

The Hebrew Republic: Seventeenth-Century Hospitality, Old Testament Scholarship, and Political Engagement

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This article is the result of several interests and commitments that converged during the work of a long hoped for sabbatical semester.¹ First it is part of a more than thirty-year project on the history of political thought in early modern Europe and early America. Second it is part of a commitment to and interest in Jewish thought and culture and the desire to understand Old Testament theology. Third it is an offer with gratitude to a community I have been a part of for more than three decades of the fruits of these studies for discussion and consideration for our understanding of the Christian's place in contemporary society and in living within the ideals of the kingdom of God. Characteristic of our campus dialogue is an emphasis on the Bible and on current social problems, especially regarding poverty and marginalized populations. As an institution grounded in the liberal arts, we have an opportunity, or perhaps an obligation, to deepen our consideration through historical and philosophical discussion. The issues we engage have a long history, and that history, I hope to show in the following pages, might have something to add to our discussion.

I

Hospitality and the Jews in Seventeenth Century Amsterdam and England

For the seventeenth century, the United Provinces were a remarkably tolerant region. Multiple Christian faiths were more-or-less openly practiced, and the Jewish community, or Portuguese Nation as it was called, newly arrived from Portugal was given safe haven, where Jewish traders participated in profitable trade networks across Europe and its colonies, and re-established religious and educational institutions and networks.² The cities of Holland, such as Amsterdam and of the other seven northern provinces, were governed by mercantile oligarchies which were not concerned primarily with religious uniformity, but rather with peaceful communities who took care of their own, who were law-abiding, with basic moral and religious commitments, and prosperous trade.

The Union of Utrecht (1579-80), the result of the wars that led to the expulsion of the Spanish Catholic monarchs (who also controlled Portugal) from the northern Netherlands or Dutch region (roughly similar to The Netherlands today), guaranteed within the confederation through its famous 13th article that the provinces would act independently on specific religious rules, “provided that each person shall remain free in his religion and that no one shall be investigated or persecuted because of his religion.”³ While the Reformed (Calvinist) tradition was the predominant or official faith or confession, Reformed pastors and theologians were not given a strong voice in city or provincial governance,⁴ and other Christian bodies were allowed to worship privately, including Lutheran, Mennonite, and Catholic congregations. This was remarkable enough given the concern for uniformity and “confessionalization”⁵ at the end of the sixteenth century. How did it become thus for the Jews?

Sephardic Jews entered the United Provinces and Amsterdam, where they eventually settled in the 1590s. They were “conversos,” or New Christians who had converted to Christianity in the 1490s and early 1500s when the Jews were expelled from the Iberian Peninsula as part of the broader Reconquista. Sephardic Jews had immigrated to various places around the Mediterranean, principally Istanbul, where they were given haven (and used as political counterbalances); Venice, which became one of the principal centers for both rabbinic learning and trade; and other commercial centers in Italy and elsewhere. The Portuguese New Christians who traveled north did so to escape the restrictions and interrogations of Spanish and Portuguese Catholicism and the Inquisition. They were accused of being secret Jews, perhaps accurately in many cases, converted in outward appearance and name only. When they arrived in Amsterdam they did not present a religious problem, being outwardly and officially Christian. However, it soon became apparent that the New Christians had the desire to become New Jews. They sought to recover their religious heritage lost in the century they had lived as conversos and had assimilated into Portuguese and Catholic cultural, intellectual, and commercial life.⁶

The openness that recognized, if not always respected, the multiple Christian religious traditions seems to have encouraged multiple groups within those faiths to contend for recognition as well. Thus, we find the famous conflict between more orthodox Calvinists and Remonstrants or Arminians, and disputes between multiple forms of Mennonite belief, practice and worship.⁷ The mul-

tiple dissenting bodies were allowed to co-exist within limitations regarding public worship and civic participation. It is probably the case that the multiple competing groups weakened the overall strength of any one form of Christian faith, thus weakening their political influence. The ruling oligarchic, republican bodies even found a way to make the situation profitable, as we might expect. They looked for religious communities that provided basic social welfare for their own communicants or members, and who paid a fee or tax for the privilege of recognition and de facto toleration of worship. Jews fit well within this society. By 1614, it was well known that they worshipped publicly (against the law) in a building that had been begun to be constructed as a synagogue until its use was restricted, but was then owned by a Christian who leased it back to the Portuguese Jewish community for use in worship.⁸ The oligarchic magistrates could not, or perhaps would not, work out an official legal category for the Jews, but through practice established de facto policies that allowed these members of the “Portuguese Nation,” as it was called, to establish social networks and services; govern itself as a community through the Mahamad, a body similar to the Town Council; and establish rabbinic teaching and religious leadership within the community. Jews were not officially citizens and could not vote or serve in city offices, but neither were they constrained to live in a ghetto (as they were in Venice and many other places), nor were they taxed or denied basic legal protections.⁹ They were part of a religious community that provided for their members, like others in the cities. Like the cities where merchant oligarchies ruled and the pastors taught but did not control religious policy, the Jewish merchant oligarchs ruled the communities through the Mahamad, with rabbis subordinate in authority. They were part of the commercial networks that the Dutch developed, and even helped expand these in Spanish and Portuguese ports and colonies. They helped the United Provinces prosper.

The Reformed and the Dutch (overlapping identities, but not identical) both saw themselves in the history of the Jews. In the late sixteenth century, the Dutch fought to free themselves from Catholic Spain. They saw in the exodus of the Jews from Egypt and in the conquest of Canaan a symbol of their own struggle.¹⁰ The Reformed emphasized in Covenantal (or Federal) theology the continuity of the Old Testament and New, and of the history of the Jews with the history of the Church, and in particular the history of the Reformed Church.¹¹ Both saw in the history of the Old Testament their own identity and

patterns for the kind of community to which God called them. Jewish scholars in the United Provinces assisted in the developing sophistication of Hebrew scholarship among Reformed theologians and humanist scholars.¹² We should not understand the tolerance for multiple Christian faiths, which had the result of toleration of Jews as well, and the mutual antipathy of Dutch protestants and Portuguese Jews for Spanish Catholicism and political authoritarianism as creating a secular, tolerant state. In fact, all worried about this possibility, and the possibility of conversion of the members of the faithful to another faith, or perhaps outside of faith itself. The situation could be fraught with tension, which religious leaders recognized immediately.¹³ Jewish rabbis, humanist scholars, and Reformed theologians (who were also trained in humanist scholarship, again overlapping identities) all shared a common understanding of the religious, social, and historical embeddedness or rootedness of their faiths, and of the Old Testament, and the usefulness and even necessity of historical understanding for the governance of communities, be they church or political communities.

The Portuguese Nation of Amsterdam also established a Jewish community in London and other English cities as part of its expanding trade, which in turn was needed as members took in (and helped disperse) refugees who fled the chaos of the Thirty Year's War in Germany. Jews had been expelled from England in 1294 by Edward III. Led by one of the leading rabbis of Amsterdam, Menasseh ben Israel,¹⁴ they met with leading ministers of Cromwell's Commonwealth in 1655-56 at the famous Whitehall Conference. The conference was not able to establish a formal agreement or legal status, but once again a de facto policy was established that allowed the Jewish community to live, trade, and worship in England. As in Amsterdam, they served to expand trade for England, and contributed through taxation and investment in commercial enterprise, bringing to England new trade through the Jewish trade networks. With the restoration of the monarchy in 1660, the proscription of dissenting and non-conformist Christian bodies ironically brought a new legal status to England similar in status to the de facto situation of the Jews. These Congregational, Presbyterian, Quaker, and Baptist believers were proscribed from public service, preaching in their former churches, participating in voting and serving in public offices, and attending the universities.¹⁵ The now-English Jews found themselves, much like in the United Provinces, with Christians who lived with

a similar status, albeit a legal one. Like the dissenting Christians, they would not be fully welcomed as members of the political community with full legal status and privileges until the nineteenth century. Not even the Dutch Stadholder, who became William III of England, could bring dissenting Christians into full inclusion in the Anglican Church and thus into the English political arena, let alone the Jews. Nonetheless, the New Jews, the Portuguese Nation, established in Amsterdam also became established in England,¹⁶ where a kind of “philosemitism” had existed for many decades, which shared a common reach back to the Old Testament as the record of God’s covenant with his people, the people of Israel, and England. The Jews found a practical hospitality that allowed them and England to prosper in relative safety.

What Jewish scholar Miriam Bodian said of the Jews in Amsterdam might well be said also for those of England, “this neighborliness toward Catholics, Collegiants, Anabaptists, and so on, expanded to include, in a significant way, the classic outsider in European life. It was a remarkable moment. The Portuguese Jews, who had experienced religious repression and coercion in its most extreme early modern European form, must have relished it deeply.”¹⁷ As we shall see, that hospitality, that neighborliness, if not legal recognition, resulted in mutual understanding, and in the enrichment of political thinking and action in the coming decades.

II

Political Hebraism, The Hebrew Republic, and Republicanism

One useful way to mark out the territory for discussion in the following pages is to distinguish between “Political Hebraism” and “The Hebrew Republic.” According to Kalman Neuman, Political Hebraism is a broad category indicating “Hebrew political writing [which] refers to texts that convey readings of the Hebrew Bible (or postbiblical Jewish texts) in a political context.”¹⁸ It does not refer to a “specific political position” or program, but is a “mode of discourse” that uses the Old Testament as a textual base for political thinking and writing.¹⁹ “The Hebrew Republic” refers to a specific tradition of writing and thinking that identifies within the Old Testament a republican structure, borrowing classifications from Greek, Roman, Medieval, and Renaissance writings, which includes treatment of the nature of authority and legitimacy, the origin and meaning of law, representation, and representative institutional

patterns, what is called in both ancient and modern discourse “constitutional” institutional arrangements.²⁰ The idea of a Hebrew Republic is a topic within the broader category of Political Hebraism.

Let me add a few clarifications before digging back into this history. With the term “republican” I am not referring to a political party, the Republican Party in the U.S., for instance, as opposed to the Democratic Party. I refer to a tradition of “republican” thinking and governmental institutional patterns that, in the case of the U.S., encompasses both major parties. The political order of the United States can be usefully and accurately classified as a “democratic republic,” that is, a democracy governed through representatives elected to legislative bodies, and an executive elected through a democratic process, a mixed regime composed of legislative, executive, and judicial institutions and authorities with distinct and sometimes overlapping responsibilities and prerogatives. What I have described is a classic republican order: a government in a mixed form of legislative, executive, and judicial offices and institutions, representative of the citizenry, with limits to the authority and power of each body encoded in law. The terms we all know from our secondary schooling, “checks and balances,” and “separation of powers,” refer to common mechanisms of the republican tradition of politics.

One element of republican theory often forgotten today, but still alive in the seventeenth and eighteenth centuries, went under the name of “republican virtue.” This notion, with deep roots in ancient political thinking, held that only in the world of political action, the world of governance in the city or country, was a person fully able to develop and reach true human flourishing. A republic allowed free and self-determining peoples to engage in reasoned debate, practice moderation and courage, and achieve justice in their souls and in their polities.²¹ A second element is also somewhat foreign in today’s thinking: historically republican thinkers had to address whether monarchy was compatible with a republic. If the monarch was limited by law, as was the case in much of English history, then the English government might be classified as a “monarchical republic.”²² Some thinkers allowed for this possibility or actuality. For others, especially those who faced royalist claims to absolute monarchy, it was an impossibility. In the seventeenth and eighteenth centuries a republican order, whether monarchical or some other form, is also referred to as a “commonwealth,” emphasizing the common element in both government and the

benefits of good government. Advocates of republican forms of government were sometimes referred to as “commonwealthmen.” We see the legacy of this term today in the British Commonwealth. After the seventeenth century, commonwealthmen were often associated with North American colonial cries for independence from British rule.

Finally, while republican thought and government is a Western development, in the modern world it is a topic of international or world importance or significance. Peoples and countries that have not had an historically indigenous tradition of republican forms of government, now, in the modern world, are governed by them. Think for instance of Japan or India, or numbers of countries in Africa, all of which are governed through mixed, representative institutions of one form or another, often parliamentary. We have seen in the last decade and a half attempts to establish democracy, that is, republican institutions, in Iraq and North Africa. This development is partially the result of colonialism since Napoleon and World War I, partially the result of Western reactions to Islamist terrorism and its state supporters, and partially to ongoing cultural conflict. However, countries around the globe have also seen something worth appropriating in democratic/republican institutions. What they see as attractive may be apparent through the following discussion. It also, perhaps, ought to be said that the primary topic of this essay, the “Hebrew Republic,” is one that develops in the Middle East, in the heart of ancient Near Eastern civilizations.

