**The involvement of the Jews in municipal life**

**during the Late Roman Empire**

Capucine Nemo-Pekelman

(Paris Nanterre University, CHAD)

What were the practises of the Jews living in the cities of the Late Roman Empire, and, more precisely, to what degree were the Jewish populations involved in municipal life? In our opinion, the response that is often given to this question deserves to be significantly qualified. We tend to think that the Jews refused to carry out their *munera* (also called “liturgies” in the Greek world), i.e. the various services, requisitions, and labour that cities imposed on their inhabitants; and that they avoided the administration of municipal *honores*, particularly by refusing to serve on curias, the municipal senates (*boulai* in the East).[[1]](#footnote-1) This impression stems from a reading of certain imperial constitutions preserved in the *Theodosian Code* (438-439), according to which the Jews had effectively claimed to be exempt from their municipal obligations.

However, it is worthwhile to compare the legal sources with epigraphic data. The latter attest that, in the West as in the East, Jews had held municipal occupations, ranks and titles.[[2]](#footnote-2) If we add to this the famous letter of Bishop Severus, who attests that two Jews from Minorca served on the curia and carried out “all the *munera* associated with the administration of this *honor”* (such as serving as decurions, i.e. municipal councillors, as municipal magistrates, and, perhaps, as municipal priests) before becoming *defensores civitatis* and patrons[[3]](#footnote-3), as well as the instances in the Talmud where it is mentioned that Jews served as *boulai*, the attitude of the Jews towards their municipal duties and political careers in the city seems less clear.[[4]](#footnote-4)

This apparent gap between the situations revealed by the epigraphic and literary sources and those that seem to be described in legal documentation encourages a re-examination of the sources, that is, the seven constitutions concerning the avoidance of *munera* and the desertion of the curia by the Jews.[[5]](#footnote-5) This re-reading seems all the more necessary since the historiography, which is already several decades old, has completely reinterpreted the immense corpus of the one hundred and ninety two imperial constitutions that intended to stop the flight from the curia. We know that the classic historiography, inherited from the 19th century, interprets the large number of these texts as a sign that it was increasingly difficult to recruit decurions, which reflected a supposed decline in the institution of the curia, and which was itself a sign of decadence in the cities of Late Antiquity. But in fact, these sources do not reflect “a unique reality – the desertion of the curias – but various, coexisting aspects of municipal life and society.”[[6]](#footnote-6) In fact, the tensions revealed by the imperial constitutions had their origin in two quite distinct types of problems.

Firstly, certain requests come from decurions who are not at all contesting their participation in the *ordo* of the curias, but only their appointment to certain duties (*munera*) attached to this *honor*. Today it is agreed that the administration of a curial *honor* could still be appealing in the 4th and 5th centuries (and even up to the 6th century), and that a municipal career was appealing to the majority of citizens from the “middle class” , even if it depended on the cities and especially on their economic situation.

Secondly, other constitutions are certainly related to disputed appointments to the curia or to decurions fraudulently escaping from their duties. However, as Claude Lepelley says, the significance of this phenomenon of refusing to serve on the curia must be placed in perspective. Those who refused to enter the curia were probably not the majority, as has long been believed, but a specific part of the city’s dignitaries: those whose fortune and network allowed them to consider more enviable careers elsewhere – particularly in the imperial administration.

If we now examine the seven imperial constitutions concerning Jewish requests for exemption, it seems that we find in them both requests for exemption from certain duties attached to the honour of decurion, and requests for complete immunity from the curia. In fact, for the subject with which we are concerned here, it is essential to distinguish between the Jewish requestors among those who were members of their curias and who wished only to be exempt from certain specific *munera*; and those who completely refused to take part in these assemblies of municipal dignitaries. The former did seek to hold municipal honours, under the condition that they received adjustments in return; while the latter, on the contrary, rejected them outright. We must therefore determine why some of them chose a municipal career in the city, and why others preferred to avoid such a career.

**I. Jews seeking to administer “renegotiated” municipal honours[[7]](#footnote-7)**

It may be useful to recall first of all what *munera* involved, and how they were imposed on the inhabitants of cities and on the decurions in particular (1). As we have mentioned, certain Jews did not contest their curial *honor*, but asked only that they be exempted from certain *munera* attached to the administration of this *honor* (2). The exemptions that they obtained did not prevent some of them from climbing through the ranks of the municipal career to become, as we will show, municipal magistrates and priests (although there is no evidence of this in the sources[[8]](#footnote-8)), and lastly, *defensores civitatis* and patrons of their cities (3).

