find out the truth.<sup>5</sup>

The attitude of this Roman consular, even if he was an historian, towards the foreigner was so prejudiced, that

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<sup>5</sup>The translation of the Bible from Hebrew into Greek was completed centuries before Tacitus (about 250 B.C.), but there is no proof that he ever saw the Septuagint. R.H. Pfeiffer, Introduction to the Old Testament (New York: 1948), 104-119, considers it an historical fact "that the Pentateuch was translated into Greek at Alexandria about 250 B.C." R. Syme, op. cit., 126-27, remarks on Tacitus' methods of gaining information for the Germania "Nor did the senator before taking up the pen make anxious inquiry of eyewitnesses or confront the books with the exact testimony of consular governors, legionary legates, or financial agents."

rather than search for accurate facts he preferred to set down the most deleterious version that he could find in his different sources.

This opinion, I think, gains additional support from a general examination of the Histories. Tacitus must often have used for the Histories the writings of other historians, but, it is evident, not indiscriminately. There is no place in Tacitus' writings where one can prove that he simply copied a source or was satisfied merely to give a more polished form to the material found.

Occasionally he left out parts of his sources or especially emphasized others according to his own ideas and aims.

Tacitus wanted to teach through his Histories; he did not want at all just to portray events as an objective historian. His discriminating attitude towards source material, if true about Tacitus' writings in general, must also be acknowledged in his chapters on the Jews.

The conclusion, even after a first and general analysis of these chapters, is that Tacitus used for them literary sources, partly lost now, but that he chose and edited his material according to prejudice and his personal opinions.

Part II            The Germania and Historiae 5, 1-13.

A Comparison of Purpose and Technique.

A thorough interpretation of Tacitus' chapters on the Jews cannot be based solely on an analysis of his style or on a research of his sources.

It may be that the writers used by Tacitus for source material brought forward the same legends and described the same customs, but did so in a different context, with different points of emphasis. (e.g. giving also the different versions about the origin of the Jews, but emphasizing clearly that some are only fables).

The reconstruction of these writers' opinions, which some have tried in connection with other writings, could be important for a better understanding of the development of Roman traditional opinion about Jews and of how different writers contributed to it. But when concentrating on Tacitus alone and asking how the picture of the Jew developed in his mind, I think that the surest indications are found in the chapters themselves. Tacitus' own words explain him best, and this is true for any important writer.

Only after an examination of Tacitus' own opinions, as far as they can be recognized and collected from his writings,

would it be useful to look for parallel ideas among other ancient writers.

Commentators on the Germania came, after years of research and long discussions among themselves, to a conclusion, which has been recognized to be almost a universal law for the interpretation of Tacitus. It establishes that to recognize and fully understand the purpose of a historical work by Tacitus, is just as important as to recognize its sources.

The Germania is one of the most interesting ethnographical writings in ancient literature and, since it has also been widely discussed and criticized, the conclusions reached by scholars on this book can contribute to the evaluation of the ethnographical chapters on the Jews.

Opinions of commentators on the Germania have changed in the last decades. One accepted opinion is that Tacitus' main interest in this book was political and not, as believed before, scientific-literary.<sup>6</sup>

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<sup>6</sup>Two most interesting works on this subject are: R. Heinze, "Urgentibus Imperii Fatis", Vom Geist des Romertums, (1938), 255-277; and E. Wolff, "Das geschichtliche Verstehen in Tacitus' Germania", Hermes 69(1934), 121-166. A recent book, which also analyzes Tacitus' approach to the northern barbarians is: A.N. Sherwin-White, Racial Prejudice in Imperial Rome (Cambridge: 1967), 33-61. Syme, op. cit., 48, 1; 129, 2; discusses briefly the purpose of the Germania believing that this work is an ethnographical treatise rather than a political pamphlet.

It seems to me that Tacitus' historical conception developed along the following lines: First, Tacitus considered the Germans the most dangerous enemy of the Roman empire. Secondly, his decision to examine the main reasons for the Germans' strength brought him to search for the factors which generally cause nations to flourish and become powerful or to weaken and degenerate. Finally he came to the conviction which became a guiding principle for him that Rome's power was a result of her ancient virtus and mores.

Gradually Tacitus started to use in his different historical works the moral principles and values of the Romans as a measuring-stick in the evaluation of any other nation.

Examining the Germans, according to these principles, he concluded that the root of their strength was the similarity between the present German and the ancient Roman way of life. Therefore, in the Germania, especially in the first part, we find an idealized picture of the "noble savage", the representative of virtues that Tacitus admired or sought in vain in his own society. It is at the same time a highly subjective and biased picture of the Germanic tribes, in places vividly colored and detailed, because there the details serve the writer's purpose, while in other places the description is very vague and sketchy.

In Germania, 30., for instance, Tacitus pays high praise to the tribe of the Chatti-- not, however, for barbarian virtues, but for qualities Tacitus considered essentially Roman, like discipline and power of organization. "Multum, ut inter Germanos, rationis ac sollertiae: praeponere electos, audire praepositos, nosse ordines, ... vallare noctum ... quodque rarissimum nec nisi Romanae disciplinae concessum plus reponere in duce quam in exercitu".

Throughout his book the author appears as a kind of moralising educator, presenting the picture of a primitive and strong race to his decadent contemporaries.<sup>7</sup>

Therefore, the description is mostly limited to aspects of Germanic life, which provided a contrast with the contemporary vices of Roman society. If we accept as true that Tacitus wrote this treatise as a moralising politician, who observes the power of the enemy and reveals the hidden sources of his strength so that his own people might learn a lesson, this tendency might explain several things as, for instance, the special selection of sources. Tacitus did not proceed as an ethnologist who describes the different customs and events paying thorough attention to every detail, but selected from the varied ethnographical material

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<sup>7</sup>Syme, op. cit., 126-29; 531.  
 Sherwin-White, op. cit., 36.



that already existed about the Germans only those facets that fitted his purpose. His purpose also explains why the account is in places so vague and unsatisfactory (e.g. the geography, because from geographical descriptions no lesson is to be learned.). He hoped that the Romans of his day would understand the increasing danger from the Germanic tribes; that while they themselves were deserting the customs of their ancestors, which alone gave them their strength, they were facing an enemy who was still practicing the different forms of virtus Romana. This tendency also explains why Tacitus chose for the Germania the literary form of an ethnographical treatise. For this form allowed him to concentrate mainly on the description of customs and, in this way, to illustrate concretely his principle that the mores of a people determine its strength.

It is instructive, at this point, to compare Tacitus' Germania with Caesar's observations and descriptions of the Gauls and Germans in the various books of his Bellum Gallicum.

In book 2, 15 and 27, Caesar expresses his admiration for such barbarian qualities as courage and toughness, as displayed by the Nervii in their fight for freedom.

In book 7, 77, we have the very effective speech of Critognatus of the tribe of Averni. Here too Caesar pays due tribute to the Gauls' great love for freedom.

This speech is also a tribute to Caesar that he, as a Roman conqueror, could write a piece of such remarkable self-criticism. In book 6, 11-28, Caesar inserted an ethnographical description of the Gauls and Germans. In his occasional comments on these enemies of Rome against whom he himself fought, Caesar seems, when compared with Tacitus, remarkably detached and unprejudiced. He realized, of course, just as Tacitus did with the Jews, that there existed an extreme difference between the Germanic and the Roman way of life, and he described it with very little indication of approval or disapproval. Caesar had a general broader outlook than many, Tacitus included.

He objected, occasionally, to the savage ways of the feri, but he did not hesitate to show admiration for their heroic virtues and desperate struggle for freedom. He did not disapprove of a culture merely because it was different.

