

Heliodorus wrote most probably close to 230 rather than in the fourth century and was a Phoenician from Emesa and a pagan (E.L. Bowie, *OCD*³, s.v. no. 4). The fact that Heliodorus quotes from Philo almost verbatim (cf. Heliodorus, *Aethiopica* 9.9.3 and Philo, *de vita Moysis* 2.195 [ii p. 164 M]), though known for long,¹ has been recently discussed in the context of the methodology of Philonian studies,² where it has been conclusively shown that we have a quotation and certainly not reliance on a common source. If Heliodorus was a pagan, he was the only pagan known to have quoted Philo — and in this case he may also have deserved a place in Menahem Stern's *Greek and Latin Authors on Jews and Judaism* (Jerusalem, 1974, 1980, 1984), most aptly among the *Addenda* in vol. iii. Almost inevitably the issue of Heliodorus' religious affiliation has been brought up again, with a renewed attempt to give credit to Socrates' report.³ Few will be convinced as to the credibility of Socrates, but meanwhile a different aspect of the matter has been brought into the controversy. John Birchall has shown⁴ that Heliodorus' language contains many parallels and similarities to Christian authors of the fourth century: whether this is due to Christianity, the date, or both will have to provide food for further thought. The issue of Heliodorus' date and religion is still *sub iudice*.

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Bernd Schröder, *Die 'Väterlichen Gesetze': Flavius Josephus als Vermittler von Halachah an Griechen und Römer* (Texte und Studien zum Antiken Judentum, 53), Tübingen: J.C.B. Mohr (Paul Siebek), 1996, xi + 313 pp.

This volume, a somewhat revised version of a 1994 dissertation at the Freie Universität of Berlin, is divided into two roughly equal sections. The first is dedicated to Josephus and, especially, to the role of the 'ancestral laws' (πάτριος νόμος or πάτρια νόμιμα) in each of his works. The second is devoted to the usage of the same and similar terms, such as πάτριος πολιτεία, in other ancient Greek literature, including Jewish Hellenistic literature and early Christian literature, as well as to Roman usage of *mores maiorum*. This, of course, in order to discover the context within which Josephus' usage is to be understood and its consequent implications.

To some extent, it may be said that Schröder's findings are not surprising. Thus, concerning the first half of the volume, the main conclusion is the increased emphasis on Jewish law in Josephus' works of the nineties (*Antiquities*, *Against Apion*, *Life*) in contrast to his *War*, written in the seventies. Twenty years ago, in his *Josephus in Galilee and Rome* (1979), S.J.D. Cohen singled out this same point as one of the main lines of

¹ E.g. G. Lumbroso, 'Lettere, xxiii', *Arch. Papforsch.* 4 (1908), 66; J. Geffcken, *Ausgang des griechisch-römischen Heidentums* (Heidelberg 1929), 277; quoted from him by A.D. Nock, *Conversion* (Oxford 1933), 79; B.P. Reardon (ed.), *Collected Ancient Greek Novels* (Berkeley etc. 1989), 543 n. 204; the *Belles Lettres* edition of Heliodorus (1943), *ad loc.*

² D.T. Runia, 'How to Search Philo', *Studia Philonica Annual* 2 (1990), 106-39 at 134-9; id., *Philo in Early Christian Literature. A Survey* (Comp. Rerum Iud. ad NT iii.1, Assen 1993), 12.

³ A. Hilhorst, 'Was Philo Read by Pagans? The Statement on Heliodorus in Socrates *Hist. Eccl.* 5.22', *Studia Philonica Annual* 4 (1992), 75-7.

⁴ In an unpublished Oxford dissertation. I am very grateful for permission to refer to it.

Josephus' development. Here, Schröder's contribution is primarily the assembly and analysis of a much more complete and articulated picture, as is to be expected from a dissertation which focuses on this single issue.

Again, concerning the second half of the volume, the importance of *πάτριοι νόμοι* in ancient legal and religious parlance has long been noted, and it is obvious that Josephus' usage of this terminology was meant to endow Jewish law with the aura of respectability and immunity which the term implied. Especially H. Kippenberg developed this point in recent years,¹ and Schröder devotes much attention to his work, including a special appendix (pp. 224-31) in which he argues, convincingly, that a fuller view of the evidence in Josephus and other ancient Jewish literature leads to the conclusion that references to *πάτριοι νόμοι* should be taken more as literature and apologetics than as history. Here again, Schröder's main contribution is the breadth and detail of his survey.

