

Philo on the Beginning of the Jewish Settlement at Rome

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While 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.”¹ This passage is taken at face value in many works dealing with the beginning of the Jewish settlement at Rome, but it certainly deserves a 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 Josephus² attest to Augustus’ endorsement of tradition-

¹ Philo *Leg.* 155.

² They consist of an edict, a *mandatum* issued by Augustus concerning Asian Jews, and three letters. Two of those were sent to the magistrates, council and people of Ephesus in Asia Minor, one by Marcus Vipsanius Agrippa, Augustus’ best general and son-in-law, and the other by Julius Antonius, proconsul of Asia. A third letter was written by Agrippa to the Greek authorities of Cyrene

al Jewish rights in different places around the Mediterranean,³ 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,⁴ received their name from Augustus and Agrippa.⁵ 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.⁶

As for the other statements of Philo's passage concerning the beginning of the Jewish community of Rome, they raise a number of questions: when and in which circumstances Jewish prisoners of war – the term used by Philo, *aichmalotoi*, leaves no doubt as to its meaning – reached Rome; whether they 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.

While the presence of Jewish slaves in different places of the Mediterranean is attested both in Persian times – the Book of Joel mentions Jews sold

(respectively, *AJ* 16. 162-165; 166; 167-168; 169-170; 172-173).

³ See PUCCI BEN ZEEV 1998, 235-293.

⁴ The synagogue of the Augustesians is mentioned in *CIJ* 284 = *JIWE* 547; *CIJ* 301 = *JIWE* 96; *CIJ* 338 = *JIWE* 169; *CIJ* 368 = *JIWE* 189; *CIJ* 416 = *JIWE* 194; *CIJ* 496 = *JIWE* 542. On the synagogue of the Agrippesians, see *CIJ* 365 = *JIWE* 170; *CIJ* 425 = *JIWE* 130; *CIJ* 503 = *JIWE* 549.

⁵ Momigliano's suggestion (MOMIGLIANO 1931/1932) is endorsed by Richardson, who observes that there is no synagogue of the Tiberians or Claudians or Neronians or Vespasians. "The ones who are honored are exactly the persons who, on historical grounds, we should expect to have been honored" (RICHARDSON 1998, 29 n. 52). The possibility that these synagogues were associations of slaves and freedmen from the households of Augustus and M. Agrippa, suggested by Schürer, Müller and Bormann, is rejected by LEON 1960, 142, but shows up again in the work of Horbury (HORBURY 1991, 135). See also NOY 1995, 79. As for the synagogue of the Agrippesians, it may have been erected in honor of Agrippa Vipsanius (see LEON 1960, 141), but it cannot be ruled out that it honored instead one of the two Jewish kings, Agrippa I or II, both of whom spent a great deal of time in Rome. Noy considers also the possibility that the name might derive from a building or area, perhaps the *Horrea Agrippiana* in *Regio VIII* of the city (NOY 1995, 110).

⁶ On Augustus's confirmation of privileges and rights previously granted to peoples, cities and individuals by Roman authorities, see PUCCI BEN ZEEV 1998, 255-256. In specific domains, however, Augustus was careful to maintain clear boundaries. Suetonius, for example, points out that "considering it also of great importance to keep the people pure and unsullied by any taint of foreign or servile blood, Augustus was most chary of conferring Roman citizenship and set a limit to manumission. When Tiberius requested citizenship for a Grecian dependent of his, Augustus wrote in reply that he would not grant it unless the man appeared in person and convinced him that he had reasonable grounds for the request; and when Livia asked for it for a Gaul from a tributary province, he refused, offering instead freedom from tribute, and declaring that he would more willingly suffer a loss to his privy purse than the prostitution of the honor of Roman citizenship. Not content with making it difficult for slaves to acquire freedom, and still more so for them to attain full rights, by making careful provision as to the number, condition, and status of those who were manumitted, he added the proviso that no one who had ever been put in irons or tortured should acquire citizenship by any grade of freedom" (*Aug.* 40.3-4).

by Phoenicians to Greeks, presumably in Asia Minor⁷ – and in Hellenistic days – Jewish slaves are mentioned in inscriptions found in Asia Minor and at Delphi⁸ – we have no means to determine whether these were captives of war and whether they reached Rome. Guignebert suggests that the first Jews at Rome were those captured and made slaves in Asia Minor while fighting with Antiochus III against Rome in the years 192-188,⁹ but no source can be found to suggest that they arrived at Rome. Juster, Leon and Smallwood identify the prisoners of war mentioned by Philo with the Jews taken prisoners in Judaea by Pompey after his conquest of Jerusalem in 63 BCE.¹⁰ This, however, is doubtful. While enslavement was undoubtedly a common procedure after victorious wars – images of prisoners appear in numerous works of Roman art, private and public, small-scale and monumental¹¹ – from Roman sources we also understand that after victorious wars, the captured enemies who ended up at 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. Caesar’s account of his campaign in Gaul affords numerous instances of this immediate disposal of captured foes.¹² Large-scale trade is

⁷ Joel 4:6.

⁸ The epigraphical material is cited by STERN 1979, 1 n. 2.

⁹ GUIGNEBERT 1969, 238. Of course, Jews might also have been taken prisoners by the Seleucids during their campaigns against the Hasmonians and may have later somehow come to Rome, but for this, too, we have no source at all.

¹⁰ JUSTER 1914, 15; LEON 1960, 4; SMALLWOOD 1970, 235; SMALLWOOD 1976, 131; See also KASHER 1987a, 50.

