

Philo as Historian:

His Testimony on the Beginning of Jewish Settlement in Rome as a Case Study

Miriam Ben Zeev, Ben Gurion University, Beersheva

When dealing with Roman policy towards the Jews of Rome, Philo states that Augustus "was aware that the great section of Rome on the other side of the Tiber was occupied and inhabited by Jews, most of whom were Roman citizens emancipated. For having been brought as captives to Italy they were liberated by their owners and were not forced to violate any of their native institutions." This passage is taken at face value in most of the works dealing with the beginning of the Jewish settlement at Rome, but it raises several questions and therefore deserves closer examination.

Let us start from the end. That in Augustan times the Jews were not forced to violate any of their native institutions is plausible. Several Roman documents cited by Flavius Josephus attest to Augustus' endorsement of traditional Jewish rights in different places around the Mediterranean, and at Rome, too, Augustus may have bestowed some kind of benefits on local synagogues, if Momigliano is correct in suggesting that two of them, that of the Augustesians and that of the Agrippesians, received their name from Augustus and Agrippa. These testimonies are in line with those of contemporary inscriptions and papyri, which amply attest to Augustus' care for the rights of the peoples who lived under Roman government, at least in some specific areas.

The other statements of Philo's passage concerning the beginning of the Jewish community of Rome raise a number of questions: when and under which circumstances Jewish prisoners of war – the term used by Philo, *aichmalotoi*, leaves no doubt as to its meaning – reached Rome; whether they really constituted the first bulk of the Jewish settlement; whether all or most of them were liberated by their owners and whether this means that they automatically became Roman citizens.

That Jewish prisoners of war were the first to arrive in Rome is highly doubtful. While the presence of Jewish slaves in different parts of the Mediterranean is attested both in Persian and in Hellenistic days, we have no means to determine whether these were captives of war and whether they reached Rome. Guignebert suggests that the first Jews of Rome were those captured and made slaves in Asia Minor while fighting with Antiochus III against Rome in the years 192-188, but no source can be found to suggest that they arrived in Rome. Juster, Leon and

Smallwood identify the prisoners of war mentioned by Philo with the Jews taken prisoner in Judaea by Pompey after his conquest of Jerusalem in 63 BCE. However, after victorious wars, the captured enemies who ended up in Rome were not numerous. The majority of them would have been disposed of, most commonly sold off as slaves on the spot to itinerant dealers near the war zone, and would have figured in the triumph only in the form of the cash their sale raised. Those who were not sold shared the fate of condemned criminals, being employed to work on building projects, in mines and quarries, or performing either as gladiators or as passive victims of the beasts during festivals, celebrations and games celebrated everywhere in the provinces. Probably only a minimal proportion of the prisoners taken in war reached Rome. The Roman military leader would strike a balance between creating a powerful impression on the day of the triumph and the expense, inconvenience and practical difficulties of transporting, feeding, guarding and managing a large number of unwilling captives. Beard wonders, for example, where the mass of prisoners were kept before the triumph. This must have been an especially pressing question when, as often happened in the late Republic, a period of months or even years elapsed between the victory and the parade itself. A strategic selection of some of the most impressive captives is the model suggested by Josephus concerning the aftermath of Titus' suppression of the Jewish revolt. He refers to "the tallest and most beautiful" of the young prisoners being reserved for the triumph. It seems therefore reasonable to assume that not many Judean Jews followed Pompey to Rome in 61 BCE.

In any case, they were not the first Jewish inhabitants of Rome. This clearly emerges from a passage of Cicero. In a speech delivered in September 59 BCE, two years after Pompey arrived in Rome, Cicero speaks of the Jewish community of Rome as large, united, and influential. Leon is probably correct in pointing out that while we can make liberal allowance for Cicero's exaggerations and distortions, his words would have little point were it not a fact that the Jews of Rome were already a well-known element of the Roman population. Only two years had elapsed between Pompey's arrival in Rome and Cicero's speech, surely not enough time for them to be liberated and become a well-known presence in the city. The Jewish captives who arrived with Pompey could not have been sold, enfranchised and become organized, all within less than two years.