III

Historiography

There is a curious connection that has been described in just the last twenty years in seventeenth-century primarily Dutch and English political thinking. The seventeenth century in England was the time of divine right kingship, the civil and religious wars of the 1640s, the Interregnum rule of Oliver Cromwell, the restoration of the monarchy in 1660, exclusion of non-Anglicans or nonconformists and Catholics from political and social life, and finally the 1689 “Bloodless” or “Glorious” revolution which brought the Stadholder of the United Provinces or Netherlands, William III (nephew of Charles II and James II) and his wife Mary (daughter of James II) to the English throne. The civil wars and execution of King Charles I unleashed political and religious passions, the full force of a powerful military conflict, and institutional ex-

periments that shaped for good and bad Britain's political thinking and order, including that of the colonies of North America, and of the early American republic into the nineteenth century and beyond. The seventeenth century was the crucial century for the final shaping of Reformation influences in the British imperial orbit. The resolution in the Glorious Revolution brought the Dutch experience definitively to England.²³

A profusion of trends developed in the political thinking of the period:²⁴ an appeal to divine right kingship, or absolute monarchy, and later patriarchalism;²⁵ appeals to the "ancient constitution" that referred to feudal experience that claimed that government was enacted through king, lords, and commons, a mixed regime; claims for the authority of common and natural law;²⁶ assertions of the necessity of traditional church hierarchies and liturgies for social and religious order; multiple and sometimes contradictory claims for biblical mandates for social order that included the leveling of society, or the flattening or elimination of hierarchical social order and radical redistribution of property and wealth;²⁷ a last flourishing of platonic thinking based on the Italian rediscovery of the full Platonic corpus and Neoplatonic writings of the late antique world;²⁸ sophisticated philosophical analyses of intellectual and spiritual pathologies;²⁹ intellectual, literary, and practical experiments in parliamentary rule;³⁰ analyses of ancient and Renaissance republican theory reaching back to Plato, Aristotle, Polybius, Cicero, Livy, Tacitus, Plutarch, as well as Machiavelli and other renaissance Italian writers;³¹ appeals to ongoing reformation, or a Protestant International or Interest across Europe;³² skeptical and "Tacitean" stoicism with appeals to "reason of state" and through Thomas Hobbes to a sovereign secular order based on "modern natural law" to the absolute power of a prince;³³ emphases on scientific, empirical methodology that culminated in the work of Isaac Newton and was theorized by Locke and applied to political thinking.³⁴ These trends overlapped in ways that sometimes seem bewildering, contradictory, or impossible, and while England's thought and situation was the most politically and theoretically complex, the English borrowed from continental influences, particularly the Dutch and French.³⁵ They also drew upon ancient and Renaissance trends, particularly historical and rhetorical modes of thinking and writing. In the case I want to describe here it was once again Dutch students of Jewish thought and the Old Testament from the late sixteenth and early seventeenth century that played a significant role in the formulation

of a theory and practice of republican political order that shaped England's resolution to its time of "troubles"³⁶ and the colonial experience that resulted in the American Revolution and Constitution.³⁷

Because this may seem too complex to grasp in a single glance, let me describe the historiographical work that has uncovered the centrality of republican thinking as a way of simplifying and clarifying the picture. In the period from the end of WWII to the end of the twentieth century, historians of political thought uncovered and described with detailed sophistication the developing of republican theory. In outline, the story goes like this. From the mid-fourteenth through the early sixteenth century Italian humanist thinkers developed two emphases that shaped future political thinking. There was first a rediscovery of the complete corpus of the writings of Plato, including *The Republic* and *The Laws*, through connections with Greek scholars, theologians, and philosophers, some of them fleeing the collapse of the Byzantine Empire and fall of Constantinople to the Ottomans in 1453.³⁸ Second, they collected, edited, published, and studied ancient historical writings, the stories of the development and fall of the Roman Republic through writers like Polybius and Livy, and the development of Greek democratic-republican political experience in cities like Athens, Sparta, and others through the writings of Plato, Aristotle, and Plutarch, among others.³⁹ These were applied to the Florentine and Venetian republics of the fifteenth and sixteenth centuries.

That Italian republican tradition traveled to and became centered in England in the sixteenth and seventeenth centuries through the ancient writings mentioned above, and through Italian writers like Machiavelli and Francesco Guicciardini for Florence, and Gaspar Contarini and Paolo Sarpi for Venice.⁴⁰ English republican thought developed in three stages,⁴¹ the first in during the 1650s and the crisis of Cromwell's rule, primarily in the writings of Marchamont Nedham, James Harrington, and prominently John Milton; the second during the Restoration in the 1670s and 80s as the rule of Charles II came to an end and that of James II collapsed, through the work of Henry Neville, Algernon Sidney, and the poet Andrew Marvell; and the third in the 1690s-1720s in the reigns of William III and Mary and George I, through John Locke, John Toland, Robert Molesworth, Walter Moyle, and the partnership of John Trenchard and Thomas Gordon in *Cato's Letters*. These writings, from the ancients and Italians and from all three English phases were reprinted multiple times and

became the studies of American political actors, thinkers and writers like John Adams, Thomas Jefferson, Thomas Paine, and James Madison. This whole tradition lies behind the statement of Thomas Jefferson when he wrote about the character of the Declaration of Independence: “All of its authority rests on the harmonizing sentiments of the day, whether expressed in conversations, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, [Algernon] Sidney, etc., & c.”⁴² This is all embedded in the phrase “Atlantic Republican Tradition.”⁴³

In the early twenty-first century, in just the last twenty years, Dutch, English, American and Israeli scholars have begun to outline the contribution to the Atlantic Republican tradition of the “Hebrew Republic” through a reconstruction of the contribution of Jewish and Christian scholars in the seventeenth century.⁴⁴ The Renaissance Humanist emphasis on ancient languages extended to Hebrew as well, and was manifested in the development of tri-lingual colleges for the study of Greek, Latin, and Hebrew writing and history. As outlined above, Portuguese Conversos fled the Iberian peninsula to find refuge in Holland; Jewish rabbis joined them from others Jewish centers, particularly Venice; and Reformed scholars (Calvinist and Arminian) turned to them to study Hebrew and the Jewish tradition, which included the Old Testament, ancient writers such as Josephus, the medieval Talmudic and Midrashic traditions, and the philosopher Maimonides and his Mishna Torah.⁴⁵ Based on the books of Deuteronomy and I and II Samuel,⁴⁶ these sources described a Hebrew commonwealth or republic⁴⁷ (though extending back through the Pentateuch and forward through I and II Kings and the prophets). In the fifteenth through seventeenth centuries, Jewish and Christian scholars developed this tradition of writings.⁴⁸

In the recovery of the historiography of republican theory in the last half of the twentieth century, the influence of the Old Testament and rabbinic writings was either missed, ignored, or in some cases noted but not explored until recently.⁴⁹ With it too the Dutch contribution was unrecognized. Dutch republican writings developed out of Hebrew studies with lesser attention to Italian influences than in other countries.⁵⁰ This “Hebrew Republic” is the subject of the remainder of this study.

IV

The Hebrew Republic in the Seventeenth Century

The full history of the recovery of the Hebrew Republic and its influence from the sixteenth through the eighteenth centuries is still to be written, but we know enough to trace some significant way stations.⁵¹ In the following I will note several of these stopping points in significant writers in the tradition, beginning in The United Provinces, and developing in England in the middle and late decades of the seventeenth century. Each writer develops and analyzes the Hebrew Republic with unique, individual emphases. They each focus on aspects of the tradition of republican thinking; some are more ancient and others more modern in outlook. Through them, the basic shape and breadth of the ongoing discussion will be evident. I will focus on several writers: Peter Cunaeus, James Harrington, Algernon Sidney, and Henry Neville. Except for Cunaeus, all are English and all prominent in the tradition of republican writing. I will conclude with a brief discussion of the youthful writing of Hugo Grotius on the Hebrew Republic, Grotius being the towering intellect of the early seventeenth century in Holland, and throughout Europe.

1.

Peter Cunaeus, The Hebrew Republic, 1617

Peter Cunaeus (van der Cun; I will retain the Latin surname) was appointed professor of law and politics at the university of Leiden between 1614 and 1638. From that position he influenced Dutch Hebrew and political scholarship for more than a generation.⁵² In 1615 he was given a copy of Maimonides' *Mishna Torah* (Second Law) by the politician and collector of Hebrew texts, Johannes Boreel,⁵³ which was written, as Maimonides explains, to provide a comprehensive account of Jewish Laws and customs, the tradition of which had been obscured in the centuries preceding its writing in 1190.⁵⁴ By 1617 he had completed *The Hebrew Republic* which drew on Maimonides, but also on Josephus and Talmudic tradition. According to Eric Nelson, Cunaeus focused on two ideas that he drew out of Maimonides. The first was the ideal of an egalitarian agrarian law established by God and contrary to Roman republican tradition, but in harmony with Greek thinking as portrayed by Plutarch.⁵⁵ In Old Testament study this is known as the law of Jubilee.⁵⁶ Cunaeus elaborates

the practice of land distribution and the “reasons for Agrarian laws” in chapters 2 and 3 of the first book of *The Hebrew Republic*, and the “the Jubilee and the Sabbatical” in chapter 6, but does not make any application of them to contemporary Holland. The second idea was that Moses had given authority over religious law to the civil, or secular government. This “Erastian” doctrine was consistent with what appears to be Cunaeus’ immediate ideological context. In the Preface he calls upon the elected rulers of the individual states of the United Provinces to work toward unity which would preserve their hard-won liberty from Catholic dominance. Liberty of the individual states demanded some unity. For this unity, a common religion and law were required.⁵⁷ In a society where multiple religious bodies worshipped in distinct communities, with differing beliefs and practices of the Christian life, it was left to the magistrate, the ruling institutions, and their leaders to frame the religious and cultural center that could bring those different religious communities together as a common people.

To Nelson’s account we might add a third emphasis of Cunaeus (which Nelson develops later in his text) that toleration and thus some sort of commonality could be established by recognizing a minimal religious unity. Cunaeus criticized the various Jewish authorities, the Sadducees, Pharisees, and others, and their contrasting doctrines, in a way that barely veiled his criticism of contending Reformed factions, Mennonite factions, and others.⁵⁸ Both the emphasis on civil authority over religion and toleration fit well within the ideological context of the early seventeenth century in the United Provinces. The idea of Jubilee or egalitarian ownership of land does not seem to fit in the same way.⁵⁹ James Harrington in England in a later generation will, however, develop and emphasize this feature of the Hebrew Republic.

The bulk of Cunaeus’s *The Hebrew Republic* is taken up with an analysis of the institutions of Israel. He reads the Old Testament as an “antiquarian,” one interested in charting out the institutions and customs of past polities, and in Renaissance humanist fashion with an emphasis on historical development.⁶⁰ He describes institutions, ways of life, ritual, and laws, and looks for historical examples and factors for the course of Israel’s history, its political trials, its exile and captivity, and periods of reform. He analyses why the Kingdom collapsed and draws lessons on the instability of monarchy. He does not hesitate to compare Hebrew institutions with Greek and Roman republican institu-

tions, and even at one point explains that though the early leaders of Jewish tribes into battle were called judges in the Old Testament, they might have been called praetors and dictators, and that Josephus calls them monarchs or kings.⁶²

The principal institutions were republican in form, though focusing on courts which interpret the law, rather than make law. They “made decisions of state, tried cases, and settled disputes.” The Sanhedrin, a council of 70, was the highest court, a supreme court, as it were, established by Moses himself that met in the Temple in Jerusalem. It was an elected body originally, which he likens to a senate, though membership became hereditary if the heir of a member were worthy. It was an aristocracy, not chosen from among just the people. The worthy were scholars of the law, impartial, and upright. In this analysis, Cunaeus follows Maimonides and secondarily Josephus, criticizing or supporting each when he thinks it is warranted.⁶³ Below the seventy are two courts of twenty-three members, one of which met at the gate to the Temple mount, and the other at the gate of the Temple courtyard. Further councils of twenty-three were set up in each larger town to judge property and capital cases. In towns of fewer than 120, councils of three were established to judge in cases regarding goods and damages. For special cases, ad hoc councils could be established.⁶⁴

Cunaeus follows Maimonides and Talmudic writers who claim that kingship was commanded by God as the form of government for Israel, commenting on Deuteronomy 17:14. Midrashic writers would argue that kingship was not commanded but merely allowable. This presents Cunaeus with a problem, for he lives in a biblical yet anti-monarchical society. He appears not to resolve it. Later in England, Harrington will disagree with him, as will John Milton, both of who follow the Midrashic writers in rejecting kingship as a commanded form of government.⁶⁵ Cunaeus seems simply not to resolve the question directly, but to intimate that the prerogatives and responsibilities of kings in ancient Israel were not those of the absolutist seventeenth century. He reminds the reader that he has said that Israel is a kingdom of priests. This means first that the king is responsible for religious observance. But in what appears to be a kind of sleight of hand, he then argues that the king must defer to priests, quoting Maimonides again.⁶⁶ Just prior to this he had noted that the Israelite king’s power was limited, quoting extensively Deuteronomy 17:14-20, and linking it to I Samuel 8:

