

JEWISH RIGHTS IN THE ROMAN WORLD: NEW PERSPECTIVES

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The subject of the rights enjoyed by the Jews in the Roman world has been dealt with thoroughly by contemporary scholars. Most of these rights are mentioned by Josephus, mainly in his *Antiquitates*; they included the right to observe the Sabbath (*Ant.* XIV 227, 242; 245-6; 258; 262-4; XVI 168); the right to observe Jewish festivals (*Ant.* XIV 257-8, 263; XVI 167-8); the corollary right not to have to appear in court on Sabbath, or on the day of preparation for it (Sabbath Eve) after the ninth hour (*Ant.* XVI 27 and 163; 168); the right to build synagogues (*Ant.* XIV 258 and perhaps 261); the right of assembling together in order to perform Jewish rites (*Ant.* XIV 241-3; 260); the right to hold communal banquets for religious purposes (*Ant.* XIV 214-216); the right to contribute annually the half shekel to the Temple in Jerusalem (*Ant.* XIV 112-3; 235; 259-261; XVI 163; 166-172); the right to follow special dietary regulations, with the corollary right of having the oil-tax refunded to them, so that they could use their own oil instead of that distributed by the gymnasiarchs (*Ant.* XII 119-120); permission to hold a special market (*Ant.* XIV 259-261); exemption from military service (*Ant.* XIV 223-234; 236-240; indirectly XVI 27-57). In Judea, Jews enjoyed exemption from taxation every seven years so as to enable them to observe the sabbatical year (*Ant.* XIV 200-202).

Some of these rights are also mentioned in the *Bellum* (II,591) and in the *Vita* (74), as well as by Philo: for example, the right to observe

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the Sabbath, which is implied by the right to receive on Sundays the monthly distributions of money or food when they happened to be given out on the Sabbath (*Leg.* 158).

The question of Josephus' reliability has also been dealt with thoroughly by contemporary research. Most hypotheses raised since the beginning of this century concerning the nature of Josephus' sources are still recognized as possibly valid by contemporary research of the last ten years: actually, none of them can be proved to be the only true one, but this does not create any problem, inasmuch as these hypotheses do not actually exclude one another.

It is possible that Josephus used a collection of documents already gathered together by Nikolaos of Damascus, which probably appeared in books 123 and 124 of his *Universal History*: this hypothesis of Niese and Viereck is still considered valid by modern scholars (see the works of Sherk, Stern and Rajak¹). This does not exclude the possibility that Josephus also cited documents which he himself found engraved on bronze tablets on the Capitol, as he states (*Ant.* XIV 188; 265-7). As to Moehring's negative evaluation of this claim of Josephus, this has been rejected both by Saulnier and by Rajak.² In addition,

1. R.K.Sherk, *Roman Documents from the Greek East*, Baltimore 1969, note 7, p.6; M.Stern, "Nicolaus of Damascus as a Source for Jewish History in the Herodian and Hasmonean Periods", *Studies in Bible and Jewish History Dedicated to the Memory of Jacob Liver*, Tel Aviv 1971, 375-94 and in *Greek and Latin Authors on Jews and Judaism*, I, Jerusalem 1974, 227-33 and T. Rajak, "Was There a Roman Charter for the Jews?", *JRS* 74, 1984, note 12, p.110.
2. Against Moehring's negative view on this point [H. Moehring, "The *Acta pro Judaeis* in the *Antiquitates* of Flavius Josephus", *Christianity, Judaism, and other Greco-Roman Cults*, ed. J. Neusner, Leiden 1975, 124-158] see the works of Saulnier, who thinks that Josephus could have used the documents restored by Vespasianus [Chr. Saulnier, "Lois romaines sur les Juifs selon Flavius Josèphe", *Rev.Bib.*, 88, 1981, n.4, p.163] and those of Tessa Rajak,

Josephus could also have used local archives. Rajak stresses the importance of the natural ties between Diaspora communities, which facilitated the effective diffusion of texts and encouraged appeal to precedent. Josephus may well have visited Jews around the Greek world during the time when he was writing his *Antiquitates*, for his life in Rome spanned some twenty years: therefore local archives could also have assisted him.³

It seems that a kind of consensus has been reached in these last ten years: a mixed origin is the most likely explanation.