¹¹ Captives appeared on terracotta plaques that were used as household decorations, on items of domestic pottery, and even on gemstones. When similar images were set on coins as well, hardly anyone can have failed to understand their import. Whether in the form of triumphal arches and columns, coin issues or other artistic media such as battle sarcophagi (in all their horrendous savagery), the images of warfare and of the human spoils that warfare produced must bear some relationship to a lived historical reality. The works on which these images appeared were abstract symbols of Roman power, but they could function as symbols only because in the first instance they commemorated real events: Rome’s military victories against foreign enemies. It was a longstanding convention in ancient warfare that prisoners of war became the slaves of those who captured them, and the manacles, shackles, and chains that appear so frequently on captives in works of art provide a particular confirmation, for within Roman mentality and practice shackles and chains were tokens not of captivity alone, but of the total loss of freedom that captivity brought (hence the force of the iconographical motif). The images of captives found in Roman works of art suggest that over time Rome regularly and consistently enslaved in significant numbers captives of both sexes, children as well as adults, and the images need to be recognized accordingly as evidence relevant to the history of the Roman slave supply. The record of mass enslavements is sparse and of small scale enslavements non-existent, probably because capturing prisoners was such a conventional aspect of warfare that ancient historians hardly needed to go into detail about it. It was only when something exceptional happened that their interest was aroused. See BRADLEY 2004, 309-314.

¹² Concerning the tribe of the Aduatuci, we read: “About 4,000 of the men having been slain,

attested in a few major cities of the Roman world¹³ – for example at Delos¹⁴ – and slave sales took place as small-scale transactions in many towns and villages, at opportunistic markets temporarily set up by itinerant dealers after military campaigns, or at periodic markets, especially fairs that took place at regular intervals. A portion of the proceeds from the sale of the prisoners was distributed as booty to individual captors, the balance being deposited to the credit of the state, or taken possession of by the general in command of the capturing forces.¹⁵ If prisoners were assigned as loot to individual soldiers, they too were disposed of in the same way. Here and there a soldier would, for one reason or another, retain his prisoner as a personal slave, but in general he had almost no facilities for providing or caring for a number of them. A few prisoners may have been ransomed and released from captivity by the payment of a stipulated sum of money, or by the surrender of specific property.¹⁶ Those who were not sold shared the fate of condemned criminals, being employed to work on building projects,¹⁷ in mines and quarries,¹⁸ or performing either as gladiators or as passive victims for the beasts during festivals, celebrations and games celebrated everywhere in the provinces.¹⁹ Probably only a minimal

the rest were forced back into the town. The day after, Caesar... sold the whole spoil of that town. The number of 53,000 persons was reported to him by those who had bought them” (*BG* 2.33.7). Similarly, dealing with the war against the Veneti, “Caesar... having put to death all their senate, sold the rest for slaves” (*BG* 3.16.4).

¹³ HARRIS 1980, 126. On the specific structures identified as slave-markets at Delos, Ephesus, Magnesia on Maeander, Pompeii, Herculaneum, Ostia, Rome and Leptis Magna, see TRUMPER 2009, 32.

¹⁴ See YAVETZ 1988, 1. As for the legendary number of 10,000 slaves that would have been sold daily in Delos after 167/166 BCE (*Str.* 14.5.2), the number is certainly a symbolic number, which would simply imply “very many.” See BRADLEY 1994 33 and BODEL 2005. On the so-called Agora of the Italians at Delos, see also COARELLI 2005, esp. 209.

¹⁵ DAVIS 1913, 523. Plutarch points out that the inscriptions carried in the triumph of Pompey set forth that “whereas the public revenues from taxes had been fifty million drachmas, they were receiving from the additions which Pompey had made to the city’s power eighty-five million, and that he was bringing into the public treasury in coined money and vessels of gold and silver twenty thousand talents, apart from the money which had been given to his soldiers, of whom the one whose share was the smallest had received fifteen hundred drachmas” (*Pomp.* 45.3). Appian (*Mithr.* 116) tells us that “Pompey distributed rewards to the army: 1,500 Attic drachmas to each soldier and in like proportion to the officers, the whole, it was said, amounting to 16,000 talents”.

¹⁶ DAVIS 1913, 524.

¹⁷ “For the execution of these designs, he (Nero) ordered all prisoners, in every part of the empire, to be brought to Italy; and that even those who were convicted of the most heinous crimes, in lieu of any other sentence, should be condemned to work at them” (*Suet. Nero*, 31).

¹⁸ On the sub-human conditions of this kind of work, see MILLAR 1984, 137-147.

¹⁹ See PEARSON 1973; WISTRAND 1992; PASS 1995; KYLE 1998; DODGE 1999, 207, 224-225; POTTER 1999, 303, 308, 317-323.

proportion of the prisoners taken in war reached Rome.²⁰ 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.²¹ What seems to have counted for most, in the written versions of the Roman triumph at least, was the display of defeated monarchs and their royal families in the triumph.²² The roll call of these monarchs, princes, princesses, and “chieftains” was an evocative one. It was even a cliché of Roman word play that triumphs involved the enemy leaders themselves being led as prisoners in the victory parade: the enemy *duces* (“leaders”) themselves being *ducti* (“led” as prisoners).²³ The triumph, as it came to be written up at least, was a key context in which Rome dramatized the conflict between its own political system and the kings and kingship which characterized so much of the outside world. Glamorous prisoners were a powerful proof of the splendor of the victory achieved.²⁴ In the impressive triumph celebrated by Pompey on September 28 and 29, 61 BCE, the focus was on princes and kings, spoils and arms.²⁵ Pliny mentions the Jews among the peoples defeated by Pompey,²⁶ and Plutarch adds that the name of Judaea showed up in one of the sixty-one inscriptions carried in the triumph that informed spectators about Pompey’s victories over conquered lands and peoples.²⁷ Among the defeated kings walked Aris-

²⁰ According to Rich, we can never be sure what proportion of those sold as slaves ended up working for Roman owners; the merchants who bought them may have disposed of many in other markets (RICH 2005, 242).