When you have come into the land that the Lord your God is giving you, and have taken possession of it and settled in it, and you say, “I will set a king over me, like all the nations that are around me,” 15 you may indeed set over you a king whom the Lord your God will choose. One of your own community you may set as king over you; you are not permitted to put a foreigner over you, who is not of your own community. 16 Even so, he must not acquire many horses for himself, or return the people to Egypt in order to acquire more horses, since the Lord has said to you, “You must never return that way again.” 17 And he must not acquire many wives for himself, or else his heart will turn away; also silver and gold he must not acquire in great quantity for himself. 18 When he has taken the throne of his kingdom, he shall have a copy of this law written for him in the presence of the Levitical priests. 19 It shall remain with him and he shall read in it all the days of his life, so that he may learn to fear the Lord his God, diligently observing all the words of this law and these statutes, 20 neither exalting himself above other members of the community nor turning aside from the commandment, either to the right or to the left, so that he and his descendants may reign long over his kingdom in Israel. (NRSV)

He corrects Josephus whom he said did not understand the passages correctly and emphasizes that Deuteronomy 17 formed a kind of law for the king “which directed the king how to practice justice and fairness, to administer the state well, and to the advantage of citizens, not to play the part of a ruler indulging in criminal lusts, and finally, to preserve—despite his great fortune—his sense of modesty.”⁶⁷

Cunaeus exercises some freedom in picking and choosing what parts of the tradition of the Hebrew Republic and kingship that he will emphasize and endorse. And he does not seem too concerned that the United Provinces do not follow what Maimonides and the Talmudists claim to be law. Others will worry about such things later and decide whether they will follow Maimonides or the Midrashic writers on whether kingship is commanded or allowed. Two factors may mitigate the problem for many in the generation and tradition of Cunaeus. First, he treats the Old Testament, as had Josephus and his contemporary humanist scholars, as a historical text as well as a sacred text. Divine teaching comes through the wisdom embodied in the historical experience and discerned by prudence. Secondly, the Reformed tradition had a distinct doctrine regarding the authority of the teaching of the law. The Reformed distin-

guished three forms of law that were given in the Old Testament. The first was moral law, as classically stated in the Ten Commandments. This moral law continued in force and was law for the Christian. The second was ceremonial or ritual law. The rituals and ceremonies of temple worship had been replaced by Christ, principally in baptism and communion; the old ceremonial law was “abrogated.” The third was political law. This law had ceased to be effective with the fall of kingship in Israel, and was not required to be followed, but was to be used so that the goal or intent of equity and justice that was the basis of that law could be attained in Christian societies.⁶⁸ As long, then, as equity and justice were pursued, the specific institutions established in Israel were not commanded, despite Maimonides’ teaching; they could be used with some freedom to guide the political order of the new Reformed, Dutch Israel, and, as we shall see, England.

2.

James Harrington, *The Commonwealth of Oceana*, 1656

James Harrington has been at the center of the rediscovery of the republican tradition since the 1970s. More recently the claim that his thought defined the tradition of “classical republicanism” has been refuted by many, but his importance is nonetheless central to our understanding of subsequent republican thinking.⁶⁹ He followed Cunaeus closely and applied what he found in his writings creatively to English political controversy in the 1650s. His great work is *The Commonwealth of Oceana*, an appeal in the form of a Utopia to Oliver Cromwell to act in the role of an ancient founder of a commonwealth who established the law, the institutions of a polity and then stepped out of power. The major examples of this in the republican tradition are Solon in Athens and Lycurgus in Sparta, both examined by Plutarch.⁷⁰ Harrington summarizes his use of the Hebrew Republic in a few smaller tracts. But I will concentrate on two specific passages in *Oceana* which outline his basic use and allow us to see his individual emphases.

In the first section of the text, “The Preliminaries, showing Principles of Government,” after outlining a basic republican form of government, Harrington turns to “the commonwealth of Israel,” which he says “consisted of a senate, the people, and a magistracy.”⁷¹ He emphasizes their early tribal (genealogical) character, and how they were gathered together in an assembly,

which is in Greek an “ecclesia” or in Hebrew a “synagoga magna,” according to the Talmudists. Theologians, he argues, have misunderstood the Scriptures through mistranslation. Ecclesia understood as an assembly should lead us to understand that the “government of the church should be democratical or popular.”⁷² God himself was king, though the people had the power to confirm laws proposed even by God, and could, and did reject him as king when they asked for a king like the other nations surrounding them, in I Samuel 8. He interprets the act of entering into covenant, as adopting or confirming law. He then outlines the kinds of decisions in which the people could act, as in electing magistrates, declaring war, or in matters of religion, citing texts in Exodus, Joshua, Judges, I Samuel, I and II Chronicles, I Maccabees.⁷³ He then moves on to the senate, or Sanhedrin, and the lesser courts as outlined by Cunaeus. He emphasizes as well that the Israelite senate was unique compared to others. Since the laws were given by God, the senate did not so much legislate as serve as an executive with Moses originally the first among the senators as “prince, or archon.”⁷⁴

Along with the emphasis on the people themselves as confirming law and essentially electing a magistrate, Harrington has another unique element, not found in Cunaeus or prominently in other writers except Henry Neville, his close friend, who some suspected helped write *Oceana*.⁷⁵ Harrington claims that first institution of judges and courts was made by Moses on the advice of his father-in-law Jethro as noted in Exodus 18. Jethro was a Midianite priest, not a Hebrew, and so not one who spoke with the authority of revealed law. His advice was the result of experience, and prudence or political wisdom, confirmed by God through Moses. These he explains “are unto me a sufficient warrant...to make further use of humane prudence wherever I find it bearing a testimony unto itself, whether in heathen commonwealths or others.”⁷⁶ And he notes that though Christian England has the Scripture and in it the original form of a commonwealth as instituted by “the same hand that made the world,” the Christian world has been “either altogether blind or negligent to it, while the heathens have written theirs, as if they had no other copy.”⁷⁷ Later at the beginning of the text beyond the preliminaries, he turns to the story of the founding of Sparta by Lycurgus, and of Israel by Moses, and quotes from Exodus 18, “So Moses hearkened to the voice of (Jethro) his father-in-law, and did all he had said. And Moses chose able men out of all Israel and made them head over

the people.” This is an illustration of Harrington’s explanation the “reason of the government.” It provides a two-fold illustration of human prudence. Jethro not being a recipient of revelation uses prudence and experience in his advice to Moses. And Moses chose “able men out of Israel” to guide the people and develop the government. Harrington mines, as he says, “quarries of ancient prudence” to find wise examples of sound governmental institutions.⁷⁸ Harrington’s emphasis on the origin of republican institutions in human prudence as represented by Jethro is consistent through his other treatments of both the Hebrew Republic, and his outlines of the ideal form of government.

References to the Hebrew commonwealth are sprinkled throughout *Oceana*, but in two other sections we find significant arguments that bring The Hebrew Republic into the forefront of his thinking, that link Harrington back to Cunaeus and remind us that he writes in the midst of ongoing civil and religious conflict in England. One of the principle laws of *Oceana*, indeed the one that has inspired both scholarly attention and derision, is his emphasis on limitations on wealth or on equality of landholding, “the agrarian” as he calls it. Harrington has been singled out as initiating the modern emphasis, evident in Locke and Marx for example, that the ownership of property is at the foundations of governmental power, and institutions, which in turn leads to just or unjust rule. Ancient and Medieval thinkers and politicians were very aware of the relation of wealth and particularly property in primarily agrarian societies, and argued about laws regulating ownership, inheritance, and the distribution of property gained in conquest, but Harrington raised it to a primary principle of political organization.⁷⁹ He argued that political power always followed control or ownership of land. The conflict in England between an absolutist monarchy and Parliament had its roots in the Reformation when Henry VIII appropriated the land of the church and distributed it to the rising gentry, who in gaining land gained *de facto* power and were strengthened in relation to the king and higher nobility. Elizabeth I had recognized this at least implicitly and governed through Parliament. James I and Charles I, however, asserted their own authority and Charles attempted to rule by himself, leading eventually to civil war with Parliamentary forces, his execution, and the establishment of the English Commonwealth and Parliamentary rule under Oliver Cromwell.

Concentrations of wealth led to unjust and unbalanced concentrations of power. For a balanced, and therefore peaceful, long-lasting, potentially per-

petual, and just political order a wide distribution of wealth or land with limits to land acquisition was necessary. And so, the central section of *Oceana* is comprised of a scheme for land distribution, with inheritance laws requiring distribution of land to multiple heirs, and limits on the acquisition of further properties which would un-balance the power of individuals in the Oceanic commonwealth. We have seen that this is a unique feature of Cunaeus's *The Hebrew Republic*, which he outlines in chapters 2 and 3 of the first book, and bases on the laws of Jubilee as explained by Maimonides and Josephus.⁸⁰ Land was distributed by lot equally, and once distributed could not be perpetually alienated, but returned to the original holder every fifty (or forty-nine) years, the year of the forgiveness of debts, or Jubilee.⁸¹

For discussion of Harrington, the details of the amounts of land to be inherited, and limits on acquisition are not of primary importance so much as the principle of limitation itself. Oligarchies tend to protect the oligarchs' own interests and wealth, leading to unjust rule, poverty of laborers, and rebellion. For Harrington, sound agrarian law, personal and family economic interest, and Parliamentary representation would be equalized by similar status in wealth and land-holding, and lead to common interest and common-wealth in the governance of the republic. As a result, he argues, "these things considered, I cannot see how an agrarian [law], as to the fixation or security of government, can be less than necessary."⁸²

He understands that he argues against much of the republican tradition, noting resistance from Machiavelli, as well as those who argue that Israel had agrarian laws but chose a king nonetheless. Since his model for his own laws is Israel, he must respond. He argues that Israel only had itself to blame. They need not have chosen a king; God himself saw the choice as a rejection of his kingship. The longevity of Hebrew kingship was made possible by the sound egalitarian basis of landholding "as may be computed from the institution of the same [land distribution] by Joshua, one thousand four hundred and sixty-five years before Christ, unto the total dissolution of it, which happened in the reign of Hadrian, one hundred and thirty-five years after the Incarnation."⁸³ This might be considered a powerful argument when looking potentially to a second civil war. As the Archon of *The Commonwealth of Oceana* says, "a people planted upon an equal agrarian and holding to it, if they part with their liberty, must do it upon good will, and make but a bad title of their bounty."⁸⁴

In one final section, Harrington relies on the example of the Hebrew Republic for his determination regarding who will ultimately rule, the church and divine laws or the magistrate. In a fictional letter from the Archon, or magistrate, to the lords of Oceana, Harrington provides a long explanation of the meaning of his fictional commonwealth which he had only outlined to this point. The archon includes a digression on the necessity of interpreting the scriptures with sound knowledge of ancient languages and of history. Proper understanding of the scriptures shows that while “the Jewish religion were directed and established by the Moses, it was directed and established by the civil magistrate; or if Moses exercised the administration as a prophet, the same prophet did invest with the same administration the Sanhedrim [sic] and not the priests; and so doth our commonwealth our senate and not the clergy.”⁸⁵ His purpose is to safeguard the commonwealth against both clerical claims and authority from without, for example from Roman Catholic claims to authority, and from sectarian violence from within. The universities are to be the commonwealth’s seminaries and they are to appoint pastors. Those in ministry are to be supported by the state and allowed freedom of conscience. However, they are not allowed to hold assemblies or synods, except when called by the universities to consider religious questions. Nor are they “suffered to meddle with affairs of state nor to be capable of any other public preferment whatsoever.” Religion is central to the commonwealth; however, it is not to govern.⁸⁶ And it is to be exercised with tolerance and freedom of conscience as determined by those who are wise in such matters. The universities act as the prophetic voice guiding the religion of Oceana. As Moses exercised political prudence in the establishment of the first assemblies, so too he exercised the same when he as prophet administered the state. As Israel was ruled by a republican senate, priests had a separate and limited sphere of responsibility.⁸⁷ So too will Oceana and should England be ruled by a republican senate which should guide the religion of the commonwealth indirectly through universities which would in turn allow freedom of conscience and tolerance for differences of doctrine. The political consequences of these differences would be muted by restrictions on public office by those in the ministry, and the limiting of discussion of theological and religious doctrine to assemblies under the authority of universities. As in Israel where in the Hebrew Republic there were tests for a true prophet,⁸⁸ so in Oceana the learning of the university will provide a test for the prophetic voice.

I have not offered a full outline of *The Commonwealth of Oceana*, focusing only on the influence and reflection of the Hebrew Republic. Nonetheless the outline offered has touched on several of the most prominent elements of Harrington's utopia, especially the democratic character of institutions, agrarian laws, the role of human prudence, and tolerance of religious differences. Whether we see Harrington's use of the Old Testament and Cunaeus and other scholars as reliable or fanciful, he was using the best scholarship of his day, was sensitive to the problems of interpretation, and responded to help resolve the religious and civil troubles of England that had grown out of differing claims to divine authority.⁸⁹ It is perhaps paradoxical that for Harrington the governmental order of Israel gains in authority because it is grounded in human experience and prudence.

3.