A comparison between Tacitus' description of the Germans and that of the Jews makes it clearly evident that he used for these two nations two contrasting methods. Tacitus described those Germanic customs that seemed similar to ancient Roman habits, but he related only those practices of the Jews that were different from those of the Romans and all other nations. The characteristic feature of the Jewish religion and law that he emphasized above everything else was: "Moyses quo sibi in

## Part III      Analysis of Historiae 5, 1-13

Section (a) Traditions on the Isolation and  
Misanthropy of the Jewish People.

Did Tacitus have a specific reason for his antipathy to Jews? Or was his outlook so narrow-minded that he disapproved of Jewish culture merely because it was different from the Roman? Or does a ruling race show particular intolerance towards less successful races they have conquered? Or rather is there a general law that governs human relations and causes differences of custom and behaviour between people to result in bad feelings among them?

Tacitus was not the first or only writer to point out the aloofness of this "strange people". In fact, it would be difficult to mention all who besides him misrepresented the Jewish law, the slight differences in their accusations resulting only from differences of their respective time and place. The core of the anti-Jewish argument changed little.

From the wealth of anti-Jewish writings I shall quote here only one other literary example, and it might be the oldest. This is from the Old Testament, the Book of Esther, whose date is a point of argument among biblical scholars.<sup>8</sup> According to

<sup>8</sup>R. H. Pfeiffer, op. cit., pp. 740-747 -- argues that the book, although it describes accurately Persian royal customs, does not belong to the Persian period, but was written about 120 B.C., when the Hasmonean dynasty ruled Judea.

its content, the time of the book's action is the fifth century B.C., the reign of Xerxes I (485-465 B.C.) Some scholars do not accept this early date of composition and postpone it to the second century B.C., but even so this book would still be the oldest literary evidence of anti-Jewish feelings stirred up by difference in customs.

In the book of Esther, 3: 8-15 Haman, the Amalekite grand-vizier, says to Ahassu-erus, the king of Persia and Media: "There is a certain people scattered abroad and dispersed among the peoples in all the provinces of your kingdom; their laws are different from those of every other people, and they do not keep the king's laws, so that it is not for the king's profit to tolerate them. If it please the king, let it be decreed that they be destroyed ...Letters were sent by couriers to all the king's provinces, to destroy, to slay, and to annihilate all Jews, young and old, women and children in one day...The couriers went in haste by order of the king...And the king and Haman sat down to drink."<sup>9</sup>

Here in its directness and simplicity is a classical expression of hatred towards a minority for the only reason that it dares to be different. The same reason will be stated many

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<sup>9</sup>The Holy Bible, Revised Standard Version (New York: 1953).

times during the years in anti-Jewish literature, usually in a more devious form than Haman's direct words. Sometimes the charge took on the disguise of historiography, explaining the origin and laws of the Jewish people, especially in the Hellenistic Egyptian writers, like Manethon (3rd cent. B.C.), Lysimachus (probably second cent. B.C.), Apion (first cent. B.C.).<sup>10</sup>

During the Middle-Ages, and also later on, one expression of that feeling was the "blood accusation" or ritual murder, the tale of Christian blood needed for the panis Judaicus, the Jewish unleavened Passover bread,<sup>11</sup> and lately it has been accommodated to modern tastes by using a socio-economic terminology.

The enmity against Egypt was, according to Tacitus, (Hist. 5,4) the main basis for the oldest Jewish laws, but the tendency to diverge from other people was continued also in later times when newer laws were established. "Hi ritus quoquo modo inducti antiquitate defenduntur: cetera instituta, sinistra foeda, pravitate valuere". (Hist. 5, 5).

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<sup>10</sup> Reinach, op. cit., pp. 20-34; 117-120; 123-134.

<sup>11</sup> The panis Judaicus is also mentioned by Tacitus as one of the peculiar customs of the Jews. (Hist. 5, 4). But he did not accept the story of ritual murder. A common anti-Christian charge made by pagan Romans was one of ritual Cannibalism, probably a perverted understanding of the celebration of the mass. It is a curious fact that the Chinese have charged Christian missionaries with precisely the same crime of kidnapping and killing children as part of their religious ceremonies.

Tacitus adduces two groups of laws meant to differentiate Jews' from other people's customs. One group is formed by the older and therefore more revered customs, established because of what had happened at the beginning of the people's history. In the second class were the laws not meant to perpetuate an ancient event, but originating in the essential pravitas of this particular people. The laws in the first group were intended only against the Egyptians, those in the second against all other nations. Tacitus does not see any real difference as to the essential nature of the Jewish laws. He does not distinguish between customs, which, although bad, would be justified by ancient events and between later, corrupt customs; he implies that both kinds of laws were intended equally against all mankind.

The first kind was hostile to Egypt only, because at that time the Jews knew no other people besides the Egyptians. Both kinds of laws sprang from a single root -- misanthropy, which in time became stronger, valuere, and brought forth new manifestations of that old depravity. Tacitus obviously believed that there was not one good grain in the Jewish race, in any case he has not one good word to say for it.

In examining the list of Jewish customs found in Tacitus, we see that they are all diametrically opposite to some Egyptian or Roman customs.

"Separati epulis, discreti cubilibus... ut diversitate noscantur" (Hist. 5, 5) the dietary regulations, prohibition of intermarriage, circumcision -- all were intended as barriers against a mutual comprehension. Other fences were created by the Jewish ritual intolerance, such as contempt for idols because of the worship of an imageless and abstract deity. Other regulations particular only to Jews, implies Tacitus, were the requirement for a proselyte to break completely with his past, forsake former gods, fatherland, relatives. The exposure of agnati, new-born, unwanted children, was illicit, and those who died in battle or by execution gained immortality. At the end of this account of contrary laws, Tacitus writes: Sed quia sacerdotes eorum tibia tympanisque concinebant, ... Liberum patrem coli, domitorem Orientis, quidam arbitrati sunt, nequaquam congruentibus institutis. Quippe Liber festos laetosque ritus posuit. Iudaeorum mos absurdus sordidusque. This is a firm statement against those who believed that the Jewish religious ritual resembled that of Dionysus.

We do not know who the quidam were, perhaps other historians who had tried to explain Jewish laws from a basis common with other people. The separation of this people from other nations because of hatred of mankind ( μισανθρωπία odium generis humani) was, as Tacitus thought,

the main characteristic trait of the Jews from the very beginning of their existence apud ipsos fides obstinata, misericordia impromptu, sed adversus omnis alios hostile odium.<sup>13</sup>

Tacitus did not mention any of the old Jewish commandments on love and protection of man. "You shall love your neighbor as yourself" (Exodus, 19, 18), is at the present best known and most often quoted. This ethical precept is found throughout the Bible in various forms and applications (stories, prophets' visions, laws), and, more important, it did not remain an abstract ideal admired and quoted among a small, selective group. The Jewish lawgivers, using this idealistic concept as an introductory phrase or as an unquestionable motivation, based on it numerous laws and practical directives to regulate through them the ordinary people's daily life. The laws for humane conduct towards man and special consideration for the weak and defenseless (the slave, the widow and orphan, the stranger), for all those who had no legal rights in ancient society, scattered throughout the Old Testament, are also grouped in the law-collections of the Pentateuch, especially in its three most important codes of law: The Covenant Code (Mishpatim), Exod. 20, 22-23, 19. The Holiness Code (Kedoshim),

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<sup>13</sup>In his famous passage on the Christians, Tacitus brings the same charge against them: "...exitiabilis superstitio... haud perinde in crimine incendii quam odio humani generis convicti sunt". (Annales, 15, 44)



Levit., 17-26, and the Deutoronomic Code, Deut., 12-26. There is no other commandment in the Pentateuch (not the commandment to love God and worship him alone or the law of Sabbath, not the dietary laws or those against theft and murder), that is so often repeated as the laws regulating the relationship with the stranger. According to the Talmud ( בבא מציעא, נט, ע"ב ) they are mentioned in the Pentateuch in thirty-six different places.