1. *Munera* of the decurions: nature and method of appointment

Life in Roman cities required every inhabitant: citizen, resident (*incola*), or simple property owner,[[9]](#footnote-9) *humiliores* or *honestiores,* to carry out their *munera*, which included taxes (*munera patrimonalia*), free services (*munera personalia*), and mixed *munera* that involved both paid services and responsibilities.[[10]](#footnote-10) Ordinary people, for example, had to perform true manual labour (*munera sordida*) such as milling flour, cooking bread, maintaining public buildings, roads, and bridges, transporting goods using their own horses and vehicles, housing travelling officials and soldiers, etc.[[11]](#footnote-11) Civic life was considered to offer numerous advantages, as collective services and equipment were highly developed, and everyone had to participate in administering and maintaining them according to their means and in conformance with their social status.

The decurions, beyond their deliberative function and their role as voters, were also compelled to perform *munera*, but their duties were specific to their higher status in the civic hierarchy. They could serve as judges or lawyers; in the secretariat of a municipal magistrate; in the organization and funding of spectacles and games; and in numerous other services and expenses on behalf of the city. To these were added the *munera* that the decurions had to perform on behalf of the imperial administration. This chiefly involved providing soldiers, horses, and various goods, and making financial contributions to the army; managing the postal service (*cursus publicus*); maintaining roads; and ensuring that people (recruits, prisoners) or products were escorted safely. Lastly, it was the decurions who had to distribute taxes claimed by the emperor, and to ensure that they were collected from the city population, with some decurions taking on the duties of tax collectors. If they failed, they were collectively responsible for paying the full amount of imperial tax from their own funds.

Periodically, magistrates and decurions decided and voted by decree on how to divide *munera* (as well as appointments to different honours) among the inhabitants of the city. The *nominati* who thought they could protest this decision – because they claimed that they had legal dispensation or that the appointment was unjust for other reasons – could, according to a procedure prescribed in imperial legislation, submit a request (*quaerimonia*) before the governor of the province.[[12]](#footnote-12)

2. Dispensations from *munera* claimed by Jewish decurions

Some of the seven imperial constitutions that interest us here seem to be the direct result of lawsuits between Jewish *nominati* and their curias. The central power in the chancery could hear matters coming from local disputes when it was submitted trough the rescript procedure, either directly from the litigants or from the governor of the province who, postponing any case currently before the court, appealed to imperial authority to obtain the emperor’s recommendation (*rescriptum ad relationem*). Thus, it would seem that, in 330 (*C. Th*., XVI, 8, 2),[[13]](#footnote-13) Jewish decurions in a city located somewhere in a province under the administration of the Prefect of the East – unfortunately the constitution does not give any indication of which province – had been called by their curia, which claimed that they owed service as escorts. This *munus* voted by the municipal authorities was a costly burden, and this could therefore indicate that the designated Jews were among the wealthy decurions of the curia. But they insisted that they benefitted from an imperial privilege that exempted them from personal *munera*, whether they were of civil or imperial origin. The chancery in Constantinople granted their request, recognizing the existence of these personal immunities in general, and by implication, that they were exempt from acting as escorts.

According to the imperial constitution, the Jewish decurions enjoying these immunities were all those who could justify “that they were completely devoted to the synagogues of the Jews, to the patriarchs, or to the presbyters (*qui devotione tota synagogis Iudaeorum patriarchis vel presbyteris se dederunt*).”[[14]](#footnote-14) The constitution was sent a second time, and indicated that the beneficiaries were “the priests, archisynagogues, and fathers of the synagogue” as well as “all those who ensured that services were provided in the synagogue” (*C. Th*., XVI, 8, 4).[[15]](#footnote-15) The legal criteria allowing the Jews to benefit from being exempted from personal *munera* therefore seem not to have been the possession of an honorific title in the synagogue, but the fact that they carried out *actual* work in service of the community, involving “ensuring that services were insured to the synagogue […] with devotion”. This interpretation seems to be confirmed when we examine the general conditions involved in granting immunities to members of professional, commercial, funerary, and ‘religious’ associations. Only *active* members of *collegia* could claim that they received personal immunities, since they were considered to have dedicated their time to providing services for their city, and that consequently it would have been redundant to impose additional free services upon them.[[16]](#footnote-16) For this reason, members of “religious” associations could be exempted from their *munera*,[[17]](#footnote-17) and we know that Constantine had granted dispensations to Christian clerics. [[18]](#footnote-18) However, it must be said that if Jewish decurions had received dispensations from their civic and imperial *munera personalia*, they did not receive dispensations from *munera patrimonalia*, which was a very rare dispensation.[[19]](#footnote-19) Therefore, the administration of their *honores* was always accompanied by an obligation to fulfil their financial duties.

