

Cicero's *Pro Flacco*

An examination of Cicero's comments regarding the Jewish
community in Rome
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Introduction to source, author and content

- Marcus Tullius Cicero was a Roman writer, orator and lawyer. In March 58 BCE, he was exiled from Rome, and *Pro Flacco*, being written in 59 BCE, was one of his last writings before Clodius issued his exile, which was later repealed by Pompey in 57 BCE. (Lloyd)
- Cicero's *Pro Flacco* was written in 59 BCE and is of great interest for scholars working to understand the history of Jews in the Diaspora under Roman control.
- The source describes tensions between Diasporan Jews and the Romans, regarding imperial policy and discrimination. Along with the discussion of Temple tithing, the text also highlights the predominant Roman view of Judaism at the time.

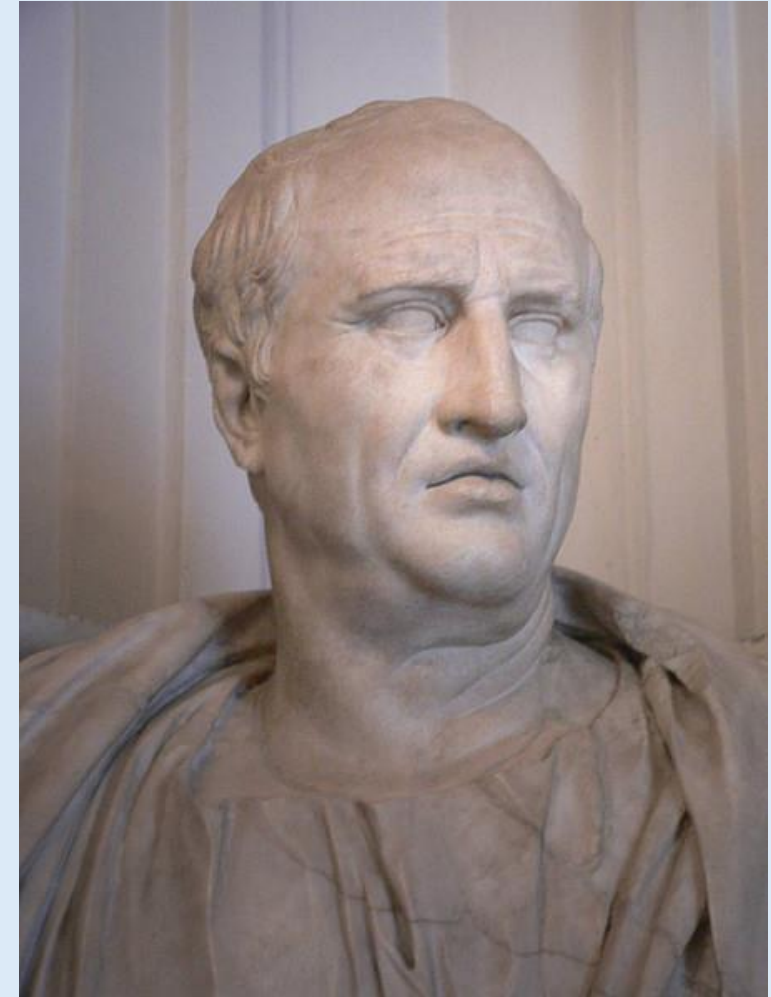


Fig. 1. Mary Harrsch, *Cicero*, photographed at the Capitoline Museum. (Lohnes)

Literary context

- Cicero's document *Pro Flacco* details his legal defence of his client L. Valerius Flaccus against a variety of allegations.
- Of particular interest in this treatise for Jewish historical studies are his arguments defending Flaccus against allegations of improper governing by disallowing the Jews of his province to send tribute-money to the Jerusalem Temple.
- Cicero degrades the Jewish religion and people to defend his client while referring protests at past public meetings and lowering his voice to avoid offending the gallery, that he believes sympathises with the Jewish accusers.
- "Much of the argument depended on demonstrating, at least on an emotional level, that the Jews of Asia, like all foreigners, were not wholly to be trusted." (Steenkamp, 4)
- This document "constitutes our first contemporary literary evidence for an abiding Jewish community in Rome." (Marshall, 140) and "Cicero is often held up as our best source on Jews in the Republican city," (Steenkamp, 3)

References to Jews in Rome

Latin	English translation
Huic autem barbarae superstitioni resister severitatis, multitudinem Iudaeorum flagrantem non numquam in contionibus pro re publica contemnere gravitatis summae fuit.	To oppose this outlandish superstition was an act of firmness, and to defy in the public interest the crowd of Jews that on occasion sets our public meetings ablaze was the height of responsibility.
Stantibus Hierosolymis pacatisque Iudaeis tamen istorum religio sacrorum a splendore huius imperi, gravitate nominis nostri, maiorum institutis abhorrebat; nunc vero hoc magis, quod illa gens quid de nostro imperio sentiret ostendit armis; quam cara dis immortalibus esset docuit, quod est victa, quod elocata, quod serva facta.	Even when Jerusalem was still standing and the Jews at peace with us, the demands of their religion were incompatible with the majesty of our Empire, the dignity of our name and the institutions of our ancestors; and now that the Jewish nation has shown by armed rebellion what are its feelings for our rule, they are even more so; how dear it was to the immortal gods has been shown by the fact that it has been conquered, farmed out to the tax-collectors and enslaved.