A similar consensus seems to have been reached about Josephus' apologetic purposes in citing his documents, purposes which are to be held responsible not only for the fact that he cites only documents favourable to the Jews, omitting all documents directed against them, but also for the fact that he concentrates on the public aspect, ignoring evidence which might establish the details of private life among Jews in the sphere of private law.⁴

Clearly, Josephus is more concerned with the general theme of esteem for the Jews than with the details of Jewish status (*Ant.* XIV 187-8); he is interested in the use of the documents in political arguments, and much less in their exact legal content.⁵ His political aims were intended for a broad public, and were relevant for the period in which he was writing. To the Roman reader, he wanted to show the old tradition on which the Jewish rights were based. To the Greeks, he

who admits the possibility that parts of the archives somehow survived [*art.cit.* 1984 in note[1], note 13, p.111; T. Rajak, "Jewish Rights in the Greek Cities under Roman Rule: a New Approach", *Approaches to Ancient Judaism*, ed.W.S.Green, vol. 5, *Studies in Judaism and Its Greco-Roman Context*, Brown Judaic Studies, 32, Atlanta 1985, note 11, p.33].

3. *Art.cit.*1984 in n.[1] ,p.118; *art.cit.*1985 in n.[2], n.11,p.33.

4. A.M.Rabello, "The Legal Condition of the Jews in the Roman Empire", *ANRW*, II, 13, 1980, p.682.

5. Rajak, *art.cit.* 1984 in n.[1], p.121.

wished to emphasize that the Jews throughout the Roman world stood under the special protection of the Roman senate. As Rajak rightly perceives, his work was a tool to foster peace between Jews and Greeks, through the acceptance by pagans of the practice of the Jewish religion among Greeks and that of paganism by Jews, as Josephus himself states: "It was necessary for me to cite these facts, because this version of our history is meant to go chiefly to Greeks, so as to show them that in earlier times we were treated with every respect and were not prevented by those in power from practising any of our ancestral customs, but were even assisted by them in our cult and in honouring God. And if I often mention these texts it is in order to reconcile the nations and to eliminate the causes of hatred which have taken root in the thoughtless among us and among them" (*Ant.* XVI 174–175). The same ideas appear also in *Ant.* XIV 186.

To the Jews, both Judean and Diaspora Jews,⁶ the message was clear: if the Romans, as the source of the Jewish freedom to follow the law of Moses, did not revoke these rights even after they had crushed the Judean rebellion of 66-70 CE, then clearly it would be criminal madness ever again to endanger the peaceful relations between Rome and the Jews.⁷

The insertion of documents in Josephus' narrative is not, in any case, something new: it belongs to an established literary tradition, which we already find in Ezra and in the first and second book of the Maccabees; this fact, and the political aims which lay behind Josephus' extensive use of documents, have nothing to do with the main question which has always been asked by scholars, namely, whether or not Josephus quotes from real existing documents. As Efron did dealing with the revolt of the Maccabees, we, too, could write a survey of the

6. See L.Troiani, "I lettori delle Antichità giudaiche di Giuseppe: prospettive e problemi", *Athenaeum* 64, 1986, 343-353.

