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# **Christian Images of the Jewish State**

# The Hebrew Republic as a Political Model in the German Protestant Enlightenment

The past two decades have witnessed a burgeoning interest in political Hebraism, namely, Christian, and especially Protestant, scholarship on the political model of the Old Testament.¹ While Greek democracy and the Roman Republic have long been considered the main sources for modern political thought, recent research has highlighted the crucial role that "the Hebrew republic" played in European thinking. This inquiry has awarded a great deal of attention to philosophical and political writings dealing with the alleged Hebrew constitution and state as they are portrayed in the Hebrew Bible. The bulk of these studies have treated early modern Hebraist texts by Dutch, English, and American writers. In this article, I present the Hebrew state as it appears in the works of several writers of the German Protestant Enlightenment, first and foremost among them the renowned Bible scholar Johann David Michaelis (1717–1791). In what follows, I identify the political themes and ideological contrasts in these descriptions of the Hebrew regime, after which I demonstrate their relation to the midto-late eighteenth-century German-European political agenda.

Writings on the Hebrew republic [respublica Hebraeorum] drew on an ancient tradition, inaugurated with Josephus's reference to "Moses' politeia" already in the first century CE and continuing with Renaissance and Baroque political philosophy. The rise of German Enlightenment historical criticism, however, refashioned the political portrait of the Hebrew state, imbuing it with additional hues. Unlike earlier depictions, which tended to abstract the Hebrew regime into a political-philosophical model, Michaelis and his students foregrounded the historical dynamics of the Hebrew state's coming-into-being, focusing on relations between regime, society, and culture.

<sup>1</sup> See, especially, Stephen G. Burnett, Christian Hebraism in the Reformation Era (1500–1660): Authors, Books, and the Transmission of Jewish Learning (Leiden and Boston: Brill, 2012); Allison Coudert and Jeffrey S. Shoulson, eds., Hebraica Veritas?: Christian Hebraists and the Study of Judaism in Early Modern Europe (Philadelphia, PA: University of Pennsylvania Press, 2004); Christoph Bultmann and Lutz Danneberg, eds., Hebraistik – Hermeneutik – Homiletik: Die "Philologia Sacra" im frühneuzeitlichen Bibelstudium (Berlin and Boston: de Gruyter, 2011).

#### Hebraism and the Protestant Tradition

Many forms of collective identity that developed in the Christian world took inspiration from the Hebrew model – a political phenomenon that Hans Kohn has termed Hebraic nationalism.<sup>2</sup> Adrian Hastings has suggested that the Bible, by supplying an early and influential model of the divine chosenness of a particular people, was "a mirror allowing the imagination and creation of Christian nations." Political use of the Old Testament was expressed as early as the Middle Ages in Ethiopia, Byzantium and the Frankish kingdoms, among many other regions. It was in Protestant Christianity, however, that the biblical idea of divine chosenness became especially dominant.

Martin Luther's (1483 – 1546) relation to political ideas in the Bible contained several fundamental features that influenced the development of later German Hebraism. Unlike contemporary humanists such as Erasmus (ca. 1466 – 1536), Luther granted real significance to the Old Testament, particularly the Psalms and the Prophets, as well as – albeit to a lesser extent – the Mosaic law. 4 Luther also went further than Catholic theologians in ridding Christianity of the element of the "law," as embodied in Moses, in favor of "revelation," as embodied in Jesus. Diverging from radical reformers who sought to reinstate Mosaic law, Luther insisted that these laws pertain to the Jews alone, unless they accord with natural law. For Luther, Jewish law had no religious or political validity: while Christian rulers should govern "according to Moses' example," they certainly were not beholden to it.

Accordingly, Luther left no real space for political Hebraism, the political use of the idea of the Hebrew state. In his view, the kingdom of the Jews had been supplanted by Jesus' universal kingdom of heaven, and the prophetic promise of a return to Zion had likewise lost its earthly validity. Luther reinterpreted allegorically and in relation to the Christian gospel geographical terms found in Psalms and the Prophets such as 'Zion.' The Jews, then, were mistaken in their desire to reinstate their kingdom of old rather than to aspire to the new kingdom Jesus gave to the world.<sup>5</sup> Nevertheless, during Luther's lifetime and

<sup>2</sup> Hans Kohn, The Idea of Nationalism: A Study in its Origins and Background (New York, NY: Macmillan, 1944), 41-7.

<sup>3</sup> Adrian Hastings, The Construction of Nationhood: Ethnicity, Religion, and Nationalism (Cambridge and New York: Cambridge University Press, 1997), 18.

<sup>4</sup> See, for example, Siegfried Raeder, "The Exegetical and Hermeneutical Work of Martin Luther," in Hebrew Bible / Old Testament: The History of Its Interpretation – from the Renaissance to the Enlightenment, ed. Magne Saebø (Göttingen: Vandenhoeck & Ruprecht, 2008): 363-406. **5** Ibid., 391.

even more so after his death, German Protestant preachers began attributing biblical significations to local events as well as interpreting the Bible through contemporary political entities.