²¹ BEARD 2007, 119. On the material conditions under which slaves lived during their travels – independent mobility completely lacking; privacy for eating, sleeping or personal hygiene nonexistent; food no more than enough to keep the merchandise alive – see BRADLEY 1994, 47.

²² See BEARD 2007, 120. In his *Res Gestae* 4.3 Augustus writes that in his triumphs “nine monarchs or children of monarchs were led before my chariot”.

²³ BEARD 2007, 121.

²⁴ BEARD 2007, 121-135.

²⁵ Appian emphasizes that in the triumphal procession were “two-horse carriages and litters laden with gold or with other ornaments of various kinds, also the couch of Darius, the son of Hystaspes, the throne and scepter of Mithridates Eupator himself, and his image, four meters high, made of solid gold, and 75,100,000 drachmas of silver coin. The number of wagons carrying arms was infinite, and the number of the beaks of ships”. (App. *Mithr.* 116).

²⁶ “Pompey the Great, having freed the seacoast from pirates and restored to the Roman people dominion of the seas, now celebrates a triumph over Asia, Pontus, Armenia, Paphlagonia, Cappadocia, Cilicia, Syria, Scythia, Judaea, Albania, Iberia, Crete and the land of the Basternae, and he has won victories over King Mithridates and King Tigranes” (Plin., *H.N.* 7.26).

²⁷ “His triumph had such a magnitude that, although it was distributed over two days, still the time would not suffice, but much of what had been prepared could not find a place in the spectacle, enough to dignify and adorn another triumphal procession. Inscriptions borne in advance of the procession indicated the nations over which he triumphed. These were: Pontus, Armenia, Cappadocia,

tobulus II, the leader of the resistance to Pompey's conquest of Judaea, whom Plutarch and Appian call "king",²⁸ along with his children – two daughters and two sons²⁹ – and his father-in-law, Absalom, who was also his uncle.³⁰ We hear nothing concerning other Jewish prisoners. Appian only mentions "the multitude of captives and pirates, none of them bound, but all arrayed in their native costumes".³¹ The question of how many captives were on display in triumphal processions is difficult to answer with any confidence. Ancient figures – especially, but not only, when they concern battle casualties or other tokens of Roman military success – are notoriously unreliable.³² While detailed and specific accounts are offered concerning the rank, status, and exotic character of the headline captives, sources are vague about the number of captives put on show.³³ 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 con-

Paphlagonia, Media, Colchis, Iberia, Albania, Syria, Cilicia, Mesopotamia, Phoenicia and Palestine, Judaea, Arabia, and all the power of the pirates by sea and land which had been overthrown (Plut. *Pomp.* 45.1-2). See HOLLIDAY 1997, 146 and n. 137 there.

²⁸ Plutarch points out that "the captives led in triumph, besides the chief pirates, were the son of Tigranes the Armenian with his wife and daughter, Zosime, a wife of King Tigranes himself, Aristobulus, king of the Jews, a sister and five children of Mithridates, Scythian women, and hostages given by the Iberians, by the Albanians, and by the king of Commagene; there were also very many trophies, equal in number to all the battles in which Pompey had been victorious either in person or in the persons of his lieutenants" (*Pomp.* 45.4). As for Appian, he writes: "Before Pompey himself were led the satraps, sons, and generals of the kings against whom he had fought, who were present (some having been captured and others given as hostages) to the number of 324. Among them were Tigranes..., and five sons of Mithridates, namely, Artaphernes, Cyrus, Oxathres, Darius, and Xerxes, also his daughters, Orsabaritis and Eupatris. Olthaces, chief of the Colchians, was also led in the procession, and Aristobulus, king of the Jews, the tyrants of the Cilicians, and the female rulers of the Scythians, three chiefs of the Iberians, two of the Albanians, and Menander the Laodicean, who had been chief of cavalry to Mithridates" (*Mithr.* 117). Later, among all these enemy leaders, Eutropius singles out only three of them: "In the six hundred and ninetieth year from the building of the city..., Metellus triumphed on account of Crete, Pompey for the Piratic and Mithridatic wars. No triumphal procession was ever equal to this; the sons of Mithridates, the son of Tigranes, and Aristobulus, king of the Jews, were led before his car" (*Breviarium historiae Romanae* 6.16).

²⁹ *BJ* 1.157; *AJ* 14.79.

³⁰ *BJ* 1.154; *AJ* 14.71. Not all of Aristobulus' children, though, reached Rome. One of them, Alexander, escaped during the journey and went back to Judaea (*BJ* 1.158), where he tried to raise a rebellion against Rome.

³¹ App. *Mithr.* 116.

³² BEARD 2007, 118. On casualty figures, see also BRUNT 1971, 694-697. Oakley observes that "it would be unwise to hold that any individual figure certainly goes back to authentic records" (OAKLEY 1998, 190).