Algernon Sidney, *Court Maxims*, 1664-65

The full scope of Algernon Sidney's importance both as political actor and thinker has recently been developed by Jonathan Scott, now one of the most prominent scholars of republican thinking who has developed a comprehensive account of the tradition. He places Sidney squarely in the political, religious, and intellectual ferment of the 1650s into the 1680s, when he was executed for treason, and describes his importance as political actor and thinker responding to the political crises of both the Commonwealth and Restoration eras.⁹⁰ If *Oceana* suffers from an unrealistic idealism, a characteristic of utopian literature, Sidney's writings suffer from being deeply embedded in political action. They are topical, recursive, and repetitive. However, they offer depth of both feeling and thought, and Sidney proves himself to be both profound thinker, as well as courageous (if sometimes fool-hardy) political actor.

His major work is his *Discourses Concerning Government*, written in the final years before his execution, both an apology for his thought and action, and a principled statement of his political thinking. The *Discourses* were published many times throughout the eighteenth century and he became something of a republican saint in the early American colonies. His *Court Maxims*, written while Sidney was in exile, attempted to bring together a coalition of those of different theological and political leanings who had fled the restoration of the crown. It was not published until 1996 and is little known by scholars. It

reflects what Sidney advocated, talked about, and around which he planned political action. I will focus on one insightful section of the Court Maxims. The text is a dialogue between a republican thinker, Eunomius, and a thoughtful and moral royalist courtier, Philalethes, on statements in support of monarchy. In the fourth dialogue, the two debate the “court maxim” that reads “absolute and hereditary monarchy where the government is wholly left to the will and all power trusted only in the hands of the monarch is most conformable to and warrantable from the Scripture.”⁹¹

Philalethes, the royalist, states that “it cannot be doubted but the government of a monarchy set up by him [God] first in the person of Moses, then several judges, and afterwards of Saul and David is best, because suitable to his will.” He notes that God’s will ought to be perpetual law. And he interprets I Samuel where the prophet tells the people of Israel how a king will act, taking their fields, wealth, sons and daughters, and so on, explaining that this is what kings should do, or simply have the power to do. If they sin, they sin against God and no one else, and others cannot hold them accountable.⁹² Eunomius, the republican, asks whether those in the court reflect seriously on biblical passages, or “receive them on trust from others.” To which Philalethes admits that “we little trouble ourselves with the intricacies of the bible. If any among us were known to read it he would be looked on as a fanatic.”⁹³ He explains that “if we apply ourselves to anything more serious, we read Machiavelli and other books of that kind, which we find more useful to us than all that is contained in the Bible.” With these statements, questions and answers, we know where we are headed. Throughout the text, Sidney notes that the “fanatics” are the only ones who take these questions seriously, even if without deep knowledge. He is one of the few in the time who appeal to “fanatics” as examples of good conscience.⁹⁴

Sidney offers through Eunomius an alternative narrative understanding of kingship and governance in Israel to the one Philalethes had offered in his simple statement. Moses was not a king, nor was Joshua, though according to Plato, he deserved to be king. “His illumination by the spirit of God rendered him a living law.” He was a prophet, and “a type of Christ’s kingly power.” Moses and Joshua both showed that they were fitted to their work by the spirit of God in them.⁹⁵ He further explains that God raised up judges, much like Roman dictators, in times of danger and need. Joshua was more like a founder. He di-

vided the lands. A general assembly was established, and courts in cities; government was carried out by the seventy, the Sanhedrin “chosen for their age and merit.” They were a senate “composed of these as an aristocracy mixed with democracy.” Judges were established but “the whole government remained in the elders and the people, not in Joshua and his descendants.” Why then did God appoint kings, Philalethes asks? Because they sinned. They rejected God, not Samuel, in asking for a king. A king was established to “chastise their folly, being of the same nature as plagues and fiery serpents sent to destroy them.”⁹⁶

Later Philalethes asks again what the Scriptures say about the establishment of kings, and presses Eunomius to elaborate more rationally and completely. Eunomius defends what he had said earlier. Punishment is a just response to foolishness and rejection of God’s rule. He then goes on to note that Thomas Aquinas, interpreting I Samuel 8, criticizes those who support absolutist kings who claim that they can do what Samuel explained as evil and as a warning to the people of Israel, “in opposition to just government as was appointed by God himself for the maintaining of justice, virtue, and true religion.” He then points to I Samuel 10, where Samuel explained what a king should do and wrote it down in a book. He says we are not sure what that book was, but it is “conformable” to Moses’s teaching as outlined in Deuteronomy 17 “where it is said: he must be one of thy brethren, he shall not multiple [sic] horses nor horseman, he shall not gather much gold nor silver, nor have many wives, and that his heart through pride should not be exalted above his brethren.”⁹⁷ Later Sidney, through Eunomius, extends the narrative to explain the downfall of kingdoms through the failure to follow the law for kings.⁹⁸

Sidney concludes the discussion with a theological reflection on the law. Here he makes the Reformed distinction noted earlier in the discussion of Cunaeus between the various forms of law. Eunomius says “I reckon not that all God’s commands to the Jews are binding or examples we ought to follow, as neither the judicial laws that were appropriate to that people nor the ceremonial law that contained types of what now is accomplished, and so they are abrogated. But those commands which are the duty of man to man or man to God are perpetual,” referring in this final sentence to the moral law embodied in the Decalogue.⁹⁹ The judicial or political law, to use the English context only, “ought not of necessity to be received of any commonwealth” as the Thirty-nine Articles has it, or “which expired with the state of that people, not obliging

any other, now, further than the general equity thereof may require”¹⁰⁰ as the Westminster Confession states. The constitutional order of the Hebrew Republic may not be required or commanded, but it showed a way toward the application and restriction of power and the goal of justice. Sidney repeats again the duties and limits of a king outlined in Deuteronomy 17, and further explains that the people of Israel restrained their kings on several occasions, “the elders and the people when they please exercised their due power above that of kings.”¹⁰¹ For Sidney, this is an example of the how the moral law is perpetual regarding “the duty of man to man or man to God,” and how prudence is used for the pursuit of a just political order.

I have left out of the discussion the inflammatory political rhetoric that alternates in the text with narrative exegesis and theological reflection. Sidney writes to engage his fellow exiles, to incite them to action, and no doubt he spoke in this way as well. Yet he also writes as a thoughtful, moderate Puritan,¹⁰² well educated in the theological questions and method of biblical interpretation of his tradition.¹⁰³ He reflects in clear narrative form the essential meaning of the teaching of the Hebrew Republic as it has developed through the seventeenth century. If he seldom mentions Maimonides or Josephus or engages in subtleties of interpretation, it is because he intent is on the central teaching about just governance, institutional arrangements, and the problems of power at the heart of the biblical tradition.

4.

Henry Neville, *Plato Redivivus; or, A Dialogue Concerning Government*, 1681

Henry Neville was friend of Harrington and Sidney, a politician with flexibility beyond both of his friends, translator of Machiavelli, and writer of some imagination. He served with Sidney in Parliament, and his text is contemporary with Sidney’s *Discourses*. As noted earlier, he was a supporter of Harrington’s ideas, and Hobbes thought Neville might have been a collaborator in the writing of *Oceana*.¹⁰⁴ *Plato Redivivus* is, like *Court Maxims*, a dialogue between “a noble Venetian” and an English gentleman, both of whom are the major voices in the dialogue, along with a doctor who helps to move the discussion and keep up the fictive setting. The preface, purported to be added by the publisher, takes great pains to assure the reader that there is nothing smacking of treason or se-

dition in the text, perhaps a reminder to us that sections of Sidney's Discourses were used at the trial that led to his execution.

Neville's dialogue is more direct than Sidney's and his prescriptions simpler than Harrington's. He serves as a summary of the ideas circulating among this core of republican thinkers in the 1680s. In two brief sections of *Plato Redivivus*, Neville touches on the major emphases of the two earlier writers. Early in the dialogue, the Noble Venetian asks the English Gentleman "pray, what do you think of the books of Moses?" God had led his people from Egypt and "made them a government."¹⁰⁵ To set the frame, Neville presumes an Hobbesian world modified by Harrington. The world is a "state of perpetual war," in which many give up rights to all things, consent to government to establish laws for protection, and to protect ownership of property. Governments were established by wise leaders who framed such laws which then received the consent "for the good and preservation of the governed."¹⁰⁶ The current question which the Venetian raises is whether "paternal government" is implied in the Bible. Robert Filmer had argued the thesis in support of absolute monarchy. John Locke refuted Filmer at length in his now seldom-read "First Treatise on Government."¹⁰⁷ Neville offers a couple paragraphs in response.

Neville notes that Adam did not pass on his empire to Cain or Seth, and Moses treated all the clans of Israel equally. He did not establish the eldest, Reuben, as the patriarch of all of Israel. Instead, with an emphasis following Harrington, he divided land equally and by lot "and by God's command made them a commonwealth."¹⁰⁸ Why then are there so many absolute monarchies, the Venetian asks? The English Gentleman, speaking for Neville, explains that absolute power could never be granted by the people. In Israel, the people rejected both God and Samuel in asking for a king. Yet the kingship established in Israel was not that of an absolute monarch. The Sanhedrin, and congregations, and the "princes of tribes" remained in place. Absolute monarchy is a disease of or symptom of bad government. He conjectures that ancient monarchies arose from "corruptions of better governments." These bad forms of government in turn "necessarily cause a deprivation of manners," and it is certain that "politic defects breed moral ones."¹⁰⁹

A few pages later, but still early in the text, the Venetian refers back to the discussion and asks the English Gentleman why he had "taken it for granted" that Moses established a popular government. He responds that the estab-

lishment of the Hebrew government is clear in the “holy writ.” He called the people together as a “congregation of the Lord” with a trumpet. He thought that the government established would help them become a better people. He established judges on the advice of Jethro, called the “Jethronic magistracy,” he claims, by earlier writers. Here we see multiple republican themes claimed behind the scriptural text: the exercise of prudence, the idea that participation in government encourages virtuous character, that popular institutions are the basic good forms of government, and that the power of kings or magistrates ought to be limited. But this was not enough. He elaborated the institutions of government with the formation of a senate of seventy elders. The result was “that this government was the same with all other democracies; consisting of a principal magistrate, a senate, and a people assembled together.”¹¹⁰

The major elements of the Hebrew commonwealth are all briefly entertained in Neville’s dialogue. Like Cunaeus and Harrington he mentions distribution of property on an equal basis, and the establishment of popular or democratic institutions. He recognizes an aristocratic senate, and a monarchy or magistrate limited by law, as had all three earlier of the previously reviewed writers. Like his friend Harrington, he argued that Scripture portrayed the use of human wisdom or prudential wisdom in the framing of governments. Explicitly he notes that good governments are necessary for the encouragement of virtue in the governed, and that corruption of manner and morals results from corrupt governance. In a few short pages, all the traditional republican elements are present in Neville’s use of the Hebrew Republican tradition.

5.

Hugo Grotius, On the Emendation of the Dutch Polity, ca. 1600

To conclude, I will reach back to Hugo Grotius (de Groote; I will retain the Latin form) with brief comment to illustrate the importance of the development of the Hebrew Republic that I have outlined. Grotius wrote *On the Emendation of the Dutch Polity* while in his late teens or early twenties, sometime just before or after 1600. It was not discovered until the 1964 in the Vienna National Library. While Grotius encouraged Cunaeus in his work on the Hebrew Republic, he did not tell him of his earlier work.¹¹¹ The editor of the text speaks of it as a youthful writing, and not up to the standards of his mature work, speculating that Grotius recognized it as such and so never attempted to

publish or distribute it among his political associates. However, if a youthful and immature work, it demonstrates by its insight why Grotius would become a pan-European leader of Protestant intellectuals and politicians.

The text is brief. It outlines the Hebrew commonwealth, drawing on Talmudic writers, Josephus, and others, and compares it to what he sees as the deficiencies of the newly formed United Provinces. He classifies the Hebrew government technically as a confederation, a group of commonwealths. And he shows how unity was formed in confederation, how republican institutions could be rallied around a common representative body or senate. The outline is simple and direct, claiming not too much or too little. His text is neither utopian nor an outline of an ideal state, not designed to rally resistance, nor to persuade of the probity of a limited monarchy or republican form of government. The United Provinces needed development lest they split apart. They had a government, aristocratic in character with limitations on the exercise of power, which he notes is considered the best by Josephus and the prophet Samuel. He shares the intent of finding a way of providing unity with Cunaeus. However, he does not elaborate elements that may not have been applicable as Cunaeus had, such as agrarian laws in a commercial republic. For him the Hebrew Republic is an ancient example of both divine wisdom and human experience and prudence, and as such has substance for the ongoing creation of the United Provinces. Grotius exercises the same kind of prudence in his use of the biblical material. The Dutch are like the Jews recently freed from Egypt and superstition. They are God's chosen. The biblical text speaks directly to them, requiring them to exercise the same prudence asked of Israel.¹¹²

We do not know why Grotius did not speak of the text or publish it in its original or revised form. It is youthful to the extent that it is perhaps too confident in some of its judgments but is still careful not to claim too much. Its moralizing is constrained and judgements qualified. It shows in a very direct way how the biblical text could become the basis for political reflection.