### Political Theory and the Hebrew Model

As previously mentioned, discussions of the "Hebrew republic" were rooted in an ancient tradition that goes back to Josephus's reference to "Moses' politeia" in his Against Apion.<sup>6</sup> Beginning in the Renaissance, and especially following the Reformation, some of Europe's most influential political thinkers, including the seventeenth-century philosophers Thomas Hobbes (1588 – 1679), Baruch Spinoza (1632-1677), and John Locke (1632-1704), discussed the Hebrew regime. Several jurists even devoted whole books to singing its praises. Both Hugo Grotius (1583-1645), in his De republica emendada (1599) and Petrus Cunaeus (1586 – 1638), in his De Republica Hebraeorum (1617) promoted what they termed "the Hebrew theocracy" as an ideally temperate regime: not democratic, oligarchical, or monarchical.<sup>7</sup>

The historian Frank Manuel has claimed that the corpus of Hebrew republic literature in the seventeenth century was marked by a secularization of the discourse on the Hebrew constitution. According to Manuel, during the Renaissance and the Baroque period, forms of humanist reading that had originated in Greek and Roman Classical Antiquity percolated into a realm previously reserved for theologians. He further argued that, since the Renaissance, scholars have turned the Old Testament into a consecutive secular story. The political vocabulary of Aristotle's *Politics*, in this line of thinking, was the seedbed for conceptualizations of the Hebrews' political history.8 Recent research, however, has undermined Manuel's secularization model. Eric Nelson, for example, has claimed that, quite to the contrary, seventeenth-century Protestant-European political

<sup>6</sup> Josephus, Against Apion, trans. John Barclay (Leiden and Boston: Brill, 2007), 263; Hubert Cancik, "Theokratie und Priesterherrschaft: Die mosaische Verfassung bei Flavius Josephus, c. Apionem 2, 157-98," in Religionstheorie und Politische Theologie, ed. Jacob Taubes, vol. 3: Theokratie (Munich and Paderborn: Fink, 1987): 65-77.

<sup>7</sup> See Guido Bartolucci, "The Influence of Carlo Sigonio's 'De Republica Hebraeorum' on Hugo Grotius' 'De Republica Emendanda,'" Hebraic Political Studies 2 (2007): 193-210.

<sup>8</sup> Frank E. Manuel, The Broken Staff: Judaism through Christian Eyes (Cambridge, MA: Harvard University Press, 192), 118 – 120. And see also Kalman Neuman, "Political Hebraism and the Early Modern 'Respublica Hebraeorum': On Defining the Field," Hebraic Political Studies 1 (2005): 57-70.

discourse underwent a process of sacralization and theologization.<sup>9</sup> In Nelson's view, the Reformation's religious zeal brought theology into the mainstream of political thought. Accordingly, the Bible became increasingly important as an authoritative source of the divine constitution. For Nelson, the biblical model of the Hebrew republic influenced several key aspects of seventeenth-century political theory, not least among them the loss of the legitimacy of the monarchic regime and the promotion of the idea of agrarian reform for the redistribution of wealth.<sup>10</sup> Nelson went so far as to suggest that seventeenth-century political thinkers celebrated the Hebrew regime's theocratic aspect.<sup>11</sup>

It seems to me that readings of the Hebrew Bible facilitated the development of the modern political vocabulary. Political concepts like 'republicanism,' 'theocracy,' 'monarchy,' and 'agrarian reform' shaped the interpretation of biblical history and, in turn, were shaped by it. As Anthony Smith argues, the transition from religious to modern national self-identification was tortuous but continuous, with biblical images resonating in the self-perceptions of modern nationalist movements.12

## The Debate on "Hebrew Theocracy"

The term "theocracy," one of the most controversial words in early modern political theory, has been tied to the discussion of the Hebrew republic ever since it was coined by Josephus. According to Josephus, rather than choosing to confer governance on a single ruler, as in monarchy, or on a number of rulers, as in oligarchy, Moses chose "ascribing to God the rule and power." 13 It is hard to tell whether Josephus meant a rule of the priests or a regime in which control is, in fact, in the hands of God himself.14

The idea of theocracy preoccupied European political philosophy throughout the early modern period. After the Reformation, certain Protestant political writers in England and the Netherlands leveraged the ideal of Hebrew theocracy

<sup>9</sup> Eric Nelson, The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought (Cambridge, MA: Harvard University Press, 2010), 4-5.

<sup>10</sup> On this point, please see below.

<sup>11</sup> Nelson, The Hebrew Republic, 4-5.

<sup>12</sup> Anthony D. Smith, Chosen Peoples: Sacred Sources of National Identity (Oxford and New York: Oxford University Press, 2003), 9-19.

<sup>13</sup> Josephus, Against Apion, trans. John Barclay, 263.