³³ BEARD 2007, 119.

cerning 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.³⁴ Scipio Aemilianus, too, is said to have picked out fifty of the survivors of the siege of Numantia for his triumph of 132 BCE³⁵ and similarly, after his military success against various German tribes, Germanicus took only a handful of prominent captives for the triumph.³⁶ When large-scale transport of prisoners to Rome is attested, special circumstances may lay behind this. Concerning those brought from Sardinia in 175 BCE, for example, Gracchus may have used the human profits, in the shape of slave captives, to make up for the absence of rich booty from Sardinia.³⁷

It seems therefore reasonable to assume that not many Judaeans followed Pompey to Rome in 61 BCE. Pompey's army had just finished a five year campaign, having marched through Asia and Syria winning battle after battle. If all those prisoners actually accompanied their captor to Rome, Radin argues, the question of transportation and provision for such a horde would have been tremendous. One cannot conceive what could have induced a general or private to assume this enormous expense and care, when slave-markets were available and nearby. If they got to Rome, the city's population must have swelled visibly. There is no record that it did, and had such a thing taken place, it could scarcely have escaped notice.³⁸

In all probability, the first Jewish inhabitants of Rome were not the prisoners brought to the city by Pompey. This clearly appears from a passage of Cicero. In a speech delivered in September 59 BCE, two years after Pompey arrived at Rome, Cicero speaks of the Jewish community of Rome as large, united, and influential.³⁹ Leon is probably correct in pointing out that while we can make liberal allowance for Cicero's exaggerations and distortions, his

³⁴ "Fronto put to death all the seditious and brigands...; he selected the tallest and most handsome of the youth and reserved them for the triumph; of the rest, those over seventeen years of age he sent in chains to the mines in Egypt, while multitudes were presented by Titus to the various provinces, to be destroyed in the theatres by the sword or by wild beasts; those under seventeen were sold. During the days spent by Fronto over this scrutiny, eleven thousands of the prisoners perished from starvation, partly owing to their jailers' hatred, who denied them food, partly through their own refusal of it when offered; moreover, for so vast a multitude even corn failed" (Jos., *BJ* 6.417-419).

³⁵ "Having reserved fifty of them for his triumph, Scipio sold the rest and razed the city to the ground" (App. *Hisp.*, 98).

³⁶ See BEARD 2007, 107-108.

³⁷ BEARD 2007, 119.

³⁸ RADIN 1915, 228-229. Similar views are held by STERN 1979, 2; SOLIN 1983, 609 n. 31; FUKS 1985, 26-27.

³⁹ "You know what a big crowd it is, how they stick together, how influential they are in informal assemblies": *Pro Flacco* 28.66 = *GLAJJ*, I, no. 68. See ALEXANDER 1990, 122-123.

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.⁴⁰ Only two years had elapsed between Pompey's arrival at 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. It would be impossible to explain the immediate and wholesale enfranchisement of so large a number of people. Ransom by wealthy coreligionists⁴¹ would demand a much longer time, and it would be impossible to imagine what could have induced Pompey's soldiers or those who purchased from them to enfranchise immediately slaves transported from such a distance and at such expense.⁴²

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 at Rome in the second century BCE.⁴³ They were not slaves since they are said to have been "sent back to their homes" (*repetere domos suas*).⁴⁴ Perhaps they were the first Jews at 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 at Rome since 139 BCE.⁴⁵

One may therefore construe Philo's statement to apply not to the very beginning of the Jewish community of Rome but rather to later times, when Jewish prisoners of war may have found their way to Rome as a consequence of continual warfare in Judaea in the first century BCE.⁴⁶ Josephus tells us that after Pompey's conquest of Jerusalem one of Aristobulus' sons, Alexander,

⁴⁰ See LEON 1960, 7-8.

⁴¹ On the religious duty for Jews to ransom enslaved fellow Jews, see WILLIAMS 1994, 176 n. 73.

⁴² Radin concludes that Philo's statement "is at best a conjecture, made without any better acquaintance with the facts than we ourselves possess, and contradicted by the necessary inference from Cicero's words" (RADIN 1915, 228-230). See also SMALLWOOD 1976, 131; MARSHALL 1975, 140; SOLIN 1983, 608 n. 31.

⁴³ In 139 BCE, the *praetor peregrinus* Cn. Cornelius Scipio Hispanus banished the Jews and the astrologers from the city. The event is reported two centuries later by Valerius Maximus (*Facta et dicta memorabilia* 1.3.3), probably relying on a lost passage of Livy. Unfortunately, the text of Valerius has a lacuna at this point, which has been filled by two epitomes written in the fifth and sixth centuries CE, one by Julius Paris and the other by Januarius, which raise quite a number of problems of interpretation.

⁴⁴ *Facta et dicta memorabilia* 1.3.3, *Ex Epitoma Iulii Paridis* = GLAJJ, I, no. 147 b. See LEON 1960, 3-4.

⁴⁵ GRUEN 2002, 19.