Here is a selection of some different versions. "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" (Ex. 22: 21) "When a stranger sojourns with you in your land, you shall not do him wrong. The stranger who sojourns with you shall be to you as the native (citizen) among you, and you shall love him as yourself, for you were strangers in the land of Egypt." (Lev. 19:33-34) "You shall have one law for the sojourner and for the native" (Lev. 24: 22) "You shall not oppress a hired servant who is poor and needy, whether he is one of your brethren or one of the sojourners who are in your land within your towns". (Deut., 24: 14).<sup>14</sup>

The experience in Egypt used by Tacitus to explain the hatred of the stranger among Jews, is used in the above

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<sup>14</sup>Also e.g. Ex., 23:9, Deut. 10: 18-19.

citations, as well as in numerous different laws in the Bible, to motivate the laws protecting the stranger.

It is true that Tacitus never charged the Jews with ξενοθυσία, religious sacrifice of strangers, although he must have known that several Egyptian-Greek writers (e.g. Apion) had brought that up in their anti-Jewish pamphlets.

But he definitely thought the Jews guilty of μισοξενία and it is interesting to see how he emphasized this charge, by departing from the common meaning of the notion "misanthropy" as used in his time. Originally, μισανθρωπία only meant unsociability or unwillingness to accept the common customs and beliefs. This charge -- common against Jews and early Christians -- merely meant that these groups refused to associate in general social activities, e.g. official and semi-official religious ceremonies, athletic contests etc., and so appeared exclusive and unsocial. In Tacitus' charge μισανθρωπία comes to mean not only unsociability but active dislike of all foreigners and foreign customs and beliefs.

Section (b) Tacitean Technique in the Selection  
of Jewish Customs and Laws.

A second aim that determined Tacitus' choice of Jewish customs to describe was to explain the collective strength or weakness of Jews in their capacity as a nation. He did not write at all of the language, weapons and warfare, economy or other matters found in ancient ethnographic descriptions. The question that interested Tacitus, besides the Jewish inclination for isolation was, from where comes their power of unity and, in particular, what was the strength that sustained them in their long struggle against the Roman empire. Augendae tamen multitudini consulitur; nam et necare quemquam ex agnatis nefas, animosque proelio aut suppliciis peremptorum aeternos putant: hinc generandi amor et moriendi contemptus (Hist. 5, 5) might explain the rapid increase of Jewish population and their numerical power. Stubbornness in battle is explained by the belief in the fighter's immortality. He also mentions "Corpora hominum salubria et ferentia laborum" (Hist., 5, 6), physical strength and hard work prepared Judea's inhabitants for perseverance in fighting.<sup>15</sup>

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<sup>15</sup>Tacitus believed that the hardworking farmers in Italy had made the best Roman soldiers and he deplored their rapidly declining numbers. So also Horace, Carmina, 3.6.37. Virgil, Aeneid, 9, 607.

...tributa et stipes illuc congerebant, unde auctae Iudaeorum res" (Hist. 5, 5). "Illic immensae opulentiae templum" (Hist. 5, 8) "per avaritiam Claudianorum temporum empto iure muniendi struxere muros in pace tamquam ad bellum" (Hist. 5, 12).

Jewish loyalty to Jerusalem and contributions to the temple are mentioned several times, since this resulted in a concentration of gold in that city, which made the building of strong fortifications possible, later used by the Jews against the Roman legions during the siege of Jerusalem.<sup>16</sup>

Since Tacitus believed that the customs of a people are the source of its strength or weakness, he also considered the question, what the Jewish laws and customs were that finally weakened that people and contributed to its destruction. Among these destructive customs Tacitus singles out the day of Sabbath. "Septimo die otium placuisse ferunt, quia is finem laborum tulerit; dein blandiente inertia septimum quoque annum ignaviae datum". (Hist. 5,4) Tacitus saw the Sabbath, which the Jewish law declared to be a time of rest for all, including the stranger, the slave and the animals, as a temptation to laziness, that would weaken a people's strength.<sup>17</sup>

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<sup>16</sup>Josephus, Wars, 6, 328-350. Titus in his speech before the Jewish soldiers besieged in the temple argues also, that the contributions to the temple were used for military purposes.

<sup>17</sup>Deut. 5,12-15 "Observe the sabbath day to keep it holy ... in it you shall not do any work, you or your son...

Tacitus' opinion of the Sabbath was by no means an exceptional one among Roman writers. Laborare, Negotium for the family and for the republic was considered by Romans a moral duty, inactivity (desidia, inertia, ignavia) a sign of degeneration. One of the arguments brought against the Sabbath was that it would take away from a man the seventh part of his life.

Seneca's position regarding the Sabbath was, according to St. Augustine, the following: "Hic inter alias civilis theologiae superstitiones reprehendit etiam sacramenta Iudaeorum et maxime sabbata, inutiliter id eos facere adfirmans, quod per illos singulos septem interpositos dies septimam fere partem aetatis suae perdant vacando et multa in tempora urgentia non agendo laedantur".<sup>18</sup>

Other Roman writers like Horace, Ovid, Persius, Pliny the Elder mention the Sabbath only very briefly. Sometimes this day is mentioned in a gibe (Horace), others have considered it as a cold, dull day often confusing it with a fast-day; or again as a sad, ill-omened day unsuitable for any important business.<sup>19</sup>

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or the sojourner who is within your gates, or your slave ... that your slave may rest as well as you ... You shall remember that you were a slave in the land of Egypt..".

<sup>18</sup>Seneca, De Superstitione, quoted by St. Augustine, De Civitate Dei, 6, 10.

<sup>19</sup>Horace, Satires, 1.9. Ovid, Ars Amatoria, 1.75 and 1. 415 ("rebus minus apta gerendis").  
Remedium Amoris, 5, 217.  
 Persius, Satires, 5. 176-188.  
 Pliny the Elder, Hist. Nat., 31. 2 and 24.

Besides Tacitus, it is his contemporary Juvenal who has somewhat more to say about the Sabbath.

Quidam sortiti metuentem sabbata patrem  
Nil praeter nubes et caeli numen adorant,  
...Sed pater in causa, cui septima quaeque fuit lux  
Ignava et partem vitae non attigit ullam.

(Sat. 14. 96-106).

This is an interesting text, since it sums up once again most of the known charges against Jewish observances (cult of the sky and clouds, distaste of pork, circumcision, inhospitality, and mentions among them the Sabbath, construing its observance almost as an act of treason.)