<sup>14</sup> Cancik, "Theokratie und Priesterherrschaft," in Taubes, ed., Religionstheorie und Politische Theologie, vol. 3: 65-77.

as a critique of monarchy as well as a desirable model.<sup>15</sup> Other seventeenth-century philosophers analyzed Hebrew theocracy politically without positing it as an ideal. John Locke, for example, referred to this regime in his discussion of religious toleration. Locke characterized Judaism as a religion based on submission to law, in contrast to one based on conscience. This feature, he claimed, was an outgrowth of the Hebrews' ancient regime, which knew no separation between state and religion:

[T]he Commonwealth of the Jews, different in that from all others, was an absolute Theocracy: Nor was there, or could there be, any Difference between that Commonwealth and the Church. The Laws established there concerning the Worship of one Invisible Deity, were the Civil Laws of that People, and a part of their Political Government, in which God himself was the Legislator. 16

Locke was neutral on the general notion of Hebrew theocracy, only asserting its inapplicability as a political model for Christians: a Christian commonwealth was impossible, as it would counter the separation of church and state inherent to Christianity itself.<sup>17</sup>

At the same time, Enlightenment criticism of organized religion led to much less favorable depictions of Hebrew theocracy. Spinoza's *Tractatus Theologico-Politicus* offers one such expansive analysis of the Hebrew regime. According to Spinoza, Moses' constitution was a worldly political one, with no special religious significance. The Israelites, who were mired in the state of nature following their Egyptian bondage, elected God as their sovereign in a process similar to the signing of a social contract. Thus, God became the Lord of the slaves, and His laws became the statutes of the state. Spinoza went on to enumerate the advantages of the Hebrews' theocratic model but stressed the corrosive influence of the priests and Levites in its actualization, a clear jab at his own country's Calvinist

<sup>15</sup> See Adam Sutcliffe, "The Philosemitic Moment? Judaism and Republicanism in Seventeenth-Century European Thought," in Philosemitism in History, eds. Adam Sutcliffe and Jonathan Karp (Cambridge and New York: Cambridge University Press, 2011): 67–90; Miriam Bodian, "The Biblical 'Jewish Republic' and the Dutch 'New Israel' in Seventeenth-Century Dutch Thought," Hebraic Political Studies 1:2 (2006): 186–202.

<sup>16</sup> John Locke, A Letter Concerning Toleration (London: Awnsham Churchill, 1690), 39.

<sup>17</sup> Ibid., and see, for example, Allan Arkush, Moses Mendelssohn and the Enlightenment (Albany, NY: SUNY Press, 1994), 252–3; on political Hebraism in Locke, see also Fania Oz-Salzberger, "The Political Thought of John Locke and the Significance of Political Hebraism," Hebraic Political Studies 1 (2006): 568–92.

**<sup>18</sup>** Benedictus Spinoza, Theological-Political Treatise, ed. Jonathan Israel and trans. Michael Silverthorne (Cambridge and New York: Cambridge University Press, 2007), 74.

establishment. He even went so far as to claim that God himself established the clerics' rule to chastise His people following the sin of the Golden Calf.<sup>19</sup>

Spinoza's multifarious impact on the Enlightenment's Republic of Letters has been extensively investigated.<sup>20</sup> His twentieth-century commentators are at odds as to whether his account ought to be read as a wholesale negation of Hebrew theocracy or as an ambivalent – or even favorable – one.<sup>21</sup> Be that as it may, in Spinoza's time, Hebrew theocracy was being reevaluated in a way that would sever this term from its earlier meanings within the Christian tradition.<sup>22</sup> In the writings of Deists and radical Enlightenment authors, theocratic rule went from being a vaunted humanistic ideal to being a political slur. As sworn enemies of the clergy on the one hand, and of the Old Testament on the other, these writers considered theocracy the worst of all possible regimes, one in which the state was abandoned to the hands of corrupt clerics.<sup>23</sup>

Following attacks in the 1730s by anti-clerical and Desist writers, European scholars began composing apologies of theocracy.<sup>24</sup> Prominent among these texts was *The Divine Legation of Moses*, published in 1737 by the English bishop William Warburton (1698–1779). In the book, Warburton claims that God himself established theocracy to deter the Israelites from practicing idol worship. Because the Israelites were used to Pharaonic rule in Egypt, he explained, God

vol. 10: 1075 – 80.

<sup>19</sup> Ibid., 226.

**<sup>20</sup>** On German reactions to Spinoza, see Jonathan Israel, Democratic Enlightenment: Philosophy, Revolution, and Human Rights, 1750–1790 (Oxford and New York: Oxford University Press, 2013), 690–703; Willi Goetschel, Spinoza's Modernity: Mendelssohn, Lessing, and Heine (Madison, WI: University of Wisconsin Press, 2004), 147–69; Menachem Lorberbaum, "Spinoza's Theological-Political Problem," in Political Hebraism: Judaic Sources in Early Modern Political Thought, eds. Gordon J. Schochet, Fania Oz-Salzberger, and Meirav Jones (Jerusalem: Shalem Press: 2008): 167–88; David Bell, Spinoza in Germany from 1670 to the Age of Goethe (London: University of London, 1984).

<sup>21</sup> See, for example, Richard Popkin, "Spinoza and the Three Impostures," in Spinoza: Issues and Directions, eds. Edwin Curley and Pierre-François Moreau (Leiden, New York, and Købnhaven: E.J. Brill, 1991): 347–58; Theo Verbeek, "Spinoza on Theocracy and Democracy," in Everything Connects: In Conference with Richard H. Popkin. Essays in His Honour, eds. James E. Force and David S. Katz (Leiden: Brill, 1999): 325–38; Ronald Beiner, Civil Religion: A Dialogue in the History of Political Philosophy (Cambridge and New York: Cambridge University Press, 2010), 133–40.

