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JEWISH EXEMPTIONS FROM ROMAN MILITARY SERVICE: A REPLY

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Nec tam hebes sum ut, si diuersa senseris, me laesum putem.
Jerome, *Epist.*, 105, 4

Abstract: This paper is a response to the undue denial attributed to me by H. Olshanetsky in his paper ‘The Best Evidence for Jewish Service in the Roman Army: A New Look at the Jewish Exemptions from Military Service as Appearing in Josephus, and Jewish Military Service in the Late Republic and Early Principate’ (published in issue 10. 3, 2023, of this Journal) of the historiographical theory he adheres to concerning the sporadic exemptions from military service granted to Jews exclusively in the Eastern sphere by the Roman authorities as demonstrating that they were routinely recruited to serve in the Roman army from at least the late Republican period. In this sense, I reveal his misinterpretation of some fundamental passages of my work *Military Service and the Integration of Jews into the Roman Empire* (2022), questioning, moreover, the scientific value of the method employed in his research to approach a quantitative estimate of the Jewish soldiers who may have served in the Roman army.

Keywords: *Jews, Military Service, Social Integration, Exemptions, Roman Army.*

Echoing his earlier work,¹ Haggai Olshanetsky recovers in the paper entitled ‘The Best Evidence for Jewish Service in the Roman Army: A New Look at the Jewish Exemptions from Military Service as Appearing in Josephus, and Jewish Military Service in the Late Republic and Early Principate’ which was published in the last number for the year 2023 in this Journal, the theory concerning the sporadic and temporary nature of the military exemptions granted to Jews in certain eastern regions by the Roman authorities during the civil wars that ended the republican political system. This topic was previously explored by authors such as Shim’on Applebaum,² or more recently, Alexander Panayotov³ and Silvia Cappelletti.⁴ In my recent book *Military Service and the Integration of Jews into the Roman Empire* (2022), I myself adhered to this theory, qualifying some problematic aspects and providing novel arguments that, in my opinion, have served to further strengthen it.⁵ Although I deny that there is any hard evidence to suggest that there was a general exemption from military service for all Jews in the Roman world, H. Olshanetsky is not only reluctant to acknowledge that each of us has arrived at similar conclusions by different routes, but he attributes to my interpretation certain errors which he is unable to identify clearly.

¹ For example, OLSHANETSKY 2018, 13 and OLSHANETSKY 2021, 132–133.

² APPLEBAUM 1974, I, 459.

³ PANAYOTOV 2004, 61.

⁴ CAPPELLETI 2006, 61. Cf. ROCCA 2019, 228–229.

⁵ For example, GONZÁLEZ-SALINERO 2022, 44 and 89.

In the field of research, one cannot be sure of the impossibility of making mistakes, but, in this case, one of them is not to consider that the exemptions from military service granted to the Jews in the orbit of Roman rule in the East were limited in scope and temporary. In other words, these exemptions were not of universal and permanent application,⁶ a theory that this author insists on ascribing to me in his paper. According to this author, one of my alleged mistakes is the statement that “Dolabella, the Caesarean governor of Syria, wrested Asia from the grip of legate C. Trebonius and extended the former military exemption to Jews without Roman citizenship.”⁷ The author fails to explain what is wrong with the above,⁸ though I suspect his objections have to do with the extension at that time of this military exemption to Jews who did not hold Roman citizenship. I stand by this statement, which is based on the writings of Josephus himself, *Ant. Iud.* XIV, 226–227, where he states that there can be no doubt concerning the initiative of High Priest and ethnarch Hyrcanus II to request this exemption from the Roman governor through his ambassador, and it would be illogical to assume, in view of the circumstances, that his request would only have affected Jews who held Roman citizenship,⁹ who were most likely a small minority.¹⁰ I also fail to see what is “problematic” about the passage from my work, which he quotes verbatim as a summary of my analysis of the exemptions:

“we do not have enough reliable information to categorically state that, after the Augustan period, these favourable concessions to Jews included exemption from military service or that this exemption remained fully in force throughout the remainder of the Julio-Claudian dynasty. However, even in the unlikely case that it had been so, we must assume that this exemption would have been revoked, at least in what concerns the Jews of Rome and Italy, by Emperor Tiberius in the fifth year of his reign (19 CE).”¹¹