In summing up the different Roman opinions on the Sabbath it appears that, according to the extant literary evidence, all were negative. Some opinions were more moderate, simply regarding it as the essence of unreason that a holiday should be celebrated by abstention from ordinary activities and amusements. Others absolutely condemned it. The real meaning and purpose of the Sabbath seems to have been unknown. Nevertheless, Tacitus found it necessary to bring in several explanations on the Sabbath's origin, a fact that shows that his contemporaries were widely interested in and attracted to this weekly rest day. It would be interesting to have, besides the opinions of writers, also the opinions of the ordinary Greek and Roman on the Sabbath and other Jewish customs. But these

have been nowhere transmitted. It is fair to surmise though, that, at the time when many were converted to Judaism and later to Christianity, the day of rest held a special charm for the wider circles of the people.<sup>20</sup>

In the same passage Tacitus also remarks on the sabbatical year, "dein blandiente inertia septimum quoque annum ignaviae datum," (Hist. 5,4). He apparently did not know that the "Year of Sabbath" (שנה שמ"ט) was not a rest time for the people, but for the soil alone. "When you come into the land which I give you, the land shall keep a sabbath to the Lord. Six years you shall sow your field, and six years you shall prune your vineyard, and gather in its fruits; but in the seventh there shall be a sabbath of solemn rest for the land, a sabbath to the Lord,...The Sabbath of the land shall provide food for you, for yourself and for your male and female slaves and for your hired servant and the sojourner who lives with you". (Levit., 25: 2-6)

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<sup>20</sup>The accusation of indolence was also made against the early Christians. Suetonius, (Domitianus, 15) accuses Flavius Clemens, the Christian convert, of contemptissimae inertiae. Tacitus also blames the Gauls (Agricola, 11) and Germans (Germ., 4 and 15) for an inborn tendency to idleness. cf. Sherwin-White, op. cit., pp. 35-37; 49-50.

Section (c) Tacitus on Jewish Political Development  
from the Assyrian to the Roman Period.

The examples so far given show that Tacitus' attitude to the Jewish people was that of the Roman consular evaluating the spiritual and material resources of an enemy. He maintained the same attitude when he examined briefly the historical development and drew his conclusions about their political aptitudes. (Hist. 5, 8-10)

His opinion was that the Jews were not a people successful in war, and furthermore they were not capable of maintaining any political independence. His arguments are: During the Assyrian and Persian periods the Jews were "despectissima pars serventium" (Hist., 5, 8).

Tacitus is more explicit when he describes the Seleucid rule in Palestine. Some Hellenistic writers recounted and evaluated the Jewish revolt against Antiochus Epiphanes in a way absolutely contrary to the Jewish tradition, which continued to regard this war as a struggle of a small force against a mighty king for man's right to live in a way he thought best.<sup>21</sup>

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<sup>21</sup>The ancient Jewish writings describing the Maccabean revolt are: The biblical Book of Daniel (c. 165 B.C.) The first Book of Maccabees, transmitted only in Greek in the Septuagint, but probably written originally in Hebrew, ca. 125



According to Josephus, some writers circulated false stories so as to defend Antiochus Epiphanes and to screen his plunder of the temple in Jerusalem.<sup>22</sup> They represented Antiochus Epiphanes as a pioneer of civilization fighting a fanatic people.<sup>23</sup>

Tacitus accepted this opinion and in his masterly concise way of writing emphasized the salient points: postquam Macedones praepolluere, rex Antiochus demere superstitionem et mores Graecorum dare adniscus, quo minus taeterrimam gentem in melius mutaret, Parthorum bello prohibitus est, nam ea tempestate Arsaces desciverat. (Hist., 5, 8) Besides the first parts of this statement which are a matter of opinion and as such debatable, the last part--that Antiochus was hindered only by the Parthians from accomplishing his purpose--must be recognized as a misrepresentation of facts.

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B.C. as the official chronicle of the Hasmonean dynasty. The second Book of Maccabees, transmitted in the Septuagint and written in the second century B.C. Josephus Flavius, Jewish Wars and Jewish Antiquities, 12.5-13.7. Modern commentaries on the tradition of the revolt and of Hanukkah are numerous.

<sup>22</sup>Josephus, Contra Apionem, 2.90 "isti vero magis studuerunt defendere sacrilegum regem quam iusta et veracia de nostris et de templo conscribere, volentes enim Antiocho praestare et infidelitatem ac sacrilegium eius tegere".

<sup>23</sup>Poseidonius, fragment 14 in Diodorus 34, fr. 1 (from Photius, p. 524) adduced by Reinach, op. cit., 56-59.

The campaign against the Parthians took place under Antiochus VII Sidetes and not under Antiochus IV Epiphanes.<sup>24</sup>

The armies of Antiochus Epiphanes were repeatedly defeated by the Maccabees.<sup>25</sup> During the transitional period Macedonibus invalidis, Parthis nondum adultis et Romani procul erant, sibi ipsi reges imposuere. (Hist., 5.8) : the Jews became independent of foreign rule and imposed upon themselves kings. These rulers were incapable of leading their people, civil wars broke out, the tyrants persecuted their subjects, until Pompey came and brought Roman government to Judea. Later on, there were periods of peace followed by recurrent revolts against Rome up to the last war in 66.<sup>26</sup>

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<sup>24</sup>E. Bickermann, Der Gott der Makkabaer, (Berlin, 1937), 24.4: "Der Hinweis auf den Krieg mit den Parthern ist eine falsche Kombination des römischen Historikers, der Antiochos IV mit Antiochos VII verwechselt hat".

<sup>25</sup>E. Schurer, A History of the Jewish People in the Time of Jesus (New York: 1961), 26-33 f. e.g. page 30 "In one battle after another Judah won brilliant victories, which resulted in the restoring of the Jewish worship on Zion". I prefer to quote on this point E. Schurer, a German protestant theologian, whose History, was first published in the 19th cent. (Leipzig: 1874). Although new ways of research and discoveries have aided more recent historians, his is still the classic, standard work on this period.

<sup>26</sup>Hist., 5.8. "fugas civium...parentum neces aliaque solita regibus ausi", Tacitus probably alludes here to king Herod and the last members of the Hasmonean dynasty. At the same time he represents the general Roman opinion on kings, traditionally hated, because of the bad experience the Romans gained at the beginning of their history. There is also the bon-mot of Augustus, who when he heard that king Herod had killed another of his sons, said "Mallem Herodis porcus esse quam filius" (Macrobius, Saturnalia, 2.4, 11).

In this historical sketch Tacitus sums up for his Roman readers the main events in Jewish history and at the same time points out certain traits recognizable at every time during their existence. As usual in Tacitus, he did not express openly his own conclusions but guided the reader to make them for himself. Two things stand out in his description--the Jews never distinguished themselves in battle (e.g. the way he describes the Hasmonaean revolt, and later the siege of Jerusalem) and secondly, they were not able to form a stable government.<sup>27</sup> When international circumstances permitted them to become independent, they displayed their lack of political maturity by choosing to be ruled by tyrants, which had to result in civil wars. Since, in his opinion, the Jews never achieved anything positive in political or military fields, Tacitus did not find it necessary to mention anywhere their different institutions or ways of warfare.

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<sup>27</sup> Incapacity in government was a general accusation by Romans against almost all their subject peoples (and with some justification) even in the civilized Greek East.

Section (d) Jewish Monotheism as an Incentive  
to Rebellion.

Another conclusion of Tacitus' historical summary is that it is in the nature of Jews to revolt, and that typically their revolts are not fights for political freedom or conquests of other people, but are always caused by religious fanaticism.

The basis and ultimate cause of their existence, of their strength and of their final destruction, he thought, was their religion. Therefore the historian placed the Jewish religion at the centre of his examinations and showed that it was related to and could explain every event and every feature of Jewish life.<sup>28</sup>

It is the senator, the exconsul, Tacitus more than the historian, who evaluates another people solely by the benefit or the damage resulting from its relationship with his own country.

