

The Legal Rights of the Jews from Hadrian to Theodosius I

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Abstract

Our aim is to deal here with the juridical aspects related to circumcision and Jewish proselytism from the beginning of the rule of Hadrian to that of Theodosius I. Firstly, we want to show that the proselytisation activity did not end after the bloody confrontation that started at the end of Nero's reign and lasted to the times of Hadrian. And secondly, to emphasize the fact that despite a sometimes cautious reaction towards them, the attitude of the authorities didn't radically change either during the pagan emperors or during the Christian ones, but there was a continuity regarding the adopted perspective.

Abrégé

Nous nous sommes proposé de traiter ici les aspects juridiques relatives à la circoncision et au prosélytisme à commencer avec le règne d'Hadrian jusqu'au celui de Théodose. On veut montrer en premier lieu que l'activité qui visait l'attirement de nouveaux prosélytes ne s'est pas terminée après les confrontations sanglantes qui avaient eu lieu de la fin du règne de Néron jusqu'au début de celui d'Hadrian. Un deuxième aspect concerne notre intention de montrer que, malgré la réaction, souvent réservée, en ce qui concerne ce sujet, l'attitude des autorités ne s'est pas changée d'une manière radicale ni sous les règnes des empereurs païens ni de ceux chrétiens, mai c'est une continuité qui a existé en ce qui concerne la perspective adoptée.

After the harsh confrontations and the subsequent catastrophic defeats that followed between the second half of the first century and the first half of the second century AD it was assumed that the Jewish proselytism should have met a clear regression. Other causes of this supposed decline were the death penalty imposed by the Romans for the deeds of proselytism with the beginning of the Hadrianic reign as well as the hostile attitude of the Gentiles due to the previous

success in winning sympathisers and converts. Therefore, the intention was to present an image of declining influence of Jewry in order to emphasize by comparison the booming of Christendom. On the other side, there is a tendency of reconsidering the means of dating several inscriptions related to the activity of Jews or Godfearers, so as to push the datation from the 4th century onwards, with the obvious intention of eliminating any potential clue that could prove the early existence and activity of the sympathisers as organized groups that orbited around the synagogues. As a consequence, many inscriptions previously placed in the 3rd and 4th centuries were repositioned. The clearest example in this respect is the case of the Aphrodisias slab, which, since its discovery, proved itself a turning point in advocating the Jewish influence over the Gentiles and especially in accepting the idea of Godfearers existence¹.

The most important proof concerning the fact that the proselyting activity lasted and went further from the 3th and 4th centuries onward – and we clearly do not have any intention to speak about organized missionary activities, but rather of a liability to accept proselytes – is the Roman imperial legislation.

The Romans realized that the conversion process to Judaism required not only religious justification, but also a political one, directly related to the potential reestablishment of a Jewish power and state in Palestine. This is why at the very moment that Judaea was annexed and incorporated, conversion came to be a dangerous political perspective hard to accept by the Romans, especially after the uprisings of AD 66-74, 115-117 and 132-135. Roman sensitivity should have been even more influenced by the fact that there was an endemic conflict with the great enemy at the Eastern border,

¹ For example, see A. Chaniotis, *The Jews of Aphrodisias: New Evidence and Old Problems*, in *Scripta Classica Israelica*, 21, 2002, p. 209-226; J.G. Gager, *Jews, Gentiles, and Synagogues in the Book of Acts*, in *Harvard Theological Review*, 79, 1986, 1-3, p. 97-99; M.P. Bonz, *The Jewish Donor Inscriptions from Aphrodisias: Are They both Third-Century, and Who Are the 'Theosebeis'*, in *Harvard Studies in Classical Philology*, 76, 1994, p. 291-299.

be it ruled by the Arsacids or the Sassanians². The existence of an extensive and wealthy Jewish community in the proximity of the Roman Empire, in the Parthian Kingdom, increased the Roman fears and anxieties nurtured by the perspective of a rebellion in the Orient with a Jewish support³. All the fears of a potential uprising of the Jews burst initially in the first two centuries and then in 351, during the reign of Constantius, likely caused by a Christian persecution. That year according to Aurelius Victor, a Jewish leader named Patricius raised up the Jews to rebellion: 'Et interea Iudaeorum seditio, qui Patricium nefarie in regni speciem sustulerant, oppressa'⁴. Unfortunately, this is the only evidence we have concerning the event, but the lack of further information in this respect urge to caution regarding other comments. Yet, we should underline the fact that the way the above-mentioned ancient author comments this incident proves primarily his adversity towards the Jews as well as the Roman fears for a potential destabilization of the political power in this area, due to the 'crime' to establish a new centre of power through this 'simulacrous rule'.

