
In this revised dissertation (1994, Free University of Berlin, under Peter Schäfer), Bernd Schröder studies Josephus' use of the term πατριωτικον νόμοι, "ancestral laws" (*väterliche Gesetze*). After an introductory section (Part I) defining the topic and various terms (e.g. halakhah), and providing a history of scholarship on the topic, Schröder examines the term πατριωτικον νόμοι (henceforth *pn*) as used by Josephus (Part II) and as it, and related terms, are used in Latin (*mos maiorum*) and Greek texts of antiquity (Part III). In the final section of the book (Part IV), he draws together the results of his investigation.

Schröder's overall conclusion is that Josephus uses the term in reference to Jewish laws (biblical and postbiblical are not differentiated), either generally or specifically (prohibition of idol worship, prohibition of images, Sabbath laws), for the purpose of explaining the Jewish way of life to the non-Jewish Greco-Roman world. Josephus deliberately chose this term in order to legitimate Jewish practice in the eyes of his readers, for *pn* is a term and concept familiar to, and respected by, the Greco-Roman world as that which is "traditional," that which has historical continuity and the weight of high antiquity, and thus has legitimacy. It is a term both cultures understood: the language of loyalty to venerated custom. Josephus, according to Schröder, took an expression from the surrounding Hellenistic culture and adapted it to his own Jewish culture in order to demonstrate the compatibility of Judaism and Hellenism. Thus, the usage of *pn* reflects Josephus' central concern, that is the mediation of the Jewish with the Greek world of ideas.

More specifically, the function of *pn* varies according to the writing and the situation: In *Bellum* Josephus is concerned with the compatibility of the Jewish and the Greco-Roman laws, and *pn* is thus used to refer to both cultures; in *Antiquitates* and *Contra Apionem* Josephus more strongly emphasizes Jewish uniqueness, and *pn* usually refer to aspects of Jewish culture alone. In *Vita*, finally, *pn* occurs in the context of Josephus' personal observance.

In addition to its legitimating function vis-à-vis the Greco-Roman world, *pn* is used by Josephus in regard to inner-Jewish conflicts, where the term is employed to give a particular position the weight of authority (e.g., by the opponents of the Hellenizers Antiochus IV and Herod). In most cases, however, the term fulfills an explanatory function: practices that are strange to the pagan reader are presented as *pn*, in order to promote understanding.

Schröder finds that the usage of *pn* in Greek and Roman texts is primarily "political," that is, the term refers to decrees of Hellenistic or Roman rulers in determining the status of defeated cities (πόλεις), allowing the defeated to retain their *pn*, i.e. their religious practice, ancestral constitution, or freedom and autonomy. Of course, religious practice and political rights are not inseparable, and it is thus that Josephus politicized Jewish law making the Sinai legislation the constitution of the Jews, and Judaism a religious-political community in the sense of a *polis*. (The usage of the term *pn* in the New Testament, above all by Paul, is unique. Here *pn* is a foil, against which Jesus' words are presented.)

Schröder thinks that Josephus' inspiration for his use of *pn* came from the Greco-Roman world, since the term does not appear in the Hebrew Bible or the Septuagint. It does, however, appear in certain historians (Thucydides, Dionysius of Halicarnassus,
Diodorus Siculus), as well as in Seleucid and Roman decrees. The most striking proof of Hellenistic influence is in Josephus' interpretation of the laws as a "constitution" (πολιτεία or sometimes πολιτεμα) of the Jews.

In one regard, Schröder attempts an evaluation of Josephus on the basis of his usage of πατέρες. We can see, says Schroeder, that Josephus was not an unconditional Hellenist and assimilationist, for at certain points he (a) insists on the validity of specific Jewish πατέρες (primarily in regard to idolatry and the prohibition of images, and the marriage and Sabbath laws), and (b) argues for the qualitative and chronological superiority of the Jewish laws. In other words, he rejects the Hellenistic claims of cultural-religious exclusiveness. (This is seen more in Antiquitates than in Bellum Judaicum probably, Schröder surmises, because by the time of Antiquitates Josephus was more established in, and disillusioned with, Rome.) On the other hand, we can see Hellenistic influences on Josephus in his image of God and his theology of providence. In his theological adaptations, while at the same time insisting on halakhic autonomy, we see Josephus' personality as one attempting a degree of correspondence with the Hellenistic world but not willing to abandon the "kernel of Judaism." In sum, Josephus may be seen as adapting to the surrounding world without giving up his own identity.