Let us look at this one step at a time. I assume Olshanetsky agrees with the first part of the quote, as it is in accordance with the thesis he also defends on the absence of evidence for alleged general exemptions from military service for Jews in the Roman Empire.¹² However, the second part describes a most “unlikely” possibility which, nevertheless, also leads to an imperial revocation of Jewish military exemptions. It is impossible to deduce from the above fragment that I defend the existence of “a general Jewish exemption for military service” without deliberately distorting my words. Had such a general exemption existed, the Jews who were compelled to serve as soldiers in Sardinia in 19 CE could have invoked this right, and yet there is no evidence that they did so. Moreover,

in my book, I add that “the repeated claims for the concessions granted to Jews by Roman authorities could lead us to believe that exemption from military service may have remained in force in the eastern part of the Empire, or that, at least, Jewish communities in the eastern Diaspora in Greek-majority cities were able to invoke various legal precedents to avoid local recruitment. Nevertheless, the lack of sources does not allow us to confirm whether or not the alleged prolongation of this hypothetical exemption from military service also applied to Jews in the western Diaspora.”¹³ I put this even more explicitly when I state that “The Jews seem to have been unable to oppose this measure on the grounds of its alleged illegality or by invoking the existence of hypothetical Jewish privileges [...]. However, they did not invoke a legal precedent that exempted them from military service in general, in contrast with the common practice of Jews from the eastern Diaspora. Faced with a situation in which many of them were punished for opposing the draft, the fact that Josephus does not mention the exemption being invoked may lead us to think that it never applied to the western part of the Empire.”¹⁴ Finally, I also point out in the book’s conclusion that “there is no evidence that Augustus included a general exemption from military service among the privileges granted to Jews in the Roman Empire. Jews living in the cities of the Levant may have invoked the legal precedent to avoid local recruitment drives, but this was not the case in the West. Under Tiberius, they were forced to perform military service in Sardinia and were not allowed to submit any legal objections to this decision which, according to pagan historians, was punitive in nature. In any event, the exemption from military service never precluded voluntary enlistment in order to reap the benefits of Roman citizenship. There are some cases of Jews who obtained it through *honesta missio*, according to their military diplomas.”¹⁵ This is not the only time this author wrongfully omits my work. The demonstration of the fact that neither dietary laws¹⁶ nor the Sabbath were ever an obstacle for Jewish service in the Roman army, which appears mentioned on page 31 of Olshanetsky’s paper as one of his most important contributions, was already thoroughly addressed in my book.¹⁷ Finally, this author’s statement that the evidence found in a text from Strabo of Amaseia’s *Geographica* “for Jewish military service as an allied army, or soldiers of the Empire, has never been mentioned in various publications on Jewish military service” is inaccurate, as I have analysed it in my aforementioned book.¹⁸ Of course, it is incomprehensible that in footnote 8 the author states that my 2022 book “still does not offer a new innovative analysis of them [i.e. the exemptions]”.¹⁹

It is undeniable that military exemptions, albeit sporadic ones, granted to Jews in a context of war, in which the greatest number of troops possible is required, seems to run counter to logic, unless we consider the fact that they responded to specific circumstances that can only be understood in the

⁶ On the sporadic nature of these exemptions, see GONZÁLEZ-SALINERO 2022, 28, 34–35, 43–44, 47, 51.

⁷ GONZÁLEZ-SALINERO 2022, 34.

⁸ It is likewise unacceptable for him to blame me for not discussing Jewish military exemptions for half the chapter on the subject without mentioning the fact that in order to understand military exemptions it is necessary to previously analyse compulsory recruitment among Roman allies and vassals.

⁹ GONZÁLEZ-SALINERO 2022, 33–34. *Cf.* RODRIGUES 2007, 319–320 and 677, n. 236; KRAUSE 2017, 82–83.

¹⁰ *Pace* OLSHANETSKY 2023, 32b.

¹¹ GONZÁLEZ-SALINERO 2022, 38–39.

¹² OLSHANETSKY 2023, 32b.

¹³ GONZÁLEZ-SALINERO 2022, 40.

¹⁴ GONZÁLEZ-SALINERO 2022, 44, *cf.* 89.

¹⁵ GONZÁLEZ-SALINERO 2022, 130.

¹⁶ In fact, dietary discrimination (*kashrut*) was never an identifying element of Jewish religion. See LAPIDE and LAPIDE 1998.