The ban of circumcision during the reign of **Hadrian** led the Jews to revolt against the Romans under the rule of Bar Kochba ('Son of the Star') in AD 132⁵. This messianic political

² For their support of the Arsacids against the Roman rule in Mesopotamia at the end of the Trajanic rule, see Dio Cassius, *Roman History*, 68, 28-29 and J. Bennett, *Trajan Optimus Princeps. A Life and Times*, Routledge, London and New York, 1997, p. 202 sqq.

³ For the economic and social conditions of the Jews under the Arsacids see for example J. Neusner, *Some Aspects of the Economic and Political Life of Babylonian Jewry, ca. 160-220 CE*, in *Proceedings of the American Academy for Jewish Research*, 31, 1963, p. 165-196.

⁴ Aurelius Victor, *Despre împărați*, 42, 11 (ed.rom., p. 168-169). Translated into Romanian as: 'Și tot în vremea aceasta a fost înăbușită și o răscoală a iudeilor, în urma căreia fusese ridicat într-un mod *nelegiuit* la un simulacru de domnie Patricius'.

⁵ *Histoire Auguste, Vie d'Hadrien*, 14, 1-2: 'Pendant cette période, il manifesta tant de haine à l'égard des Antiochéens qu'il voulout séparer la Syrie de la Phénicie afin qu'Antioche ne puisse plus être appelée métropole de tant de cités. Au même moment, les Juifs se mirent en guerre parce qu'on leur interdissait de pratiquer la circoncision'. A.M. Rabello, *The Ban on Circumcision as a Cause of Bar Kochba's Rebellion*, in *Israel Law Review*, 29,

'Prince of Israel' managed to resist against the Roman attacks up to AD 135⁶. He was recognized as Messiah by rabbi Akiba ben Joseph according to the Talmudic sources, and coins were minted with inscriptions like 'Year One of the Redemption of Israel', 'Year 2 of the Freedom of Israel' or 'For the Freedom of Jerusalem'⁷. But he was finally defeated by the Romans who cruelly repressed the uprising and eventually established the Roman colony of Aelia Capitolina in Jerusalem⁸.

Yet, it was in the reign of **Antoninus Pius** when (that) the Jews were given back the right of circumcision, confined to their own kindred: 'By a rescript of the divine Antoninus the Jews are allowed to circumcise only their own sons. If anyone performs the operation on a national of another race, he is liable to the same penalty as for castration'⁹. It is thus likely that the Gentiles already converted to Judaism were not referred to. On the other side, the way the rescript is written would lead to the conclusion that we may deal with a mutual commitment performed after a riot as we are entrusted by the *Historia Augusta*¹⁰. The Jews were reinforced and warranted the religious freedom in exchange of renouncing the proselytization activity. Antoninus was still determined to eradicate Jewish proselytism. But he might have also realized that even if he banned the circumcision he

1975, p. 185-195; R.L. Wilken, *Judaism in Roman and Christian Society*, in *The Journal of Religion*, 47, 1967, 4, p. 318; H. Mantel, *The Causes of the Bar Kochba Revolt*, in *The Jewish Quarterly Review*, n.s., 58, 1968, 3, p. 224-225, 231 sqq.

⁶ L. Mildberg, *Bar Kokhba Coins and Documents*, in *Harvard Studies in Classical Philology*, 84, 1980, p. 313-328; F.R. Walton, *Religious Thought in the Age of Hadrian*, in *Numen*, 4, 1957, 3, p. 169.

⁷ *Ibidem*, p. 329.

⁸ A.R. Birley, *Hadrian. The Restless Emperor*, Routledge, London and New York, 1997, p. 269-272.

⁹ *Digest*, 48, 8, 11. I followed here the translation from M. Whittaker, *Jews and Christians: Graeco-Roman Views*, Cambridge University Press, Cambridge-London-New York-New Rochelle-Melbourne-Sydney, 1984, p. 91.

¹⁰ *Histoire Auguste, Antonine le Pieux*, 5, 4-5. A.M. Rabello, *op.cit.*, p. 195-196.

wouldn't compel them to convert the women¹¹. All the existing evidence indicate that a great deal of proselytes were not males but women. They could easier be brought to Judaism, as circumcision was unnecessary in their case¹². Actually, this was an operation that implied a certain degree of pain and risk, a fact that made most of the Gentiles circumspect to the idea of a full conversion, thus preferring to remain sympathisers. Justin the Martyr, a Christian apologist who wrote mostly during the reign of Antoninus Pius, dealt with the problems of circumcision and proselytes as common things without hinting that it was somehow illegal to attract and fully convert the Gentiles. This would lead either to the conclusion that the proselytes' circumcision was totally permitted and usual or that the law was not respected and applied in this case¹³.