However, several points of analysis are quite interesting and suggestive. We will focus upon two, one pertaining to Josephus himself and one to the comparative evidence. First, Schröder emphasizes that the Hellenistic-Roman background governs Josephus' usage, and so to understand him we need not posit any special understanding of *πάτριοι νόμοι* in the context of a Jewish — or particularly Pharisaic — doctrine of 'ancestral tradition' or 'unwritten law' which contrasts with biblical law. Hence, in contrast to Cohen, Schröder holds that Josephus' growing interest in the Jewish *πάτριοι νόμοι* need not be taken as an expression of a growing attachment of Josephus to Pharisaic Judaism in particular. (This, however, need not lead us to associating Josephus with the Essenes, despite Schröder's half-hearted hints in this direction — pp. 120-1).

In this connection, however, we may ask what the growing interest *does* indicate. Why does Josephus of the nineties (*Antiquities, Against Apion, Life*) speak so much more, and so much more personally, of Jewish law, than Josephus of the seventies (*War*)? As far as I see, Schröder does not suggest an answer — somewhat surprisingly, given the lively modern discussion of Josephus' development in those decades. I would suggest that, if not an expression of growing Pharisaization, it is instead to be understood as an aspect of growing diasporization. In his decades in Rome between the *War* and the works of the nineties, Josephus became a diasporan Jew.

To illustrate this point with one brief example, let us compare two parallel passages in his *War* and *Antiquities*. In describing the death of Jewish priests when Pompey's troops overran the Temple of Jerusalem in 63 BCE, Josephus, in both books, describes the moving scene in which the officiating priests went on performing the sacrificial cult right up until the moment they were killed — some by Romans, of course, but some by Jews. However, we will note two important differences between the narratives. First, where *War* 1.145-150 repeatedly emphasizes the priests' devotion to *the Jewish cult* (θρησκεία, θεραπεία), *Ant.* 14. 63-67 repeatedly emphasizes their devotion to *Jewish law* (νόμος, νόμιμα). Second, where *War* 1.150 says explicitly that most of the priests were in fact killed ὑπὸ τῶν ὁμοφύλων ἀντιστασιαστών, 'by their fellow religionists/countrymen who were fighting against them', *Ant.* 14.70 refers only vaguely to some

1 H. G. Kippenberg, 'Die jüdischen Ueberlieferungen als *πάτριοι νόμοι*', in: R. Faber and R. Schlesier (edd.), *Die Restauration der Götter: Antike Religion und Neo-Paganismus* (Würzburg 1986) 45-60, somewhat reworked in idem, *Die vorderasiatischen Erlösungsreligionen in ihrem Zusammenhang mit der antiken Stadtherrschaft* (Frankfurt am Main 1991) ch. 5.

(not most!) having been killed ὑπ' ἀλλήλων, 'by each other', a formulation which hides Jewish party politics and leaves open the possibilities that they were killed only due to confusion (a typical feature in such circumstances and literature about them) or in mutual death pacts.

Now, this second difference is typical of differences between Judaeon historiography and diasporan historiography, which latter is always interested in portraying a united front. Compare, for example, the Palestinian I Maccabees, which at 7:5 has a whole party of Jews going to complain to Demetrius I about Judas Maccabaeus, and the Diasporan II Maccabees, which in its version of the same event, at 14:3, has only a single Jewish villain moved by purely personal reasons. Seen in this context, the first difference too – the move from dedication to cult to dedication to law – is easily understood as reflecting Josephus' new diasporan situation. In the diaspora, Jews have no sacrificial cult. But they can observe Jewish law, and hence, for them, the cult of the past came to be understood as simply another aspect of Jewish law. Thus, this development in Josephus' orientation is basically the same process as that demonstratively documented in the first chapter of the mishnaic tractate *Avot*, which begins (§2) with a high priest of the second century BCE claiming that the world rests upon three pillars of which one is the Temple cult, and ends (α18) with a rabbi, more or less contemporary with Josephus, claiming that the world rests upon three pillars of which the first is *law*; the sacrificial cult is not mentioned. While this is certainly a Pharisaic text, I would view it as evidence for the essentially diasporan nature of Pharisaism — a point worth pursuing elsewhere.