¹⁷ GONZÁLEZ-SALINERO 2022, 6–7, 92, appendix 1 (133–145).

¹⁸ GONZÁLEZ-SALINERO 2022, 30–31 and 69, n. 180.

¹⁹ OLSHANETSKY 2023, 31b, n. 8.

light of the different phases of the conflict.²⁰ Olshanetsky believes that Lentulus's decision to exempt Jews who held Roman citizenship (that is, a minority) from military service was a good will gesture toward Judaism in order to win other Jews over to his cause: "it seems that he preferred to exempt certain Jews in order to receive approval from the Jewish community to extensively recruit the rest."²¹ However, there is no evidence to support this assumption: it is, in fact, begging the question. The hypothesis defended by Olshanetsky implies that he has not taken Roman rulers' right to recruit auxiliaries from among allies or vassals²² into account (this is, indeed, the point of carrying out a previous analysis of the legal conditions that affected the Jewish people with regards to compulsory recruitment by the Roman state, and which Olshanetsky deems superfluous²³), and that he has also forgotten that Roman citizens, regardless of whether or not they were Jewish, could hardly have been compelled to serve in the army, let alone in the *auxilia*.²⁴ This explanation therefore comes off as somewhat unsatisfactory unless it were interpreted as a mere gesture ("perhaps Lentulus' act was a gesture")²⁵ lacking both in consequences and in value, and which contributes little to the elucidation of this reality.

In his tendency to reduce the scope of exemption decrees granted to Jews as much as possible, Olshanetsky casts doubt on the notion that legate Marcus Piso applied Lentulus's exemption to the people of Delos and Sardis, which the source names explicitly,²⁶ without any evidence whatsoever. Thus, he states that "the provenance of the original document is uncertain" and constructs an implausible hypothesis according to which "Josephus' clerks... may have copied the originals partially or incorrectly."²⁷ At this point, I think it is very appropriate to recall the principle that the good historian should always support his arguments with documents, using appropriate techniques to interrogate them.²⁸

Closely following the lines of Jean Juster's hackneyed discourse²⁹ from the early 20th century (which says much about what would Olshanetsky would have us believe is an "innovative" text) on the fact that "extensive Jewish service existed in the Roman armies at least from the middle

of the 1st century BCE until the 5th century CE and, to some extent, until the 6th century CE,"³⁰ it is curious that, "despite the extensive material he presents," he blames me for not supporting his exaggerated statement. My answer is quite simple: it is impossible to prove that such an assumption is a faithful reflection of historical reality on the basis of the evidence in the sources available to us. According to the historical method, it is impossible to extrapolate information from a source concerning a specific time and place to other contexts to which it cannot be plausibly related. Thus, according to all available material and documentary evidence, we can only observe a significant increase in Jewish presence in the Roman armies from the 3rd century CE onwards and, especially, during the following century.³¹ As I stated in my book, "It is worth keeping in mind that the mere acknowledgement of a reality is not grounds in itself for assigning it a greater level of importance than that which it deserves in all fairness. Nevertheless, accounts on the subject do not allow for a reduction of the Jewish presence in the Roman army to a merely marginal phenomenon, nor can its minority nature be dismissed as an exceptional and insignificant episode".³²

An essential part of Olshanetsky's paper is given over to a quantitative analysis of the significance of Jewish military service in the Roman army based on the compulsory recruitment of Jewish residents in Rome decreed in the year 19 CE by emperor Tiberius.³³ However, it is worth pointing out that the demographic analysis of the Jewish community in Rome and the rest of the empire carried out by this author is highly speculative and is based on faulty methodology. Starting from the number of Jews who were sent to Sardinia in 19 CE, the author believes "it can be assumed that the Roman army recruited, at most, a third to half of the men of the relevant ages,"³⁴ obviating that this recruitment was motivated by exceptional punitive reasons, as appears in all sources. The fact that this situation does not reflect the reality of recruitment in normal conditions cannot allow us to deduce that "this ratio of Jews to Romans in Rome could be comparable to the ratio of the Jewish to the non-Jewish population throughout the Roman Empire" or that "this statistic may also be used to calculate the proportion of Jews in the Roman army in the year 19 CE."³⁵ Moreover, the author of this paper assumes that recruitment was always compulsory under the Roman Empire, that is, that the army was made up entirely of *lecti*. The truth, however, could hardly be more different: the Roman army was mostly made up of volunteers, and compulsory conscription was only made use of under exceptional circumstances.³⁶ Voluntary military service not being reducible, by its very nature, to a regular standard, it cannot be measured. The author has completely overlooked this elementary fact. Moreover, no study of the Jewish

²⁰ GONZÁLEZ-SALINERO 2003, 45 and GONZÁLEZ-SALINERO 2022, 32.