A striking instance of this approach is the conclusion that Tacitus draws from the abstract notion of the deity Iudaei mente sola unumque numen intellegunt: profanos qui deum imagines

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<sup>28</sup> Few critics would disagree with Tacitus on the point that it was their religion which shaped the character and life of the Jews. The difference of opinion appears in the evaluation of that religion.

mortalibus materiis in species hominum effingant, summum illud et aeternum neque imitabile neque interitum. Igitur nulla simulacra urbibus suis, nedum templis sistunt; non regibus haec adulatio, non Caesaribus honor. (Hist., 5, 5). Tacitus after giving such a beautifully clear and salient definition of Jewish monotheism, did not see it as an achievement of man's development, but only as a source of rebellion Igitur....non Caesaribus honor.

All the subjects of the Roman empire were bidden to honour the emperors; the Jews alone denied obedience. It is true, the Jews were ready to rebel when Caligula insisted on having his statue placed in Jerusalem's temple (he died before the decree was enforced); they revolted when the legions entered their holy city with their standards; thousands were killed when they destroyed the Roman eagle, which their king Herod had put up on one of the temple's gates in order to honour his Roman patrons, and there are other similar incidents; but is that really all that Tacitus could see in this main principle of the Jews?

In Germ. 9 Tacitus describes some traits of the Germanic religion. He identifies some of their gods with Mercury, Hercules and Mars, tells that Mercury is worshiped on certain days by human sacrifices, while Hercules and Mars are appeased

only with animals, wonders about the origin of the Isis' cult among the Suebi and finally adds: ceterum nec cohibere parietibus deos neque in ullam humani oris speciem adsimulare ex magnitudine caelestium arbitrantur: lucos ac nemora consecrant deorumque nominibus appellant secretum illud, quod sola reverentia vident.

A comparison between Tacitus' words on the Jewish perception of deity and his description of the Germanic belief emphasizes his difference of attitude towards the two religions. In both passages Tacitus only describes and does not declare his own opinion. He is such a master with words, that he is perfectly able to convey his feelings in an indirect and more subtle way. The tone in the two passages is completely different. The dignified language in the Germanic passage, the slow rhythm of the infinitives and the polysyllabic words, the reverent expressions applied to their gods (magnitudine caelestium, sola reverentia), all form part of the grand Tacitean style and imply his respectful sympathy for the primitive and unspoiled Germanic way of worshipping their Gods.

E. Wolff believes that Tacitus evaluated positively Germanic religion, because it conformed with his own religious convictions. He sympathized with a ritual that did not include

idol worship.<sup>29</sup> If this is true, why did he not appreciate the Jewish abolition of idols and images?

There could be several reasons, both political and personal-philosophical. The Roman government was interested that all the peoples within the empire should follow a religio utilis civitati. The Germans were a free people -- free to live and believe whatever they liked. The Jews lived under Roman rule which demanded from all its subjects certain acts of homage to the emperors. These honours, which had to be paid to the living emperors, resembled religious ceremonies (e.g. the pouring of libations to the emperor's statue) and so were refused by the Jews.

The honours paid to the Caesars were a duty that even Roman citizens who did not agree with them had to fulfill. Those, especially subject peoples, who did not comply with them endangered the state and themselves. The Stoic Thrasea Paetus, the leader of the senators opposing Nero's tyranny, was accused of treason because, among other protestations, he had refused to recognize the empress Poppaea Sabina as goddess. He was branded contra instituta et caerimonias maiorum proditorem palam et hostem Thrasea induisset, and sentenced by the Senate to

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<sup>29</sup>Wolff, op. cit., 135.

take his own life.<sup>30</sup>

If we agree that Tacitus evaluated the Jews and their religion mainly from a political view-point, since their worship of one god forbade them to worship the common idols and deified emperors, he had to condemn them as traitors to the Roman government. But besides the political reason, other factors are evident.

Tacitus sympathized with the Stoic philosophy and, therefore would respect the "nature-worship" of the Germanic tribes.

Secondly, the principle that a pronounced difference of customs produces antagonistic feelings could have influenced Tacitus in his sympathetic evaluation of the Germanic cult and contributed to his contempt for the Jewish religion.

A Roman could easily understand and accept Germanic religious ritual. As a polytheist himself, he found no difficulty in identifying Woden with Mercury or Odin with Mars, but he could make no identification at all with the single Jewish God. The difference was so definite, that for those accustomed to a polytheistic tradition, even if, as in the case of Tacitus, to this tradition more abstract, philosophical notions were added, an uneasy feeling of strangeness towards that "alien,

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<sup>30</sup> Annals, 16.22 and 28. "Eiusdem animi est Poppaeam divam non credere, cuius in acta divi Augusti et divi Iuli non iurare, Spernit religiones, abrogat leges."



barbarous superstition" remained. On confronting the absolute demands of Judaism, the gulf between them and his own old tradition could not be spanned. An additional reason for prejudice was the fact that for Jews their theology was inextricably bound up with human behaviour. This must have seemed to a Roman an undue influence of religion on life and lead to the charge of superstitio so common both in anti-Jewish and anti-Christian charges.

Tacitus concluded that Jews were extremely faithful to their religious principles but not to the Roman empire. Moreover, their first lesson for converts was the adoption of the same treacherous attitude.

Tacitus, apparently, was not interested in the things that attracted proselytes to Judaism. He saw them as the lowest of people, since they had betrayed their country's traditions and replaced them by those of an enemy.<sup>31</sup>

Therefore, in the few words in which Tacitus passes his sentence on Jewish proselytes, he points out their relationship to gods, country and family. nec quicquam prius imbuuntur quam contemnere deos, exuere patriam, parentes liberos fratres vilia habere. (Hist. 5, 5)

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<sup>31</sup>Hist., 5,5 "pessimus quisque spretis religionibus patriis".

### CONCLUSION

I have attempted to trace in this paper the attitude of Romans towards Judaism.

For this purpose I chose a limited period, about two hundred years, and a time of great political and religious changes in the Mediterranean world.

At the beginning of this period the Romans met for the first time the Jews in Judea, conquered Jerusalem and accorded them a large measure of self-government; this was only gradually restricted during a series of Jewish uprisings, culminating in the war of 66-70 and the destruction of Jerusalem. At the end of this period we have the last great revolt in Judea under Bar-Cochbah (132-135) and the restriction of Jewish religious life by the edicts of Hadrian. These years also saw the beginning and gradual development of a Jewish community in Rome and in a few other Italian cities, which offered more opportunities of contact between Romans and Jews.

A second limitation of this paper is that it is based only on literary evidence, relying mainly on the two Latin writers Cicero, who lived at the beginning of our period, and Tacitus, who wrote his later works under Trajan and Hadrian.

The reason for this last restriction is that, although different Latin writers during this period referred to Jews,

the great majority of these references offer very little information. They are not continuous descriptions but only fragmentary passages or a few obscure lines mentioning a Jewish custom, some geographic features of Judea (The Dead Sea...) or legends on Jewish origin. It is unfortunate that so little remains on the opinion of ancient writers about the first confrontation between the Jewish and the Roman civilizations.

Only scanty evidence, a few obscure words in Horace, an allusion in Ovid, a phantastical geographic description in Pliny the Elder, is extant.

It would be interesting to have evidence of what Virgil knew about the new religious and moral conceptions from Judea that were penetrating the Roman world. The poet who so vividly described man's helplessness and whose Aeneid is so often an indictment of divum inclementia, of the incomprehensible injustice of the traditional gods -- what did he know or think about the Jewish answers to these eternal problems?

A description of Jewish life in Rome in a satire of Horace, who saw everyman's weaknesses, including his own, conversed about them easily, and laughed at them good-naturedly, would have given us a better picture than the arrogant and bitter lines of Juvenal.

