

CASA ESSAY

The essay competition is sponsored by the *Classical Association of South Africa*. This paper was judged to be the best student essay submitted to CASA for 2013.

‘DOMITIAN’S ATTITUDE TO THE JEWS AND JUDAISM’

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The emperor Domitian has the reputation of being the ‘decided enemy of the Jews’.¹ The information from which this conclusion can be drawn is found in a passage in Suetonius and one in Dio. As well as this, Roman writings of the time, such as those of Martial and Quintilian, support a view of Domitian as anti-Semitic. By examining the main literary accounts of his treatments of the Jews as well as contemporary writings, it will be possible to establish to what extent Suetonius and Dio give an accurate portrayal of his attitude towards the Jews.

Before one can evaluate Domitian himself, it is first necessary to consider what the position of the Jewish people was in the Roman Empire before him and what the general Roman opinion was of them. Since the time of Julius Caesar, the Jews had enjoyed some favour from Rome, most significantly including religious liberty: while the claim that Judaism was recognised as a *religio licita* under Roman law is not by any means indisputable, there is enough evidence to suggest, as Pucci Ben Zeev concludes in her work on the documents quoted by Josephus, ‘that the same policy was implemented by Augustus toward all the Jews, no matter where they lived’, and this policy was of general religious liberty.² The Jews, wherever they lived, were defined as an *ethnos* and therefore received this liberty all over the empire.³ Nonetheless, despite the protection provided by Julius Caesar, and honoured by Augustus, under both Tiberius and Claudius, Suetonius states that there were expulsions of Jews from Rome.⁴ Judaism was recognised and accepted, and the Jews were given the right not to sacrifice *to* the emperor (instead sacrificing on his behalf), but their invisible god and monotheism appeared offensive to most Roman sensibilities. Judaism was characterised as ‘atheism’ by Apollonius Molon in the first century BC.⁵ Under Tiberius, Seneca gives an account of giving up his vegetarian diet lest he seem to be drifting into ‘superstition’ — the implication is that while Jews may practice their religion

¹ Schurer & Millar 1973:279.

² Lewis & Reinhold 1990:395; Pucci Ben Zeev 1998:444.

³ Thompson 1982:330.

⁴ Smallwood, 1956:5.

⁵ *Ibid.*

freely, Romans are not encouraged to become in any way involved in this.⁶ In Tacitus' description of the history of the Jews he states that 'the Jews regard as profane all that we hold sacred; on the other hand, they permit all that we abhor'.⁷ This sums up nicely the fundamental conflict between Jewish monotheism and the Graeco-Roman polytheism.

In AD 70 the Temple, the centre point of Jewish religious life, was destroyed. Adding insult to injury, at this point Vespasian initiated the *fiscus Judaicus*, a tax on Jews everywhere, taking the *didrachma* which they had previously paid as temple tax for the Capitol in Rome.⁸ As Smallwood aptly states, 'It was a shrewd and humiliating blow that he dealt to pious Jews when he made them in effect purchase the right to worship Yahweh by a subscription to Jupiter'.⁹ Josephus' phrasing clearly implies that those liable for this tax were those who had paid the temple tax before AD 70 — which suggests Jews actively practising their faith.¹⁰ Similarly Dio, when he refers to this, describes it as for those 'who continued to follow their ancestral customs',¹¹ which Smallwood takes as meaning precisely the same as the Josephus passage.¹² Goodman, however, states that Dio has a tendency to backdate such things, and so that this must be the case in the 3rd century but may not have been from the outset — he points out that while the tax was based on their religion, the Roman assumption was that all ethnic Jews would take part in their national cult.¹³ This is debatable, however, because Dio finds it necessary to specify that the tax is on those Jews who practice their religion — which shows that it was recognised that some people who were ethnically Jewish did not practice their religion.¹⁴ With the Josephus passage, though, one is inclined to accept Smallwood's reasoning and accept that the Jews liable for the *fiscus Judaicus* were Jews anywhere in the empire who were practicing their religion. As Thompson points out, for the tax registers to have been drawn up, there must have been cooperation from the Jewish authorities who would have had the temple tax lists — and who would surely not have included apostates, as such people would in Jewish eyes if not in Roman, have forsaken their Jewish heritage.¹⁵ At this

⁶ Thompson 1982:337; Williams 1990:201.

⁷ Tacitus *Histories* 5.4.

⁸ Josephus *BJ* 7.218.

⁹ Smallwood 1956:3.

¹⁰ Keresztes 1973:2.

¹¹ Dio 65.7.2.

¹² Smallwood 1956:2.

¹³ Goodman 1989:40–41.

¹⁴ Thompson 1982:335.