7. H.R.Moehring, "Joseph ben Matthia and Flavius Josephus: the Jewish Prophet and Roman Josephus", *ANRW*, II, 21, 2, 1984, p.894.

attitude of scholars over the last two centuries towards the authenticity of the documents cited by Josephus. In the nineteen-thirties, the well-known article of Bikermann constituted a turning point.⁸ Since then, in spite of the corruptions in the text, the order in which the documents are arranged, and the sometimes uncertain dates, contemporary research tends to consider the documents cited by Josephus as genuine. The frequent errors and displacements of names and dates, some strange intrusions and the somewhat haphazard order of the material only show the various vicissitudes of the process of transmission. Nor does the burning of the archives of the Capitol in Rome in 69 CE constitute proof against the authenticity of the documents, as Rajak rightly shows.⁹ Even if Josephus' claim that he himself consulted the original documents in the Capitol is a literary device, this does not prove that the documents he cites are not authentic. Sherk has shown also that most Latin authors who refer to Roman decrees, such as Livy, Dionysius of Halicarnassus, Appian and Diodorus, may never have consulted the originals at all. They were usually content with the second-hand information they found in the works of their predecessors.¹⁰ To-day, most scholars seem to agree that in spite of their mistakes, faults and imprecisions, the documents mentioned by Josephus are apparently authentic: every new investigation serves to confirm that their formal features are correct for genre and period. It seems that Josephus does quote real, existing documents.¹¹ Of course, a comparison between the documents quoted by Josephus and the Romans' grants to other

8. E. Bikermann, "Une question d'authenticité: Les privilèges juifs", *Annuaire de l'Institut de Phil. et d'Hist. Orient. et Slaves*, 13, 1953, 11-34 = *Studies in Jewish and Christian History*, Leiden 1980, 24-43.

9. *Art.cit.* 1984 in n.[1], p.111.

10. *Op.cit.* in n.[1], 5-6.

11. Rabello, *art.cit.*, in n.[4], 682; D.Piattelli, *Concezioni giuridiche e metodi costruttivi dei giuristi orientali*, Milano 1981, 37; Saulnier, *art.cit.* in n [2]; Rajak, *art.cit.* 1984. in n.[1], 109 and *art.cit.* 1985 in n.[2], note 3, p.33;

peoples, surviving in Greek epigraphical texts, would be very instructive for a decisive word on the question, and this is definitely a subject which deserves the attention of scholars in the future.¹²

One of the questions still open in contemporary research is that of the significance to be given to the Jewish rights mentioned by Josephus. I do not mean the value and importance of the Roman decrees, letters, edicts and rescripts mentioned by Josephus. It is well known that they were important theoretically rather than in practice. Their theoretical importance is clear from the repeated mentions in the work of Josephus, since they testified to the honour and respect in which the Jews were held by the Romans. In practical life, however, they were often not effective at all, and of little help to the Jews when a controversy arose between them and the Eastern Greeks. Often the Roman grants in favour of the Jews were ignored by the Greek cities, and had to be issued again and again. This feature is in keeping with the habitual lack of interest shown by the Roman administration towards what happened after their decrees had been issued.¹³ In the case of the Jews, the non-effectiveness of Roman support is clear from the IInd century BCE onwards. The Roman letter which appears in II Maccabees 11, 34-38, is defined by Gruen¹⁴ as expressing polite courtesies, a gesture to the envoys rather than an index of senatorial policy. As to the cordial response of the senate to the envoys of Jonathan in 144, the results, again, were negligible. Fighting in Judea continued, Jonathan himself perished, and the Romans stayed away. This is in keeping with what is

M.Hadas-Lebel, "L'image de Rome auprès des Juifs 164-70", *ANRW* II, 20, 1987, 789.

12. See the doubts expressed by Moehering, *art.cit.* in n.[2].

13. See J.S.Richardson, *Roman Provincial Administration 227 BC to AD 117*, Basingstoke, Hampshire 1976, repr. 1984, p. 140 and D. Braund, "Introduction: the Growth of the Roman Empire", in: *The Administration of the Roman Empire 241 BC- AD 193*, ed. D. Braund, Exeter 1988, p.3.