The first manifest disposition towards banning the proselytisation activity for both men and women was adopted in AD 198-199, during the visit of **Septimius Severus** in Judaea. Without indicating any specific reason or furnishing a scanty explanation, he forbidden under severe punishments (*sub gravi poena*) conversion to Judaism (*Judaeos fieri*) or Christianity: 'He forbade conversion to Judaism under heavy penalties and enacted a similar law in regard to the Christians'¹⁴. Even if it were true, the interdiction of proselytism during the reign of Septimius Severus should have been inefficient. Eusebius of Caesarea mentions the case of a certain Domnus, who, having been a Christian, was converted to Judaism during the persecutions directed against the Christians in Egypt in the 3rd century¹⁵. This is a clear indication of the fact that it was more dangerous

¹¹ Th. Liebmann-Frankfort, *Les juifs dans l'«Histoire Auguste»*, in *Latomus*, 33, 1974, 3, p. 579-607.

¹² A.M. Rabello, *The Attitude of Rome towards Conversions to Judaism (Atheism, Circumcision, Proselytism)*, in A. Gambaro, A.M. Rabello (eds.), *Towards a New European, Italian, and Israeli Law in Occasion of 50 Years of EU and of the State of Israel*, Jerusalem, 1999, p. 41.

¹³ Justin Martyr, *Dialogue with Trypho, a Jew*, 8, 4; 23, 3-5; 123-1.

¹⁴ *Histoire Auguste, Sévère*, 17, 1; R.L. Wilken, *op.cit.*, p. 318; W.H.C. Fend, *The Persecutions: Some Links between Judaism and Early Church*, in *Journal of Ecclesiastical History*, 9, 1958, p. 142.

¹⁵ Eusebius, *The Ecclesiastical History*, 6, 12, 1 (LCL 265, p. 38-41).

for anyone to convert to Christianity than to Judaism. Obviously, the proselytisation activities went on because Dio Cassius in his *Roman History*, written during the reign of **Caracalla** (AD 211-217), mentioned the zealous foreign people, eager to preserve their traditions, and he stated that as if it had been a synchronous action¹⁶.

Another clear proof that the proselytisation activity lasted to the end of this century is comprised in the *Sentetiae* (5, 22, 3-4) of Julius Paulus Prudentissimus, one of the most influential and distinguished jurists of the period. It was Constantine the Great who granted the legal character of his work, a fact that was reconfirmed by Theodosius II and Valentinianus III in AD 426. The law Paul was referring to established capital punishment for those who dared to circumcise a non-Jew as well as exile or the loss of property for those of the Gentiles who accepted this ritual in order to convert to Judaism¹⁷.

Proselytisation activities of the Jews continued with a variable intensity after Christianity gained a legal position in the Roman Empire. This issue was the most important of the problems concerning the Jews as a legal matter and this could be seen when studying the content of the 66 laws comprised by the *Codex Theodosianus* related to the Jews. 21% (14 laws) refer to proselytism issues related to free people and 18% (12 laws) indicate the conversion of the slaves. Only two legal documents, i.e. 3%, treat the problem of Godfearers or sympathisers.

Despite the legislative measures successively promoted by the Roman emperors, the issues regarding the Jews and their religious activities endured all the time because a satisfactory solution was never met. When speaking of the laws with reference to the Jews in this period, the convincing vehement attitude and tone, as well as the repetitive language employed denote how perilous the emperor and the Church perceived the Jewish proselytism. Of the 28 laws regarding the

¹⁶ Cassius Dio, *Roman History*, 37, 17, 1 about the name of the Jews: 'I do not know how this title came to be given to them, but it applies also to all the rest of mankind, although of alien race, who affect their customs' (*LCL*, p. 128-129).

¹⁷ L.H. Feldman, *op.cit.*, p. 392; A.M. Rabello, *op.cit.*, p. 52.

proselytes and sympathisers or Godfearers, two are dated in the 3rd century, nine in the 4th century, 14th in the 5th century, and 3 in the 6th century¹⁸. But we have to take into consideration the fact that not all the legislative acts of the Roman emperors are either known or certain. Normally, the legislative measures should be compared to the archaeological and literary ones, as much as we have some. Still, we have some testimonia that cannot be confirmed or completed by other types of sources. There is even a tendency to consider them fakes. Clear examples in this respect could be found in the emperor **Julian**'s letters. One of them is a letter where Julian stated that he reestablished the previous privileges to the Jews, a fact that was not confirmed by other kinds of sources¹⁹. Other information related to the same emperor could be also paralleled with different sources: his intention to rebuild the Temple of Jerusalem that is stated in a presumed letter of his is also mentioned by Ambrosius in a letter that he addressed to the emperor Theodosius²⁰.