⁴⁶ See FUKS 1985, 25; RUTGERS 1995, 168 and BARCLAY 1996, 289.

escaped during the journey to Rome and returned to Judaea, mustering a considerable force and trying to rebuild the city wall of Jerusalem, which Pompey had destroyed. According to Josephus, in the repression that followed, three thousands Jews were killed and three thousands were taken prisoners.⁴⁷ A few years later, Aristobulus himself fled from Rome, arrived in Judaea and tried to restore the fortifications razed by Gabinius. In the battle which followed, five thousand Jews fell.⁴⁸ How many were taken prisoner is left unsaid. Then a new disturbance took place, led again by Alexander. Josephus writes that the Roman forces killed ten thousand men.⁴⁹ 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 detail but concentrates on the results: C. Cassius Longinus, the new governor sent to Syria, captured Tarichaeae and “reduced thirty thousand Jews to slavery”.⁵⁰ 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.⁵¹ Other Jews were taken prisoners in Varus’ time and later, during the anti-census protests of 6 CE.⁵² Unfortunately the numbers preserved by Josephus cannot be substantiated and have long been recognized as exaggerated.⁵³ 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.⁵⁴ The numbers of

⁴⁷ *BJ* 1.160-163; *AJ* 14.82-85.

⁴⁸ *BJ* 1.171-174; *AJ* 14.92-97.

⁴⁹ *BJ* 1.177; *AJ* 14.100-102.

⁵⁰ *BJ* 1.180; *AJ* 14.120.

⁵¹ BROUGHTON 1952, 397-398. On the coin issued by Sosius, see HART 1952, 180 and SYDENHAM 1975, 199, no. 1272. See also FUKS 1985, 27.

⁵² *AJ* 17.289. See KASHER 1987a, 50-51 and NOY 2000, 256-257.

⁵³ SMALLWOOD 1976, 36 n. 51; KASHER 1987a, 71 n. 23.

⁵⁴ Scheidel suggests basic patterns of stylization: the first category is made up of powers of ten, i.e. 10, 100, 1,000, and so forth; the second type consists of three multiplied by powers of ten: 300, 3,000 or even 3,000,000. All these figures and multiples occur repeatedly in Roman literature. See

prisoners reported by Josephus, therefore, provide only some indication of the impression left by the events on the sources he used.⁵⁵

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.⁵⁶

Philo goes on to state that at 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,⁵⁷ La Piana and Leon observe that at 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; these Jews will then have acquired Roman citizenship and became a part of the city rabble.⁵⁸ Smallwood argues that manumission may have come very quickly to some of the Jews sold as slaves in Rome, if their purchasers found them to be more trouble than they were worth because of their dietary and other laws and their disinclination to work one day in seven.⁵⁹ Unfortunately no source may be cited in support of this hypothesis.⁶⁰ As Barclay points out, despite frequent but baseless assertions that their dietary and Sabbath practices must have made them awkward as slaves, there is no reason to believe that Jewish slaves were freed particularly quickly.⁶¹ Noy suggests that the freed Jews were people doing skilled work rather than being used as forced labor⁶² and that the religious duty for Jews to try to ransom enslaved fellow Jews may have meant that slavery lasted a shorter time for Jewish slaves at Rome than for others.⁶³ He may be correct, but no source is found to confirm it.

SCHEIDEL 1996, 223-224.

⁵⁵ See SMALLWOOD 1970, 235.

⁵⁶ See NOY 2000, 256 and GRUEN 2002, 15-16.

⁵⁷ JUSTER 1914, 15.

⁵⁸ LA PIANA 1927, 345; LEON 1960, 4.

⁵⁹ See RADIN 1915, 131.

⁶⁰ RADIN 1915, 230.

⁶¹ BARCLAY 1996, 289 n. 21. See also FUKS 1985, 29.

⁶² NOY 2000, 256 and 281 n. 429.

⁶³ NOY 2000, 257.

May we accept as a fact that the Jewish slaves, as a whole, were freed by their owners? A look into contemporary Roman sources dealing with slaves may cast some doubts.

Not all the slaves were liberated. After the triumph, prisoners of war were consigned to the arena (and then, after death, thrown into the Tiber, if Kyle is correct),⁶⁴ or sent to specific labor projects, or disposed of by sale.⁶⁵ Figures and proportions are impossible to calculate.⁶⁶ It is quite probable that not all those sold as slaves were later liberated. Against Alföldi, who maintains that a slave could probably count on being freed almost as a matter of course,⁶⁷ Harris and Wiedemann convincingly argue that Roman literary sources prove no more than that frequent manumission was an ideal at Rome.⁶⁸ No doubt, many slaves remained slaves their entire life.⁶⁹ Cicero does state that six years is a longer period than careful, hardworking slaves who had been captured in war should expect to serve,⁷⁰ but it appears that this statement does not point at the real practice, but rather at the impression that Cicero was interested in promoting in his readers concerning his humanitarian attitudes. We also learn that there were precise limitations concerning the number of slaves a master could free.⁷¹

All in all, it appears that not all the slaves at Rome were liberated. The same, of course, also applies to Jewish slaves.

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 procedure⁷² – or by testament. In this case, the testament had to contain

⁶⁴ See KYLE 1998.

⁶⁵ See above, notes 18-21.

⁶⁶ BRADLEY 2004, 306-307.

⁶⁷ ALFÖLDI 1972, 114.

⁶⁸ HARRIS 1980, 118; Wiedemann concludes that “the literary evidence cited by Alföldi in support of his proposition that the Romans actually practiced regular manumission appears to prove only that they believed that they should do so” (WIEDEMANN 1985, 162-163, 165, 167).

⁶⁹ On the living conditions of slaves and on the cruelty not only of their masters but also of the Roman law, see WATSON 1983, 53-65. See also BRADLEY 1994, 179.