14. E.S. Gruen, *The Hellenistic World and the Coming of Rome*, vol.II,1984, 746.

known about Romans' *foedera* with other minor states and cities: the *summakia* with Rhodes, for example, did not in practice give Rhodes any concrete claims on the Romans. It had a symbolic rather than a pragmatic purpose: a gesture of Roman indulgence toward an inferior power. The Romans' relations with Judean Jews were similar: polite nods in the direction of their interests. Gruen calls Roman-Jewish treaties in the IInd century BCE "ceremonial pacts".¹⁵ In the first century BCE, the situation was very similar. Roman decrees in favour of the Jews were sometimes not effective at all, and often had to be issued repeatedly. This does not constitute an *unicum*. In the case of Mitylene too, Rome's *amicitia* and *societas* had to be issued a number of times during the first century BCE: similarly, the privileges granted to Stratoniceia had also to be confirmed.¹⁶ I do not intend to deal here either with the problem of the Greek-Jewish-Roman relationship in the Greek cities of the Roman Diaspora, which has been thoroughly examined by Arie Kasher and by Tessa Rajak.¹⁷

The basic question which I mean to focus upon is that of the meaning of the Jewish rights mentioned by Josephus in the Roman legal sphere.

The commonly accepted traditional interpretation is that Josephus' decrees testify to the existence, in Rome, of legislation regarding the Jews, which was formulated by Caesar and came to replace the *ad hoc* resolutions taken till then. This legislation, which was later confirmed by Augustus and the emperors who came after him, had a permanent and general character: it applied to all Jews in every part of the Roman

15. Gruen, *op.cit.* in n.[14], I, 46.

16. Sherk, *op.cit.* n.[1], n.26 "*Epistulae et Senatus Consulta de Mytilenaeis*", pp.147-151 and n. 30 "*Senatus Consultum de Rebus Stratonicensium*", pp. 172-3.

17. A. Kasher has devoted much research to this topic: see for example "The Rights of the Jews of Antioch on the Orontes", *Am. Academy for Jewish Research*, 1982, especially 75-76, 83-84; T. Rajak, *art. cit.* 1985 in n.[2], 26-27.

empire, from the times of Caesar till Christian times. According to this interpretation, Roman decrees testify to the *privilegia* enjoyed by the Jews, *privilegia* which formed a kind of a 'Magna Carta'. Since Niese's and Juster's times, and even more so after Bikermann convinced contemporary scholarship of the necessity of believing in Josephus and his decrees, virtually every scholar who has dealt with the subject, has accepted this picture.¹⁸

And then, in the eighties, came the work of Tessa Rajak, which brought about a revolution in the field. Tessa Rajak thought to invalidate this theory in its entirety. In two articles which already constitute a 'must' in scholarship, and which every university student will have to learn by heart, Tessa Rajak showed that the grants given by the Romans to the Jews had in fact a very narrow and limited significance. Not only did these decrees arise from personal connections (which imparts to them a degree of potential impermanence or instability), and not only were they always issued on Jewish request, but they were always, and this is the main point, geographically local and chronologically limited. This means that every decree had value only in a certain place and at a certain time. The fact that their significance was extremely limited in space and time means that the Jews were not protected by a special legal status, and no permanent and general legislation existed for the Jews in Rome.¹⁹ This new approach to Roman decrees in favour of the Jews, which has already been

18. E.M. Smallwood, *The Jews under Roman Rule*, Leiden 1976, 128; Rabello, *art. cit.* 1980 in n[4], 662-762; Saulnier, *art.cit.* n[2], 161; M. Reinhold, *Diaspora - The Jews among the Greeks and Romans*, Sarasota and Toronto 1983, 74; F. Blanchetière, "Les Juifs et l'autre: la Diaspora asiatic" *Études sur le Judaïsme hellénistique. Congrès de Strasbourg* (1983), ed. R. Kuntzmann - J. Schlosser, *Lectio Divina* 119, Paris 1984,50-51; Hadas-Lebel, *art.cit.* in n.[11], 789-93; A.M. Rabello, *Giustiniano, ebrei e samaritani alla luce delle fonti storico-letterarie, ecclesiastiche e giuridiche*, I, Milano 1987, 46.