<sup>22</sup> See Ernst Michael Dörrfuß, Mose in den Chronikbüchern (Berlin: de Gruyter, 1994), 28–29. 23 For a detailed survey, see Reiner Hülsewiesche, "Theokratie," in Historisches Wörterbuch der Philosophie, eds. Joachim Ritter and Karlfried Gründer (Basel: Schwabe & Co., 1984),

<sup>24</sup> Wolfgang Hübener, "Die verlorene Unschuld der Theokratie," in Taubes, ed., Religionstheorie und Politische Theologie, vol. 3: 29-64, here at 55-6.

took on the title of a local deity, ruling over Judah.<sup>25</sup> Theocracy thus transposed paganism: instead of monarchs becoming deities, the deity became a monarch.<sup>26</sup>

Eighteenth-century English texts dealing with the Hebrew state tended to follow the conventions of the Renaissance-Baroque *Respublica Judaica* tradition, the chronological periodization of the different forms of Israelite governance in accordance with a structure originating in Aristotle's *Politics*. This traditional scheme divided the period between the birth of Abraham and the Babylonian exile into four epochs: patriarchy in the pre-Mosaic period; republic or theocracy during the time of Moses and Joshua; aristocracy during the time of the Judges; and monarchy from Saul to the destruction of the First Temple.<sup>27</sup> As I show later in this article, this periodization was maintained in many mid-to-late eighteenth-century texts. The rise of Enlightenment-era historical-ethnographic criticism, however, shifted the political characterization of the Hebrew state, adding new elements to the debate.

### The Image of Moses as Lawgiver in Michaelis

Johann David Michaelis was the leading Bible scholar of eighteenth-century Germany. His *Mosaisches Recht* (1775) crystallized a new narrative regarding the Israelites' origins. Michaelis and his followers replaced the typological interpretation of the Old Testament as a symbol or presaging of Jesus' arrival with a historicist interpretation that situated the Hebrew people within the concrete context of an ancient oriental people. Significantly, critical-historical investigation was not meant to undermine the Bible's authority but rather to buttress its authenticity on new grounds.<sup>28</sup>

In Michaelis' work, the juridical-historical analysis of Mosaic law was interwoven with a comprehensive debate on the Hebrew regime and the figure of Moses as a political personage. As David Wisner has noted, the Enlightenment worldview prominently featured "the cult of the legislator," who appears in contemporary essays as a hero and a founder of the nation.<sup>29</sup> During the course of

<sup>25</sup> William Warburton, Divine Legation of Moses demonstrated on the Principles of a Religious Deist (London: Gyles, 1738), vol. 5: 51; and see also Sorkin, The Religious Enlightenment, 44-5.

<sup>26</sup> Warburton, Divine Legation of Moses, vol. 5: 37.

<sup>27</sup> See, for example, Adam Erdmann Mirus, Politica Sacra (Dresden: Zimmermann, 1717).

**<sup>28</sup>** See also Ofri Ilany, In Search of the Hebrew People: Bible and Nation in the German Enlightenment (Bloomington, IN: Indiana University Press, 2018).

**<sup>29</sup>** David A Wisner, The Cult of the Legislator in France, 1750 – 1830: A Study in the Political Theology of the French Enlightenment (Oxford: Voltaire Foundation, 1997), 36 – 8.

the eighteenth century, however, the debate went from being about laws' rationality and morality to centering on its efficacy. A good legislator was one who succeeded in imposing his judicial system upon his people, demonstrating political aptitude.30

As noted above, prior to Michaelis, the Hebrew regime was perceived as a stable political-philosophical model, Taking a different approach, Michaelis stressed the coming-into-being and the dynamism of the Hebrew state as well as the narration of the shifting relation between regime, society, and culture. Influenced by the figure of the enlightened legislator in Montesquieu's Spirit of the Laws, Michaelis fashioned Moses as a political genius, designing laws that suited his people's national character, customs, and traditions.

Moses himself, however, in Michaelis's description, was not the subject of these national traits. As a legislator, he towered above the limitations of the people's national sentiments. While the Hebrews' beliefs and practices were conditioned by national character as well as by constraints of time and space, Moses formulated his ordinances from an absolute, rational point of view. Moses, we recall, was not a regular Hebrew but one educated in the Egyptian kingdom. The Egyptians were depicted as a mature, prosperous people quite unlike the childish Israelites. Moses' perspective was thus a function of his higher vantage point: he looked over his people from the heights of the largest and most powerful oriental civilization, a culture famed for its sophistication and refinement. Jan Assmann has shown that European scholars of the period presented Egypt as the fount of all oriental wisdom and the birthplace of all other oriental people's political philosophy.<sup>31</sup> Thus, as scholars began to turn away from the Bible and toward the historiographies of other ancient peoples, alternative genealogies that sought different, pre-Mosaic sources for wisdom and religion began to appear. The source of wisdom was identified with, among other peoples, the Chinese, the Indians, and the Chaldeans – and, of course, with the Egyptians.<sup>32</sup>

Michaelis posited two distinct elements as working in tandem within Mosaic law: a higher stratum of Egyptian juridical principles and a lower stratum, originating in customs developed in a state of natural law. Each of these realms required its own interpretive toolkit, and each was to be carefully contextualized. The Egyptian stratum of Mosaic law was an edict imposed upon the Hebrews from without. In contrast, the ancient customs could be construed through the

<sup>30</sup> Ibid., 51-5.

