Chapter Eight
The Legal Status of the Jewish Communities in the Diaspora

The legal status of the Jews of the Roman Empire in the first century C.E., prior to the destruction of the organized Jewish polity of Judaea—and even to some extent after that date—had developed out of their crystallized status in the Hellenistic kingdoms which ruled much of the eastern Mediterranean prior to the establishment of Roman rule. The Roman Republic and the early Principate were, like their political predecessors, conservative in their approach to the status of the communities which came under their authority, and when peoples or cities which had exhibited strong resistance to the conquest had been dealt with, tended so far as possible to recognize the status quo ante and to acknowledge the internal rights of indigenous communities. Territories might be recast, state properties appropriated, additional taxes imposed, and new centres of population intruded or established, but generally speaking it was Roman policy to use existing structures and to respect local rights of property, cult and law.

In consequence, no accurate or organic evolutionary picture can be obtained of the legal position of the Jewish communities of the early empire outside Judaea, without a prior survey of their status in the Hellenistic kingdoms. The legal status of the Jewish communities of the Hellenistic kingdoms has not been clarified at every point, and absence of information on various aspects leaves numerous obscurities. Here again, the general attitude of Alexander the Great and his immediate successors to conquered communities furnishes the key to the status of such groups, and of the Jews among them. This attitude, in common with that of the Romans, was tolerant of existing rights and made a rule of confirming them. The normal formula was the confirmation of the right of each community 'to live according to its ancestral laws'.

Alexander's successors generally followed this precedent, and Anti-
chus III, after he had conquered Judaea in 198 B.C.E., used the same formula in the official charter of benefits and rights which he conferred upon the Jewish community of the country.¹ This grant, however, was made to the Jewish people in its own country, represented by the high priest and Gerousia, and focused upon the Temple of Jerusalem. Our problem concerns the Jewish communities of the Diaspora, and while it is legitimate to assume that the general principle of the confirmation of existing rights in relation to Judaea was applied also to the Diaspora communities, further evidence is required to clarify the development of the legal status of Jews in the communities of the Ptolemaic and Seleucid kingdoms.

While Jewish communities already existed in Egypt, and almost certainly in Asia Minor,² the reorganization of these countries involved a considerable degree of new migration, of new colonization and the establishment of new cities or the enlargement of existing ones. It is advisable to study in turn the Ptolemaic and Seleucid kingdoms.

Egypt

The Hellenistic Jewish community of Egypt, at the time when knowledge of it becomes available through the medium of historical sources and documents, can be divided into three sections: 1) military settlers and garrison troops; 2) inhabitants of rural areas and villages; 3) inhabitants of urban centres.

We know practically nothing of what happened to the Jews whom the Hellenistic rulers found already settled in Egypt. These included, presumably, members of Persian garrisons such as the ‘Jewish force’ stationed at Elephantine³ and probably elsewhere; in the early Roman period Jewish ‘Persians’ are found in Alexandria,⁴ and a ‘pseudo-ethnic’ Persian military formation existed in Egypt as early as the third century B.C.E. These, however, appear to have had nothing to do with the survival of actual Persian subjects in Egypt.⁵ We may indeed conjecture that some at least of the Jews who had served in the Persian army, whether in Jewish units or as individuals, were

¹ Jos., Ant. xii, 142.
² Egypt: see note 3; Asia: cf. Is. 60:9.
³ E. Sachau, Aramäische Papyri und Ostraka aus der jüdischen Militärkolonie zu Elephantine (1911); A. E. Cowley, Aramaic Papyri of the Fifth Century B.C. (1923).
⁴ CPJ II, nos. 146, 149.
⁵ CPJ I, pp. 13, 51 n. 10.