19. See bibliographical details in n.[1] and n.[2].

accepted by recent scholarship,²⁰ seems to accord with the results of the most recent studies about Roman provincial legislation. In 1987, for example, Galsterer arrived at the conclusion that no *lex municipalis* existed in Rome which organized the local administration of provinces or cities in a uniform way. There were only laws which dealt with specific matters which had a purely local character.²¹

But the question of the existence, or non-existence of Roman legislation concerning the Jews is not a simple one, and cannot be answered until it can be viewed against the background of the testimonies of the extant epigraphical sources relating to Roman policy towards other conquered populations. Until a comparative study of this kind is accomplished, there are some minor, and not so minor items which demand further investigation. In fact, Tessa Rajak's new approach to the documents mentioned by Josephus makes necessary a revision of some topics commonly accepted by contemporary research.

One of these is the presupposition that the Romans' grants to the Jews constituted *privilegia*, as we have been accustomed to think since Juster's time. It is Josephus who gives rise to this interpretation, calling the Jewish rights *philanthropa, dedomena, synkechoremena*. According to Juster, each right was a *privilegium*, which would mean a legal enactment concerning a specific person or case and involving an exemption from common rules.²² Most scholars continue to use Juster's terminology, and consider Jewish rights as privileges.²³ Is this approach still valid? In order to better evaluate the nature of the rights given to the Jews, we should first of all ask ourselves if they are of the

20. See, for example, Troiani, *art.cit.* in n.[6], 348-9.

21. H. Galsterer, "La loi municipale des Romains. Chimère ou réalité?", *Revue Historique de Droit français et étranger*. 65, 1987,181-203.

22. J. Juster, *Les Juifs dans l'empire romain*, I, Paris 1914, 213; on the nature, formation and evolution of the Jewish privileges, see pp. 213-242.

23. Reinhold, *op.cit.* in n.[18], 74; A.M. Rabello, *A Tribute to J.Juster. The Legal Condition of the Jews under Visigothic kings*, brought up-to-date,

same kind as the privileges which the Romans usually gave to conquered peoples. If we consult the list of *privilegia* commonly granted by the Romans to Greek individuals and to Greek cities, which Sherk derives from epigraphical documents, we find the grant of Roman citizenship (*politeia*), of freedom and autonomy (*eleutheria, authonomia*), inviolability (*asulia*), and a number of exemptions: immunity from compulsory public service (*alsitourghesia*), exemption from the payment of taxes or tribute (*aneisphoria*), freedom from billeting of any kind (*anepistathmeia*) and freedom from military service (*astrateusia*).²⁴

Of all the grants mentioned by Josephus that were given to the Jews, only one fits this category of *privilegia* with any certainty, and that is the exemption from military service granted at Ephesus in 49 BCE to Jews who were Roman citizens, and again in 43 BCE. The right to send the half shekel to Jerusalem in the sixties BCE is still open to question, as Marshall's article on Flaccus and the Jews of Asia shows.²⁵ The other grants given by the Romans to the Jews do not seem to involve a deviation from common Roman law. The contrary seems to be true. Roman grants to the Jews seem to be in keeping with the usual Roman way of relating to conquered peoples. If we look at the history of patterns of Roman behaviour, we find that the Roman administration shows a considerable amount of flexibility when dealing with local customs and traditions. A number of recent important studies on this topic come to a similar conclusion: Roman policy was a policy

Jerusalem 1976, 220; by the same author see also *art. cit.* 1980 in n.[4], 692 and *op.cit.* in n.[18], 46; Moehring, *art.cit.* 1984 in n.[7], 896-7.

24. Sherk, *op.cit.* in n.[1], 193. For a later period see F.Millar, *The Emperor in the Roman World, (31 BC- AD 337)* London 1977, 420-434.