V

Old Testament Recovery

Others may have had the same experience that I have had. I have never heard a sermon on the topic of the Hebrew Republic, and almost never have heard of it in discussions of political order, philosophy, and science until very recently

(see concluding section of this paper).¹¹³ Those of us who have worked in an Anabaptist context may have heard of John Howard Yoder's writing on Jubilee, a part of some of the discussions of the Hebrew Republic.¹¹⁴ And FPU students for decades now have had at least some introduction to Political Hebraism through Donald Kraybill's *The Upside-Down Kingdom*, in many ways a translation of Yoder's theology for current practice by Anabaptist or Anabaptist-informed communities.¹¹⁵ Given the recent broad interest in and influence of Anabaptist theology, perhaps many have had this experience. We may also have heard of past theories of Israelite governance as an "amphictyony," or tribal confederation similar to patterns of ancient Greece.¹¹⁶ More recently we may have heard of the theory of Norman Gottwald, used prominently by Walter Brueggemann, that describes how "'tribes of Israel' overthrew and destroyed the system of Canaanite city-states with their practices of economic exploitation."¹¹⁷ In one way or another we have probably come in contact with the use of the Old Testament under the terminology of "Political Hebraism" (defined above) as illustrated in each of these interpretations, but perhaps not under the category of "The Hebrew Republic."

Frank E. Manuel noted in his history of Judaism in the early modern world that "Proofs from Jewish history would be expected to exert a particularly cogent appeal to the Puritan mind. That Harrington discovered true principles of mixed government in seventeenth-century Venice and in Ancient Israel is one of the stranger vagaries of western thought in search of historical precedents." He further noted that "the assimilation of Jewish elders with an aristocracy and the elements of a general election among Hebrews with the democratic may appear farfetched to the modern reader."¹¹⁸ Yet, it appears from recent and current Old Testament and Hebrew Bible scholarship that Israel thought it should have such a government as described in the book of Deuteronomy that is best described in these kinds of terms. And these characteristics are noted by Jewish, Catholic, and Protestant biblical scholars. We historians ought to be wary of casting judgments stemming from our supposed chronological superiority.

For the non-specialist to enter into Old Testament scholarship with any confidence may be a fool's errand. Nonetheless it must be ventured, even if without great confidence. Deuteronomy appears to be a key text for understanding the final form of the Old Testament canon. Many scholars over more than two hundred years have attempted to describe its form and function, as well as its

compositional history, yet as late as 1979 Brevard Childs could write in his Introduction to the Old Testament as Scripture, concluding a treatment of one of the last major efforts to place those who formed the final text, “needless to say, the very fluid state of research shows no signs of moving toward a consensus” regarding recent theories.¹¹⁹ Yet, it does seem possible to summarize the elements that went into its composition, and its general historical placement, even if that summary does not yield a precise description.

The text of Deuteronomy, the first book of the so called “Deuteronomic History” (Deuteronomy through II Kings), appears to contain major, even central elements (chapters 12-26 for example) that had roots in the early monarchy, has similarities in language and theme with eighth-century northern Israel in particular with the prophet Hosea, and later with Jeremiah, and also with later sixth- and fifth-century wisdom circles. It also reaches back to earlier directly-Mosaic teaching like the Decalogue and the formation of the tribes into a loose confederation that would enter Canaan under Joshua and later the period of the judges.¹²⁰ It is most often and most closely associated with the reforms of King Josiah as narrated in II Kings 22-23 (ca. 620, B.C). And it may have been edited in the post-exilic 6th century. It provides, as Childs notes, “the hermeneutical key for understanding the law of Moses, that is to say, the Pentateuch, in its role as sacred scripture of Israel.” And it “serves as a commentary on how future generations are to approach the law and it functions as a guide in establishing its canonical role.”¹²¹ Earlier he had noted that “the importance of Deuteronomy is further evidenced by the many modern scholars who hold that Deuteronomy constitutes the center of Old Testament theology.”¹²² Childs’s conclusions are supported by the recent comprehensive commentary by J.G. McConville. Formed near the end of the redactional process that resulted in the Old Testament (or Hebrew Bible), reflecting multiple layers, schools, and time periods, from Moses to postexilic Israel, and multiple sources (D and P, with earlier layers), Deuteronomy seems to be a canonical and theological center or pointer for approaching the Old Testament and its teaching.¹²³ Childs summarizes its theological teaching, but does not include the social teaching which other scholars noted as central in its theological construction. McConville makes that social or political teaching central to his treatment. The breadth of the scholars who note this social component is extensive. I will mention only a few.

Walter Eichrodt, in his *Theology of the Old Testament*, writing as early as the 1930s and referring to Deuteronomy 17:14-20, argued that Israel stood out among ancient near-eastern kingdoms in demanding limits to the power of kings. Not only was this a practical “defensive action,” but it was a creative political act that reflected that the “law of the people was rooted in the will of God.” He concluded, “It may be safely said, that the national conscience of Israel had reached a high degree of sensitiveness and refinement and reacted more sharply against any breach of law than that of other peoples.”¹²⁴ The king must not be like other kings. He must understand himself as a “brother,” and his power be limited by the law and covenant. He concluded, “Even the state is a part of the divine reality [*italics from the text*]. This belief, however, was not expressed, as it was elsewhere in the ancient East, in divine kingship and the state cultus...but in the subjection of the entire national life to the ordinances of the divine covenant, which gave every individual an equal share in God’s blessing of man’s earthly existence.”¹²⁵ One would expect scholarship to move beyond or away from such older constructions. However, we find exactly the opposite.

Let me note a handful of scholars who have come to similar and more detailed conclusions. First, Jewish scholar Baruch Halpern in 1981 in *The Constitution of the Monarchy in Israel* offered an exhaustive review of the composition of the books dealing with the monarchy, and the various traditions and interpretations of apparently conflicting elements. He considered all of the elements we have seen included in “The Hebrew Republic,” the council of elders, the problem of the formation of the monarchy (citing Josephus), tribal assemblies, the king’s role regarding legislation, the king’s limitations, the roles of judges, Levites, and priests, prophets and the problem of recognizing a true prophet.¹²⁶ He concluded, “The legislation of Deuteronomy 17:8-18:22 thus establishes a national political constitution with historical and literary links to the institution of the monarchy. In erecting a central judiciary, a priestly order, and a prophetic office as positions independent of the monarchy, this remarkable document further serves the end of the “law of the king”: it limits the monarch’s power to arrogate to himself all authority in national regime. It legislates monarchy, but proscribes despotism.”¹²⁷ These were the concerns, as we have seen, of the seventeenth-century republican writers who drew on the Old Testament to support their political program.

Catholic scholar Norbert Lohfink, using the Old Testament to question hierarchical power within the church, argued that the laws concerning the orders or offices of judge, priest, king, and prophet originated in different times and situations, without the intention of creating a coherent constitutional form. They were brought together by the editor of Deuteronomy for the first time. The king is now required to have a copy of “this torah,” referring to the laws as compiled in the central sections of Deuteronomy. In effect the editors/redactors represented the constitutional form drawn out of the history and traditions of Israel then named and gave them the authority of the law to which the king is subject.¹²⁸ He concludes, “the list of laws concerning the most important offices in Israel is complete, and so we have good reason to assume that the chief redaction of this section of the Deuteronomical law is intended to be a comprehensive piece of legislation concerning the principal functions of power in Israel.”¹²⁹

Reformed scholar S. Dean McBride Jr. relates his interpretation of Deuteronomy to the tradition of Josephus and of writers in the ancient Greek and Roman worlds who developed republican thinking in an effort to highlight the “broader social and political import” of the book.¹³⁰ He notes that Deuteronomy itself claims to be the “authoritative Torah mediated through Moses to Israel,” and thus a kind of interpretive pattern from which to understand other texts relating to social and political order and questions.¹³¹ This “Torah,” he claims, is “set forth as sanctioned political policies, to be “diligently observed” by Israelite king and common citizen alike..., and on their strict observance hangs the fate of the entire nation.”¹³² Further he argues that the form of Deuteronomy “serves admirably to highlight the character of the central document as a constitution.”¹³³ Before treating each section of this constitutional order he sets out what he judges to be the purpose or intention of the book: “Because Moses has promulgated the constitutional law in its entirety, fulfilling the role of legislative mediator to which he had been elected at Horeb..., knowledge of God’s providential governance is accessible to every Israelite...; authoritative decision making and the responsibilities which go with it have been democratized.... The written Torah and the institutional order it defines have become a surrogate for Moses himself.”¹³⁴ He concludes in words that bring us back to the earlier outline of the Hebrew Republic:

The Modest aim of the foregoing discussion has been to support Josephus’s identification of the Deuteronomical “Book of the Torah” as a social charter of

extraordinary literary coherence and political sophistication, thereby also recognizing the work to be the archetype of modern western constitutionalism. But a confessional word may be offered in conclusion: For Jews and Christians committed to the continuing struggle for social justice and human rights, the Deuteronomic model of theocentric humanism remains and eminently practicable legacy.”¹³⁵

In a major study of Pentateuch, *The Torah: Theology and Social History of Old Testament Law*, Frank Crusemann, citing Lohfink, but neither Halpern nor McBride, reviewed again the possible or probable settings for the writings of Deuteronomy, especially 16-18, where the laws authorizing and limiting power are contained. His comments turn around one of the criticisms of some treatments of the Hebrew Republic. Some scholars note that the appeal to phrases like “separation of powers” and “checks and balances,” or even “republican” forms of government are anachronistic, importing modern republican terms into the analysis of an ancient text of a people without a republican tradition. However, as Crusemann noted, referring specifically to references to Deuteronomy as a “model constitution,” “this modern concept is as unavoidable as it is appropriate, since there are no analogies in ancient Near Eastern law; fundamentally, the analogies are just in recent constitutions. The state itself becomes the object of regulation.”¹³⁶ He noted later that the Old Testament lacks terminology for these conceptions and discusses the use of Greek terminology for the institutional patterns by Josephus. He adds “The unique innovations of deuteronomic thinking are not yet formulated in clear terms. We see rooted here the difficulty that, to this very day, theological conceptual language has problems dealing with political dimensions.”¹³⁷ He elaborates the meaning of the rhetorical pattern of addressing its laws to “you” indicating the broader people of Israel through comparison with ancient Greek political thinking, emphasizing sometimes the differences between them. But again, he is bold enough to draw more radical conclusions: “On the other hand, it seems to me that there is nothing arguing against the concept of “democracy,” not even the foundation in the form of Mosaic law which exceeds the authority of the people.” He finds an analogy to the authority of Deuteronomic law above the people to notions like “human rights, basic rights, constitutional principles, etc.” which “are above shifting majorities and constellations.”

Let me conclude with a final source. A number of commentaries support substantively and sometimes minor ways the conclusions of the scholars outlined just above. A number seem not to, or simply ignore the topic.¹³⁹ The recent comprehensive commentary noted above by J. G. McConville, a long-time scholar on Deuteronomistic topics, makes the case that Deuteronomy is central by its place in the biblical canon, and its interpretive structure for guiding the reader to understand the Old Testament teaching about society. He notes that the “subordination of authority to law in Deuteronomy...is what gives the prophetic critique of the abuse of power its unique authority. This prophetic dimension is the key factor in any application of the OT law to the modern world.” The book is not an apology for the authority for kings, but “In assigning final authority to the people as such, in charging them with the regulation of affairs by the Torah, and in setting the prophetic word over all other agencies, it precludes the use of religious authority to justify any status quo. This is the lasting contribution of the book. It is capable of informing practical thinking about organization of societies, while maintaining a vision of the kingdom of God.”¹⁴⁰

McConville developed his thesis more fully in a subsequent work interpreting the political teaching of the “primary history” of Israel (Genesis to II Kings), the title of which provides a summary of its theme, *God and Earthly Power: An Old Testament Political Theology*.¹⁴¹ He provided a nearly complete analysis of more recent interpretations that focus on the Hebrew Republic, and he concluded that “Deuteronomy contains a charter for nationhood... [and] within this notion of nationhood there is a concept of political responsibility both of the body politic and of the individual,” and “that Deuteronomy expresses powerful political ideas that are rooted in the experience and memory of Israel. Its political thought involves an organizational aspect, since it provides for roles and offices, procedures for law and worship, and assembly of the whole people, and the relation of these together.” These he notes are not just organizational, but also shape the “attitudes and actions” of the people of Israel.¹⁴²

Even though we do not hear many sermons or discussions of the political thinking of the Old Testament that reflect the institutional and theological construction of Deuteronomy, it seems to be the case that Old Testament/Hebrew Bible scholarship, at least among a significant and theologically diverse group of scholars, has developed something of a consensus regarding not just its importance, but also its centrality. It is all-the-more surprising that this consensus

has been understood in the past, from Josephus in the ancient world, through Maimonides and the Rabbis of the Middle Ages, and republican theorists and political actors in the early modern world. Contemporary scholars reflect some knowledge of this tradition, citing different examples from the past (for example Milton and Montesquieu), but do not claim extensive knowledge of that past tradition. It appears not to be a living tradition for them, but a recovery of a past understanding using the tools of contemporary biblical scholarship.