²¹ OLSHANETSKY 2023, 32b.

²² PRAG 2011, 16–17, 20; PHANG 2012, 78–79, 169; GAUTHIER 2020, 290–295.

²³ OLSHANETSKY, 2023, 31a, n. 4. In fact, the exemptions themselves are excellent evidence for the recruitment of Jews in the Roman army, and this idea appears in the title of his paper as if it were a revelation despite the fact that I had already pointed it out (GONZÁLEZ-SALINERO 2003, 46) and developed it in GONZÁLEZ-SALINERO 2022, p. 28: "The exemptions from military service that were sporadically granted by some Roman generals to Jews during the Civil Wars which would ultimately topple the Republic implies the real possibility, if not the compulsory nature of recruitment prior to these exemptions. In such circumstances Jews, like all other contingents from *externae gentes*, would have been a part of the auxiliary troops". Cf. Saulnier 1981, 168. There is therefore nothing new under the sun.

²⁴ In fact, Jews who did not hold Roman citizenship were precisely those who had to serve in the *auxilia*. See GONZÁLEZ-SALINERO 2022, 39–40.

²⁵ OLSHANETSKY 2023, 32b.

²⁶ Josephus, *Ant. Iud.*, XIV, 231–232. It is revealing that Olshanetsky cuts off the passage that continues thus: ὅμοια δὲ τούτοις καὶ Σαρδιανοὶ περὶ ἡμῶν ἐνηγήσαντο ("Similar to this was the decree concerning us which the people of Sardis passed").

²⁷ OLSHANETSKY, 2023, 35b.

²⁸ BLOCH 1949, 23–28.

²⁹ JUSTER 1914, II, 265–279.

³⁰ OLSHANETSKY, 2023, 32a, n. 14.

³¹ GONZÁLEZ-SALINERO 2003, 100, 115, 118, 120. Cf. SCHOENFELD, 2006; ROTH 2007, 89; ROTH 2019, 79.

³² GONZÁLEZ-SALINERO 2022, 94–95.

³³ RUTGERS 1998, 98–105; ROCCA 2010; VAN DER LANS 2015; WENDT 2015.

³⁴ OLSHANETSKY, 2023, 34b.

³⁵ OLSHANETSKY, 2023, 34b.

³⁶ *Digest*, 49, 16, 4, 10 (Arius Menander): *plerumque voluntario milite numeri supplentur*. See FORNI 1953, 28–29; BRUNT 1974, 91 (= 1990, 189); GOLDSWORTHY 2003, 76; PEREA YÉBENES 2019, 109. He himself acknowledges this in OLSHANETSKY, 2018, 10.

population of the city of Rome should be carried out without analysing the wealth of available epigraphic sources³⁷ or the excellent and in-depth book by N. S. Rodrigues (2007).

Olshanetsky believes it is plausible that the 4,000 Jews who were sent to Sardinia may have made up a military force “composed of several Jewish cohorts,” adding that these “independent Auxilia cohorts, were gathered for an ad hoc mission, which was a common Roman practice.”³⁸ However, neither was this practice common in the Roman army, nor does the fact that they were second-generation freedmen or *libertini* (which implies that they held Roman citizenship), as Tacitus expressly states, support the hypothesis of these troops serving in Sardinia as auxiliaries.³⁹

Making the assumption (and without producing any evidence in support of this statement) that “for every free Jewish male residing in the city [Rome] who was recruited in that year, there were at least two free Jews who enlisted or volunteered to serve in the army who were not from the city of Rome”, the author suggests that “at least 12,000 Jewish soldiers served in that year alone [19 CE],” which implies that, according to him “at least 4% of all men serving in the army were Jews.”⁴⁰ It is obvious that these estimates, which stem from nothing but speculation, are mere conjecture. Why assume a ratio of two and not three or four? Why assume that volunteer enlistment in the Roman army responded to fixed and immovable patterns regardless of changes in historical circumstances? It is worth keeping in mind that the need for troops was not constant over time. How do those men who were unfit for service, who found themselves in an unfavourable situation⁴¹ or who managed to evade conscription in times of compulsory recruitment fit into Olshanetsky’s figures,⁴² which assume that half of all Jewish men were eligible for conscription? The author considers both possibilities⁴³ but fails to explain how pious Jews who did not wish to serve in the Roman army could avoid conscription through the use of *vicarii* or substitutes, probably because he is unaware of their existence despite the fact that I mention them in my book.⁴⁴