Legitimacy of Cicero's defending argument

- Cicero argues Flaccus' acts show virtuous behaviour in the interest of Rome, as he took the money to deposit in the imperial treasury as commanded by Roman Law. (Steenkamp, 4)
- Jean Juster denounces Cicero's defence of Flaccus, accusing Flaccus of violating Roman law by depriving the Asian Jews the ability to send tithe to the Temple (Marshall, 144).
- However, record of a *senatus consulta* issued in 63 BCE shows that the empire forbade exports of gold and silver (Marshall, 145) and Cicero supports this with anecdotal reference to his consulship. (*Pro Flacco*, 28.67),
- Cicero uses this ban to justify Flaccus' edict forbidding gold exports from Asia that were intended for the Jerusalem Temple.
- Scholars disagree on whether Cicero's argument comes from antisemitic sentiment, general xenophobia, or genuine concern for the backlash towards Roman policy.
- Marshall argues that Cicero's words should not be so quickly categorised as vindictive racism, but instead potentially as "genuine concern for Roman policy in Asia." (Marshall, 154)
- However, Cicero's condemnation and hostile characterisation of the Jewish religion as 'barbarae superstitio' abhorrent to Roman religious practices can certainly be interpreted as antisemitic. Whether or not Cicero himself was antisemitic, Cicero clearly counted on arousing anti-Jewish prejudice in the jurors' minds to sway them on the validity of charges against Flaccus (Marshall, 142).

The Jewish community in Rome

- According to Valerius Maximus, “In 139 BCE, the pretor Hispanus issued a decree expelling all Jews who were not Roman citizens from Rome (Jacobs and Ochser). However, recent studies have rejected this as apocryphal (Marshall, 140)
- Cicero’s *Pro Flacco* shows that there was still a prominent Jewish community in Rome in 59 BCE, casting doubt on the account of a widespread expulsion.
- Furthermore, it shows that Jews engaged with Roman politics, and exerted a decent level of influence at public meetings.
- *Pro Flacco* also highlights that Jews in the diaspora community in Rome still maintained “constant commercial relations with Palestine and paid the Temple tax” (Jacobs and Ochser).
- The source shows that Jewish loyalty remained to Judea even among those living in the Diaspora. This nationalistic ideology would have led to conflict in Rome, where citizens were expected to have upmost loyalty to the Roman state and its officials.
- Push back to Flaccus’ actions would have flagged as the Jews putting allegiance to Judea before Rome, thus prompting Cicero’s verbal attack on the Jewish people.

Roman views towards conquered peoples

- Cicero's comments on the Jews end with a pejorative comment attributing the Jewish people's suffering to its lack of favour with the gods:
 - "How dear it was to the immortal gods has been shown by the fact that it has been conquered, handed out to tax-collectors and enslaved." (*Pro Flacco*, 28.69)
- For the Roman elite, Roman religion was often identified with Roman military power and success.
- From the Romans, the state religion was often identified with military conquest and success (Rocca, 15). Belief in the inferiority of the vanquished peoples linked events of enslavement and oppression to religious failings.
- Roman beliefs about Jews in Rome linked specific events of conquering, enslavement and oppression to Jews being hated by the gods and thus not worthy of respect.

Roman-Jewish relations

- Roman-Jewish allyship was born out of mutual interest. It was in Roman interest to support the Maccabean rebellion against the Seleucid empire, Rome's chief rival in the east Mediterranean (Feldman, 92).
- However, Judean independence under the Hasmoneans became threatening to Roman power expansion. In addition, the popularity of Messianic ideology and hope for political liberation from foreign rulers after Pompey seized Jerusalem and its Temple in 63 BCE (Lohnes) made Jewish rebellion a threat to Rome's monopoly (Feldman, 92).
- The divide between monotheistic and polytheistic religious beliefs and practices caused clashes between the Jews and Gentiles. Friction was also created by oppressive taxation of the Jewish people and the imposition of unwanted imperialism.
- Cicero's description of Jewish armed rebellion against Rome highlights the existence of violent tensions (*Pro Flacco*, 28.69).