<sup>31</sup> Jan Assmann, Moses the Egyptian: The Memory of Egypt in Western Monotheism (Cambridge, MA: Harvard University Press, 1997), 94-111.

<sup>32</sup> On this, see Frank E. Manuel, The Eighteenth Century Confronts the Gods (New York, NY: Atheneum, 1967), 70-1.

prism of the mindset of the Arabs – who supposedly descended from the ancient Hebrews. Ethnographic reconstruction of the Hebrews' ancient way of life, based on travel descriptions by European travelers, thus served as an aid for understanding the text.

## Moses' Farmer Republic

In Michaelis' thought, the constitution of Moses, that Hebrew-born Egyptian scholar, was not rooted in the negation of imperial-universal Egyptian law but rather in its mixing [Mischung] with nomadic customs. One further notes this tendency to combine and assimilate opposing political elements in Michaelis's characterization of the Hebrew constitution's content and goals. In his view, the two fundamental elements of the Mosaic constitution, namely, the suppression of contact with other nations and the outlawing of idol worship, represented a wise melding of the ideal and the practical. Moses realized the first principle through agrarian reform and the second through theocratic rule.

The effort to curb mixing with other nations sprang, according to Michaelis, from a fundamental principle of sovereignty: the main goal of the "Israelite state" was to secure the interests and property of its natal citizens. This was coupled by a second goal: ensuring the Israelites' might as a collective. According to Michaelis, the entrance of foreigners into the land hindered the achievement of the first goal, but the main threat to the people's power was the migration of individuals and groups beyond the boundaries of the land.<sup>33</sup>

Michaelis argues that Moses took two steps to stop the Israelites from intermingling with other peoples: first, he legislated a system of laws meant to distinguish the state's citizens' "way of life" [Lebensart] from those of the surrounding peoples. To do so, he turned into law many of the Hebrews' distinguishing customs [Gewohnheiten]. In Michaelis's understanding, this was the source of the dietary and impurity laws, meant to discourage communal life with other peoples. He supported this idea with the verse "for I the Lord am holy and have severed you from other people" (Leviticus 20:26), which appears in textual proximity to the dietary laws. The second step, which was intended to firmly implant the Hebrews in their land, granted each head of household an estate. For Michaelis, agrarian reform, which aimed to transform the Israelites from migrants to peasants, lay at the very core of Moses' political revolution. It was pre-

<sup>33</sup> Johann David Michaelis, Mosaisches Recht, vol. 1 (Frankfurt a.M.: J. Gottlieb Garbe, 1775), 176 - 7.

cisely because the Israelites had been a people without a land that their legislator sought to forge an exclusive, irreversible, and reciprocal bond between them and the land they were about to conquer. In this move, each of the Israelites was to receive an estate that he was barred from selling permanently. According to Michaelis, this land-based constellation was unknown in other states during Moses' time, when sovereigns would regularly invite foreigners to settle uninhabited tracts of land. However, Michaelis pointed out, it was similar to the situation of the Teutonic tribes at their arrival in Germany.<sup>34</sup>

Thus, in Michaelis' work, the itinerant Hebrews become a kind of national precursor of the Germanic tribes. Moreover, Michaelis uses this notion of a primordial political structure as a means to criticize the absolutist state of his own time. In his view, "the goal of the state that Moses established was the happiness of the people [die Glückligkeit des Volks], and not the prince's accomplishments." Moses, then, functioned as a real father to his people – recalling the nation's ancient patriarchs, Abraham, Isaac, and Jacob.<sup>35</sup> Absolutist mercantilism, which subjugated the economy and society to the needs of the monarch, was Michaelis' manifest target. As against this policy, he posited the model of an organic-patriarchal economy, in which the society as a whole functions as an extended household and acts for the greater good.<sup>36</sup>

In Enlightenment-era social theory, an agricultural lifestyle was deemed more advanced than that of nomadic herding. One finds in many German essays on the Hebrew state the idea that the course of Hebrew history featured dynamic sociopolitical development.<sup>37</sup> Just as the history of humanity was depicted as a gradual development from barbarism to political and cultural organization, Hebrew history was portrayed as unfolding in a series of stations along the people's Bildung. Historical progress took place in the transition between social stages of development, from hunting to herding to agriculture and then to commerce.<sup>38</sup>

Importantly, the discussion of peasants' legal and economic standing within the state also touched on contemporary issues. The question of agrarian reform was on the intellectual agenda in German states as early as the 1760s, becoming

<sup>34</sup> Ibid, 177.

<sup>35</sup> Ibid.

<sup>36</sup> See for instance Helen Liebel, Enlightened Bureaucracy versus Enlightened Despotism in Baden 1750 – 1792 (Philadelphia: The American Philosophical Society, 1965), 9.

<sup>37</sup> See Ilany, In Search of the Hebrew People, 59-62.