¹⁵ *Ibid.* 333.

point, it becomes necessary to consider what Domitian's attitude was, and what, if anything, changed under his rule.

The ancient sources which we have relating to Domitian's changes in policy towards the Jews are limited. Specifically, there is a passage in Suetonius relating to the *fiscus Judaicus* and a passage in Dio concerning the prosecution of a man and his wife accused of 'living a Jewish life'. These clearly deal with different situations and responses; therefore they will be dealt with separately, after which it will be possible to see what Domitian's overall attitude might have been towards the Jews. As well as these main literary sources, there is the coinage produced by Nerva, which sheds some light on the *fiscus Judaicus*, as well as the contemporary writings of Martial, Quintilian and Josephus.

The Suetonius passage appears in what most scholars agree is his section devoted to Domitian's *cupiditas*.¹⁶ The passage reads as follows:

Praeter ceteros Iudaicus fiscus acerbissime actus est; ad quem deferebantur, qui vel improfessi Iudaicam viverent vitam, vel dissimulata origine imposita genti tributa non pependissent. Interfuisse me adulescentulum memini, cum a procuratore frequentissimoque consilio inspiceretur nonagenarius senex an circumsectus esset.

Domitian's agents collected the tax on Jews with a peculiar lack of mercy; and took proceedings not only against those who kept their Jewish origins a secret in order to avoid the tax, but against those who lived as Jews without professing Judaism. As a boy, I remember once attending a crowded Court where the Procurator had a ninety-year-old man stripped to establish whether or not he had been circumcised.¹⁷

Due to its position in the *Life*, many scholars would argue that this is not an example or proof of any anti-Jewishness on the part of Domitian; rather, he is trying simply to increase state revenue by any and every possible means.¹⁸ While this certainly is likely, it will nevertheless be argued that this passage, particularly taken alongside other contemporary writings, gives a picture of Domitian as at least somewhat prejudiced against the Jews. However, before dealing with such a question, the meaning of the text must be considered, and in this there is a great deal of debate. Specifically, the question is how precisely Domitian exacted taxes

¹⁶ Smallwood 1956:377.

¹⁷ Suet. *Dom.* 12; translation by Robert Graves.

¹⁸ Keresztes 1973:3; Smallwood 1976:377.

acerbissime — did he expand the tax-base to include those who had formerly been exempt, or was he simply particularly harsh in his methods?

The phrases '*Qui ... improfessi Iudaicam viverent vitam*' and '*dissimulata origine imposita genti tributa non perpendissent*' clearly refer to two specific groups of people, from whom Domitian is claiming tax. However, it has been argued, notably by Williams, that this does not mean these people were not liable for the tax before this time, thus the passage concerns 'tax-evasion', and not effective tax-extension.¹⁹ However, on close examination of the two groups of people concerned, it would appear likely that some would not have been on the tax-lists.

The second group will be dealt with first, as it is perhaps slightly less controversial. These are people who by hiding their Jewish origins avoid paying the tax. This *could* refer to practicing Jews who are simply evading the tax. However, as Thompson points out, a Jew who practices his faith firstly would be unlikely to try and hide it, and in any case, his avoidance of pork, Sabbath observance and attendance at synagogue would have made his Judaism obvious.²⁰ It is more likely that this refers to Jewish apostates, and indeed Jewish Christians.²¹ To the Roman mind, Judaism and Christianity at this point would have looked extremely similar, and of course many Christians at this point would have been Jewish by birth. It is likely that Domitian may have seen such people as simply evading the tax, where they simply did not see themselves as Jews anymore. It is clear from contemporary sources (such as Martial), as well as from Suetonius' anecdote concerning the prosecution of the old man, that, as Thompson puts it, 'popular opinion took circumcision as the mark of a Jew', and circumcision is a mark that would remain with an apostate.²²

The first group is more difficult to pinpoint, particularly in the light of the passage from Dio which will be considered below. Those who lived as Jews without professing Judaism would seem to refer to gentiles who followed some Jewish customs — the question must be the extent to which they did so. Were they proselytes — whom Smallwood defines as 'gentile converts who had accepted Judaism in its entirety including submission to circumcision', or merely 'Judaisers' — gentiles who followed some of the Jewish teaching, such as Sabbath observance and monotheism, but had not undergone circumcision.²³ The word '*improfessi*' would seem to imply that these cannot be full proselytes, as such people would 'literally become Jews', or so says Williams, and in any case a full conversion

¹⁹ Williams 1990:199; Thompson 1982:337.

²⁰ Thompson 1982:340.

²¹ Smallwood 1976:376.

²² Thompson 1982:338.