25. A.J. Marshall, "Flaccus and the Jews of Asia (Cicero, *ProFlacco*, 28,67-69)", *Phoenix*, 29, 1975, 139-154.

of maintaining the *status quo ante*, relying on local traditions.²⁶ Much changed in Rome between 241 BCE and 193 CE, Braund writes, yet throughout this period the very essence of Roman administration continued to be local self-administration. In general, local administration continued to operate in accordance with local traditions. For the most part, Rome was willing to tolerate the wide variety of local structures and practices which existed within her empire, provided that these did not conflict substantially with her twin priorities - the maintenance of order in the broadest sense and the collection of taxes. In all parts of the empire, local cultures continued to flourish and gained some recognition under Roman law. Jews were not an exception. A comparison between Roman grants to Jews mentioned by Josephus and some details of Roman legislation about other provincial populations would be very instructive. For the recent discovery in Spain of the *Lex Irnitana*, and its publication in 1986, shows that it, too, like Josephus, mentions the right to hold common funds, to meet expenses for religious observance and dinners which are to be provided. We also learn that whoever is in charge of the administration of justice is not allowed to sit in judgement ... on the days which are regarded in that *municipium* as feast-days.²⁷

The grants given to the Jews, therefore, are not automatically to be considered *privilegia*, and have to be examined separately. It is true that the Jews had particular requirements and demands connected with their belief and cult. We have been accustomed to think that these needs constituted something extraordinary and special, which necessitated the grant of privileges. We should remember, though, that there were other

26. M.W. Baldwin Bowsky, "Roman Arbitration in Central Crete. An Augustean proconsul and a Neronian Procurator", *The Classical Journal*, 82, 1987, 218-229; G. Burton, "Government and the Provinces", in: *The Roman World*, ed. J. Wacher, I, London 1987, 423-439; and Braund, *art.cit.* in n[13].

27. K.J. Gonzales, "The *Lex Irnitana*: a new copy of the Flavian municipal law", *JRS*, 76, 1986, 147-243.

population groups, which had special requirements and needs and with whom the Roman empire had to cope. The Roman empire was large. It is not necessary to assume that in each case the Romans had to grant *privilegia*.

The problem of the Roman legislation about the Jews is, however, not easily resolved. Let us take Josephus' testimony. No doubt, most decrees in favour of the Jews mentioned in the *Antiquitates* were chronologically and geographically limited. But a few of them display a general character. There is a *diatagma*, for example, sent by Augustus to Norbanus Flaccus, insisting that the Jews may follow their own customs by transmitting money to Jerusalem (*Ant.* XVI 160-166). Here, as Tessa Rajak rightly stresses, the Jews are mentioned in a general way. Josephus' words find confirmation in Philo, whose version of the document, though different, also speaks unambiguously of Jews everywhere (*Leg.* 311-317). Similarly unambiguous is Claudius' edict in *Ant.* XIX 289 reinstating the rights granted by Augustus to the Jews, which finds confirmation in *CPJ*, II,153, col.I, 1.83. Tens of times Josephus mentions, in different chronological and geographical contexts, the fact that the Jews were allowed to follow their ancestral laws and customs (*nomoi* and *ethe*) and if we take into account all the edicts, rescripts, senatorial decrees, letters of provincial governors and council resolutions mentioned by Josephus, we see that, taken all together, and in spite of the local character of each of them, they show consistency both in time and space. We find no contradiction, no deviation, no innovation. The decrees are local because the circumstances which required their issue were local. But the Roman decisions appear always in favour of the *status quo*, namely in favour of the conservation of rights traditionally enjoyed by the Jews. From what we can judge from this material, we see that the basic rights enjoyed by the Jews were never questioned nor withdrawn by Roman authorities. The right to have freedom of religious practice, to build new synagogues, to assemble for prayer and for common meals, the right to send the holy money to Jerusalem, seem never to have been revoked by

the Romans. What happened in Asia Minor in the days of Flaccus, and in Jerusalem and Alexandria at the time of Caligula seems to have been exceptional. We get an impression of consistency in time (from the age of Caesar to Josephus' time at least) and in space (Egypt, Asia Minor, Syria, Rome itself). This consistency gives rise to an impression of stability; the impression that somehow the Jewish cult was permitted by the Roman laws.