<sup>38</sup> Ronald L. Meek, Social Science and the Ignoble Savage (Cambridge: Cambridge University Press, 1976); John Greville Agard Pocock, Barbarism and Religion: Barbarians, Savages and Empires (Cambridge and New York: Cambridge University Press, 2005), 99-110.

a central topic of discussion among the educated classes.<sup>39</sup> Rural poverty and backwardness prompted clerics, bureaucrats, and scholars to discuss the betterment and education of the peasantry. Fierce criticism was levelled at the eastern Junkers, who still employed the infamous policy of peasant smallholding expropriation [Bauernlegen].40

In the last quarter of the eighteenth century, the idea that only through the modernization of its agricultural farming structure and the acculturation of the peasants could a civil society emerge in the German municipalities began to gain ground among the educated classes. As Rudolf Vierhaus has shown, significant efforts were put into the foundation of commoner and peasant "patriotic societies," meant to transform the peasants into citizens [Bürger]. For many educated members of the bourgeoisie, only a well-established class of free citizens would feel patriotic pride and fight for its homeland.41

It is against this background that we ought to read the portion of *Mosaisches* Recht dealing with the "ways of life" [Lebensarten], upon which the Israelite state was allegedly dependent. In this sizeable section, Michaelis juxtaposed the structure of Hebrew society to that of contemporary Germany. Unlike German society, he stated, the social organization of the Israelites was not based on a class of independent craftsmen [Handwerker]. Thus, the Hebrew state had no real citizen class [Bürgerstand].42 Michaelis's analysis of the Mosaic law detected no division of labor among freeborn Israelis. In fact, this was the case in all of the Bible's historical narratives. Such a situation was expressly set up by Moses: by giving every male member of the people a hereditary estate, to be passed on to his descendants, the legislator sought to prevent them from practicing any occupation but agriculture. 43 By the same token, Moses tried to minimize, to the greatest extent possible, commerce with other lands.

The autarkic ideal and opposition to any economy based on foreign commerce were, yet again, a contemporary concern. One notes these themes in essays by other contemporary writers, among them Johann Gottfried Herder (1744 – 1803). 44 Like Michaelis, Herder claimed that, of necessity, external com-

<sup>39</sup> See Werner Troßbach, Bauern, 1648-1806 (Munich: Oldenbourg Verlag, 1993), 47-50.

<sup>40</sup> Walther Hubatsch, Das Zeitalter des Absolutismus: 1600-1789 (Braunschweig: Westermann, 1975), 186.

<sup>41</sup> Rudolf Vierhaus, Germany in the Age of Absolutism (Cambridge: Cambridge University Press, 1988), 20.

<sup>42</sup> Michaelis, Mosaisches Recht, vol. 1: 179.

**<sup>43</sup>** Ibid., 180.

<sup>44</sup> See for instance Harold Mah, Enlightenment Phantasies: Cultural Identity in France and Germany, 1750 – 1914 (Ithaca, NY: Cornell University Press, 2004), 24 – 5.

merce brought about a growing influence from abroad, encouraged citizens to leave their lands, and finally accustomed the people to luxuries, thus throttling their bellicose spirit. 45 According to Herder, the citizens of the Israelite state renounced luxury and supplied their own necessities; traders enjoyed no special privileges; and craftsmanship, handled in the houses of the rich by slaves, was deemed a lowly occupation. Therefore, no distinction between peasants, citizens, and nobles existed among the Israelites.

Discussion of Moses' agrarian law [leges agrariae] appeared as early as the seventeenth century in Hebraists' work, Cunaeus, who explicitly based his book De Republica Hebraeorum (1617) on Maimonides and even praised the medieval Jewish sage, is an excellent example of this trend. Following the Jewish philosopher, the Dutch Hebraist stressed the fact that the law of the Jubilee, which ordered the return of land to its original owner every fifty years, prevented the acquisition of large swaths of land by a single person. 46 He also claimed that the Mosaic constitution managed to distance citizens from trade, laying the groundwork for an agrarian republic. In his opinion, these agrarian laws resulted in stability, thus contributing more than any other regime to the ideal society depicted in the sixth chapter of Aristotle's Politics.

While Michaelis made no explicit reference to Cunaeus, it is likely that he was influenced by the latter's take on agrarian law. Michaelis argued that agriculture was the sole basis on which Moses sought to construct the Israelite state, understood by both scholars as a small-landowner peasant republic.<sup>47</sup> Celebrating the model of free peasants loyal to their homeland, Michaelis held that Moses' agrarian state safeguarded not simply its citizens' loyalty but also their equality and social cohesion. The Germans distinguished strongly between the aristocrat and the peasant but, as the Hebrews had no such division, the word 'peasant' [Bauer] was not a derogatory one in the Hebrew political culture. The Israelites knew neither lowly peasantry nor high aristocracy: all were of equal stature. Individuals may have experienced stratification by virtue of status and wealth, but there was no estate of hereditary aristocracy that enjoyed privileges above the rest of the people. This structure endowed the Hebrew state with a "tendency to democracy" [Hang zur Democratie].48

Michaelis certainly stopped short of positing Moses' agrarian law as a model for the German state. Throughout his discussion of the matter, and in keeping

<sup>45</sup> Michaelis, Mosaisches Recht, vol. 1, 183-9.

<sup>46</sup> See Jonathan R. Ziskind, "Petrus Cunaeus on Theocracy, Jubilee and the Latifundia," The Jewish Quarterly Review, New Series, 68:4 (1978): 235-54; Nelson, The Hebrew Republic, 57-87.