Unrest in Judea

- The civil war between Hyrcanus and Aristobulus in 67 BCE and three-month siege by Pompey in 63 BCE likely would have meant the sending of gold to Jerusalem's Temple had been interrupted for several years. (Marshall, 147)
- If an extraordinarily large sum had been sent by Asian Jews in 60-59 BCE after conflict ceased, Flaccus' somewhat unusual interest in the gold sent could be explained.
- Marshall argued that after the armed resistance of Jerusalem to Rome and the imposition of tribute on Judea, a less tolerant climate of opinion may have brewed towards religious prerogatives of Jews in the Diaspora (Marshall, 149).
- The Roman officials may have therefore been reluctant to allow large sums in gold to be exported to the newly subdued Jerusalem in fear of inadvertently funding a rebellion (Marshall, 149).

Roman attitudes towards Judaism

- Cicero describes Jewish religion as ‘barbarae superstitioni’, which translates roughly to ‘barbaric superstition’ (*Pro Flacco* 28.67) and conversely, describes Roman religion as “religio sacrorum” (sacred religion). (*Pro Flacco* 28.69)
- This contrasted with the phrasing Cicero uses to describe Roman religion highlights the view of Jewish religion as primitive.
- The difference between the terms ‘superstitio’ and ‘religio’ were described concisely by Seneca, who described “Religio honours the gods, superstitio wrongs them” (Seneca, ‘De Clementia’ 2.5.1).
- Cicero goes on to explain the Roman view of Judaism, which was that “The demands of their religion were incompatible with the majesty of our Empire, the dignity of our name and the institutions of our ancestors” (*Pro Flacco* 28.69).
- The beliefs and practices of Judaism, including monotheism and limited sacrificial practices, did not allow accommodation of worship of Roman gods, the imperial cult or regular sacrifices at a variety of altars to pledge allegiance to the Roman gods and state. Refusal to participate in Roman religious practices that were seen as civil duties would have led to tensions and animosity between the citizens of Rome and Jewish people who had settled in their city.

Reliability of Cicero's information

- *Pro Flacco* is a key source for understanding of the Jewish community in Rome in the 1st century BCE.
- Cicero used a courtroom tactic to discredit Flaccus' accusers, playing to a caricature. Feldman notes this would only have been effective in a city with a visible Jewish community that had a decent amount of influence (Feldman, 93).
- Anti-Jewish sentiment was also clearly widespread enough to allow Cicero to rely on it to influence the jurors.
- Cicero mentions the setting of public meetings ablaze ('flagrantem'), likely drawing on a key collective social memory, that he blames on the Jewish population of Rome during protests. While we do not have any more evidence on these described events, Cicero's use of them to gain the jury's favour suggests they were recent to the time of the trial in 59 BCE. More research would need to be done, and more evidence discovered, in order to glean more about these protests.

What does the source add to our understanding?

- Pro Flacco has “attracted interest mostly because of the light which it casts on the size, location and political awareness of [the Jewish] community,” (Marshall, 140).
- Cicero’s courtroom tactics reveal that the gathering of Jews at political events were familiar to his audience, and thus “it follows that Jews were not only integrated in society but were also sufficiently well-connected to hold some political sway in certain matters,” (Steenkamp, 4).
- This source also discredits Philo Judaeus who asserted that the Jewish community in Rome had its origin with Jewish prisoners brought back to Rome by Pompey.
- “The flourishing, well organised and vocal community with Cicero affects to fear as a disruptive force in 59 BC can hardly have been built up so rapidly from Palestinian slaves,” (Marshall, 140).
- Cicero’s account of the Jewish community also makes Valerius Maximus’ account of an expulsion of the Jews of Rome in 139 BCE improbable and has been used by scholars to discredit it (Marshall, 140).

What conclusions can be drawn from *Pro Flacco*?

- There was a large Jewish population in Rome, associated with the Aurelian steps, with influence in public meetings. This community was a prominent presence in Rome despite the supposed expulsion in 139 BCE.
- The description of Jewish religious practices as barbaric ‘superstitio’ shows its illegitimacy in Roman view, and contrasts with Cicero’s description of Roman religion using terms like ‘religio’.
- Jewish crowds had likely led or been blamed for protests leading to damage to public buildings (‘flagrantem’).
- Even when the Jews were independent and at peace with Rome, their religious beliefs were seen by Roman elites as incompatible with Roman culture, demands and practices.

Conclusion

- In summary, *Pro Flacco* is an excellent primary source for scholars interested in Diasporan Jews in the 1st century BCE.
- *Pro Flacco* offers insight into the state of Roman-Jewish relations and particularly the Jewish community in Rome.
- Examining rising social tensions is key in understanding the worsening state of Roman-Jewish relations leading up to the siege of Jerusalem in 70 CE.

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