There must have been other Jews already settled in the city by the time the Jewish prisoners brought by Pompey, whatever their number, arrived. Valerius

Maximus mentions Jews in Rome in the second century BCE. They were not slaves since they are said to have been “sent back to their homes” (*repetere domos suas*). Perhaps they were the first Jews of Rome, who may have returned to the city later, as usually happened when orders of expulsion were issued. Others may have arrived at Rome later. Gruen suggests that there may have been a continuum in the Jewish settlement in Rome since 139 BCE. This, however, does not mean that Philo was lying. After the conquest of Pompey in 63 BCE, Jewish prisoners of war may have found their way to Rome as a consequence of continual warfare in Judaea in the first century BCE. Josephus tells us of several armed episodes of rebellion occurring in Judea. One was led by Aristobulus' son Alexander and ended, according to Josephus, with three thousand Jews killed and three thousand taken prisoner. Then, some years later, two more uprisings followed, under Aristobulus himself and under his son Alexander. A further tumult must have taken place when Crassus, after having despoiled the Temple of Jerusalem, was killed during his war against the Parthians. Josephus offers no details but concentrates on the results: C. Cassius Longinus, the new governor sent to Syria, captured Tarichaeae and “reduced thirty thousand Jews to slavery”. More Jews may have been taken as prisoners by the Romans in 37 BCE when C. Sosius, at the head of the Roman forces, helped Herod to recover Jerusalem from the last of the Hasmonean kings, Antigonus. After the victory, a little copper coin was struck by Sosius in Zacynthus, where the reverse portrays a captive Jew and a captive woman mourning at the foot of a trophy. It is possible that in the triumph celebrated three years later by Sosius in September 34, Jewish captives marched in front of his triumphal carriage. Other Jews were taken prisoner in Varus' time and later, during the anti-census protests of 6 CE. Unfortunately the numbers preserved by Josephus cannot be substantiated and have long been recognized as exaggerated. In fact, it appears that the literature of Roman times as a whole, and in many cases irrespective of literary genres and individual authors, is permeated by conventional or symbolic numeric valuations to an extent that seriously restricts the range even of tentative calculations and quantifying comparisons. Most numerical data are merely conventional figures which cannot even be accepted as rough approximations or rounded variants of actual figures known to the authors. The numbers of prisoners reported by Josephus, therefore, provide only some indication of the impression left by the events on the sources he used.

Philo's passage, therefore, may be interpreted as meaning that in his own time, the Jewish population of Rome included slaves who had been captured in Judaea, even if these slaves were certainly not the only Jewish inhabitants of the city or the first ones to arrive. A slave origin may have been the tradition of the Roman Jews themselves, whom Philo would have met at Rome when participating in the Alexandrian embassy to Caligula.

Philo goes on to state that in Rome the Jewish prisoners of war were then liberated by their owners and became Roman citizens. This statement, too, is often taken at face value by scholars. Following Juster, La Piana and Leon observe that in Rome Jewish slaves were ransomed by fellow Jews or freed by their owners, who must have found them intractable as slaves because of their insistence on observing the dietary laws, abstaining from work on the Sabbath, and practicing their exotic (to the Romans) religious rites. However, no source may be cited in support of this hypothesis, and there is no reason to believe that Jewish slaves were freed particularly quickly.

Philo's statement that the Jewish slaves, as a whole, were freed by their owners, too, is problematic. It is quite probable that not all those sold as slaves in Rome were later liberated. Against Alföldi, who maintains that a slave could probably count on being freed almost as a matter of course, Harris and Wiedemann convincingly argue that Roman literary sources prove no more than that frequent manumission was an ideal in Rome. No doubt, many slaves remained slaves their entire lives. Even when slaves were manumitted, the procedure of the liberation itself was not as easy and simple as Philo seems to imply, and, moreover, not all the freed slaves automatically obtained Roman citizenship.

Manumissions were either formal or informal. Formal manumissions were carried out by enrollment on the census list of Roman citizens – a rather unusual procedure – or by testament. In this case, the testament had to contain clear and definite clauses, and often the deceased's heirs would be compensated for the loss by a cash payment from the slave. Other formal ways to free a slave were manumissions by adoption and by *vindicta*. The slave was touched by the lictor's rod (*vindicta*) in the presence of a magistrate with *imperium*. It was a juristic dodge, originally employed when a free man was wrongly held as a slave. The master would arrange for a friend to bring the claim against him in front of the magistrate. He would put up no defense, and the magistrate would declare the slave free. In all these cases, formal

manumission required the approval of a Roman magistrate with *imperium*, either the praetor in Rome or the governor in a province. The manumitted slave became free and automatically a Roman citizen, the equal of a freeborn citizen except for the fact that magistracies were not open to him. Philo mentions Jews in Rome entitled to free distributions of corn in Augustus' day, which means that some Jews, at least, did enjoy citizenship, since these distributions were limited to full citizens. However, we have no means of ascertaining how numerous these Jewish Roman citizens may have been, nor whether they were former slaves.