In 330, the Jewish decurions had therefore emphasized their active work in the service of the synagogue community. It is curious to note that in this constitution, along with those that followed in the 4th and 5th centuries, they did not invoke the contradictions involved in carrying out certain services for the city and following Jewish law. However, these contradictions existed *a priori*. The structures of municipal institutions were intertwined with the traditional religion.[[20]](#footnote-20) Even more than that, in the eyes of many of the elites in the cities, municipal patriotism was inseparable from fidelity to the traditions and cult of the city. Therefore, performing personal *munera* involved carrying out “pagan” rites, especially sacrifices to the deified emperor. However, concerning this incompatibility between *munera* in service of the city and the practise of Christianity, Claude Lepelley notes that ecclesiastical authorities had a certain flexibility, and more often even indifference, and they even seem to have tolerated Christian decurions serving in the Roman and imperial priesthood (as pontiffs, *flamines*, and augurs). “The only explanation of this silence [in the conciliar canons]”, writes Lepelley, “is the fact that these functions had [since before the reign of Constantine] totally lost their initial religious character.”[[21]](#footnote-21) In these circumstances, we can imagine that Jewish decurions in the 4th and 5th centuries thought that they could carry out rituals that had become purely civic, and even hold the office of municipal priest, without considering this a contradiction of their laws.[[22]](#footnote-22) This would therefore explain the silence on this subject in the constitutions of the 4th and 5th centuries.

In any case, here we are dealing with Jews who, far from avoiding their municipal careers, embraced them according to renegotiated conditions that allowed them to lead a parallel career in the synagogue. As a matter of fact, serving as a decurion was a springboard to higher municipal honours.

3. The municipal *cursus honorum* of Jewish decurions

Thanks to epigraphic and literary sources, we know that Jews attained some of the highest offices. In most cities, these offices were: *principales* of the curias (who belonged to a restricted group of leaders of the municipal council), magistrates (*duumviri*, *aediles*, and quaestors), priests (pontiffs, augurs, and *flamines*), *defensores civitatis*, and city patrons.

In southern Italy, one city in the province of Apulia, Venusia (modern Venosa) gives us an exceptional epigraphic corpus of 76 epitaphs of Jewish origin. According to general consensus, these epitaphs date to the end of the 4th century, the 5th century, and the 6th century. They are carved in a catacomb on the Maddalena hill at the entrance of the city, and a famous inscription of a young girl who died at the age of 14 indicates that her great-grandfather was *pater patrum* and her grandfathers were *maiores civitatis*, that is to say *principales* in the curia of the city.[[23]](#footnote-23) Furthermore, in a separate hypogeum, two Jews are buried, Marcellus and Auxanius, who are designated as “fathers of the fathers” or “fathers,” and also as “patrons of the city” (in Greek).[[24]](#footnote-24)

We consider it very likely that these Jewish patrons had previously held positions as municipal magistrates and, maybe even priests. As noted by Krause, in Italy during Late Antiquity, patrons were recruited either into the imperial administration (especially governors) or into the ranks of the curia.[[25]](#footnote-25) In our opinion, Grelle demonstrates definitively that the Jews in Venosa had pursued a career in the local curia, and then as magistrates in the city. So, these Jewish patrons were not outsiders sent by the imperial administration, but rose to the top of the city government through the municipal *cursus*. If the epigraphic sources from Venosa do not mention Jews holding positions as magistrates or priests, this is probably because, as François Jacques notes, funerary and honorific inscriptions “do not mention all honours” and could “neglect honours that were obtained at the beginning of a career in favour of the most recent honours.”[[26]](#footnote-26)

It should be added that the letter from Bishop Severus – already mentioned in the introduction – established that the Jew Theodorus from the island of Minorca was “among the Jews a teacher of the Law and, if I may use their own phrase, the Father of the Fathers. In the town, on the other hand, he had already fulfilled all the duties of the town council and served as defensor, and even now he is considered the patronus of his fellow citizens.”[[27]](#footnote-27) And the Jew Caecilianus, “a Father of the Jews,” “the second to Theodorus in honor” in the Synagogue,[[28]](#footnote-28) was “a worthy man, and so eminent not only among the Jews but also in the town that even now he has been elected defensor.”[[29]](#footnote-29) Here again, we must infer – despite the silence of the source – that they had also been magistrates and municipal priests.

