

rabbis and their courts at the center of community life. These leaders took measures to insulate and protect their communities throughout the empire and the Diaspora. Liturgical poetry reached new heights as synagogue worship developed. With no formal authority to interpret the Scripture and so acquire highly prized religious knowledge and not required to study the Law, women were expected to conform to traditional roles as daughters, wives and mothers. Rabbinic texts legitimized this subordination. Evidence from inscriptions, however, indicates that women sometimes served as leaders in some synagogues.

5.2 Discrimination against Jews in Roman law

The following selection of laws issued from the fourth to the sixth centuries represents some of the measures taken to limit the legal rights and freedom of action of Jews and to penalize Christian association with them. Though the form and method of issuance of the laws conforms to standard Roman practice, the content of each is influenced by Christian belief. Many of them were compiled first in the Theodosian Code and kept in the Code of the emperor Justinian, demonstrating continuity of imperial policy regarding Jews. All of these laws were applicable throughout the empire.

5.2.1 *Jews may not own Christian slaves*

Theodosian Code 16.9.1 [Justinian, *Code* 1.10.1]

1. If any Jew should purchase and circumcise a Christian slave or a slave of any other sect whatever, he shall not retain in slavery such circumcised person. But the person who endured such treatment shall obtain the privilege of freedom.

[Constantine, 336]

5.2.2 *Jews and Christians may not marry one another*

Theodosian Code 3.7.2 [Justinian, *Code* 1.9.5]

2. No Jew shall receive a Christian woman in marriage, nor shall a Christian man contract a marriage with a Jewish woman. For if any person should commit an act of this kind, the crime of this misdeed shall be considered as the equivalent of adultery, and freedom to bring accusation shall be granted also to the voices of the public.

[Valentinian, Theodosius and Arcadius 388]

5.2.3 *Christians may not become Jews*

Theodosian Code 16.8.7 Justinian, *Code* 1.7.1]

In accordance with the venerable law which has been established, We command that if any person should be converted from Christianity to Judaism and should join their sacrilegious gatherings, when the accusation has been proved, his property shall be vindicated to the ownership of the fisc.

[Constantius Augustus and Julian Caesar, 357]

5.2.4 *Trials in Jewish courts*

While Jews were permitted to refer matters of religious law to their rabbis (as all peoples in the empire were allowed to follow their customary laws), in all other matters they were bound by Roman law and obliged to settle their disputes before a Roman judge. If both parties agreed, and it was a civil matter, the case might be tried in Jewish courts.

Theodosian Code 2.1.10

Jews who live under the Roman and common law shall approach the courts in the customary manner in those cases which concern not so much their superstition as the forum, the statutes, and the law; and they shall bring and defend all actions according to the Roman law; that is to say, they shall be subject to Our laws. Certainly, in the case of civil suits only, if any Jews should suppose that, by a mutual promise to abide by the decision in accordance with the agreement of both parties, they should litigate before Jews or patriarchs as though before arbitrators, they shall not be prohibited by public law from choosing the judgment of such men. The judges of the provinces shall execute their sentences as if such arbitrators had been assigned by the decision of a judge.

[Honorius, 398]

5.2.5 *Jews allowed in municipal senates*

Municipal senates played such an important role in the administration of the empire (especially as tax collectors) that Jews were not excluded from them. This law of Constantine even permitted some exemptions to Jews.

Theodosian Code 16.8.3

3. By a general law We permit all municipal senates to nominate Jews to the municipal council. But in order that something of the former rule may be left them as a solace, We extend to two or three persons from each group the perpetual privilege of not being disturbed by any nominations. [Constantine, 321]