⁷⁰ *Philip.* 8.32.

⁷¹ Gaius 1.42-43.

⁷² See WATSON 1987, 24. On the difference between the manumission by *census* and by *vindicta*, see DAUBE 1946. On possible oriental influences on these procedures, see RABINOWITZ 1960.

clear and definite clauses,⁷³ 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 adoption⁷⁴ and by *vindicta*. The slave was touched by the lictor's rod (*vindicta*)⁷⁵ 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.⁷⁶ 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.⁷⁷ The manumitted slave became free and automatically a Roman citizen,⁷⁸ the equal of a freeborn citizen except for the fact that magistracies were not open to him.⁷⁹ Philo mentions Jews at Rome entitled to free distributions of corn in Augustus' days,⁸⁰ which means that some Jews, at least, did enjoy citizenship,⁸¹ since these distributions were limited to full citizens.⁸² However, we have no means to ascertain 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 a letter conferring freedom (*per epistulam*), or by a declaration of the

⁷³ See WATSON 1987, 26

⁷⁴ This was a common procedure in Republican days. The master adopted his slave as his child or gave the slave in adoption to another. The act of adoption gave automatic manumission (WATSON 1987, 27).

⁷⁵ See BERGER 1953, 565.

⁷⁶ WATSON 1987, 24-25.

⁷⁷ WEAVER 1997, 56.

⁷⁸ See GARDNER 1993.

⁷⁹ SIRKS 1981, 248.

⁸⁰ *Leg.* 158.

⁸¹ See BARCLAY 1996, 289-290.

⁸² Under both Julius Caesar and Augustus, the free distributions of grain (*frumentationes*) rose to the point where they were being issued, even if only briefly, to some 320,000 recipients at the rate of 5 *modii* per month. Caesar established a limit of 150,000 recipients: "(Caesar)...reduced the number of those who received grain at public expense from three hundred and twenty thousand to one hundred and fifty thousand" (Suet. *Jul.*, 41.3), and later, in 2 BCE, Augustus set a limit of 200,000 recipients for the *frumentationes*: "I gave 40 denarii apiece to the plebs who then received the public grain; they were a few more than 200,000" (Aug., *Res Gestae* 15.4); "Yet he was not uniformly munificent, but in most respects was very strict; for instance, since the multitude receiving doles of corn had increased enormously, not by lawful methods but in such ways as are common in times of strife, he caused the matter to be investigated and struck out half of their names at one time before the distribution" (Cass. Dio 43.21.4). See VAM BERCHEM 1939; FARQUHAR CHILVER 1949; ROWLAND 1976; RICKMAN 1980.

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:⁸³ freedom, but not citizenship. Even the freedom appears to have been more apparent than real,⁸⁴ 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. On the one hand, Gaius' statement *quos praetor in libertate tuebatur* (3.56) may be interpreted as meaning "whom the praetor maintained in freedom", and this means that the praetor might even accept them as litigants in lawsuits, which would have been impossible had they have been considered slaves.⁸⁵ On the other hand, however, 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.⁸⁶ The status of these freedmen was later regulated in Augustus' time by the *lex Junia*, probably issued in 17 BCE,⁸⁷ and henceforth these people were called Junian Latins.⁸⁸ The main reason why their freedom was only apparent is that they were not free to leave their estates to their children after their death. In this respect they were still considered slaves.⁸⁹ This meant that at the death of a Junian Latin the law was supposed never to have existed, *ac si lex lata non esset*.⁹⁰ His assets were consequently considered as *peculium* and went to those who manumitted him. Junian Latins, therefore, had no right of inheritance, either to make or to benefit from a will.⁹¹ Thus during their lifetime they enjoyed *libertas* and *commercium*, which included full right of owning property, conducting business transactions and contracts as if they were Roman citizens, and had access to the Roman courts. But after their deaths, they were treated as if they had been slaves all along. Their whole estate went by right

⁸³ LÓPEZ BARJA DE QUIROGA 1995, 328-329. According to Hopkins, manumission through payment must have been a very common practice, and these sums may have been considerable (HOPKINS 1978, 118).

⁸⁴ Gaius 3.56.

⁸⁵ SIRKS 1981, 249.

⁸⁶ See WATSON 1987, 39-41 and 53-65.

⁸⁷ On the date, see SIRKS 1981, 250 and the bibliography quoted on p. 251 n. 9.

⁸⁸ Gaius 3.56.

⁸⁹ *ibid.*

⁹⁰ *ibid.*

⁹¹ "The *Lex Junia* does not, however, permit them either to make a will, or to receive under the will of another, or to be appointed testamentary guardians" (Gaius 1.23-24).

of slave ownership (*iure peculii*) to the patron who had manumitted them, and not to their own children.⁹² Masters, therefore, had many good reasons for preferring informal manumissions to formal ones. No wonder that Junian Latins were a sizeable group among freedmen, and may even have formed a majority of them.⁹³ Balsdon invokes practical reasons for this preference,⁹⁴ but Sirks convincingly argues that the goal of informal manumission was the securing of the complete estate of the informally freed man or woman by the master or mistress.⁹⁵ The situation is well described by Sirks. Freedmen and slaves were used by Roman society to manage their riches, not only because the distances made the use of intermediaries desirable, if not indispensable, but also because the Romans had values and prohibitions that made it necessary for the rich and the senators to make use of freedmen and slaves. The law of the second century BCE gave cause for discontent: with a slave the *dominus* kept the ownership and the profits of the expended capital, but was deemed personally liable *in solidum*; with a freedman the patron was not liable but got nothing back unless he had lent money. Informal manumission must have been rather a good solution, as it was non-existent for civil law and thus, after the freedman's death, all his assets were his master's property. The weak point will have been the status of the informal freedman and consequently his liability and legal personality. The *lex Junia* brought a clear gain to the patrons, since the informally freed person now received a status recognized in civil law and was enabled by the *ius commercii* to contract with private persons or the state, to own and to litigate,⁹⁶ but, at the end, he left everything to his former owner. As Salvian wrote more than four hundred years after the *lex Junia* was passed, these people "live as if they were freeborn and die as slaves".⁹⁷ Junian Latins could later become Roman citizens, but the procedure was rather complicated.