As for the comparative evidence, at p. 210 Schröder raises an important issue in response to one of his predecessors: B. Renaud, 'La loi et les lois dans les livres des Maccabées', *Revue biblique* LXVIII (1961), pp. 39-67. Renaud had emphasized the importance of their respective νόμοι for each Greek city, and therefore viewed Jewish portrayals of Jewish law as πάτριοι νόμοι as an aspect of a Jewish presentation of Judaism as a πόλις; in this respect, Renaud would later be followed by Kippenberg. Furthermore, Renaud posited that in the Books of the Maccabees we should differentiate between ὁ νόμος and οἱ νόμοι, with the former meaning 'the Torah' and only the latter comparing Jewish laws to those of Greek cities. Schröder responds (pp. 209-10, n. 12), citing J.W. van Henten's argument that one cannot really distinguish between the singular and the plural usage,¹ both that Jewish use of οἱ νόμοι need not compare Jewish laws to those of Greek cities, and that Jewish use of ὁ νόμος need not point away from such a comparison.

Both points are correct. However, one should emphasize the qualification: 'need not'. For it does seem, as Renaud suggested, that characterizing Jewish laws as πάτριοι νόμοι, in II Maccabees, is part of an attempt to portray and justify Jewish laws as if they were the laws of a Greek city. But our confidence that this is so derives not from the term itself, but, rather, from numerous explicit statements in II Maccabees, a book which, after all, is built around the troubles of a Jewish *city* between the idyllic outset of the story (3:1ff.) and the city's return to idyllic Jewish rule at the end of the story (15:37). And the

1 See now J. W. van Henten, *The Maccabean Martyrs as Saviours of the Jewish People* (Leiden 1997) 134.

same may be said for other works of Jewish hellenistic literature, which similarly focus upon the Jewish *polis*.¹

What is important for Schröder, therefore, is that this *polis* orientation seems to be absent from Josephus. Josephus generally manages to use *πάτριος νόμοι* and the like for Jewish law without indicating that they are to be understood as laws of a city. Rather, the comparison Josephus seems to have had in mind is to the laws of other *peoples* — peoples, which are defined by their *πατέρες*, their ancestors. This distinction between Josephus and his Jewish Hellenistic predecessors seems to be a clear reflection of the difference between the Hellenistic world, which had been — or had pretended to be — a network of cities and city-states, and the world of Josephus, which on the one hand saw the destruction of the Jewish capital and, on the other hand, saw the emergence of a single Roman *oecumene*, in whose capital he wrote.² In this way, Schröder's study, of a single but central terminological issue, helps us understand both the continuity and the chasm between Josephus' circumstances and world-view and those of the centuries of Hellenistic Jews who preceded him.

We will conclude, however, by pointing out a major desideratum which Schröder leaves for his successors, one which has everything to do with this point. Namely, although he devoted a special appendix to the term *νόμος* and to its sense and appropriateness as a translation of 'Torah' (pp. 21-5), there is no such discussion of the other half of his term, *πάτριος*. Rather, he takes it without discussion to mean 'väterlich' — 'of the fathers', 'ancestral'. Is, however, this the best, always the best, translation of this adjective? True, it is all one finds in Liddell-Scott-Jones ('derived from one's fathers, hereditary' and the like). But given the easy passage from *πάτριος* to *πατρίς*, from Vater to Vaterland, must we not consider seriously the possibility that *πάτριος*, at least sometimes, describes the Jews' laws as the laws of their land, Judaea? One notes, for example, that although Feldman, in the Loeb *Josephus*, usually translates *πάτριος* as 'ancestral' (e.g. *Ant.* 18.263; 19.349; 20.116, 218), Thackeray and Marcus, in the same series, prefer 'of his country' — *War* 1.650; 2.6; *Ant.* 12.142, 145, 240, 267; 13.54 (see note ad loc.), etc. Again, at *Ag. Ap.* 2.237, although both Thackeray (Loeb) and Reinach (Budé) have Josephus say that he doesn't want to investigate the laws of other *peoples*, the Greek has merely 'others',³ which leaves the continuation, τὰ γὰρ αὐτῶν ἡμῖν φυλάττειν πατριὸν ἔστιν, 'for it is our traditional custom to observe our own laws' (Thackeray), without any particular linkage to our people. Perhaps, rather, it refers to the custom of our land. But although such passages as Philo's *Legatio* 277-278 explicitly define the Jews' *πάτριος νόμοι* as the laws of their *πατρίς*, none of these Josephan ones do, and sometimes the issue is clearly debatable. Thus, for a last case, in *Ag. Ap.* 2.143-144 the Egyptians' *πάτριος νόμοι* are set parallel to the *οἰκείοι νόμοι* of others. Shall we take *οἰκείος* in its