²³ Smallwood 1956:2–3.

would surely include a willingness to profess to the faith.²⁴ However, the apparent contradiction that either group causes when considered beside Dio's evidence will be considered below.

That Domitian certainly imposed stricter policies with respect to taxation of the Jews is made clear from coinage which his successor Nerva produced, upon which was the phrase 'FISCI IUDAICI CALVMNIA SVBLATA' — which demonstrates that prosecutions for failure to pay to the *fiscus judaicus* had become a large enough issue for Nerva to want to advertise his change in policy.²⁵ Thompson, based on his argument that Suetonius' first group is apostates, takes *calumnia sublata* to mean that apostates are no longer required to pay the tax.²⁶ This reading depends on a specific understanding of Suetonius. However, regardless of the precise nature of the change, Nerva is clearly publically demonstrating a change in policy towards the Jewish people, which in itself could show that Domitian had used the *fiscus judaicus* harshly.

Dio states that Domitian 'slew, along with many others, Flavius Clemens the consul' and that 'the charge brought against them both was that of atheism, a charge on which many others who drifted into Jewish ways were condemned.'²⁷ Many scholars take this as meaning that conversion to Judaism became a 'punishable political offence' in the later part of Domitian's reign.²⁸ Even those who suggest, probably accurately, that Clemens, as the father of Domitian's adopted heirs, was probably a political threat and was done away with for this reason rather than for any other, must surely admit that in this case the very fact that 'atheism' or 'drift[ing] into Jewish ways' could be used as a cover charge in such a context shows that it had, or could have, such penalties.²⁹ Here, however, there appears an apparent contradiction with Suetonius. If the first group mentioned by the biographer is, as has been suggested, either proselytes or so-called 'Judaisers' (a distinction which, indeed, Williams argues is absent in the contemporary writings)³⁰, it would appear that Romans who felt and acted upon affiliation with Judaism were being made to pay tax. However, as many scholars have pointed out, particularly in criticising Smallwood's approach to this, it seems

²⁴ Williams 1990:199.

²⁵ Griffin 2000:74.

²⁶ Thompson 1982:324; He further notes that this encourages the integration of apostate Jews into Roman society, since imposing the Jew tax on them had named them *Judaioi* instead of *Romani*, which was contrary to the Roman ideal of integrating conquered peoples.

²⁷ Dio 67.14

²⁸ Smallwood 1956:5.

²⁹ *Ibid.* 7.

³⁰ Williams 1990:202.

somewhat absurd for Domitian to both introduce tax for such people, and at the same time make it a criminal offence.³¹

Williams gives a reasonable explanation for the apparent contradiction, making particular reference to the story of the old man which Suetonius relates. She argues that Domitian responds differently to the ‘Judaising’ of people of different social classes. That is, it is highly unlikely that the old man referred to in the story could have been treated so had he been a member of the *nobilitas* or even the *equites* — since the procurator carrying out the task would then have been at best a social equal. Thus in Domitian’s eyes, ‘the Judaising of these little people remained what it had always been — a distasteful aberration but one to be tolerated’.³² However, the account in Dio refers to members of the upper classes — indeed, to the father of the emperor’s adopted sons, and it seems fair to suppose that while Domitian would be willing to simply accept the extra tax provided by proselytes of the lower classes, it had a completely different flavour when found among the ruling classes. Aside from anything else, Jewish ‘atheism’ would surely make it impossible for any elected official to perform his tasks — since religion was a vital part of this. As Williams points out, Clemens could not have been a particularly devoted to Judaism if indeed he was, since he was executed only a short time after completing a consulship.³³ Thus the apparent contradiction between Suetonius and Dio can be overcome by recognising the different approaches that would, quite naturally, be taken to a proselyte based on where in Roman society they were situated.

In this way Domitian’s *actions* towards the Jews can be recognised. He certainly imposed the *fiscus judaicus* more harshly, cracked down on any attempt at tax-evasion, and probably extended it to include gentile proselytes or Judaisers, this specifically only in the lower classes. He also accepted charges of Jewish life, or atheism, as valid, and members of the ruling classes who acted in this way could be, and were, prosecuted for it. But do these two actions definitely imply that Domitian was anti-Semitic in his attitude? It will be argued that they do, particularly when considered in tandem with the Jewish tradition about him, some of the epigrams of Martial, and some of Josephus’ writings.

With regard to the tax, while there is certainly validity to saying that ‘harassment of Jewish tax-dodgers does not constitute persecution of all Jews,’³⁴ or that there is ‘no need to assume that Domitian’s policy was dictated by hostility’³⁵,

³¹ Smallwood 1976:5; Griffin 2000:75; Thompson 1982:335; Goodman 1989:41; Williams 1990:207.