Much more frequent, it appears, was informal manumission. It was carried out by means of a letter conferring freedom (*per epistulam*), or by a declaration of the master made before friends or witnesses (*inter amicos*). In these cases, the slaves obtained freedom often in exchange for the payment of large amounts of money for their freedom and that of their nearest relatives. Freedom, but not citizenship. Even this freedom appears to have been more apparent than real, since the status of slaves informally freed remained a middle one between that of slaves and that of free persons. Under civil law they remained slaves, since the informal manumission was invalid. Their patron kept not only the right to *obsequium* (respect) – a freedman could not summon a patron to court without permission, or give evidence against him in a criminal charge – but also the right to a fixed number of days of work, and the right to be economically supported by his freedman if he was needy. The status of these freedmen was later regulated in Augustus' time by the *lex Junia*, probably issued in 17 BCE, and henceforth these people were called Junian Latins. Their freedom, however, was only apparent, since they were not free to leave their estates to their children after their death. In this respect they were still considered slaves.

From Roman sources, therefore, it emerges that for Jewish slaves – however numerous they may have been – the procedure of manumission and its meaning in practice had to be much less easy and rosy than Philo's passage suggests.

What Philo does not say, but what emerges from a number of passages in Latin literature, is the fact that many Jews in Rome belonged to a low socio-economic stratum. Persius mentions a Jewish house with “greasy window-sills”: on the table, “floppy tunnies' tails” – a part of the fish considered of inferior quality – were found on dishes of red ware, a meaningful detail since red terracotta was used by poor families. Juvenal, while complaining that Rome is becoming a city of foreigners, points out that the holy fount and grove and shrine at the old Porta Capena “are let out

to the Jews, who possess a basket and a truss of hay for all their furnishings”, and among Rome's characteristic nuisances Martial mentions Jewish beggars, who have been "taught to beg" by their mothers. No wonder that they are said to have lived predominantly on the right bank of the Tiber, in an area of generally poor residences, which suggests a generally humble mode of life. There was apparently nothing to be proud of in the fact that "the great section of Rome on the other side of the Tiber was occupied and inhabited by Jews”, but Philo probably did not know that.

In conclusion: Philo’s statement that the first inhabitants of Rome were slaves who were later freed by their owners and enjoyed Roman citizenship implies a reality much more rosy than it probably was, and cannot be taken at face value.

Certainly this departure from historical reality is not a unique case. Philo's so-called 'historical works' display not a few mistakes, inconsistencies, discrepancies, omissions and anachronisms, which betray theological, literary, rhetorical, even dramatic and theatrical concerns. Philo's treatment of the Jewish troubles in Alexandria in 38 CE in the *In Flaccum*, for example, is regarded by Schwartz not as history, but rather as 'a combination of theology and novelistic writing', while the narrative concerning Caligula’s order to install a statue in the Temple of Jerusalem is defined by Gruen as "patently theatrical, over-dramatized, and replete with embellishments and imaginings."

Regarding our statement concerning the origin of the Jewish settlement in Rome, a local tradition may have existed in loco, probably derived from the fact that Jewish prisoners of war had kept arriving in the city several times during the first century BCE and the first century CE. Philo may have heard about this from the local Jews with whom he came in contact while participating in the embassy to Emperor Caligula in Rome. These prisoners of war were not really the first Jewish inhabitants of Rome, but probably Philo did not even think of checking the reliability of his sources. This was not only because he was a philosopher and a politician, not a historian interested in discovering historical truth, but also because this tradition well suited his interest in emphasizing once again the favorable policy implemented by the Roman government towards the Jews in past times. Augustus, in particular, was singled out as the best of the rulers also in other passages of the *Legatio*, notably in his celebrated encomium, where his internal and external policy is extolled, in contrast with the deplorable behavior of Caligula. Tiberius' reign, too, is described in positive and superlative terms, in sharp contrast to factual reality.

As Birnbaum, suggests, Philo's message may have been destined for both a broad and an inner public. When Philo wrote his 'historical' works, early in Claudius' reign, only a few years had elapsed since the riots occurring at Alexandria and Jews were still anxiously awaiting a clear official statement by the new emperor concerning their rights. Turning to a broad public – perhaps even to Roman rulers – Philo sets Augustus' and Tiberius' favorable policies towards the Jews as an example to be followed by the new emperor after the traumatic years of Caligula's reign.

At the same time, he may have also wanted to reassure his Jewish readers that Caligula's harsh policy was an exception, the Roman government having always been intrinsically positive towards the Jews. This message of peace may have been particularly urgent at the beginning of Claudius' days, when in Alexandria the Jews had taken up arms against their neighbors, and had been punished by the Roman prefect.

In any case, the positive images of Augustus and Tiberius should not be taken as if they represented Philo's inner conviction. On this point, there is general agreement in modern scholarship. As Seland and Berthelot point out, Philo may have appreciated the *pax romana* and the religious freedom granted to the Jews. However, he was also implicitly critical of the Roman Empire, not only because of the political problems raised by Roman rule – be it only when governors or emperors were hostile to Jews – but also because he rejected Roman claims to being an elected people with a universal mission and a world power destined to rule forever. To the worldly and transitory dominion of Rome, Philo opposed the spiritual kingship of Israel.