So, certain prominent Jews in the cities decided to pursue parallel careers within the synagogue community and in the civic community. The benefits of this double strategy are obvious, as ascending through the ranks of one helped their chances of success in the other.[[30]](#footnote-30)

But beside these Jewish decurions, *principales*, magistrates, priests, *defensores civitatis*, and city patrons, there were others who rejected a municipal career.

**II. Jews refusing to serve on the curia and the reasons for their decision**

Other imperial constitutions attest that the Jews sought to avoid city honours. We see *nominati* officially contesting their appointment to the curia, and others who are already members of the curia fraudulently leaving it. There seem to be several reasons for this behaviour. It would seem that certain Jews, like other non-Jewish citizens, had resources that enabled them to pursue careers in the senatorial order or the civil or military imperial bureaucracy (1). Others who were involved in the leadership of the synagogue community wanted to convince the authorities to grant them the status of official clergy, just like the Christian clerics who struggled to gain the same recognition (2).

1. Jews pursuing careers in the senatorial order and imperial bureaucracy

Jews officially contested their appointment to the curia by claiming immunity. In what concrete circumstance could such immunity be requested? To answer this question, it is helpful to first specify the procedure used for appointments to the curia. Municipal laws required that the number of municipal councillors always stayed the same (100 on average in the cities in the West, 500 to 600 in the East, according to the estimates made by A. H. M. Jones), so that the composition of the curias regularly needed to be renewed following vacancies caused by the death or departure of decurions. Inscribed on the list of persons who could be appointed were those who belonged to a curial family, as well as those who had a suitable estate (the importance of this fortune varied depending on the city in question). New decurions were periodically integrated into the curia, probably once a year. As François Jacques explains, using sources dating to the 3rd century, it would seem that city magistrates were responsible for designating new members of the curia. The magistrates called the curia into session, and the curia then voted on the names selected and submitted by the magistrates (honorific inscriptions always mention the integration of a decurion as being voted on by the curia).

*Nominati* could contest their election by submitting a request before the provincial governor. This was the procedure used by Jews at the beginning of the 4th century. A constitution issued by Constantine on 11 December 321 resolved a conflict between Jews from the city of Cologne and their curia. The Jews had contested their appointment by claiming that they had immunity. However, Constantine, “by a general law,” abolished these ancient immunities (probably granted by curias or provincial governors in the *pars occidentalis*). From then on, he limited the number of exempted Jews to “two or three” per city.

The decision of 321 is truncated, so we do not know who these Jews were. But Claude Lepelley profiles those who were likely to refuse to enter the curia. First of all, they were the richest dignitaries who traditionally ensured generous “euergetism,” and whose fortune and political, economic, and social networks allowed them to pursue even more enviable careers in the senatorial order. Their choice was not based on financial motives, but was guided rather by ambition.[[31]](#footnote-31) There were also less-wealthy citizens who were eager to enter the imperial bureaucracy or the army. The exempt Jews in Cologne and in other cities in the west would have belonged to one of these two groups.

Secondly, Jews who were already decurions deserted their curia by fraud. A constitution issued on 22 April 404 (*C. Th*., XVI, 8, 16) appears to condemn those Jews who fraudulently introduced *agentes in rebus* into the western civil *militia*. The text in question is quite difficult to understand, since the compilers of the *Theodosian Code* retained only two sentences from it, but it is formulated in such a way that it appears to be a response to this problem. The punishment for these Jews, i.e. being prohibited from joining any *militia*, seems to confirm this hypothesis.[[32]](#footnote-32) The profile of these Jews seems to correspond well with middle-class citizens who pursued careers in the imperial administration.

It is important to note that in these two decisions of 321 and 404, nothing leads us to believe that the Jews were serving the synagogal community. Other constitutions however seem directed to Jews attached to the synagogue(s) of their cities, to the patriarchal institution or to that of the presbyters, as we shall now see.

2. Jewish leaders who wished to be treated as members of a clergy

Throughout the 4th century, other Jews had obtained complete immunity from their curias. Thus, the second part of the imperial constitution of November 29, 330 reads as follow: “Those however, who are definitely not decurions, shall enjoy perpetual exemption from the decurionate.”[[33]](#footnote-33) As the first part of the Law is dedicated to those serving “the synagogues of the Jews, the patriarchs or the presbyters,” it seems to be addressed to people who served the synagogues, the patriarchs or the presbyters.

It appears that the immunity for “religious” reasons was renewed several times during the 4th century. As a constitution issued on 1July 397 says, the Jews had to remain “associated with their own rituals” and had to “submit to their Law” (*CTh*., XVI, 8, 13). The texts in question have not survived, but the chanceries of Constantine, Constantius, Valentinian, and Valens granted them this status.