³² Williams 1990:207.

³³ *Ibid.* 210.

³⁴ Jones 1992:118.

³⁵ Smallwood 1956:4.

nonetheless, if one observes the anecdote related by Suetonius, it is clearly a story of intentional humiliation. Domitian was apparently a highly involved emperor — indeed, Suetonius states that he ‘kept such a tight hold on his city magistrates and provincial governors that the general standard of justice rose to an unprecedented level’.³⁶ If Domitian was in control as Suetonius suggests, then the harshness of his officials must surely have been condoned by him.³⁷ Furthermore, Williams points to some of Martial’s *Epigrams*, which would have been written to be enjoyed by Domitian (‘Martial’s humour was nothing if not aimed at delighting Domitian’),³⁸ particularly book 7, which contains several poems with a definite anti-Semitic undertone, as well as a reference in 7.55 to the practice of trying to conceal one’s circumcision, which points to this being a fairly common issue at the time.³⁹ Similarly, in Quintilian’s *Institutio Oratoria*, he describes Judaism as ‘*superstitio*’ and the Jews as a ‘*gens pernicioso*’.⁴⁰ It is important to recognise that Quintilian had had as his patron the same Clemens whom Domitian had put to death for ‘Jewish ways’, and therefore that this might simply be invective to separate himself from his former patron’s ‘sins’.⁴¹ Nevertheless, the need to make such a separation suggests rather powerfully that any sympathy towards the Jews was unacceptable to Domitian. The reason for this attitude can probably be found in Domitian’s avowed passion for his own deity — ‘*dominus et deus noster*’, as he named himself.⁴² Whatever arrogance Suetonius and other Romans might ascribe to him because of this, they still do not have a real religious problem with such deification. The Jews, on the other hand, did. This aspect of Domitian’s reign of course echoes that of Caligula, about 50 years earlier. And it is significant to observe that there were several notable conflicts involving the Jewish people under that emperor. It was impossible for the Jews to practice emperor-worship, a fact which other emperors accepted and allowed, but which perhaps an emperor with such a passion for his own deity would have found frustrating.⁴³

A last point which suggests that Domitian had a definitely negative attitude towards the Jews is based on Josephus’ *Jewish antiquities*. The narrative only goes up to AD 66, but Josephus completed the work in 93.⁴⁴ In this work, there is a focus on such things as Jewish religious liberty and its origins in the Roman state; most

³⁶ Suet. *Dom.* 8

³⁷ Williams 1990:204.

³⁸ *Ibid.* 205.

³⁹ *Ibid.* 203; Martial, *Epigrams* 4.4., 7.55, 82.

⁴⁰ *Inst. Or.* 3.7.21.

⁴¹ Williams 1990:206.

⁴² Suet. *Dom.* 13

⁴³ Smallwood 1976:379.

⁴⁴ Smallwood 1956:11.

significantly, there is a long description of the murder of Caligula, in which the reason for his assassination is clearly given as divine justice because of his treatment of the Jews and his arrogance in considering himself a god.⁴⁵ It would be fair to say that Josephus was probably influenced by the time in which he was writing, and therefore that this account may have been intended as a veiled warning to Domitian not to do likewise (a warning which by its existence would be evidence that Josephus feared a Jewish persecution of some kind).⁴⁶ This is not evidence in the absolute sense, but it is suggestive. Thus, based on the two accounts in Suetonius and Dio of specific actions Domitian took towards the Jews, as well as on other more contemporary sources, it seems that Domitian had a negative attitude toward the Jews.

The ancient accounts therefore, in their assertions of actions Domitian took against Jews, are supported by the evidence of Nerva's coinage and the attitudes apparent in the literature of the time. It is conceivable that Dio exaggerates, when he refers to 'many other', since it is hard to quantify evidence when no names are given.⁴⁷ Likewise, as the evaluation above might show, Suetonius is not particularly clear on exactly what Domitian's changes to the collection of the *fiscus judaicus* were, and it is therefore difficult to judge how accurate he is, and whether his take on the events is fair. However, something approaching persecution of Jews certainly emerges not only from these sources but from the others mentioned.

Thus on analysis, while there is no evidence for a full-blown persecution of the Jews under Domitian, he certainly held Judaism in low esteem, and both Suetonius and Dio would appear to be justified in what they relate about him.

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⁴⁵ Josephus *JA* 19.1-15; 19.4: 'He would also have deified himself and demanded from his subjects honours that were no longer such as may be rendered to a man'.

⁴⁶ Smallwood 1956:11.

⁴⁷ Dio 63.14.1.

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