1 For this orientation of Jewish Hellenistic literature, see my 'Temple or City: What Did Hellenistic Jews See in Jerusalem?', in: M. Poorthuis and C. Safrai (edd.), *The Centrality of Jerusalem: Historical Perspectives* (Kampen 1996) 114-27.

2 Note the title of one of the sub-chapters in Kippenberg's 1991 volume (supra n. 1): 'Römische Sanktionierungen der väterlichen Gesetze und der gleichzeitige Funktionenverlust der Stadtgemeinden' (pp. 330-44). Most of the documentary evidence, such as it is, for Roman interference with Greek cities in order to preserve the Jews' *πάτριος νόμοι* is preserved by Josephus.

3 So A. Kasher, in his 1996 Hebrew translation of *Against Apion*, although also using 'peoples', did so only within brackets.

most basic, locative, sense, and accordingly translate οἰκεῖοι νόμοι 'the laws of one's country'? That would lead us, so as to maintain the parallelism, to translate πάτριος too as referring to a country, Egypt; thus Thackeray ('his country's laws...laws of his country') and Reinach ('lois de sa patrie ... lois de son pays'). Or, rather, should we resolve the problem in the other direction, as Schröder (p. 146), maintaining 'väterlich' for πάτριος but translating οἰκεῖος in a more general sense as 'heimisch': 'dessen eigenen väterlichen Gesetzen...den heimischen Gesetzen'? These questions deserve detailed examination, not least because the question, whether Jews see their laws as those of a country or as those of a people, is of fundamental importance for the nature of Jewish identity.

Schröder's book is well researched, well organized and well written, thorough, disciplined and perspicacious. It is completed by a copious bibliography (even including some Hebrew works) and by helpful indices. Would that the world of Josephan scholarship had more such volumes on his central concepts.

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Nachman Ben-Yehuda, *The Masada Myth: Collective Memory and Mythmaking in Israel*, Madison: University of Wisconsin Press, 1995, xxi + 401 pp.

The Masada Myth is not primarily a work of history — much less of ancient history. Rather, it lies squarely within the discipline of sociology, and concerns itself particularly with the sociology of knowledge, using the creation of the 'Masada myth' as a case study. This is by no means the first or only work on this subject: as early as 1975 Bernard Lewis examined Masada in his influential *History: Remembered, Recovered, Invented*. As recently as 1995 Yael Zerubavel included Masada (along with the Bar Kochba uprising and Yosef Trumpeldor's death at Tel Hai) in *Recovered Roots: Collective Memory and the Making of Israeli National Tradition*. Yet Ben-Yehuda has written the first book-length treatment to focus exclusively on the creation of the Masada myth. It is the best investigation of the subject to date and, despite its sociological bent, is an important work for historians.

After an introduction, which discusses methodology, *The Masada Myth* begins with a short survey of the historical evidence. While the specialist will learn nothing here, Ben-Yehuda does a good job at setting out what little we actually know about the siege, a useful exercise. The next part of the book discusses the development of the modern Masada myth, with an entire chapter devoted to the pivotal role of Shmaria Guttman. Ben-Yehuda investigates how the myth was used, and expanded, by various groups: Zionist Youth Organizations, the Jewish Underground in the Mandate period (Hagana, Irgun and the Stern Gang), and, after Independence, by the Israel Defense Force. The following section surveys the vision of Masada in Israeli textbooks, popular media, the tourism industry and children's literature. Finally, Ben-Yehuda analyzes the question of the Masada myth from a sociological perspective, discussing 'collective memory', 'mythical narrative' and 'contextual constructionism'. For the ancient historian or classicist, the beginning of the book is likely to be the most interesting, particularly the discussion of how the myth was created by omitting key portions of Josephus' narrative. The central discussion of how the Masada myth was propagated is of general historical interest, but while Ben-Yehuda's