The picture is apparently a contradictory one. On the one hand, decrees about the Jews display a "here and now" character only. On the other hand, we find patterns of constancy and consistency.

Actually, no contradiction is involved if we take into consideration a basic distinction which existed in the Roman empire between situations recognized *de iure*, by official laws, and situations recognized *de facto*, which never found expression in written laws, and sometimes not even in written sources. From the recent research cited above²⁸ it emerges that this distinction is of fundamental importance for the understanding of the Romans' dealings with the peoples who lived under their rule. A distinction of this kind between legal rights and situations recognized *de facto* can also be useful for the understanding of the Jews' legal condition in the Roman world, as Marshall's work shows.

It is not altogether impossible, therefore, against the background of a generally accepted *de facto* situation, namely, Jewish freedom of cult and a kind of jurisdictional autonomy, that from time to time, on special occasions and always on Jewish initiative, the Romans could specify and give public recognition to particular rights traditionally enjoyed by the Jews. These rights could have been engraved, on Jewish request, on bronze tablets, both in the Capitol, as Josephus claims (*Ant.* XIV 188, 265-7) and in Eastern Greek cities. In other words, we could have a situation fluctuating between a general *de facto* recognition of freedom of cult - in accordance with the Romans' general granting of

28. Burton's, Baldwin Bowsky's and Braund's works cited in n.[13] and n.[26].

freedom to local cultures and traditions - and specific rights legally and officially granted to the Jews of a certain place at a certain time. An undefined situation of this kind could give, both to the Greek cities and to the Jews (and to Josephus) the possibility of playing things as they wanted.

But it is not impossible that general legislation did exist. A brief investigation of the local charters given by the Romans to other population groups suggests the necessity of further research. In the case of other such local charters, for example, doubts have been cast upon their legal value. Frederiksen was one of the first scholars to express a different view, showing that often local charters, in spite of their faults and mistakes, do in fact reflect acts of legislation in Rome. Local charters were often engraved on bronze tablets, which have survived. The wooden copy deposited in the *aerarium* in Rome did not survive. That is why in many cases only the copies sent to the provinces are extant to-day.²⁹ Galsterer seems to be of the same opinion. One copy of the law, he writes, given by the Romans to a specific population group, either on papyrus or wax, remained in the archives of that city. Maybe another copy was made. Then the law was engraved on bronze tablets in the same city. If another copy arrived at Rome, it is not known to us and can only be hypothetical. The fact that the original copy in Rome did not survive should not therefore be considered as proof that the so-called local charters, like the *Lex Tarentina* and the Spanish inscriptions, had no legal value.³⁰

It also happened that decrees were issued by Roman governors and only later were ratified by the senate. In the case of the grants given by Caesar, for instance, Frederiksen maintains that the *lex Antonia de actis Caesaris confirmandis*, issued in June 44 BCE and mentioned by Cicero (*quae statuisset, decrevisset, egisset*: Att.16, 16 c, 11) could

29. M.W. Frederiksen, "The Republican Municipal Laws: Errors and Drafts" *JRS*, 55, 1965, 183-198.

30. Galsterer, *art.cit.* in n.[21].

have included some decisions whose final ratification was still wanting, like the *senatusconsultum* on the Jews mentioned by Josephus (*Ant.* XIV 221).³¹ Thus we can not completely rule out the possibility that Jewish rights were not only recognized *de facto*, but also by a Roman legislation whose records did not survive: the matter surely requires further investigation.

31. Frederiksen, *art.cit.* in n.[29], 194.