The uncovering of this connection might be able to enliven our discussion of the ways in which Christians can understand our place as members of societies or polities, and the contributions that might be made by the Christian and Jewish teaching that comes to us both from the sacred writings of the Bible and our theological, philosophical, and political traditions. It might offer an avenue through biblical scholarship to those large questions of religious, social, and constitutional order that have been a part of the understanding of the Christian's role in our society but have been missing sometimes from our contemporary dialogue.

VI

What might this mean for us?

The route that has been traced, from the presence of Jewish rabbis in Amsterdam in the seventeenth century, to the rediscovery of political Hebraism and the understanding of the Hebrew Republic in the seventeenth century, particularly in The Netherlands and England, its contribution to republican thinking which was part of the "Atlantic Republican Tradition," reaching from Florence and Venice to the early American republic, its associations back to the ancient work in Josephus and medieval development in Maimonides, and its recovery in the late twentieth century in Old Testament scholarship might have something to say to us today. Let me suggest some possible considerations for those who want to think deeply about Christian engagement in the political order in this world.

In the early twenty-first-century we struggle with how to respond as Christians in the public and political arena. We seem to be caught in the standard alternatives of the day. The evangelical world is tempted by theories of "Christian America" that sometimes unthinkingly link biblical law to current situations rousing, perhaps rightly, fears of authoritarian rule in a pluralistic world.

Evangelicals are linked, rightly or wrongly, to distaste for oligarchic republicanism, the rule of the wealthy, in an insistently egalitarian time.¹⁴³ Evangelicals are also tempted to join the dominant current trend among dwindling mainline Protestant denominations and link the Hebrew prophetic voice to redistributionist programs without thorough consideration of the problems and realities of the power involved in such schemes and historical lessons readily available about the generation of wealth and poverty, and the hard realities of sociological patterns.

Until recently the Anabaptist world has stood apart from such discussions, living out of a deep sense of the distance between this world and the kingdom of God.¹⁴⁴ Political thinking for Anabaptists has been characteristically about the distinctiveness of the Christian community and its profound alternative witness to and in our world. This is reflected in the ongoing discussion about faith, politics, social justice (and similar categories under which it is engaged) at Fresno Pacific. We can speak about the Bible, we can speak about community, and we can see the need in the world today. But how we get from one to the other is murky. And questions about how we relate to governmental institutions and power are avoided. Yet there are deep resources for us which developed over long centuries from the times when Christians had to step beyond the stance of a beleaguered and persecuted sect in the fourth century through the development of medieval and Reformation Christian societies, including Anabaptist communities, and into the early modern world when Christians of many traditions confronted the realities of confessional and religious pluralism, the necessity of liberty of thought and practice, and tolerance for those who would follow different ways. This liberty and tolerance required trust in the competing traditions of thought and experience, trust that those different traditions would not break out violently to impose their confessional commitments, no matter how deeply held, on others whether for radical reordering of society, or assertion of traditional orders. It also required limitations of institutional power such as those embodied in the broad tradition of republican thinking. In the winding path of political thinking and experience traced in this study, we have something that might be readily engaged by many of us to who desire to think about political order, our faith, and their interaction.

The recovery of the “Hebrew Republic” in the book of Deuteronomy, and in subsequent historical books of the Old Testament, offer much to consider

about Israel's long experience with political order. We need not claim that this is "the" scriptural order. It is not detailed enough to be a political blueprint, and seemingly the entire tradition rejects that there is biblical mandate for one form of government at all times. But it does offer, as it were, constitutional considerations about the distribution of power, law, courts, and judgment, the discernment of true and false prophetic voices, and for political representation. Some scholars emphasize that this constitutional order was developed out of long and difficult experience, and the exercise of what Aristotle referred to as prudence or political wisdom. For some this might enhance the claim of the Old Testament order, others will struggle with the relationship between human experience and divine revelation reflected in the biblical writings themselves.

The Hebrew Republic, so understood by those who shaped the discussion in The Netherlands and England, was a historical example—the best historical example they claimed, coming from the mouth of God—that was hard-won experience and understanding with kingship in Israel. The redactors or scribes who put together the canonical form of the Old Testament with Deuteronomy completing the Torah reflected the political experience of Israel with kingship and its struggle to keep the covenant with Yahweh. They reinforced the ancient assemblies and judicial councils or senate, reaffirmed the roles of the priesthood, recognized the authority of the prophets who spoke for God and the ongoing problem of verifying which of those spokespersons were true prophets, and limited the authority and power of the king under the law. They recommended and established laws for the distribution of wealth and recognized the importance of economic equity in political order. The early modern turn to history reflected in the writings on the Hebrew Republic meets with Old Testament historical reconstruction. Early modern political thinkers and actors in The United Provinces, Britain, and the American colonies and early republic used this understanding for the reform of political institutions that similarly limited the power of rulers under law, revised laws for the distribution of wealth, and recognized a prophetic voice in the pursuit of justice. We might ask whether that tradition of thought has anything to say to us today.

Current Israeli scholars have begun to rethink twentieth and twenty-first century political experience in light of this reading of the Hebrew Bible. Two scholars associated with the Shalem Center in Jerusalem, Joshua Berman and Yoram Hazony, have used the experience of Ancient Israel for reflections on

current political order. Berman focuses on equality, as reflected in the laws related to return of land to debtors, and how Israel broke free from ancient perceptions of cosmic and social hierarchy.¹⁴⁵ Hazony points to the limitations of the king's prerogatives as ruler and the constitutional protections embedded in Deuteronomy and I and II Samuel. Both engage with the difficult problems of freedom, political power, and religious authority.¹⁴⁶ In their work they are reviving the thinking of Josephus, Maimonides, the rabbis of the Talmud, and the Christian thinkers of the fifteenth through eighteenth centuries. It is not clear in what ideological direction these thinkers would urge us to move. Hazony has explicitly argued that the limitation of power is a preeminent need in modern societies, using the Old Testament stories and laws regarding kingship as touchstones. Berman's emphasis on egalitarianism may be taken in multiple directions, left and right. There is room for more thought and careful consideration of the meaning of the Old Testament for us. Both draw on some earlier analysis by Daniel Elazar who worked as a political philosopher, arguing that Deuteronomy was characteristic of both modern-day federalism, and constitutionalism. As we have had to do here, he draws on current Hebrew Bible scholarship to situate ancient Biblical teaching. But does not hesitate to discuss the teaching in relation to concepts from political theory and history like federalism, and constitutional limitations, noting their historical relationships to Old Testament ideas of covenant. The seemingly anachronistic terminology does not jar when understood as indicative of organic development of the Old Testament teaching.¹⁴⁷

Among Christian thinkers, Oliver O'Donovan in his studies *The Desire of Nations*, and *The Ways of Judgment* has recognized the importance of Biblical teaching for politics, including its importance in the early modern period for contemporary reflection on such classic political topics as "representation" and discussions of the distribution of power among judges and political leadership.¹⁴⁸ O'Donovan's thought is at the same time broad in its implications ranging from interiority in spiritual experience to international institutions and law, and deep in its reflections on Scripture, and society. His attention to themes traced here from the experience of the Christian past have much to offer us. A consultation with O'Donovan as respondent to each presenter on different themes within *The Desire of Nations* was held in Cheltenham, England in June of 2001. J. G. McConville was one of the presenters; he argued that O'Donovan

“muted” the importance and voice of Deuteronomy, and that greater engagement with this central text for understanding Christian political thinking would nuance O’Donovan’s thinking about authority and judgment. O’Donovan’s reading of the Old Testament, situating the limitations of kingship solely in the reign of Josiah and the Zion tradition of greater political and religious authority for kings caused him to neglect the institutional patterns outlined by Old Testament scholars, and earlier republican theorists discussed here.¹⁴⁹ The consultation was one of the motivating factors for both McConville’s extended work noted above *God and Earthly Power*, and O’Donovan’s *The Ways of Judgment*.¹⁵⁰ Both reward careful reading, though much remains to be developed.

Throughout the medieval and early modern periods, Christian thinkers turned to the Old Testament for guidance on social and political thinking. Today Christian and Jewish political thinkers can and are returning to the sacred text and the experience of Israel. Both past Christian thinking on and experience in political order, sometimes in life and death situations, and the teaching of Scripture on these same topics are available for us today, and they await us with similar, overlapping, and mutually supportive thinking. The Hebrew Republic has been fruitful in the formation of the political tradition in which we live. The depth of the political thinking around these questions in the past may have something to add to our ongoing discussion today.

Appendix I: Old Testament Passages relating to “The Hebrew Republic”

Exodus 18:13-27, Deuteronomy 1:12-17	Jethro recommends councils/courts to Moses; leaders of 1000s, 100s, 50s, 10s
Leviticus 25, Deuteronomy 15	Sabbatical year, release of debt and labor/slavery, Jubilee 49 or 50 years
Numbers 11:10-17, 24-27	70 Elders, known officials and leaders (root of Sanhedrin)
Deuteronomy 16:18-20	Appoint Judges and Officers each gate/town, qualifications (root of lesser councils of 23 or lesser Sanhedrin)
Deuteronomy 17:8-13	Law courts, difficult cases to priests and Levites,
Deuteronomy 17:14-20	King, brother, limitations on wealth and military, alliances and intermarriage, law
Deuteronomy 18:1-8	Levites, inheritance and payments/stipends
Deuteronomy 18:14-22	Prophets, test of true and false prophets
I Samuel 8	Request for king, warnings about kingship, laws of kingdom
I Samuel 10:24-25	Laws of kingship (linked to Deuteronomy 17:14-20)

Appendix II: Texts of Josephus and Maimonides on Hebrew Government

Flavius Josephus, <i>Against Apian</i> , II, 151-189; <i>Jewish Antiquities</i> , III, 61ff; IV, 214ff; VI, 60-67	Moses as founder, theocracy, law, stability Jethro, councils, aristocracy, law, courts, law of king, establishment of kingship
Moses Maimonides, <i>Mishna Torah</i> or <i>Code of Maimonides</i> , Book 14, "The Book of Judges"	I, Sanhedrin (and lesser courts—Temple, towns, and villages); 2, Evidence; 3, Authority of Sanhedrin; 5, Kings and War (also law, aliens, messianic age)

NOTES

- ¹ I want to express my gratitude to former FPU Presidents Merrill Ewert, Pete Menjares, and Richard Kriegbaum, who affirmed the restoration of a long-delayed sabbatical at the end of my service in the administration, and to the FPU Board of Trustees for the grant of a sabbatical. This paper is the initial result of that time of study and reflection. I would also like to thank Terry Brensinger, Allen Carden, Lynn Jost, Terry McCord, Richard Rawls, and Bruce Whitsitt who graciously read and/or commented on topics in this essay at various stages of development—they saved me from numerous errors.
- ² For the general history of Jews in early modern Europe see David B. Ruderman, *Early Modern Jewry: A New Cultural History* (Princeton: Princeton University Press, 2010) 71-72; Frank E. Manuel, *The Broken Staff: Judaism through Christian Eyes* (Cambridge: Harvard University Press, 1992), and Adam Sutcliffe, "The Philosemitic Moment? Judaism and Republicanism in Seventeenth Century European Thought," *Philosemitism in History*, Ed. J. Karp and A. Sutcliffe (Cambridge: Cambridge University Press, 2011): 67-89.