Different viewpoints occurred when dealing with the situation of Jews and the official attitude towards them in a Christianizing empire. Some researchers like Solomon Zeitlin were convinced that immediately after Christianity gained a legal position, Jewish proselytism became a criminal act *per se* and that 'with the coming of Christianity into power, however, an entirely different attitude was taken towards the Jews'²¹. Others like Louis H. Feldman argued in favour of continuity rather than (that) considering that the attitude regarding the traditional tolerance changed radically since the imperial chancelleries tended rather to maintain the appearance of a continuity with the legal acts of the previous emperor. Considering Judaism a matter of religion than of nationality, the Christian emperors showed themselves more willing than the pagan ones to keep on this attitude of tolerance. But, if the efforts to confine proselytism were previously proceeded by

¹⁸ *Ibidem*, p. 395-396.

¹⁹ Empereur Julien, *Lettres*, 204.

²⁰ Sf. Ambrozie, *Scrisoarea* XL, 12.

²¹ S. Zeitlin, *op.cit.*, p. 236-237.

the Roman emperors, starting with the reign of Constantine the Great because of the influence and constant pressure from the Church, these attempts were more frequent, minute and precise²².

The first on this row of laws issued by the Christian emperors is the one **Constantine the Great** (AD 306-337) promoted in AD 315. Here we may read that '(...) if any person from the people should betake himself to their nefarious sect and should join their assemblies, he shall sustain with them the deserved punishments'²³. That means he who was associated with the Jews should receive the same sentence from the court of justice as that applied for them alone. Besides using the term 'nefarious' in relationship with their pretended sect, which clearly proves influences of the clerical language, there is no difference, while comparing to the laws given from Septimius Severus on, between the previous legislation and the one promoted after the triumph of Christianity. Even the harsh measures taken on the Severan laws are not reinforced here, but the two categories of people are only assimilated. This law does not therefore refer to banning of circumcision, but to conversion in general and it was the first one adopted by the Christian emperors in order to gradually change the *status* of the Jews.

As the first Christian emperor, **Constantine the Great** maintained the privileges bestowed by his predecessors according to which the Jews totally devoted to the synagogue (i.e. patriarchs, rabbis and even common functionaries from the administration of the communities) exempted from compulsory public duties according to their rank. He also acquitted the Jewish decurions to take part in the official escort as well in other duties. These privileges would be maintained by all the subsequent Roman emperors. Yet, in an edict referring (referring) to the decisions of the Nicean Synod in AD 325 regarding the Easter he denounced the 'infamy of

²² L.H. Feldman, *op.cit.*, p. 387.

²³ *The Theodosian Code*, 16, 8, 1 (ed. Pharr, p. 467) = P.R. Coleman-Norton, *Roman State and the Christian Church. A Collection of Legal Documents to AD 535*, I, S.P.C.K., London, 1966, no. 23, p. 66-67.

the Jewish people' for having killed the Christ²⁴. He showed himself merciless to all the Jews who would mock at or despise any of the persons converted to Christianity while imposing the death penalty. And he also forbade the Jews to circumcise their Christian slaves²⁵. The same law is mentioned by a letter of 336 where the emperor announced Felix, the praetorian prefect, several dispositions regarding the compelled circumcisions of these slaves and their consequences: 'It is Our will that if any Jew should purchase a Christian slave or a slave of any other sect whatever and should not greatly fear to circumcise such slave, the person thus circumcised shall be rendered master of his freedom by the measures of this statute and shall obtain possession of the privileges thereof²⁶. And if a Jew decided to become a Christian, he should not suffer any harm or coercitive measures or be assailed with injuries by the Jews. Otherwise the latter would be given the proper measures according to the gravity of the situation: '(...) if anyone of the Jews, unlocking for himself the door of everlasting life, shall have delivered himself to the holy cults and shall have chosen to be a Christian, he should not suffer from Jews any disquietude or molestation. But if anyone of the Jews shall have thought that he who from a Jew has become a Christian can be assailed with injury, we desire that the contriver of contumely of such kind should be subjugated to avenging punishments according to the character of the crime committed (...)'²⁷.

Constantius II (AD 337-361), the son of Constantine, was even ruthless to the Jews that circumcised their Christian slaves: the latter were let free and the Jews were sentenced to death²⁸. A similar categorical measure was related to the punishment of the Jews who used Christian women in their brothels²⁹. Constantius' attitude became even harsher after the revolt from Diocaesarea and its environments in AD 352

²⁴ Em. Popescu, *Basilique et synagogue dans le Sud-Est de l'Europe à l'époque protobyzantine*, in *Études Byzantines*, II, 1991, p. 17-18.