<sup>47</sup> Michaelis, Mosaisches Recht, vol. 1: 192.

<sup>48</sup> Ibid., 163.

with his work's general system, he scrupulously distinguished between Moses' and modern legislators' starting points. However, it is hard to overlook the fact that he used Moses' politics to castigate the social institutions of the German principalities. Against the backdrop of the contemporary debate regarding the peasants' civil betterment, he presented a model of a civil society not based on the urban classes but constructed as an agrarian republic.

The depiction of the Hebrew regime as a "peasant republic" [Ackerbaurepublik was assimilated into German political discourse via, among other channels, Michaelis's influence. Moses' agrarian laws also inspired other important political thinkers of the period, especially Justus Möser (1720 – 1794). In an extensive discussion on the subject of defense, included in his Patriotische Phantasien (1775), Möser claimed that Moses, "the great legislator," put in place the best legal system to safeguard liberty and property. Nonetheless, he presented Moses' political model differently than Michaelis did. While the latter saw the distribution of land to citizens as the basis of the Hebrew state, Möser stressed that Moses strove to make all land the property of God, i.e. of the theocratic state.

### Hebrew Theocracy in the German Enlightenment

Michaelis identified Egyptian traces in both Moses' agrarian law and other legal fundaments of the Old Testament. He claimed that Egypt was the model of an autarkic state that did not trade with foreign lands. As Jonathan Hess has shown, Michaelis was censuring the imperialism of his contemporary Western European superpowers and preaching an autarkic politics, that is, a self-sustaining state model. 49 Egypt, he claimed, did not seek to conquer foreign lands but rather based its residents' income on the tilling of their own lands. Michaelis, in fact, bemoaned the fact that his contemporaries were unaware of the Egyptians' advanced legal philosophy, which he thought could aid in modern politics.

Michaelis recognized Egyptian influence in Moses' political strategy [Stratagem], namely, the methods he used to make his ideas a reality – by which he meant the way Moses combined religion and politics. Harnessing his political know-how, thus Michaelis, Moses used his people's religious beliefs to put them on the road to sustainable freedom.<sup>50</sup> This marked the birth of a regime

<sup>49</sup> Jonathan Hess, Germans, Jews and the Claims of Modernity (New Haven and London: Yale University Press, 2002), 64.

<sup>50</sup> Michaelis, Mosaisches Recht, vol. 1: 36.

identified as a "theocracy" - as already noted, a loaded term in Enlightenment political thought.

Presenting theocracy in Mosaisches Recht, Michaelis wrote that the term "has been discussed many times in the past but has never been properly understood."51 His reading of it fits his general understanding of Mosaic law. More than as a form of regime, Michaelis regarded the establishment of God's rule as the main political move Moses had taken to eradicate idol worship, which had been so deeply rooted in the people. By crowning Jehovah as king over the people, Moses made idol worship a revolt against the monarchy:

Moses represented this matter to the Israelites in yet another point of view, which gives it peculiar importance in their polity. By their own free consent, he made God their king; and thus idolatry became a direct rebellion against the state. God was the founder of their state, having delivered them out of Egypt and led them by works of wonder into his own sacred land. He thereby acquired all possible right to be their peculiar sovereign that any man could have had.52

The invention of theocracy, like Moses' other moves, was intended to overcome the Hebrews' recalcitrance and limited reason. Knowing his people intimately, Moses understood that they would not be able to comprehend the idea of an abstract God.<sup>53</sup> He therefore described Jehovah as the god of the Israelites but never denied the existence of other gods. Michaelis further claimed that the commandment of circumcision aimed to turn the Israelites into Jehovah's "kingdom of priests and holy nation" - like Egyptian priests, who were also circumcised as part of the dedication to their god. Moses even declared Canaan as the land holy to the god Jehovah, taking advantage of the fact that worship of that deity was already being practiced there. The religious characteristics of Mosaic law were thus subjugated to the lawgiver's pragmatic political considerations, and the Hebrew religion was depicted as a kind of state-ideology.

As historian Ernst Michael Dörrfuß has shown, this description of the Hebrew regime was an answer to the Deists' and *Philosophes*' attacks on theocratic rule.<sup>54</sup> For Michaelis, since Josephus, the Jewish state had been incorrectly classified a special priestly regime. The storied theocracy was nothing but a camouflage – a national rite or a national religion enacted by the legislator to enable

<sup>51</sup> Ibid., 165; and see also: Dörrfuss, Mose in den Chronikbüchern, 30 – 32; Rudolf Smend, Die Mitte des Alten Testaments: Exegetische Aufsätze (Tübingen: Mohr-Siebeck, 2002), 57-8.

<sup>52</sup> Johann D. Michaelis, Commentaries on the Laws of Moses, trans. Alexander Smith (London: Rivington, 1814), 188.

<sup>53</sup> Ibid.