- 3 *The Low Countries in Modern Times*, H. T. Rowen, ed. and trans. (New York: Walker, 1972), 73-74. I should also note that The United Provinces were not the first to proclaim this kind of official toleration. As Peter J. Klassen has shown the Dutch were aware of Polish precedents, *Mennonites in Early Modern Poland and Prussia* (Baltimore: The Johns Hopkins University Press, 2009) 15.
- 4 Dutch governance in the seventeenth century is, to say the least, complex. See Maarten Prak, *The Dutch Republic in the Seventeenth Century*, Diane Webb, Trans (Cambridge: Cambridge University Press, 2005), 166-185. And K. H. D. Haley, *The Dutch in the Seventeenth Century* (London: Harcourt Brace Jovanovich, 1972), 84-100, though older, provides a still useful outline of the shape and limits of religious life and toleration. The city and its magistrates controlled and limited how religious authorities could act in relation to established belief, see Willem Frijhoff, "Religious Toleration in the United Provinces: from 'case' to 'model,' *Calvinism and Religious Toleration in the Dutch Golden Age*, R. Po-Chia Hsia, et al, eds. (Cambridge: Cambridge University Press, 2002) 28-30. Wiebe Bergsma, "Church, State and People," *A Miracle Mirrored: The Dutch Republic in European Perspective*, K. Davids and J. Lucassen, eds. (Cambridge: Cambridge University Press, 1995), demonstrates both a high degree of religious/denominational diversity and tolerance, 197-203. However, tolerance was not universally accepted, and its development was contested. See Jonathan Israel, *The Dutch Republic* (Oxford: Oxford University Press, 1995), 499-505. For current scholarship, some of which is reflected here, see Christine Kooi, "The Reformation in Holland: Some Historiographic Contributions in English," *Archiv für Reformationsgeschichte*, 100(2009): 293-307, esp. 304-07.
- 5 See Israel, 378-98, on the process of confessionalization, including Catholic and Mennonite development.
- 6 The summary of this development I have relied on Miriam Bodian, "Liberty of Conscience and the Jews in the Dutch Republic," *Studies in Christian-Jewish Relations*, 6(2011) Bodian CP 1-9; online journal Boston College, <https://ejournals.bc.edu/ojs/index.php/scjr/article/view/1587>; and David Sorkin, "Beyond the east-west divide: rethinking the narrative of the Jews' political status in Europe, 1600-1750," *Jewish History*, 24(2010) 247-56. For full accounts see, Bodian's *Hebrew's of the Portuguese Nation: Conversos and Community in Early Modern Amsterdam* (Bloomington: Indiana University Press, 1997); the "communal portrait" by Daniel Swetschinski, *Reluctant Cosmopolitans: The Portuguese Jews in Seventeenth Century Amsterdam* (London: The Littman Library of Jewish Civilization, 2000), and *The History of the Jews in the Netherlands*, J. C. H. Blom, R. G. Fuks-Mansfield, and I. Schoffer, eds. A. J. Pomerans and E. Pomerans, trans. (Oxford: The Littman Library of Jewish Civilization, 2002), chap. 2 by Daniel Swetschinski, chap. 3 by Jonathan Israel, and especially chap. 4, "The Jews in the Republic until about 1750: Religious, Cultural and Social Life," by Yosef Kaplan.
- 7 Again see Israel, 378-98.
- 8 Bodian, "Liberty of Conscience," CP 3.
- 9 See for a summary Sorkin, 251. Sorkin notes the similarity of Amsterdam and England with Poland's treatment of the Jews, see note 3 above.
- 10 See Miriam Bodian, "The Biblical 'Jewish Republic' and the Dutch New Israel in Seventeenth Century Dutch Thought," 149—151, in *Political Hebraism: Judaic sources of Early Modern Political Thought*, ed. G. Schochet, et al (Jerusalem: Shalem Press, 2008), citing Frijhoff above; and Simon Schama, *The Embarrassment of Riches: And Interpretation of Dutch Culture in the Golden Age* (New York: Random House/Vintage, 1987) 95-96.
- 11 On the importance of covenantal or federal theology in the Reformed tradition see Jaroslav Pelikan, *The Reformation of Church and Dogma (1300-1700)*, Vol 4 of *The Christian Tradi-*

- tion: *A History of the Development of Doctrine* (Chicago: University of Chicago Press, 1984) 240-44. Also, Myriam Yardeni, "French Calvinism and Judaism," *Reformation and Renaissance Review*, 6(2004), 297 emphasizes the "quasi-equal status of the two Testaments" along with doctrines such as original sin among all peoples that allows for a more positive treatment of the Jews among French and Dutch reformed theologians and preachers, and so too among communicants who protect Jews from persecution.
- 12 For a developed account of the Jewish contribution to Christian understanding see Aaron L. Katchen, *Christian Hebraists and the Dutch Rabbis: Seventeenth Century Apologetics and the Study of Maimonides' Mishna Torah* (Cambridge: Harvard University Press, 1984).
- 13 Miriam Bodian, "The Portuguese Jews of Amsterdam and the Status of Christians," *New Perspectives on Jewish-Christian Relations*, E. Carlebach and J. J. Schacter, Eds. (Leiden: Brill, 2012) 343-51.
- 14 For the process of discussion and informal readmission see David S. Katz, *Philosemitism and the Readmission of the Jews to England, 11603-1655* (Oxford: Clarendon, 1982) chap. 5 & 6; for a summary and the longer context see Katz's *The Jews in the History of England, 1485-1850* (Oxford: Clarendon, 1994), especially chap. 3 and 4.
- 15 Treatments of dissenters and non-conformists can be found in many places, see nt. 21 below. For a dissenter perspective see Gerald Cragg, *Puritanism in the Period of the Great Persecution, 1660-88* (Cambridge: Cambridge University Press, 1957) summary at 11; and N. H. Keeble, *The Restoration: England in the 1660s* (Oxford: Blackwell, 2002).
- 16 Along with the analysis of Katz, for the broader use of Hebrew writings among political thinkers and actors see Charles W. A. Prior, "Hebraism and the problem of church and state in England, 1642-1660," *The Seventeenth Century*, 28(2013), 37-16.
- 17 "Liberty of Conscience..." CP 9.
- 18 Kalman Neuman, "Political Hebraism and the Early Modern 'Respublica Hebraeorum': On Defining the Field," *Political Hebraism: Judaic sources of Early Modern Political Thought*, ed. G. Schochet, et al, 56.
- 19 Newman, 60.
- 20 Newman, 61-65.
- 21 The classical sources for the notion of political participation as necessary for or producing virtue may be found in Aristotle's *Nicomachean Ethics*, Book I, and the concluding sections of Book X, and in his *Politics*, Books I and III; and in the opening sections of Cicero's *On the Republic or On the Commonwealth, and The Offices* (Duties).
- 22 For a classic statement see, Patrick Collinson, "The Monarchical Republic of Queen Elizabeth I," in his *Elizabethan Essays* (London: Hambledon Press, 1994): 31-58 (originally published in 1987); also, Markku Peltonen, *Classical humanism and republicanism in English political thought, 1570-1640* (Cambridge: Cambridge University Press, 1995): see pp. 6 and 48 for references to Collinson.
- 23 The literature on this period is voluminous. Some very good recent treatments are Jonathan Scott, *England's Troubles: Seventeenth-Century English Political Instability in European Context* (Cambridge: Cambridge University Press, 2000); John Spurr, *The Post Reformation 1603-1714: Religion, Politics, and Society in Britain* (Harlow: Pearson/Longman, 2006); David L. Smith, *A History of the Modern British Isles, 1603-1707* (Oxford: Blackwell, 1998); Tony Claydon, *England and the Making of Europe, 1660-1760* (Cambridge: Cambridge University Press, 2007). On the relationship between the English and Dutch see, *The Anglo-Dutch moment*, ed. Jonathan Israel (Cambridge: Cambridge University Press, 191); the brief summary by Jonathan Scott, "What the Dutch taught us: The late emergence of the modern British State,"

- Times Literary Supplement* (March 16, 2001), 4-6; and Scott's "From English to British Liberty, 1550-1800," *European Review of History*, 21(2014): 59-72.
- 24 On political thought in general see Glenn Burgess, *British Political Thought, 1500-1660* (New York: Palgrave Macmillan, 2009); Richard Tuck, *Philosophy and Government, 1572-1651* (Cambridge: Cambridge University Press, 1993); *The Varieties of British Political Thought, 1500-1800*, ed. J.G.A Pocock, G. Schochet, L.G. Schwoerer (Cambridge: Cambridge University Press, 1993). *British Political Thought in History and Literature: 1500-1800*, ed. David Armitage (Cambridge: Cambridge University Press, 2006).
 - 25 Glenn Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven: Yale University, 1996).
 - 26 For the common law tradition see the now classic, J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge University Press, 1957); Glenn Burgess, *The Politics of the Ancient Constitution* (University Park: Pennsylvania State University, 1993); *The Roots of Liberty: Magna Carta, Ancient Constitution, and the Anglo-American Tradition of Rule of Law*, ed. Ellis Sandoz (Columbia: University of Missouri Press, 1993). For the changing history of natural law see, Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge: Cambridge University Press, 1979); Brian Tierney, *The Idea of Natural Rights* (Atlanta: Emory University Press, 1997); Brian Tierney, *Liberty and Law: The Idea of Permissive Natural Law, 1100-1800* (Washington, D.C.: The Catholic University of America Press, 2014); Annabel S. Brett, *Changes of State: Nature and the Limits of the City in Early Modern Natural Law* (Princeton: Princeton University Press, 2011).
 - 27 The older classic work is Christopher Hill, *The World Turned Upside Down: Radical Ideas During the English Revolution* (Baltimore: Penguin, 1975), and his *The Experience of Defeat* (New York: Penguin, 1984); a more recent, leading synthesis is John Morrill, *The Nature of the English Revolution* (New York: Longman, 1993); and a brief and very helpful summary is F. D. Dow, *The Radicalism of the English Revolution, 1640-1660* (Cambridge: Blackwell, 1985).
 - 28 Cambridge Platonism is often portrayed as non-political though members of the circle wrote voluminously against Hobbes and analyzed the social pathologies of the day. See for an introduction Sarah Hutton, *British Philosophy in the Seventeenth Century* (Oxford: Oxford University Press, 2015); Gerald R. Cragg, Ed. *The Cambridge Platonists* (New York: Oxford University Press, 1968); Charles Taliaferro and Alison J. Telpy, *Cambridge Platonist Spirituality* (New York: Paulist, 2004) and my review in *Fides et Historia*, 38(2006) 112-14; *The Cambridge Platonists in Philosophical Context: Politics, Metaphysics and Religion*, G. A. J. Roger's et al, ed. (Boston: Kulwer Academic, 1997).
 - 29 The most prominent is Henry More, one of the two leading thinkers of the Cambridge Platonists, *Enthusiasmus Trimuphatus*, 1656, 1662. See Michael Heyd, "Be Sober and Reasonable:" *The Critique of Enthusiasm in the Seventeenth and Early Eighteenth Centuries* (Leiden: Brill, 1995).
 - 30 See Morrill, noted above, and several volumes of Blair Worden, *Roundhead Reputations* (London: Alan Lane, 2001), *The Rump Parliament* (Cambridge: Cambridge University Press, 1977), *God's Instruments* (Oxford: Oxford University Press, 2012).
 - 31 The comprehensive treatment is Jonathan Scott, *Commonwealth Principles: Republican Writings of the English Revolution* (Cambridge: Cambridge University Press, 2004). For an introduction see the outline of Blair Worden, "English republicanism," in *The Cambridge History of Political Thought, 1450-1700*, ed. J.H. Burns and M. Goldie (Cambridge: Cambridge University Press, 1991). The most complete treatment prior to Scott is Blair Worden (chap 1)

- “Marchamont Nedham and the Beginnings of English Republicanism, 1649-1656,” (chap 2) “James Harrington and the Commonwealth of Oceana, 1656,” (chap 3) “Harrington’s Oceana: Origins and Aftermath,” and (chap 4) “*Republicanism and the Restoration, 1660-83*,” in *Republicanism, Liberty, and Commercial Society, 1649-1776*, ed. David Wootton (Stanford: Stanford University Press, 1994): 45-196. Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998) is an interpretive essay. The work sparking the reassessment of the last forty years is J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975); a critique is Paul A. Rahe, *Against Throne and Altar: Machiavelli and Political Theory under the English Republic* (Cambridge: Cambridge University Press, 2008). Still worth consulting is Zera S. Fink, *The Classical Republicans: An Essay on the Recovery of the Pattern of Thought in Seventeenth-Century England* (1945; rpt. Eugene: Wipf and Stock, nd), and Caroline Robbins, *The Eighteenth Century Commonwealthman* (1959; rpt. Indianapolis: Liberty Fund, 2004).
- ³² Claydon, *England and the Making of Europe*, 7ff, 62, 200ff.
- ³³ Tuck, *Philosophy and Government*, chaps. 2, 5, and 7. See also his “Grotius and Selden,” in *The Cambridge History of Political Thought, 1450-1700*, ed. J.H. Burns and M. Goldie (Cambridge: Cambridge University Press, 1991): 499-529. In the same volume see J.P. Sommerville “Absolutism and Royalism,” 346-73, and Noel Malcolm, “Hobbes and Spinoza,” 530-44.
- ³⁴ On the scientific revolution see Richard Olsen, *Science Defied and Science Deified*, 2 Vols (Berkeley: University of California Press, 1982, 1990); John Henry, *The Scientific Revolution and the Origins of Modern Science* (New York: St. Martins, 1997); Margaret J. Osler, *Reconfiguring the World: Nature, God, and Human Understanding from the Middle Ages to Early Modern Europe* (Baltimore: Johns Hopkins, 2010). On application to political thinking see Margaret C. Jacob, *The Newtonians and the English Revolution* (Ithaca: Cornell University Press, 1976), and Michael Hunter, *Science and Society in Restoration England* (Cambridge: Cambridge University Press, 1981).
- ³⁵ Especially Grotius and Descartes, see, Sarah Hutton, *British Philosophy in the Seventeenth Century* (Oxford: Oxford University Press, 2015): 63-68. Hugh Trevor-Roper, “Grotius in England,” *From Counter-Reformation to Glorious Revolution* (London: Pimlico, 1992) 47-82.
- ³⁶ See Scott, *England’s Troubles*.
- ³⁷ The only single treatment is Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge: Harvard University Press, 2010); see also *Political Hebraism*, G. Schochet, ed., especially the essays by Arthur Eyffinger, “‘How Wonderfully Moses Goes Along with the House of Orange!’ Hugo Grotius’s ‘De Respublica Emendanda’ in the Context of the Dutch Revolt,” 107-147, and Miriam Bodian, “The Biblical ‘Jewish Republic’ and the Dutch New Israel in Seventeenth Century Dutch Thought,” 148-166; and the brief treatment in Frank E. Manuel, *The Broken Staff: Judaism through Christian Eyes* (Cambridge: Harvard University Press, 1992), chaps 4-5.
- ³⁸ See James Hankins, *Plato in the Italian Renaissance* (Leiden: Brill, 1991); *Renaissance Civic Humanism*, James Hankins, Ed. (Cambridge: Cambridge University Press, 2000). See the older work originally published in 1945 of Eugenia Garin, *Italian Humanism: Philosophy and Civic Life in the Renaissance*, Peter Munz, trans. (New York: Harper and Row, 1965).
- ³⁹ For the application to political thinking see Quentin Skinner, *The Foundations of Modern Political Thought: Vol One, The Renaissance* (Cambridge: Cambridge University Press, 1978): 84ff. For a more developed treatment see Skinner’s “The Rediscovery of Republican Values,” *Visions of Politics: Volume II, Renaissance Virtues* (Cambridge: Cambridge University Press, 2002) 10-38.