²⁵ *The Theodosian Code*, 16, 8, 5 and 16.9.1.

²⁶ *The Sirmondian Constitutions*, 4 (ed. Pharr, p. 479).

²⁷ P.R. Coleman-Norton, *op.cit.*, I, no. 76, p. 213-215.

²⁸ *The Theodosian Code*, 16, 9, 2 = P.R. Coleman-Norton, *op.cit.*, I, no. 79, p. 219; Em. Popescu, *op.cit.*, p. 18.

²⁹ *The Theodosian Code*, 16, 8, 6.

which lead to numerous casualties and victims. The uprising bitterly crushed by Gallus was provoked by a fake king known as Patricius, according to the literary testimonia. Exactly as they did in AD 115-117, at the end of Trajanic rule, the Jews of Mesopotamia allied with the enemy, the Persians, and subsequently caused great losses for the Romans at the Oriental border of the Empire³⁰.

The mixed marriages between the Jews and Gentile women and their eventual conversion to Judaism were also a very difficult to accept practice as we can see from a mandate of Constantius II to combat the Jewish proselytism. Here the capital punishment was decreed for the Jews 'who have led into association of their turpitude' the Christian women employed in an imperial weaving establishment: '(...) they should not attach Christian women to their disgraceful acts or, if they shall have done this, they should be subjected to capital peril'³¹. This law was promoted by Constantius II either in 352 or in 357. It is more specific than the Constantine similar measure regarding the types of punishments applied. The Christian converts to Judaism that 'joined their sacrilegious assemblies' were liable to lose their properties³².

We previously mentioned that the emperor **Julian 'the Apostate'** (AD 361-364) favoured the Jews and this may have a double explanation. Firstly because there was the justified fear that the Jews might with any clear occasion support the enemy at the Eastern frontier of the Roman world and by this favorable attitude Julian tried to attract them and convince them accordingly to give up backing the Persians. Secondly, because of the personal beliefs and aims of the pagan emperor. Having denied his own Christian faith, Julian tried to attract the Jews and the pagan populations in the empire to oppose

³⁰ The previous mentioned passage of Aurelius Victor, *Despre împărați*, 42, 11 (ed.rom., p. 169); Em. Popescu, *op.cit.*, p. 18.

³¹ *The Theodosian Code*, 16, 8, 6 = P.R. Coleman-Norton, *op.cit.*, I, no. 80, p. 220-221.

³² *The Theodosian Code*, 16, 8, 7 = P.R. Coleman-Norton, *op.cit.*, I, no. 91, p. 233: 'We have ordered by the established venerable law that if anyone, having become a Jew from a Christian, should join their sacrilegious assemblies, when the accusation shall have been proved, his property shall be claimed for the ownership of the fisc'.

the rising influence of the Christians. It was the last attempt ever done in the Roman Empire to restore the pagan traditions. By trying to rebuild the temple of Jerusalem he tried to maintain that the prophecy Jesus had stated about its complete destruction did not stand. But while the reconstruction works proceeded, an earthquake occurred and a fire destroyed the wooden scaffoldings. Accordingly, the rebuilding activities ceased. The event should have happened this way as it is known that strong earthquakes took place in Orient in AD 362 and 363³³. Later on, St. Ambrosius of Mediolanum also alluded to this event while addressing a letter to Theodosius I where he reminded the emperor of the fact that the workers who tried to rebuild the Temple were burned out while doing the restoration³⁴.

After only few decades from Constantius' II edict, **Gratianus** went even further in AD 383, depriving the Christians converted to Judaism of the right of succession: 'By denying them the liberty to make testaments, We avenge the criminal act of Christians who turn to altars and temples. The disgraceful acts of those persons who have disdained the dignity of the Christian religion and have polluted themselves with Jewish contagions shall be punished also'. The same types of measures were applied to the apostatic Christians or to the ones converted to Manichaeism. Other harder punishments but unmentioned by the documents were supposed to be inflicted on those who urged the others to convert to Judaism or Manichaeism³⁵. Yet, in the very same year, the immunity from curial's public services previously given to the Jews was rescinded by arguing that even the clergymen were supposed to pay all the duties to their native community³⁶. In 384, another law promoted conjointly by Gratian, Valentinian II and Theodosius I forbade the Jews the right to purchase Christian slaves. If they already had them in property, they were obliged to sell them to another Christian³⁷.

³³ Em. Popescu, *op.cit.*, p. 18.

³⁴ Sf. Ambrozie, *Scrisoarea* XL, 12.