Thus some Jews were recognized as having the privileges of a clergy on the model of the clergy of the traditional polytheist religion. Certain citizens performed functions that were considered important *munera* in service of the community, and could claim total immunity before their curias. Religious functions were considered to be sufficient “liturgies,” as were other functions associated with professions, such as the *navicularii* (exempt because they performed the duties of the *annona*), doctors, and public professors (who were officially appointed by the curia and were treated as functionaries).[[34]](#footnote-34)

However, a constitution issued in Milan by Gratian on 18-19 April 383 called into question the immunity of the Jewish “clergy”: “The rights claimed by men of the Jewish faith that confer upon them immunity from performing duties in the curia should be abolished.” Jews “who wish to dedicate themselves to God” and who belonged to a curial family, or had an adequate estate allowing them to be elected to the curia, would be prevented from giving their place and from transferring their wealth to someone else if they wished to renounce their spot.

The text justifies the cancellation of the privilege of immunity by citing a legal precedent: “Even clerics [of the Christian religion] would not be able to be free to dedicate themselves to the divine mysteries unless they have performed the duties they owe to the *patria*.” We should briefly touch upon the immunities held by Christian clergy. A very favourable measure had been taken at the beginning of the reign of Constantine, in 313. According to Eusebius of Caesarea, because of this measure, Christian clerics as a whole had obtained immunity from serving in the curia, “so that they would not be diverted, by any error or sacrilegious deviation, from the duty that they owed to the divine, and so that they would obey their laws with total peace of mind.” However, it would seem that the Church, considering its increasing success, included a significant number of clerics. In addition to the bishops, priests, deacons, minor clerics such as subdeacons, acolytes, exorcists, *lectores*, and porters, whose liturgical or pastoral obligations were minor but who nevertheless were part of the clergy, benefitted from clerical immunity. [[35]](#footnote-35) So in 329, a law was enacted against this, ordering that new clerics could be named only to replace those who had died. Above all, those who belonged to curial families or whose resources allowed them to serve in the curia were forbidden from being ordained as clerics. Constantius II repeated this rule in 349 (*C. Th*., XVI, 2, 9), but in 361, he relaxed it in a constitution addressed to the praetorian prefect of Italy and Africa, in which he decided that “those of great virtue whose ordination was proclaimed unanimously by the people could be ordained, even if they were from a curial family,” with the agreement of the curia in question and of the governor of the province. Those whose ordination did not include this guarantee could be named to the curia, unless they agreed to give up their property to a replacement or to the city. After the interruption of the reign of Julian – who introduced anti-Christian measures – the Arian emperors Valens and Valentinian renewed the legislation of Constantius II, with some small differences (*C. Th*., XII, 1, 59). But in 377, the Catholic emperor Gratian granted general immunity to all clerics.

Such was the state of the law in the West when the same emperor Gratian made his decision against the “religious” leaders. It therefore seems to us that, contrary to what the authors of this constitution would like us to believe, the treatment reserved for leaders of the synagogue was stricter than the advantageous treatment of Christian clergy. As is justly noted by Giovanni de Bonfils, every Jew eligible to serve in the curia was automatically assumed to be acting fraudulently if he claimed (*blandior*) to be a cleric.[[36]](#footnote-36)

It can therefore be noted that the chancery of Milan distrusted the authorities of the synagogue. Indeed, it should be understood that the denial of immunity had an institutional impact on the requesting party: Milan refused to officially recognize a Jewish clergy.

We know that this line was not taken in Constantinople. In 397, the chancery of Constantinople still repeated that Jewish leaders were exempt, and we need to consider this decision in a context in which the chancery of Arcadius, from 396 until 404, consistently tended to organize the institutional forms of a well-integrated Jewish clergy in the Empire.[[37]](#footnote-37)

This Oriental law from 397 encouraged officers of the synagogues in cities in the provinces of Calabria and Apulia in southern Italy to request the same privilege of immunity. Apparently, news of such a victory could spread quickly from Eastern communities to southern Italy, and could travel between communities in different Italian cities.[[38]](#footnote-38) Thus the officers of the synagogue who were called to the curia, or who were already *curiales* (it is impossible to distinguish them in the text), jointly adopted the same legal strategy to take advantage of this Oriental privilege and refuse to serve in the curia in their respective municipal councils. We can see that the problem had grown. The case did not involve a single city, but several cities, which could have included, for example, Taranto, Otranto, or Venosa, as we have epigraphic evidence of the presence of Jewish populations in those cities at that time.[[39]](#footnote-39) Furthermore the rebellion of the men of the synagogue against their curias raised a legal and political difficulty – whether or not a decision taken in Constantinople was valid in the West. The case therefore could not be resolved at the provincial level. Appeals were therefore made to the central government in Milan, twice in fact,[[40]](#footnote-40) since we have two texts coming from the western Chancery, one from the beginning and one from the end of the year 398.[[41]](#footnote-41)