In Josephus' legitimation of Judaism by means of πατέρες, we see also an interesting contrast with other forms of Judaism. Christianity legitimated itself charismatically in its polemic against the traditional and legal "justification-model" of the law, and Qumran saw itself as the true end-time interpreter of tradition. Josephus, on the other hand, legitimated Judaism by means of the ancestral heritage. As opposed to messianic and eschatological justifications he argues for tradition.


He concludes with an almost 30-page bibliography; a subject index including ancient authors, a source index to Josephus, and an index of modern authors. The bibliography is extensive and includes also a number of modern studies written in Hebrew, a feature not always characteristic of Josephus research. However, there is one inexplicable omission: Abraham Schalit's Hebrew translation of Antiquitates, Qadmoniyot ha-Yehudim (Jerusalem, 1963-85). This work contains a lengthy introduction and notes, both of which deal with matter relevant to Schröder's study.

This is solid scholarship. The main part of Schröder's book, which I have sketched here, is clear and well presented. The investigation of the term πατέρες as used by Josephus and Greco-Roman writers is thorough and exacting. The only caveat I have is that one important aspect of Josephus was not so thoroughly investigated, that is his Jewish heritage. As said above, Schröder thinks that Josephus' inspiration for his usage of πατέρες came from the Greco-Roman world, since the term does not appear in the Hebrew Bible or the Septuagint. Is the Bible the only literary expression of Judaism in the first century? In fact, the term πατέρες as indicating the "authors" of ancient traditions is well known in early Jewish sources, most notably in the title of the mishnaic tractate

1. "Fathers of the World" (abot ha-olam) in Mishnah, ‘Eduyot 1:4; Jerusalem Talmud, Hagigah
Pirqei Abot, “Chapters of the Fathers,” a work whose framework and opening paragraph legitimates the Jewish (read: rabbinic) way of life by means of its declaration of an unbroken chain of tradition extending from Moses through the Rabbis of the Tannaitic period (first two centuries CE). Furthermore, rabbinic sources of this period and later not infrequently mention minhag abot, “ancestral custom” (e.g., Babylonian Talmud, Shabbat 35b, Erubin 104b, Ta’anit 28b, etc.), an exact equivalent of mos maiorum, in regard to religio-legal matters. I do not say that Josephus necessarily drew his term πάτριοι νόμοι from these (note the parallel between τῶν νόμων and ἡ θύτα πάτριοι in Vita 198), and similar, terms in Jewish culture. But if we find that in generally contemporaneous Judaism there was the same terminology (abot, minhag abot) used to express the same concept (antiquity of traditions) for the same function (legitimation) as Josephus uses πάτριοι νόμοι, we should not overlook Josephus’s Jewish world as a possible source for his usage of the term. In a study of Philo’s use of ἀγαθός νόμος in Spec. Leg. 4.149-150, Naomi Cohen concluded that “those who have denied any connection between the Jewish ‘Oral Law’ [torah she-b’al peh] and Philo’s ‘Unwritten Law’ [ἀγαθός νόμος], have used the canon of Roman legal terminology as their frame of reference, and, taking the ‘Oral Law’ to be a legal category in the lexicon of Roman jurisprudence, have perforce answered in the negative. On the other hand, those who have equated such Philonic locutions as ‘unwritten law,’ ‘traditions of the fathers,’ et sim., with the Jewish ‘Oral Law’ have understood the term in a descriptive, and not only in a prescriptive sense.”


When applied to the moon by geologist Scott Montgomery, the Western imagination dwells on the landscape. His main subject is the representation of lunar features as earthlike. His earliest sustained example is Plutarch’s Concerning the Face which appears in the Orb of the Moon, which gives access also to the subsidiary theme of the nature and occupations of the moon’s inhabitants. Plutarch feigns that human souls lie about the moon deploring, awaiting, or atoning for union with minds and bodies. In drawing out this fantasy, Plutarch names a few lunar features, for example, “Hecate’s Recess,” a large gulf where souls suffer for previous sins. The best chapters of The