³⁵ *The Theodosian Code*, 16, 7, 3.

³⁶ *Ibidem*, 12, 1, 99 = P.R. Coleman-Norton, *op.cit.*, II, no. 188, p. 383.

³⁷ *The Theodosian Code*, 3, 1, 5 = P.R. Coleman-Norton, *op.cit.*, II, no. 199, p. 395-396.

On 14 March 388 **Valentinian II, Theodosius I** and **Arcadius** addressed to Cynegius, the praetorian prefect, to carry out the prescriptions of a constitution concerning Jewish-Christian intermarriage. The Jews were consequently forbidden to marry Christian women and any Christian man to choose wedlock with a Jewess. The punishment applied was similar to the one for the condition of adultery, i.e. death penalty: 'No Jew shall receive a Christian woman in marriage, nor shall a Christian man contract a marriage with a Jewish woman. For if any person should commit an act of this kind, the crime of this misdeed shall be considered as the equivalent of adultery, and freedom to bring accusation shall be granted also to the voices of the public'³⁸. This mandate is also similar to the canons 16 and 78 of the Synod of Elvira in 305³⁹. This disposition could seem strange as we would have expected the Christians to be more permissive than the Jews to intermarriage, which could allow them to convert the Jews to the Christian faith. On the contrary, Jews were forbidden by the Torah to marry the Gentiles⁴⁰. Their fear of mixed marriage increased the sense of ethnic identity, uniqueness and distinctiveness, which made the family 'a crucial bulwark against social and cultural assimilation'⁴¹. And this is why the punishment was that severe because most likely the Gentile member of the family got Judaized⁴². They were not the Jews who were converted to the Christian faith but the contrary. As Feldman correctly noticed, an important characteristic of the law was that the right to charge was not confined to the members of the family but extended to the level of the whole society, a fact that proved this type of intermarriage was

³⁸ *The Theodosian Code*, 3, 7, 2 and 9, 7, 5; P.R. Coleman-Norton, *op.cit.*, II, no. 214, p. 416-417.

³⁹ Ch.J. Hefele, *Histoire des Conciles d'après les documents originaux*, I.1, Letouzey et Ané, Éditeurs, Paris, 1907, p. 231 and 262-263.

⁴⁰ *Exode*, 34, 16 și *Deuteronomy*, 7, 3.

⁴¹ J.M.G. Barclay, *The Family as the Bearer of Religion in Judaism and Early Christianity*, in H. Moxnes (ed.), *Constructing Early Christian Families. Family as Social Reality and Metaphor*, Routledge, London and New York, 1997, p. 68-71.

⁴² For this type of problem see A.M. Rabello, *The Attitude...*, p. 58.

regarded prejudicious for all the Christians irrespectively⁴³. The bishop Ambrosius of Mediolanum seemed to have influenced this decision since in 385 he vigorously campaigned against Jewish-Christian intermarriage⁴⁴. It is also likely that the Christian emperors had also other reasons (including economic ones) when initiating this action against the Jews.

After a couple of years, in AD 393, the emperors **Theodosius I**, **Arcadius** and **Honorius** promoted a legal disposition addressed to Addeus, the military commander in Orient, in order to forbid the Christians to harass the Jews and plunder the synagogues: 'It is sufficiently established that the Jews' sect has been forbidden by no law. Therefore we are disturbed gravely that their assemblies have been banned in certain places. Therefore, your sublime Grandeur, after this command has been received, shall restrain with appropriate severity the excess of those who under the name of Christian religion venture upon all illicit acts and try to destroy and despoil synagogues'⁴⁵. The text is important for various reasons. Firstly, it admits the illegal deed of banning the right to assemble against certain communities, even if there was no law to forbid them. Secondly, it is possible that the Christians attacked the synagogues due to the proselytisation activity and the Jewish success in winning the Gentiles to their cause. Then, it is significant the fact that this law was promoted immediately after bishop Ambrosius urged Theodosius to cancel the disposition of punishing the Christians responsible of despoiling a synagogue and transforming it into a church. The attacks over the synagogues might have continued since **Arcadius** and **Honorius** gave another disposition in 397 to the praetorian prefect of Illyricum instructing him to order all the provincial governors to do their best as to prevent further attacks over the synagogues and that their buildings should not be replaced⁴⁶.

It is therefore worth mentioning the fact that even if Theodosius I was very much concerned about the religious

⁴³ L.H. Feldman, *op.cit.*, p. 393.

⁴⁴ Sf. Ambrozie, *Scrisoarea* 19.

⁴⁵ *The Theodosian Code*, 16, 8, 9 = P.R. Coleman-Norton, *op.cit.*, II, no. 244, p. 452; L.H. Feldman, *op.cit.*, p. 393.