In a very interesting way, Giovanni de Bonfils attributes the authorship of the two decisions taken in 398 to Mallius Flavius Theodorus. We also note that this figure was, at the beginning of the 380s, a *magister magistrae* in the chancery of Gratian; but more importantly, he was an associate of Ambrose and a member of the Catholic party in Milan. One may wonder if this renewed law could explain the return to a tougher policy towards the Jews, which would have increased under Gratian and, from 398, would have been influenced by the Catholic party in Milan.

Western policy would therefore have been to deny the status of officiating clergy to the members of the synagogues, which the latter had vigorously, albeit unsuccessfully, sought; the policy would have forced them to join or remain involved in their curias in the provinces of Apulia and Calabria.

In summary, as far as we are able to understand the imperial constitutions, in the 4th century, community leaders in the East had managed to have their status as clergy recognized, and leaders in the west had failed. And we find that certain synagogue leaders believed that civic careers were incompatible with a career in the synagogue; and that these leaders saw more prestige in performing the latter than the former.

**Conclusion**

In summary, we have shown that the Jews in the late Empire did not adopt one, but several types of behaviour when faced with the obligations imposed upon them by their cities, and with the honours that the city offered to them.

Some Jews had willingly performed *munera* in the cities by becoming decurions. Among them, some had even risen through the ranks of every position in the municipal career, becoming *principales* of the curia, magistrates, maybe priests, *defensores civitatis* and patrons of the city. It would be nonsense to believe that the requests for privileges that they submitted were intended to allow them to avoid serving in the curia altogether. Quite the contrary, they claimed to be exempt from personal *munera* in order to make better use of their time in the synagogue and in civic life, and thus pursue two parallel careers.

Other leaders of the synagogue had followed a radically different route, by seeking to avoid civic duties and honours at all costs. In our opinion, this second strategy was aimed at acquiring a prestigious and perennial status in the eyes of the authorities, by receiving the status of clergy. But at the end of the 4th century, their powerful Christian competitors in the West – represented by the diocese of Milan and its supporters in the chancery – ensured that this attempt failed.

Lastly, we must not forget the Jews who refused to serve in the curia because they were motivated by ambition for an imperial career. Their attitude is closer to that of non-Jewish citizens who were members of the same social and economic class.

Thus, the involvement of the Jewish elites in the cities of the Empire was much more heterogeneous than we could have believed.

Capucine Nemo-Pekelman, University Paris Nanterre, CHAD

1. j. juster, *Les Juifs dans l’Empire romain. Leur condition juridique, économique et sociale*, vol. 2 (Paris: P. Geuthner, 1914), 258-263; a. linder, *The Jews in Roman Imperial Legislation* (Detroit: Wayne State