⁹² This was very blatantly and uncharacteristically discriminatory, and the discrimination lasted for more than five centuries. Despite some mitigating concessions, concern for family values had little to do with it. Many scores of thousands, even hundreds of thousands, of children were involved. Rome was, after all, a slave society. See WEAVER 1997, 57. Only in 9 CE did the *lex Papia Poppaea* rule that when a freedman's inheritance was valued at 100,000 sesterces or more, the patron was only to be excluded by a freedman having at least three children. Otherwise he would always obtain a proportional share: half when competing with one child and a third when there were two (Gaius 3.42). See LÓPEZ BARJA DE QUIROGA 1995, 329.

⁹³ See LÓPEZ BARJA DE QUIROGA 1986-1987; WEAVER 1990; 1991.

⁹⁴ "This type of informal emancipation" he points out, "might proceed from the selfishness or indecision of a master, but in many cases it simply reflected the fact that... a magistrate with imperium was not on the doorstep whenever a master wished to emancipate his slave" (BALSDON 1979, 87).

⁹⁵ "I assume that the Romans used informal manumissions in at least some cases in order to put out capital and at the same time secure its complete return, with the profits made" (SIRKS 1983, 254).

⁹⁶ SIRKS 1981, 272-274. See also SIRKS 1983, 212.

⁹⁷ *Ut vivant scilicet quasi ingenui, et moriantur ut servi (Timothei ad ecclesiam libri IIII 3.7.34).*

Citizenship was granted if the ex-slaves were freed again by *iteratio*, which meant the repetition of the act which had made him a Junian Latin, repeated by the former Quiritary owner, this time formally, by *vindicta*, by *census* or by *testamentum*.⁹⁸ An additional way to become a Roman citizen, the *anniculi probatio*,⁹⁹ was established by the *lex Sentia* of 4 CE when an improperly manumitted slave married a Roman citizen, a Latin colonist, or a Junian Latin. This procedure required a specific action by Junian Latin couples at the time of marriage in the form of a declaration, in front of seven Roman adult citizens, of their intent to have children in order to qualify for future citizenship. In this case, when a child was born to them and reached one year of age, the father and the mother could appear before the praetor and be declared free and citizens.¹⁰⁰ Gaius, however, points out¹⁰¹ that at first this procedure was possible only for those who had been manumitted when less than thirty years old.¹⁰² In any case, the freed slaves who got Roman citizenship had almost all the rights of Roman citizens during their life time, just not after death.¹⁰³ Cases are also reported in which a Latin who had obtained Roman citizenship returned to his previous status of Latin at his death.¹⁰⁴ In theory, therefore, the difference between formally or informally manumitted slaves was great, but much less so in practice. Gaius' statement that "it happens that the title to the property of Latins under the *Lex Junia*, and that to the estates of freedmen who are Roman citizens, differ greatly"¹⁰⁵ has an ironic meaning. The 'great difference' mentioned by Gaius concerned only the identity of those who are entitled to the property of the dead ex-slave: sons, grandsons and great-grandsons of the master in the first case, and extraneous heirs of the master in the second.¹⁰⁶ In

⁹⁸ Gaius 1.35. See SIRKS 1983, 247.

⁹⁹ *Anniculus* was a one-year-old child.

¹⁰⁰ See WEAVER 1990, 59.

¹⁰¹ Gaius 1.28-29.

¹⁰² It was only later that "a decree of the Senate issued under the consulship of Pegasus and Pusio granted [this possibility] to all Latins, even though they were more than thirty years of age at the time when they were manumitted" (Gaius 1.31). See CHERRY 1990, 254-256. An additional way to obtain Roman citizenship was offered by the *lex Visellia* of 24 CE, which stated that persons become Roman citizens, where by manumission they have become Latins when either under or over thirty years of age, if they have served for six years in the guards at Rome (Gaius 1.32b). A decree of the Senate is said to have been subsequently enacted by which Roman citizenship was bestowed on Latins if they had served for three years in the army, and additional possibilities were provided in Claudius' time (Gaius 1.33). See SIRKS 1981, 254.

¹⁰³ Gaius 3.40-44.

¹⁰⁴ Gaius 3.72.

¹⁰⁵ Gaius 3.57.

¹⁰⁶ Gaius 3.57-63.

both cases, the children of the deceased, whether Latin or Roman citizens, lost their share, and, in the words of López Barja de Quiroga, “they had to start again from scratch”.¹⁰⁷

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.

It may therefore be no accident that a number of passages in Latin literature stress the fact that the Jews of 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.¹⁰⁸ 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”,¹⁰⁹ and among Rome’s characteristic nuisances Martial mentions Jewish beggars, who have been “taught to beg” by their mothers.¹¹⁰ 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.¹¹¹ 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”,¹¹² but Philo probably did not know that.