⁴⁶ *The Theodosian Code*, 16, 8, 12.

problems and established Christianity as a state religion while forbidding the pagan cults throughout the empire, he showed himself very tolerant regarding the position of the Jews in the Empire, reinforcing all their privileges granted by his predecessors. During the period that we studied within this article, from Hadrian to Theodosius I, we can notice rather a gradual change of perception regarding the position in the society and the legal rights of the Jews. When the Christianity became a *religio licita* and the emperors became more and more favourable to the Christian faith up to the total suppression of the pagan ones, there was not a clear split in their attitude and they formally preserved the Jewish rights. But they gradually diminished them. The real cleavage occurred afterwards, from the reign of Theodosius II to that of Justinian I.

Bibliography

1. Sf. AMBROZIE, *Scrieri*, II, coll. PSB 53, translation, introduction and notes by E. Braniște, D. Popescu and D. Negrescu, IBMBOR, Bucharest, 1994.
2. *The Ante-Nicene Fathers. Translations of the Fathers down to AD 325*, I, *The Apostolic Fathers with Justin Martyr and Irenaeus*, the Rev. Alexander Roberts and James Donaldson editors, T & T Clark / Wm. B. Eerdmans Publishing Company, Edinburgh / Grand Rapids, Michigan, 1985.
3. AURELIUS VICTOR, Sextus, *De Caesaribus / Despre împărați*, Latin-Romanian bilingual edition, introductory study, translation, explanatory notes and commentaries by Gh.I. Șerban, Muzeul Brăilei / Editura Istros, Brăila, 2006.
4. BARCLAY, James M.G., *The Family as the Bearer of Religion in Judaism and Early Christianity*, in H. Moxnes (ed.), *Constructing Early Christian Families. Family as Social Reality and Metaphor*, Routledge, London and New York, 1997, p. 66-80.
5. BENNETT, Julian, *Trajan Optimus Princeps. A Life and Times*, Routledge, London and New York, 1997.
6. BIRLEY, Anthony R., *Hadrian. The Restless Emperor*, Routledge, London and New York, 1997.
7. den BOER, W., *Two Lettres from the Corpus Iulianum*, in *Vigiliae Christianae*, 16, 1962, 179-197.
8. BONZ, Marianne Palmer, *The Jewish Donor Inscriptions from Aphrodisias: Are They both Third-Century, and Who Are the 'Theosebeis'*, in *Harvard Studies in Classical Philology*, 76, 1994, p. 311-335.
9. BOYARIN, Daniel, BOYARIN, Jonathan, *Diaspora: Generation and the Ground of Jewish Identity*, in *Critical Inquiry*, 19, 1993, p. 693-725.
10. CASSIUS DIO, *Roman History*, I-IX, translation by Earnest Cary, Loeb Classical Library, Harvard University Press, 1914-1927.
11. CASSIUS DIO, *Istoria romană*, I-III, translation, notes and indices by dr. A. Piatkowski, Ed. Științifică și Enciclopedică, Bucharest, 1985.
12. CHANIOTIS, Angelos, *The Jews of Aphrodisias: New Evidence and Old Problems*, in *Scripta Classica Israelica*, 21, 2002, p. 209-242.
13. COLEMAN-NORTON, P.R., *Roman State and Christian State. A Collection of Legal Documents to AD 535*, I-III, S.P.C.K., London, 1966.
14. EPSTEIN, Louis M., *Notes on the Status of the Jewish Women in Antiquity*, in *The Jewish Quarterly Review*, 14, 1924, p. 483-499.
15. EUSEBIUS, *The Ecclesiastical History*, II, coll. LCL 265, with an English translation by J.E.L. Oulton, taken from the edition published

with H.J. Lawlor, Harvard University Press, Cambridge, Massachusetts – London, England, 1994.

16. FELDMAN, Louis H., *Pro-Jewish Intimations in Anti-Jewish Remarks Cited in Josephus' "Against Apion"*, in *The Jewish Quarterly Review*, 3-4, 1988, p. 187-251.

17. FELDMAN, Louis H., *Jew and Gentile in the Ancient World. Attitudes and Interactions from Alexander to Justinian*, Princeton University Press, Princeton, New Jersey, 1993

18. FRENDE, William H.C., *The Persecutions: Some Links between Judaism and Early Church*, in *Journal of Ecclesiastical History*, 9, 1958, p. 141-158.

19. GAGER, John, G., *Jews, Gentiles, and Synagogues in the Book of Acts*, in *Harvard Theological Review*, 79, 1986, 1-3, p. 91-99.