Univ. Press – Jerusalem: The Israel academy of science and humanities, 1987), 75-77 and ‘The Legal Status of the Jews in the Roman Empire”, in *The Cambridge History of Judaism, vol 4: The Late Roman-Rabbinic Period*, edited by s. t. katz (Cambridge: Cambridge University Press, 2006), 128-173; g. de bonfils, *Omnes… ad implenda munia teneantur.* *Ebrei curie e prefetture fra IV e V secolo* (Bari: Carucci, 2000), 19-51; **k. stebnicka, *Identity of the Diaspora: Jews in Asia Minor in the Imperial Period*. JJP Supplement, 26 (Warszawa:  Journal of Juristic Papyrology, 2015), 265-281.** [↑](#footnote-ref-1)
2. Imperial and municipal occupations, ranks and title of the Jews in d. noy, a. panayotov and h. bloedhorn, *Inscriptiones Judaicae Orientis. I: Eastern Europe* (Tübingen: Mohr Siebeck, 2004), 384; d. noy & h. bloedhorn*, Inscriptiones Judaicae Orientis, III: Syria and Cyprus* (Tübingen: Mohr Siebeck, 2004), 274; and d. noy, *Jewish inscriptions of Western Europe, I: Italy (excluding the city of Rome, Spain and Gaul)*, (Tübingen: Mohr Siebeck, 2006), 326. [↑](#footnote-ref-2)
3. *Epistula Severi*, VI, 3 in severus of minorca, *Letter on the conversion of the Jews*, edited and translated by s. bradbury (Oxford: Clarendon Press, 1996), 84-85: *In civitatem autem cunctis curiae muniis exsolutis, et defensor iam extiterat et etiam nunc patronus municipum habetur*. [↑](#footnote-ref-3)
4. c. hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen: Mohr Siebeck, 1997), 273-275. [↑](#footnote-ref-4)
5. *C. Th*., XVI, 8, 3 (321); XVI, 8, 2 (330) ; XVI, 8, 4 (330) ; XII, 1, 99 (383) ; XVI, 8, 13 (397) ; XII, 1, 157-158 (398) ; XII, 1, 165 (399). [↑](#footnote-ref-5)
6. Cl. Lepelley, *Les cités de l'Afrique romaine au Bas-Empire, vol. 1: La permanence d'une civilisation municipale* (Paris: Etudes augustiniennes, 1979), 245. [↑](#footnote-ref-6)
7. We borrow the expression from p. j. heather, “Elite Militarisation and the Post-Roman West”, *Istituzioni, carismi ed esercizio del potere. IV-VI secolo d. C*. edited by G. Bonamente and R. Lizzi Testa (Bari: Edipuglia, 2010), 247. [↑](#footnote-ref-7)
8. According to some authors, it could be that a son of Flavius Josephus was a *flamen*. See j. juster, *Les Juifs dans l’Empire*, 259. [↑](#footnote-ref-8)
9. Those who were neither citizens nor residents but possessed property on city territory also had to perform *munera*, but only financial ones (*munera patrimonalia*). fr. jacques, *Les cités de l’Occident romain* (Paris: Les Belles Lettres, 1990), 122. [↑](#footnote-ref-9)
10. N. Charbonnel, *Les “*munera publica” *au IIIe siècle* (PhD diss, University Paris II, 1971), 49-84 and Cl. Lepelley, *Les cités*, 206-213. [↑](#footnote-ref-10)
11. Non-comprehensive list in *C.Th*. XII, 11, 16, 15 (382). [↑](#footnote-ref-11)
12. The timeline to appeal this appointment was two months, under Constantius II (*C. Th*., XI, 30, 19, 339). [↑](#footnote-ref-12)
13. a. linder, *Jews in Roman Imperial Law*, 134. [↑](#footnote-ref-13)
14. Translated by A. Linder, *op. cit*., 134. [↑](#footnote-ref-14)
15. a. linder, *op. cit.*, 135. [↑](#footnote-ref-15)
16. fr. Jacques, *Les cités,* 237. [↑](#footnote-ref-16)
17. About the ambiguous notion of “religious association” in the Roman world, see n. belayche, “En quête de marqueurs des communautés religieuses gréco-romaines”, in *Les communautés religieuses dans le monde gréco-romain. Essais de définition*, edited by n. belayche and s. mimouni (Turnhout: Brepols, 2003), 9-20. [↑](#footnote-ref-17)
18. The *Theodosian Code* therefore preserves a constitution issued on 21 October 319 (*CTh*., II, 2, 2), in which Constantine had granted dispensation from all [personal] duties to “all those who dedicated their religious ministries to the divine cult, that is, those who are called clerics (*qui divino cultui ministeria religionis inpendunt, id est hi, qui clerici appellantur*).” [↑](#footnote-ref-18)
19. Several other factors could be advanced to justify exemptions from *munera*, such as gender, illness, the number of dependent children, age, etc.; these dispensations were granted with more flexibility when they were associated with *munera personalia* rather than with *munera patrimonalia*. See. n. charbonnel, *Les* “munera publica”, 95. [↑](#footnote-ref-19)
20. This was still true at the end of the 4th century and into the 5th century, despite Christianization, the collapse of the old religion, and laws against ‘pagans’ that became harsher at the end of the 4th century. See Cl. Lepelley, *Les cités*, 357. [↑](#footnote-ref-20)
21. cl. lepelley, *Les cités*, 365. [↑](#footnote-ref-21)