Since the only continuous and more explicit evidence from the Latin writers of the period is found in Cicero and

Tacitus, my conclusions are necessarily based on these two writers, although, wherever pertinent, I also brought citations from other ancient sources. A brief retrospect is here added on the respective attitudes of Cicero and Tacitus to Judaism.

As mentioned before, I disagree with those historians who on the basis of the Pro Flacco deduce that Cicero hated Jews personally. He appears in this speech as an advocate defending Flaccus against some Jewish witnesses and trying to invalidate their testimony not by "special anti-Jewish accusations" but by invectives used in similar form also against witnesses from other nations. Some of his arguments against the Jewish witnesses were a standing-part of rhetorical technique, since national Vituperatio was commonly and frequently used by Greek and Roman rhetoricians and lawyers. It is true this speech contains a few taunts against Jews and their religion, but it seems clear to me that they are only a lawyer's devices used because of the circumstances of his case and not indicative of Cicero's personal opinion.

Cicero knew probably very little about the Jews and their religion. This group of people, who in his time belonged in Rome to the lowest strata, infima plebs, did not enter his sphere of interest. A few paragraphs in one of his minor speeches is all we have from Cicero on Judaism. There is no reference

in his many letters, nothing in his writings on religion.<sup>1</sup>

The most extensive and explicit evidence comes from Tacitus, a superb writer but an embittered and proud man whose personal feelings strongly influenced his historical writings.

Tacitus' attitude to Judaism is quite different from that of Cicero. It was strongly biased and antipathetic.

One of the reasons for this difference in attitude was that Cicero might or might not have seen some Jewish prisoners of Pompey or heard about Pompey's visit to the sanctuary in Jerusalem. But Tacitus lived at the time of the Jewish war in 70, which had been costly for the empire, especially since it developed during the upheaval that followed Nero's death. The ex-consul Tacitus drew his conclusions about this extremely troublesome element. But besides external circumstances influencing the attitude of these two Roman writers, there were also differences of personality which determined their opinions.

Cicero, although proud of Roman traditions and considering political activity the first duty of a man and a Roman, had a wide range of intellectual interests. When he was barred from state affairs and struck by personal bereavement, he studied and translated Greek philosophy.

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<sup>1</sup>There is one more reference in another of Cicero's speeches, De Provinciis Consularibus 5, 10. "Iam vero publicanos miseros...tradidit in servitutem Judaeis et Syris, nationibus natis servituti..."

Tacitus was in many ways a misanthrope, dreaming about the past glories of the republic and intensely hating the new forms of Roman life, degenerated, as he believed, because of the increasing influence of foreign elements. In his historical writings he introduced at different points, in accordance with historiographical tradition, descriptions of nations, but in contrast to other ancient historians, (e.g. Herodotus) who were induced by intellectual curiosity to investigate different cultures, Tacitus' purpose was only political-didactic.

He evaluated the Jews from his political, extremely conservative viewpoint, hating them as an enemy which had to be repeatedly overcome and which, even when politically destroyed, was still undermining, in the old or newer Christian form, Roman tradition -- and this in the city of Rome itself "per urbem etiam, quo cuncta undique atrocia aut pudenda confluunt celebranturque". (Annales 15, 44).

Tacitus did not state directly his personal opinion on Jews, but there is no doubt that he considered both Judaism and Christianity as dangerous to the mores Romani, the main bulwark of his Roman state.

In Tacitus' time interest of Romans in Judaism was more intense and knowledge wider than in Cicero's day, for such reasons as the Flavian campaigns, the growing influence of Judeo-Christian beliefs, etc.

Tacitus used for his description several literary sources: he gives, for instance, six different versions of the legendary origin of the Jews. My conclusion, therefore, is that Tacitus knew, both from literary sources as well as from hearsay or personal observations in Rome, considerably more than Cicero about Jewish traditions and customs; that he selected his material carefully (e.g. he described only the practices of the Jews that were different from those of the Romans); and that he chose to include in his Historiae the most derogatory version possible.

This severely conservative senator inquired into the way of life of the people of Judea not only for literary-historical purposes; he came to conclusions biased according to the benefit or damage caused by this people to the Roman State.

Tacitus' antipathy against the Jews has therefore not a narrow personal but a national political basis.

If such a differentiation is possible, I would say that he hated them more as a Roman than as a man; and, in evaluating Tacitus, would consider this as a point to his benefit. In his dedicated search for a way to rehabilitate Roman society, Tacitus concluded that the abolition of Roman religious traditions was the main reason for this society's continuing and growing degeneration. The Romans used to believe that the gods of Rome had given them the power and ability to rule and govern all other nations.

A Roman who forsook the cult of these gods completely, as Roman citizens converted to Judaism and Christianity had to do, betrayed his country. This view was the main reason for the "holy wrath" in Tacitus' attack against Jewish or Christian proselytes.<sup>2</sup> Tacitus must have been truly disturbed by the deterioration of the Roman society. He rightly understood that the internal upheaval of the first century of the Roman empire had exhausted the moral resources of his people, and he foresaw that this would soon cause the final destruction of the Roman state itself.<sup>3</sup>

In historical retrospect Tacitus was right in his apprehensions. Judeo-Christian precepts played their important part in the destruction of Tacitus' world, although the final struggle took place much later than Tacitus had expected.

Finally, I would make one more point on Tacitus' dislike of Israel and the similarity between his attitude and that

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<sup>2</sup>Th. Mommsen, Römische Geschichte, 5, 551 "der feierliche Groll des Tacitus".

<sup>3</sup>This preponderance of moral values in Tacitus also explains, why he never mentioned the legal status of the Jews, that the Jewish religion was a religio permissa in Rome, or their original books of law.

The reason was not simply an "arrogant lack of knowledge", but rather the omission of material irrelevant from Tacitus' viewpoint. On this aspect cf. also J. Bernays, Über die Chronik des Sulpicius Severus (Berlin 1861) 56 and his views of Tacitus' "Hochmutige Unwissenheit".



of later writers, whose anti-semitism was a matter of principle and not of personal experience.

In the Historiae of Tacitus, as in later writers of similar views, there is a tendency to overemphasize the irreconcilable differences between the two Weltanschauungen of the East and the West. Tacitus expresses this opinion in showing the deep gulf between the humanitas of the Romans and the odium generis humani of the Jews.

It is interesting, that each of these two peoples regarded itself as chosen to accomplish a mission for humanity. In the language of the Romans it was expressed as numine deum electa,<sup>4</sup> in that of the Jews -- Atah Bechartanu ( אתה בחרתנו ) you have chosen us. Is there not a point of similarity in this claim to great superiority made by both peoples?

Greek ability to view man's self-important ways humorously might have recognized it as such and ridiculed the over-serious Gravitas characteristic for both, the Romans and the Jews, but not Tacitus.

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<sup>4</sup>Plinius, Hist. Nat. 3, 39, 309.

APPENDIXTHE JEWS IN THE EARLY HELLENISTIC AGE

Was not Roman opinion about Judaism based on Hellenistic traditional views on this subject? A discussion of the relationship and mutual influence between Judaic and Hellenistic cultures is beyond the compass of this paper.

Nevertheless, when dealing with the Roman attitude, references to Hellenistic writers were necessary, since in this respect, too, Roman literary opinion was not formed independently but inherited Greek views.

A conclusive interpretation of the Roman viewpoint would include, therefore, some consideration of the development of Hellenistic opinions on Judaism.

I shall try to do this here briefly, concentrating on the aspect that this opinion was not uniformly hostile, and giving for this purpose a few examples from texts of the earliest Hellenistic period.