<sup>54</sup> Dörrfuss, Mose in den Chronikbücher, 32.

the establishment of a unified, autarkic state. By establishing the communal worship of Jehovah, Moses was able to transcend the divisions among the tribes, bringing them together under a single political rubric. In Michaelis's account, the Hebrew republic was made up of twelve tribes, each of which operated in accordance with its own goals but which were unified through a shared covenant. Michaelis compared this structure to the Troglodytes', Arabs', Scots' and ancient Germans' tribal chieftaincies, as well as to the Swiss confederacy, where thirteen cantons were unified into one republic but were allowed to wage war independently. He called the tribes' council a *Landtag* – like the German Reich's representative assembly.<sup>55</sup> And he further stated on the subject:

Among twelve republics connected with each other, jealousies could not but sometimes arise; and lesser interests thereby stand in the way of the general welfare. The examples of Holland and Switzerland authorize us to believe that such would be the case; and I need not appeal in confirmation of it to the constitution of the German empire, which, from the inequality of its constituent parts, is perpetually distracted by divisions, and often the scene of intestine hostilities. It will then be granted that this jealousy was at any rate politically probable.<sup>56</sup>

Michaelis identifies the main weakness of the federative Hebrew structure as the power imbalance of the different political units, namely, the tribes. This, he held, was well-known to everyone familiar with German Reich politics. A similar comparison appeared in a book by the Helmerstadt historian Julius August Remer (1736–1802), *Handbuch der algemeinen Geschichte*. It contained few original ideas but was published in multiple editions, and it allows us to follow the changing image of the Hebrew regime. In the first editions of his book, published in the 1780s, Remer characterized the Hebrew regime as aristocratic.<sup>57</sup> In later editions, however, basing himself on Michaelis, he portrayed the regime as a union of twelve tribes under Jehovah's rule.<sup>58</sup> It seems that this spotlighting of the Hebrew state's federative structure was not incidental. Juxtaposing the Hebrew theocracy to the political organization of the ancient Germans, Remer claimed that the German nations' [die Deutschen Nationen] form of government was identical to that of the Hebrews, the sole distinguishing factor being that the former did not receive a code of written law from their gods.<sup>59</sup>

<sup>55</sup> Michaelis, Mosaisches Recht, vol. 1, 258.

<sup>56</sup> Michaelis, Commentaries on the Laws of Moses, 237.

**<sup>57</sup>** Julius August Remer, Handbuch der allgemeinen Geschichte vol. 1 (Braunschweig: Fürstl. Waisenhaus-Buchhandlung, 1783), 54.

<sup>58</sup> Remer, Handbuch der allgemeinen Geschichte vol. 1 (Braunschweig: Schul, 1802), 102.

**<sup>59</sup>** Ibid.

The use of the Old Testament as a political model was one of the most important aspects of German Bible reading in the eighteenth century. German historians and political thinkers extracted central elements in the Hebrew Bible to leverage for their purposes a political system integrated with religion; a conservative constitution based on the people's organic traditions; and a federative regime maintaining the liberty of its constituent tribes. Political Hebraism constituted one of the means they employed to integrate and fashion a political identity in the German-speaking space.

#### **Conclusions: Old-New Nation**

Eighteenth-century German biblical scholarship pursued a two-pronged project: to reform methods of Bible research, particularly through the historicization of interpretive methods, and to reassert the authority of the Bible in response to attacks by the radical Enlightenment. The power of theology faculties waned, and fields of study that had earlier been under their jurisdiction were taken up by other faculties. From auxiliary subjects in support of theology, history and philology became independent fields of knowledge. Subsequently, even questions pertaining to the Bible were increasingly addressed through the use of historical and juridical tools, whereby biblical events were explained in circumstantial and natural terms.

Michaelis and his students strove to demonstrate that the Hebrews' customs and laws were not unique but rather had developed in a natural manner, in a similar fashion to those of other nomadic peoples. Yet, it is not the case that Michaelis viewed biblical law as having merely archival value and nothing more. In fact, the German scholar's interpretation oscillates between the biblical world and European society of his own time. In the comparisons and analogies he draws, biblical customs are paralleled with European ones. Biblical law is not necessarily interpreted as an "archeological remnant" of a different time and place; the dilemmas raised by biblical law are at times debated as issues on contemporary European and German society's agenda. Biblical exegesis serves here as a medium for debating timely questions; investigation into Mosaic law becomes a sort of debate on social reform in which Moses is construed as siding with enlightened social reformers. In fact, Mosaic law is touted as the model of a legal codex perfectly adapted to the "national concept" of its subjects.

Michaelis's portrait of the Hebrew regime is mainly drawn from earlier texts dealing with this subject – from Josephus to Warburton. However, he stands apart from his predecessors in his portrayal of Moses as the quintessential political reformer. In this understanding, Moses undertook to transform the Hebrews

from a population of lawless migrants into a sedentary people whose lives are organized around agriculture, autocracy, and monotheism.

Although national identity was not Michaelis's focal point, national and ethnic categories do feature in his writing. As opposed to earlier Enlightenment legal interpreters, he contended that the substance of the state was not the law but rather the *people*. Under the influence of Montesquieu, Michaelis makes ethnographical distinctions between various peoples, taking into account local variables – above all, climate. Yet these distinctions serve to indicate the relativity of all laws and to demonstrate that they are suited to the conditions of their legislation. Every legal system is preceded by the entity that establishes and cultivates it: the people itself. And, as much as he tries to identify the characteristics of an 'Oriental mentality' in the Mosaic law, Michaelis seeks to decipher in this law the signs of national mentality or, more generally, the traces of its people.