All in all, 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.

However, this does not mean that Philo consciously lied to his readers, as some scholars assume.¹¹³ One might surmise that it could have happened at Rome, while participating in the embassy to Emperor Caligula after the Alexandrian riots of 38 CE, that Philo heard about the past of the Jewish commu-

¹⁰⁷ LÓPEZ BARJA DE QUIROGA 1995, 329.

¹⁰⁸ *Sat.* 5.176-184 = *GLAJJ*, I, no. 190.

¹⁰⁹ *Sat.* 3.14-16 = *GLAJJ*, II, 1980, no. 206.

¹¹⁰ *Epig.*, 12.57.13 = *GLAJJ*, I, no. 246.

¹¹¹ Philo *Leg.* 155. This is apparently the only Jewish settlement at Rome known to Philo. See SMALLWOOD 1970, 234. On the low social and economic status of the Jews of Rome, see also SMALLWOOD 1976, 132 and BARCLAY 1996, 290.

¹¹² *Leg.* 155.

¹¹³ Willrich, for example, accuses Philo of “not having the slightest respect for facts and of building upon his reader’s gullibility more audaciously than any writer has ever done” (WILLRICH 1903, 402-403 n. 1 and 417 n. 1, quoted by SCHWARTZ 1989/1990, 114 and 117).

nity from one of the local Jews with whom he came in contact. Perhaps he did not have the means to check its historical reliability. Actually he may not have even thought about checking his source.¹¹⁴ After all, he was not a historian but rather a politician¹¹⁵ who did not write his works in order to uncover historical truth.¹¹⁶ Even his so-called “historical” writings, *In Flaccum* and *Legatio*, have long been recognized as being not impartial recapitulations of the past but rather pieces of political writing, composed with overt propagandistic purposes.¹¹⁷ The treatment of the Jewish troubles at Alexandria in 38 CE in his *In Flaccum*, for example, has been defined by Schwartz not as history, but rather as a combination of theology and novelistic writing.¹¹⁸ No wonder, therefore, that both the *In Flaccum* and the *Legatio* have been found to display historical mistakes, inconsistencies, discrepancies, omissions and anachronisms.¹¹⁹ Philo’s political agenda was certainly more important for him than factual accuracy.¹²⁰ When he wrote these works, early in Claudius’ reign,¹²¹ Jews were still anxiously awaiting a clear official statement by the new emperor concerning their rights, and Philo had many good reasons to emphasize the tokens of the Augustan Roman policy towards the Jews, setting them as a reminder and an example to follow.¹²²

¹¹⁴ Schwartz observes that “Philo’s histories are frequently quite enjoyably read or heard read, but this enjoyment sometimes results from a willingness to depart from the facts in order to make the story more dramatic. This, apparently, did not bother Philo, because he was out to write enjoyable and didactic historical novels, and would have been very surprised or even amused, I suspect, if someone would have taken him at his word so seriously as to go, for example, to the docks of Alexandria to check the details of his story about Agrippa, or to some emergency room in Rome to check if the Jewish king had really passed out for two days as he claims” (SCHWARTZ 1989/1990, 119-120).

¹¹⁵ Goodenough defines him “a fearless and experienced politician... a vivid realist in politics” (GOODENOUGH 1938, 20). See KAHN 1998, 117-127.

¹¹⁶ On Philo’s rhetoric and dramatic intent, see SCHWARTZ 1989, 113-119; CALABI 2002 and MUEHLBERGER 2008, 46-67.

¹¹⁷ See BOX 1939, LVII-LIX; SMALLWOOD 1970, 206-207; BILDE 1978; KRAUS REGGIANI 1984, 569.

¹¹⁸ SCHWARTZ 1989/1990, 116-117. On the role of divine providence in the works of Philo, see KASHER 1987b and BORGES 2000.

¹¹⁹ Agrippa’s real intent in his visit to Alexandria would have been covered up (see KUSHNIR STEIN 2000). Caligula’s projected voyage to Alexandria is presented as motivated by his wish to bring to completion the process of self-divinization in this city, while it was probably related to the political situation in the city (BELLEMORE 1994 and SALVATERRA 1989). The discrepancies found between Philo’s account and Josephus’ version of the conflict in Judaea at the time of Pontius Pilate, too, may probably be ascribed to apologetic bias (MAIER 1969; FUKS 1982, 503-507; SCHWARZ 1983). Rarely may Philo’s version of facts be defended from a historical point of view, as suggested by SMALLWOOD 1987, 127.

¹²⁰ See SCHWARZ 1983, 26-45.

¹²¹ See SANDMEL 1984, 8.

¹²² See SMALLWOOD 1970, 233. On Philo’s stress on Augustus’ image as the ideal princeps in contrast

Instead of accusing Philo of perversion of the truth, one would agree with Schwartz when he aptly speaks of his “apologetic rearrangement of history”.¹²³

Philo’s statement on the beginning of the Jewish settlement at Rome, too, is probably to be seen as another example of factual inaccuracy that betrays his will to stress and emphasize once again the favorable policy implemented in past time by the Roman government towards the Jews.

to the wicked Gaius, see also BARRACLOUGH 1984, 453-454 and NIEHOFF 2001, 90-93.

¹²³ SCHWARTZ 1989/1990, 114 n. 2. See also BORGEN 2000, 41-57.

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