Hellenistic references to Jews -- their customs, beliefs, origin, political development, geography of their original country -- are numerous. Here again as in Roman evidence, Hellenistic literature gives us directly only the opinion of a

restricted group of people, writers. The attitude of a man of education, whether historian, rhetorician or polemist, could have been sharply different from that of the great mass. This difference of attitude, shown by numerous aspects in ancient society, is proven in this particular field by the fact that, at the time when ancient literary opinion on Judaism was unfavorable and often contemptuous, many among the common people were converted or semi-converted to that religion. But even a conclusion based on literary evidence alone shows that there were changes of opinion and attitude caused by political rather than by religious circumstances.

A scrutiny of texts from the earliest period of Hellenic-Judaic contacts shows that at that time Greek writers regarded Judaism with sympathy and respect. The period meant is the later half of the fourth and the beginning of the third centuries B.C., and the writers are the explorers, historians, philosophers, who accompanied Alexander the Great and his immediate successors on their campaigns in the East and produced the first books of Hellenistic writing.

The fragments left show that their authors did not adopt at all the attitude of the arrogant conqueror, but were just as interested and enthusiastic to observe and to understand as Herodotus, who had started to explore the East more than one hundred years before Alexander.

Some of these companions of Alexander were mainly interested in geographical features or in scientific botanical research but others, philosophers from Aristotle's school, went out to compare their own ideas and beliefs with those of the East. They believed that in certain centres of the Eastern world, in Babylon, the centre of astronomy, in Thebes of Egypt, in the Brahmins' monasteries in India and also in the Jewish Temple in Judea, lived groups of people who devoted their whole life to philosophical and metaphysical contemplation.

Although communication after Alexander's campaign had vastly increased, the earliest fragmentary writings show that knowledge of the Jews, which had reached the Greeks about 300 B.C., was still remote and mostly mediate. Judea was a little inland country out of the line of direct communications. But even if the first reports by Greeks on Jews are highly imaginative, one fact stands out clearly -- the Greeks found something in the religious customs of the Jews which roused their immediate attention. This was the general interest and participation of the Jewish people in theological discussions as they were carried on in the synagogues, the houses of prayer.

This constant study of the law by the Jews was mistaken by the first Greeks as metaphysical speculation, and was thought to be such an outstanding feature, that they concluded that

all the Jews were philosophers. Another feature of Jewish life, which caused some Greek writers to believe that philosophical meditation was characteristic of the Jews, was their exclusive monotheism which in Greek thinking was a pure philosophical concept.

This particular Greek opinion about the Jews is documented by such extant Greek writers as Theophrastus, Clearchus of Soli, Megasthenes, all belonging to the generation of or immediate after Alexander.

Among these early references, most interesting is a passage by Theophrastus of Lesbos (died 287 B.C.), the famous disciple of Aristotle and later the head of the Lyceum.

"κατὰ δὲ πάντα τοῦτον τὸν χρόνον, ἅτε φιλόσοφοι τὸ γένος ὄντες, περὶ τοῦ θεοῦ μὲν ἀλλήλοις λαλοῦσι, τῆς δὲ νυκτὸς πᾶν ἡστρῶν ποιοῦνται τὴν θεωρίαν, βλέποντες εἰς αὐτὰ καὶ διὰ τῶν εὐχῶν θεοκλυτοῦντες."<sup>1</sup>

In this passage of Theophrastus the Jews are a people of philosophers who spend their days in religious discussions and their nights observing the stars. The account of Jewish

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<sup>1</sup>Theophrastus, fragment 151 Wimmer (ed. Didot) quoted by Porphyrius, De Abstinencia, 2.26 (Reinach, op. cit., 8).

sacrificial rites, which precedes the above passage is completely incorrect and not one detail in it is based on Jewish tradition.

The phrase " ἅτε φιλόσοφοι τὸ γένος ὄντες,"

testifies, of course, not to the inborn philosophical nature of all Jews but to a certain trend of Greek thought. The followers of Plato and of Aristotle were interested in the "Wisdom of the East" and its special knowledge of the stars. Some of these writers from the early Hellenistic period might have heard from soldiers or travellers that in the Judean hills lived around a sanctuary a people, which had no idols and as part of their religious ritual had some sort of theological discussion. The conclusion reached was that by religious development the Jews had reached a conception of divinity which was very similar to Greek philosophical ideals.

The quotation from Theophrastus is one example of early Greek texts which, although inaccurate in the description of rituals or customs, show a tendency of respect to Judaism. These Greek writers had the capacity to recognize the similarity in men's idealistic notions, even if these were developed by different ways of thought.

Clearchus of Soli tells about a meeting between his teacher Aristotle and a sage who was a Jew but seemed to Aristotle so well versed in Greek philosophy that he appeared as "a Greek

not only in his speech but also in his soul".<sup>2</sup>

It may very well be that the three writers mentioned above never met any Jews, their references are so short and fragmentary that one could not conclude anything certain on their means of information, but from that same period we have the first connected account of Jews in Judea. Its author is Hecataeus of Abdera, a Greek writer living in Egypt under Ptolemy I who, since his description corresponds to actual conditions in Judea of his time, must have had first-hand knowledge. He could have got his information in Judea itself, while accompanying Ptolemy in 312 B.C. on his campaign to Jerusalem, or through a Greek speaking Jew in Egypt. On the nature of Hecataeus' sources, as well as on the authenticity of the fragments attributed to him there are conflicting opinions.

Some scholars, mainly from the 19th century, believe that only the fragments by Hecataeus found in Diodorus, 40, 3,

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<sup>2</sup> Clearchus, fragment 69 Muller,

"Ἑλληνικός ἦν, οὐ τῇ διαλέκτῳ μόνον, ἀλλὰ καὶ τῇ ψυχῇ."

(in Reinach, op. cit., 12).

Josephus gives this story in Contra Apionem, 1, 22, from Clearchus' book περὶ ὕπνου, of which only a few fragments are extant.

Aristotle visited and taught in Asia Minor during 347-342 B.C. cf W. Jaeger, Aristotle, 111-116.

There he might have met Jews.

are authentic, while others also recognize the quotations given by Josephus in Contra Apionem, 1, 22, pars. 183-205.<sup>3</sup>

Hecataeus' main work was a history of Egypt, widely recognized in antiquity, in which he represents the Egyptians as the founders of human civilization. Hecataeus' descriptions of the Jews were either a part of his Egyptian history or might be fragments from a separate book on the Jews. He finds the following traits as characteristic of the Jewish people: Jews are devoted to their religion and are ruled by priests; they keep themselves separate from other people, as a result, Hecataeus thinks, of the bad treatment they once endured in Egypt; they do not worship idols and, like Greek philosophers, recognize only one god.<sup>4</sup>

Hecataeus was the first Greek writer to mention the Old Testament. He tells that he met the Jewish High priest

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<sup>3</sup>E. Schurer, Geschichte des jüdischen Volkes im Zeitalter Jesu Christi (1920), 3, 603 ff.  
Th. Reinach, op. cit., 227 ff.  
Ed. Meyer, Ursprung und Anfänge des Christentums (Stuttgart and Berlin: 1921), 2, 24, 2; 18, 2.

In these books are found the main arguments against the authenticity of the Hecataeus fragments in Josephus (most strongly opposed is Schurer). The other opinion is represented by: V. A. Tcherikover, יהודים והיוונים בתקופת החלניסטיה.

Jews and Greeks during the Hellenistic Period (Tel-Aviv: 1963) 43; 335 n.46; 337 n.49;  
J.H. Levy, Studies in Jewish Hellenism (Jerusalem: 1960), 44-59.