When mentioning the abundance of evidence for Jewish military service “in all major armies of the great foreign empires preceding Rome, including the Assyrian, Persian, and the Hellenistic kingdoms,” the author unabashedly writes in a footnote that “there are only a few works that concentrate on Jews in Hellenistic armies,”⁴⁵ only quoting Hengel and two rather unimportant papers of his own. Olshanetsky omits my book, the first chapter of which covers this question extensively.⁴⁶

³⁷ See LEON 1995 (orig.); NOY 1995.

³⁸ OLSHANETSKY 2023, 34a.

³⁹ For a more detailed analysis of this episode with abundant bibliography, see GONZÁLEZ-SALINERO 2022, 40–45.

⁴⁰ OLSHANETSKY 2023, 34b.

⁴¹ From Republican times, there were various circumstances (epilepsy, participation in family funerals, breaking the religious laws of purification, bad omens, etc.) that could adversely affect the *dilectus* – recruitment of soldiers by conscription –, leading to the rejection of the recruit and the *sine die* delay of recruitment or even its cancellation. See PEREA YÉBENES 2024.

⁴² OLSHANETSKY 2023, 34a.

⁴³ OLSHANETSKY 2023, 34b.

⁴⁴ GONZÁLEZ-SALINERO 2022, 89, 128, n. 6. See now GONZÁLEZ-SALINERO 2023.

⁴⁵ OLSHANETSKY 2023, 34a, n. 48.

⁴⁶ GONZÁLEZ-SALINERO 2022, 8–25.

I agree with Olshanetsky when he states that “a universal exemption for all Jews, regardless of location, would have been the direct opposite of the Roman tradition of not creating precedence and issuing exemptions.”⁴⁷ Nevertheless, he affirms that this runs opposite to the conclusion according to which “the Romans were in the habit of issuing exemptions which were against common sense or their own good.”⁴⁸ I must admit that the interpretation of the scope of the exemptions as explained in my 2003 paper is not without some ambiguity. Furthermore, Olshanetsky cannot portray me as the defender of an alleged theory which I clearly disprove in my 2022 book.⁴⁹ It is certainly highly significant that decisions in favour of exemption, which seemed to run contrary to the needs of the moment, were adopted in times of war and political instability. It seems that shifting alliances and changes in positions according to political needs may have had an influence on the flow of events and, therefore, on measures that were adopted according to circumstances.⁵⁰ In fact, based on the climate of social confrontation which, according to available sources, can be observed within Jewish communities, Sh. Applebaum’s theory according to which those exemptions were a consequence of the Civil Wars, during which both sides pursued a self-interested policy of conciliation with pro-Roman elements in Asia, seems plausible.⁵¹

In any event, it is obvious that these sporadic exemptions, which were limited in time and space, did not prevent Jews from enlisting voluntarily in the Roman Empire,⁵² nor were Jewish religious laws, especially those concerning the Sabbath rest and food discrimination (*kashrut*) were an insurmountable article. I have explained these points in depth in my book,⁵³ but Olshanetsky curiously omits this fact in his paper.⁵⁴

In short, I do not find any truly significant contributions in this paper. Beyond the aforementioned methodological errors, none of what H. Olshanetsky covers in his paper is truly novel, nor does it advance our understanding of Jewish presence in the Roman army. And we cannot forget those pioneering authors (quoted extensively in my work) to whom we scholars of this subject will always be indebted and from whom we have learned so much.

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⁴⁷ OLSHANETSKY 2023, 38b.

⁴⁸ GONZÁLEZ-SALINERO 2003, 45–51.

⁴⁹ GONZÁLEZ-SALINERO 2022, 28, 31–32.

⁵⁰ GONZÁLEZ-SALINERO 2022, 32, 39.

⁵¹ APPLEBAUM 1974, 459.

⁵² GONZÁLEZ-SALINERO 2022, 149.

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