20. GALLAGHER, Eugene V., *Conversion and Community in Late Antiquity*, in *Journal of Religion*, 73, 1993, 1, p. 1-15.

21. GRAYZEL, Solomon, *The Jews and the Roman Law*, in *The Jewish Quarterly Review*, n.s., 59, 1968, 2, p. 93-117.

22. HEFELE, Charles Joseph, *Histoire des Conciles d'après les documents originaux*, I.1, Letouzey et Ané, Éditeurs, Paris, 1907.

23. *Histoire Auguste. Les empereurs romains des II^e et III^e siècles*, édition bilingue latin-français, traduction du latin par André Chastagnol, Éditions Robert Laffont, Paris, 1994.

24. L'Empereur JULIEN, *Œuvres complètes*, I.2, *Lettres et fragments*, texte revu et traduit par J. Bidez, Société d'Édition «Les Belles Lettres», Paris, 1972.

25. MANTEL, Hugo, *The Causes of the Bar Kochba Revolt*, in *The Jewish Quarterly Review*, n.s., 58, 1968, 3, p. 224-242.

26. MANTEL, Hugo, *The Causes of the Bar Kochba Revolt* (continued), in *The Jewish Quarterly Review*, n.s., 58, 1968, 4, p. 274-296.

27. MILDENBERG, Leo, *Bar Kokhba Coins and Documents*, in *Harvard Studies in Classical Philology*, 84, 1980, p. 311-335.

28. NEUSNER, J., *Some Aspects of the Economic and Political Life of Babylonian Jewry, ca. 160-220 CE*, in *Proceedings of the American Academy for Jewish Research*, 31, 1963, p. 165-196.

29. POPESCU, Emilian, *Basilique et synagogue dans le Sud-Est de l'Europe à l'époque protobyzantine*, in *Études Byzantines et Post-Byzantines*, II, Editura Enciclopedică, Bucharest, 1991, p. 9-22.

30. PUCCI BEN ZEEV, Miriam, *Jewish Rights in the Roman World. The Greek and Roman Documents Quoted by Josephus Flavius*, Mohr Siebeck, Tübingen, 1998.

31. RABELLO, Alfredo Mordechai, *The Ban on Circumcision as a Cause of Bar Kochba's Rebellion*, in *Israel Law Review*, 29, 1975, p. 176-214 (= idem, *The Jews in the Roman Empire: Legal Problems, from Herod to Justinian*, Variorum Collected Studies, Ashgate/Variorum Reprints, Aldershot-Burlington USA-Singapore-Sydney, V, p. 176-214).

32. RABELLO, Alfredo Mordechai, *The Attitude of Rome towards Conversions to Judaism (Atheism, Circumcision, Proselytism)*, in A. Gambaro, A.M. Rabello (eds.), *Towards a New European, Italian, and Israeli Law in Occasion of 50 Years of EU and of the State of Israel*, Jerusalem, 1999, p. 37-68 (= idem, *The Jews in the Roman Empire: Legal Problems, from Herod to Justinian*, Variorum Collected Studies, Ashgate/Variorum Reprints, Aldershot-Burlington USA-Singapore-Sydney, XIV, p. 37-68).

33. RAJAK, T., *Was There a Roman Charter for the Jews?*, in *Journal of Roman Studies*, 74, 1984, p. 107-123.

34. RUTGERS, Leonard Victor, *Archaeological Evidence for the Interaction of Jews and Non-Jews in Late Antiquity*, in *American Journal of Archaeology*, 96, 1992, p. 101-118.

35. TCHERIKOVER, V., *The Ideology of the Letter of Aristeas*, in *Harvard Theological Studies*, 51, 1958, 2, p. 59-85.

36. *The Theodosian Code and Novels and the Sirmondian Constitutions*, a translation with commentary, glossary and bibliography by Clyde Pharr, in collaboration with Theresa Sherrer Davidson and Mary Brown Pharr, with an introduction by C. Dickerman Williams, Greenwood Press Publishers, New York, 1969.

37. WALTON, Francis R., *Religious Thought in the Age of Hadrian*, in *Numen*, 4, 1957, 3, p. 165-170.

38. WHITTAKER, Molly, *Jews and Christians: Graeco-Roman Views*, Cambridge University Press, Cambridge-London-New York-New Rochelle-Melbourne-Sydney, 1984

39. WILKEN, Robert L., *Judaism in Roman and Christian Society*, in *The Journal of Religion*, 47, 1967, 4, p. 313-330.

40. WYPUSTEK, Andrzej, *Magic, Montanism, and the Severan Persecution*, in *Vigiliae Christianae*, 51, 1997, 3, p. 276-297.