<sup>4</sup>Hecataeus of Abdera, Fragment 13 in Muller, Frag. hist. graec., 2, 391 quoted by Diodorus, 40, 3. Reinach, op. cit., 14.



Hizkijahu among a group of Jews who were on their way to settle in Egypt. He saw them gathering and reading from a holy scroll which contained the story of the Jewish conquest of Judea and their laws. There is in Hecataeus even a sentence, which seems a direct quotation from the Old Testament.

" ὅτι Μωσῆς ἀκούσας τοῦ θεοῦ τάδε λέγει τοῖς Ἰουδαίοις."

(Hecataeus in Diodorus 40, 3, 7).

The last verse of Leviticus is: "These are the commandments which the Lord commended to Moses for the children of Israel in Mount Sinai" (Levit., 27: 34).

It seems that Hecataeus got most of this information from a Jewish priest, since the Old Testament was translated only much later into Greek (about 250 B.C.), or from a man well-versed in Jewish law; in any case it is much more factual than that of Theophrastus. In Hecataeus' story of the origin of the Jews, of their conquest of Canaan and their regime there, we find differences from the Biblical version which prove that Hecataeus also used Egyptian stories about the Exodus.

According to Hecataeus' story Moses not only led the Jews out of Egypt and gave them their laws, but also conquered for them their country, founded Jerusalem and other cities and even built the temple. He, apparently, had not heard anything

about the Jewish kings who ruled in Judea for more than four hundred years, for he says that from Moses till his own time the Jews were always led by priests.

Apart from these inaccuracies, Hecataeus' description is the most detailed and accurate found in early Greek or Latin literature. He is much more realistic than Theophrastus or Clearchus (e.g. he says that the Jews are ruled by wise men and not that they are a people of philosophers). Hecataeus, as other Greek writers of his generation belonging to the schools of Plato and Aristotle, believed in the possibility of an ideal state, and searched among other peoples for forms and ways of its realization.

He admired the old Egyptians and praised the Jews for their wisdom in choosing as their leaders priests men of philosophical wisdom and moral purity. He evaluated Moses as the founder of a highly developed form of society, as one of the great law-givers and thinkers.

Scholars criticized these early texts for their idealization of Judaism and explained it as based on the Greek "romantic interest" in remote places and little known people. The majority of later Graeco-Roman texts display again a lack of realistic presentation; only this time the pendulum shifted from the extreme of idealization to that of blind hatred.

From the third century onwards when Manetho, an Egyptian priest, described for the first time the Jewish people as originating in a group of lepers, expelled from Egypt, and put down his charges against their misanthropic laws, the greater part of Hellenistic references became anti-Jewish. Among Latin writers only Varro, Cicero's friend and correspondent, praised the imageless cult of the Jews, which enabled them to lead a pure life, such as the Romans had enjoyed only at the beginning of their history.<sup>5</sup>

Why did Graeco-Roman literature become so decidedly anti-Jewish?

There are few phenomena in human history which have endured for more than two thousand years. Anti-semitism is one of them and theories explaining its origin and characteristic development in different places and periods are numerous. This special topic is beyond the scope of this paper, although when dealing with texts referring to Jews, an evaluation of these references cannot avoid some discussion of the problem.

Prejudice among Greeks and Romans (who in some respects were truly tolerant) certainly existed, although not in its modern racial form.

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<sup>5</sup>Varro, in Augustine, De Civ. Dei, 4, 31, 2.

Theodore Reinach, who collected in his Textes d'auteurs grecs et romains relatifs au Judaïsme more than two hundred ancient texts written during a period of six centuries by more than a hundred different writers, after giving a summary of the reasons for anti-Jewish antagonism in antiquity, says in the preface of his book:

On voit par ce bref résumé, la physionomie, le genre d'intérêt que présentent les fragments réunis dans ce volume. La vérité y est comme noyée dans la fable, la médisance et la haine y sont plus largement représentées que la bienveillance ou l'impartialité. C'est une lecture agaçante parfois pénible, mais profitable, car l'histoire des préjugés est une partie, et non des moins notables, de l'histoire de l'esprit humain.<sup>6</sup>

The general conclusion gained from the study of these texts might therefore be that, after a short interval of positive interchange, prejudice on both sides had created an insurmountable barrier between the Graeco-Roman and the Jewish cultures. This is not true, in fact numerous areas of contact between these two worlds continued to exist and even grow. According to opinions predominant until recently, the Jewish side, after some first attempts to accept Hellenism, reacted to the experiments of hellenization and later to the persecutions of Antiochus Epiphanes by a complete isolation from the Hellenistic world.

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<sup>6</sup>Reinach, op. cit., preface, XIX.

Such a predisposition towards isolation existed indeed among certain circles of Jewish leaders, but as the discussions between the different schools of the Jewish Teachers of law, the Tannaim, described in the Midrashim (the collections of biblical exegesis and of the exposition of new laws), show, this tendency for isolation took time to gain strength and won the upper hand only some two hundred and seventy years later.

After the destructive uprising of Bar-Cochbah and the edicts of Hadrian, Rabbi Akkibah, the spiritual leader of his generation, confirmed the laws intended to strengthen the remnants of the Jewish people during this time of its greatest crisis, and to fence them off (the Hebrew term is Siag Latorah (סיג לתורה)) from the charms of the pagan culture and the dangers of a complete absorption by this world.

Mutual interpenetration, however, persisted all that time and more recent studies have proven clearly how deeply Greek culture influenced Jewish literature, language, law (e.g. Ekklesiastes is only one example in a rich Jewish-Hellenistic literature).

S. Liberman in Greek and Hellenism in Jewish Palestine has shown by a minute philological study of both Talmuds and the Midrashim, and by a comparison with Graeco-Roman legal texts, that the daily language of the period as well as the legal terminology and procedure contain a greater number of Hellenistic terms and

conceptions than had been supposed before. He believes that many among the people in Judea spoke Greek freely and shows that popular speakers proved their points by using Greek proverbs, etc.

M. Schwabe by his epigraphical research also concluded, that not only the Jews in Alexandria or Antiochia, who were so completely hellenized that they did not understand Hebrew any more, but even those in Judea knew Greek well and used it frequently. His conclusions are mostly based on the collection of tomb-stone inscriptions that archeologists have found in different places in Judea. In Beth-Shearim, for instance, among 209 inscriptions found, 175 are in Greek and only 34 in Hebrew or Aramaic.<sup>7</sup> A striking example is the fact that the highest legal and juridical institution in Judea had a Greek name, Sanhedrin.

The Jews, apparently, just as other people in the East could not withstand the attraction of Hellenistic culture, whatever form this temptation took for the different kinds of people; to some it appeared as free philosophical thinking unrestricted by traditional beliefs, to others as objective search of scientific truth, and to others, again, its appeal lay in the form of plays and statues and athletics.

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<sup>7</sup>M. Schwabe, Yediot Hachevrah lechakirath Eretz Israel Veatikoteha, 5, 77-97; 105ff.

ידיעות החברה לחקירת ארץ ישראל ועתיקותיה, ח.

Also in Seifer Hajishuv, 167 ff.

ספר-הישוב

In spite of the great external tensions a synthesis of Graeco-Roman and Jewish cultures took place, and this fusion proved to be the determinating factor in the development of Western Christian civilization.

The period that preceded the Hellenistic-Judaic synthesis in its Christian form offers a wide field of study, where, during the twentieth century, new vistas of research have continuously been opened.

For it is becoming most interesting to study the details of this process of mutual influence, to see by what various ways the ideas of Greek philosophy, science, art penetrated the Jewish world, and how the religious and ethical concepts of Judaism influenced the Graeco-Roman culture.

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