22. This remark is not true for eras prior to the Christianization of the Empire. In fact, we have a text that might show that the Jews had refused to carry out certain municipal *munera* because they contradicted Jewish law, but the document is old as it dates back to the mid-3rd century. Thus, a rescript from Emperor Caracalla, preserved in the *Digest*, is written in these terms: “The divine Severus and the divine Antoninus allowed those who follow the Jewish superstition to hold honours and they impose upon them only those duties that do not offend their superstition”. Therefore, Jews appear to have claimed that they could hold curial honours (to which they were perhaps forbidden by an earlier, unknown law), even though they considered them to contradict their law. For a detailed description of this law, cf. C. Nemo-Pekelman, *Rome et ses citoyens juifs* (Paris: Honoré Champion, 2010), 30-37. [↑](#footnote-ref-22)
23. The catacombs on the Maddalena hill were brought to the attention of the scholary world in 1853. Frey, in *CIJ*, published these inscriptions on the basis of copies made in the 1850s. Since Frey’s work, many scholars have reexamined the inscriptions, in particular Colafemmina, who discovered a new gallery in 1974. See D. Noy, *Jewish inscriptions in Western Europe*, 145-148. [↑](#footnote-ref-23)
24. This small, apparently separate hypogeum came to light in the 1930s. Excavations in 1981 found a whole new level of catacombs beneath the known ones, but they were devoid of inscriptions. [↑](#footnote-ref-24)
25. This depends on the size and importance of the city. Epigraphical data in Benevento indicate that more significant recruitment came from the ranks of imperial functionaries. The same was true in Africa, where the vast majority of patrons were governors or high-ranking officials. Cf. f. grelle, “Patroni ebrei in città tardoantiche,” in *Epigrafia e territorio politica e societa, Temi di antichità romane*, vol. 3, edited by M. Chelotti (Bari: Edipuglia, 1994), 139-158. Accessed online at https://books.google.fr/books?isbn=887228127X [↑](#footnote-ref-25)
26. fr. jacques, *Les cités*, 10. [↑](#footnote-ref-26)
27. *Ep. Severus*, VI, 2-3 (*op. cit*., p. 84-85): *Siquidem apud illos legis doctor et, ut ipsorum utar verbo, pater pateron fuit. In civitate autem cunctis curiae muniis exsolutis, et defensor iam extiterat et etiam nunc patronus municipum habetur.*  [↑](#footnote-ref-27)
28. *Ep. Severus*, XIX, 8 (*op. cit*., 108-109): *Caecilianus autem cum esset Iudaeorum patre […] Ego, inquit, cum sim in honore synagogae post Theodorum primus […].* [↑](#footnote-ref-28)
29. *Ep. Severus*, XIX, 6 and 8 (*op. cit*., 108-109): *vir honestus, et non solum inter Iudaeos verum etiam in civitate usque adeo praecipuus, ut etiam nunc defensor civitatis electus sit.* [↑](#footnote-ref-29)
30. Marie Roux offers another explanation. According to her, Jewish elites would not have undertaken the two careers simultaneously but sequentially. M. Roux, *La charge de* defensor civitatis *au tournant du IVe et Ve siècle dans la partie occidentale de l’empire: les rapports à la cité et à l’épiscopat* (Master diss., University Paris Nanterre, 2008), 32. [↑](#footnote-ref-30)
31. cl. lepelley, *Les cités,* 290-291. [↑](#footnote-ref-31)
32. For a detailed justification of this interpretation, see c. nemo-pekelman, *Rome*, 178-183. [↑](#footnote-ref-32)
33. *C. Th.* XVI, 8, 2 : *qui devotione tota synagogis Iudaeorum patriarchis vel presbyteris se dederunt.* Translated by a. linder, *Jews in Roman Imperial Legislation*, 134. [↑](#footnote-ref-33)
34. cl. lepelley, *Les cités*, 287-292. [↑](#footnote-ref-34)
35. J. Gaudemet, *L’Eglise dans l’Empire romain. IVe-Ve siècles* (Paris: Sirey, 1958), 100-107. [↑](#footnote-ref-35)
36. g. de bonfils, *Omnes ad implenda*, 97. [↑](#footnote-ref-36)
37. g. de bonfils, *op. cit*., 131. [↑](#footnote-ref-37)
38. We also have other examples of this circulation with the envoys of the patriarch of Tiberiasin *CTh* XVI, 8, 14. [↑](#footnote-ref-38)
39. f .grelle, “Patroni ebrei”, 150 and d. noy, *Jewish inscriptions in Western Europe*, plate I, 387. [↑](#footnote-ref-39)
40. Cecil Roth thinks that Honorius refused to recognize this exemption from the beginning, and that he made his position known again when petitioned on this matter by the leaders of the Jews during his visit to southern Italy in 398. But we have no proof that such a visit to southern Italy in 398 did in fact take place. c. roth, *The History of the Jews of Italy* (Philadelphia: The Jewish Publication Society of America, 1946), p. 36. [↑](#footnote-ref-40)
41. Convincing demonstration that these are two independent constitutions by g. de bonfils, *Omnes ad implenda*, 56-65. [↑](#footnote-ref-41)