- ⁴⁰ See Pocock, *The Machiavellian Moment*; see Felix Gilbert, *Machiavelli and Guicciardini* (New York: Princeton, 1973). William Bouwsma, *Venice and the Defense of Republican Liberty* (Berkeley: University of California Press, 1968).
- ⁴¹ See the outline of Blair Worden, "English republicanism," in *The Cambridge History of Political Thought, 1450-1700*, ed. J.H. Burns and M. Goldie (Cambridge: Cambridge University Press, 1991): 444.
- ⁴² Quoted in Ellis Sandoz, *A Government of Laws: Political Theory, Religion, and the American Founding* (Baton Rouge: Louisiana State University Press, 1990) 93, see also nt. 25. This quote can be found in many sources.
- ⁴³ The phrase is from the subtitle of Pocock, *The Machiavellian Moment*.
- ⁴⁴ See Nelson, *The Hebrew Republic, and Political Hebraism*, G. Schochet, ed. and Katchen, *Christian Hebraists and Dutch Rabbis*. And Miriam Bodian, "Biblical Hebrews and the Rhetoric of Republicanism: Seventeenth-Century Portuguese Jews on the Jewish Community," *AJS Review* 22(1997): 188-221.
- ⁴⁵ Maimonides's writings on politics can be found excerpted in Jacob S. Minkin, *The World of Moses Maimonides, with selections of his writings* (New York: Thomas Yoseloff, 1957), with helpful introduction on the nature of the texts, and *The Code of Maimonides, Book Fourteen, The Book of Judges*, A.M. Hershman, trans. (New Haven: Yale University Press, 1949); see also for Maimonides in general *The Cambridge Companion to Maimonides*, Kenneth Seeskin, ed. (Cambridge: Cambridge University Press, 2005), in particular the chapter by Haim Kreisel, "Maimonides' Political Philosophy," 193-220. See also the comprehensive treatment by Herbert A. Davidson, *Moses Maimonides, the Man and his Works* Oxford: Oxford University Press, 2005). Josephus's writings can be easily accessed in The Loeb Classical Library, *Josephus*, Vol. I, "Against Appian," H. St. J Thackeray (Cambridge: Harvard University Press, 1926), Vol. IV, "Jewish Antiquities, Books I-IV, Thackeray trans. (1930), and Vol. V, "Jewish Antiquities, Books V-VIII, Thackeray trans. (1934).
- ⁴⁶ See Appendix I for biblical sources for the development of "the Hebrew Republic."
- ⁴⁷ See Appendix II for the treatises in which Josephus and Maimonides develop their form of political Hebraism, and the Hebrew Republic.
- ⁴⁸ For examples of scholarship on individual thinkers see, Grafton, "*I have always loved the Holy Tongue*": *Isaac Casaubon, the Jews, and a Forgotten Chapter in Renaissance Scholarship* (Harvard: Belknap Press, 2011), Reid Barbour, *John Selden: Measures of the Holy Commonwealth in Seventeenth-century England* (Toronto: University of Toronto Press, 2003), and Jason Rosenblatt, *Renaissance England's Chief Rabbi: John Selden* (Oxford: Oxford University Press, 2006).
- ⁴⁹ Jonathan Scott, "What Were Commonwealth Principles?" *The Historical Journal*, 47(2004), 594, comments that "the greatest shortcoming of the existing literature on English republicanism has been its relative neglect of the religious dimension." The recovery of the Hebrew Republic within the writings of republican thinkers he references may go some way to rectifying the shortcoming. It might also be added that in the past John Milton's writings have made this link, though scholars recently have spent less energy connecting Milton to the tradition.
- ⁵⁰ Lea Campos Boralevi, "Classical Foundation Myths of European Republicanism: The Jewish Commonwealth," *Republicanism: A Shared European Heritage, Vol. 1. Republicanism and Constitutionalism in Early Modern Europe*, Martin van Gelderen and Quentin Skinner, Eds. (Cambridge: Cambridge University Press, 2002): 247-48. Eco Haitsma Mulier, "The Language of seventeenth-century republicanism in the United Provinces: Dutch or European?" *The Languages of Politics in Early Modern Europe*, A. Pagden, Ed. (Cambridge: Cambridge University

- Press, 1987) 179-195, does not mention Jewish sources or the Hebrew Republic, concentrating on Italian thought and its influence in the later decades of the century. Jonathan Scott's "Classical Republicanism in Seventeenth-century England and the Netherlands," in *Republicanism: A Shared European Heritage*, Vol. 1, 61-81 concentrates on the connections between individual thinkers in England (Hobbes, Harrington) and individual thinkers in Holland (de la Court, Spinoza) and does not address the character of Dutch republican thinking in general.
- ⁵¹ See Nelson, Ruderman, *Political Hebraism*, Manuel, Sutcliffe, and Eyffinger, noted above. And see Eran Shalev, *American Zion* (New Haven: Yale University Press, 2013) for extension into the American context up until the mid-nineteenth century.
- ⁵² Arthur Eyffinger, "Introduction" to Petrus Cunaeus, *The Hebrew Republic*, Peter Wytznner, trans. (Jerusalem: Shalem Press, 2006), xx-xxv.
- ⁵³ Cunaeus, 7. Also Nelson, *Hebrew Republic*, 19.
- ⁵⁴ Jacob S. Minkin, *The World of Moses Maimonides*, 81-82 quoting from the introduction to the *Mishna Torah*.
- ⁵⁵ Nelson, 19-20, 74-78.
- ⁵⁶ See J. G. McConville, *Deuteronomy* (Downers Grove: IVP Academic, 2002), 256-67.
- ⁵⁷ This is common in ancient and premodern societies and remained a principle question throughout the seventeenth century.
- ⁵⁸ Nelson, 108-111.
- ⁵⁹ However, Tuck, *Philosophy and Government*, 167-69, argues that Cunaeus fears that the unity of the Dutch polity will break apart under the strain of economic inequality and so counsels an agrarian solution.
- ⁶⁰ The classic distinction between an historian and antiquary is found in Arnaldo Momigliano, "Ancient History and Antiquarian," *Journal of the Warburg and Courtauld Institutes*, 13(1950), 285-315. For Cunaeus' method see Eyffinger, "Introduction," xlff.
- ⁶¹ Preface; I, 15, p 61-62.
- ⁶² I, 12, p 47
- ⁶³ I, 12, pp 47ff. His principal authority is Maimonides.
- ⁶⁴ I, 13, pp. 51ff.
- ⁶⁵ Nelson, *The Hebrew Republic*, 31ff.
- ⁶⁶ I, 14, p. 57-58.
- ⁶⁷ Ibid.
- ⁶⁸ See below at the conclusion of section II, 3 on Algernon Sidney for Confessional citations.
- ⁶⁹ The claim is associated with Fink and Pocock. See Jonathan Scott, "The rapture of motion": James Harrington's republicanism," *Political Discourse in Early Modern Britain*, N. Philipson and Q. Skinner, eds. (Cambridge: Cambridge University Press, 1993) 140-42; Harrington's uniqueness within the republican tradition is developed throughout. See also Jonathan Scott, *Commonwealth Principles: Republican Writings of the English Revolution* (Cambridge: Cambridge University Press, 2004) where a comprehensive interpretation of the tradition, and Harrington's place within it, is offered. Vickie B. Sullivan, *Machiavelli, Hobbes, and the Formation of a Liberal Republicanism in England* (Cambridge: Cambridge University Press, 2004), 1-15, and Paul Rahe, *Against Throne and Altar: Machiavelli and Political Theory under the English Republic* (Cambridge: Cambridge University Press, 2008) 321ff offer different and overlapping critiques of Pocock, both of which develop Scott's.

- ⁷⁰ Scott, *Commonwealth Principles*, 284-93 which outlines the recommendation of the work to Cromwell, as well as its ideological core.
- ⁷¹ James Harrington, *The Commonwealth of Oceana and A System of Politics*, J. G. A. Pocock, ed. (Cambridge: Cambridge University Press, 1992), 25.
- ⁷² Ibid. 26. Harrington seems to be drawing on the *Geneva Bible* (1599 ed.), which translates Acts 14:23 “And when they had ordained them Elders by election in every Church, and prayed, and fasted, they commended them to the Lord in whom they believed” and adds a marginal note “The Apostles committed the Churches which they had planted, to proper and peculiar Pastors, which they made not rashly, but with prayers and fastings going before: neither did they thrust them upon Churches through bribery or lordly superiority, but chose and placed them by the voice of the congregation.” The King James version translates Acts 14:23 without reference to mode of selection, “And when they had ordained them elders in every church, and had prayed with fasting, they commended them to the Lord, on whom they believed.” Most modern translations read that the apostles “appointed elders;” the NIV includes a note that an alternative reading is “had elders elected.”
- ⁷³ Ibid. 26-27.
- ⁷⁴ Ibid. 27.
- ⁷⁵ Notably Thomas Hobbes, in John Aubrey, *Brief Lives*, J. Buchanan-Brown, ed. (New York: Penguin, 2000) 135.
- ⁷⁶ Harrington, 28. For discussion of Harrington’s somewhat unique emphasis and use of Jethro’s advice see Avraham Melamed, “Jethro’s Advice in Medieval and Early Modern Jewish and Christian Political Thought,” *Jewish Political Studies*, 2(1990): 23-28.
- ⁷⁷ Ibid.
- ⁷⁸ Ibid 72-73.
- ⁷⁹ See Eric Nelson who argues for the importance of the consideration of property in Roman, Greek, and Hebrew political thinking, *The Greek Tradition in Republican Thought* (Cambridge: Cambridge University Press, 2004), chap 3, and *The Hebrew Republic*, 59-64, 78-86.
- ⁸⁰ Cunaeus, I, 2-3, pp 14-19.
- ⁸¹ Ibid. 15.
- ⁸² Harrington, 106.
- ⁸³ Ibid, 107.
- ⁸⁴ Ibid, 107-08.
- ⁸⁵ Ibid, 201.
- ⁸⁶ See also Ibid. p. 82-83.
- ⁸⁷ See again Deuteronomy 17-18
- ⁸⁸ Deuteronomy 18: 15-22.
- ⁸⁹ Charles W. A. Prior, “Hebraism and the problems of church and state in England, 1642-1660,” *The Seventeenth Century*, 28(2013) 37-61.
- ⁹⁰ Scott, *Algernon Sidney and the English Republic, 1623-1677* (Cambridge: Cambridge University Press, 1988) and *Algernon Sidney and the Restoration Crisis, 1677-1683* (Cambridge: Cambridge University Press, 1991).
- ⁹¹ Sidney, *Court Maxims*, H. W. Blom, E. H. Mulier, R. Janse, eds. (Cambridge: Cambridge University Press, 1996), 38.
- ⁹² Philaethes states the interpretation of I Samuel 8 on Kingship that James I had elaborately defended in *The Trew Law of Free Monarchies*, 1598, first London edition 1603. See *King James*

VI and I: Political Writings, Jonathan P. Sommerville, ed. (Cambridge: Cambridge University Press, 1994), 66-70.

⁹³ Sidney, 39

⁹⁴ *Ibid.* 92-3.

⁹⁵ *Ibid.* 40-41.

⁹⁶ *Ibid.* 42-3.

⁹⁷ *Ibid.* 48-9.

⁹⁸ *Ibid.* 58-61.

⁹⁹ *Ibid.* 62.

¹⁰⁰ These can be conveniently found in *The Creeds of the Churches*, John Leith, ed. Third Edition (Louisville: Westminster John Knox, 1982) 214, 269. On the broader *Reformed teaching* see *Jan Rohls, Reformed Confessions: Theology from Zurich to Barmen* (Louisville: Westminster John Knox, 1998) 198-200. John Calvin discusses the three forms of law in *The Institutes of the Christian Religion*, J. T. McNeill, Ed. F. L. Battles, Trans. (Philadelphia: Westminster, 1960) IV. 14-16. He argues in 16 that the “judicial” or political law must be adapted to “the condition of time, place, and nation.” The conception is older, see Thomas Aquinas, *Summa Theologica*, I-II, 99, and on the judicial law itself, 104. Neither discusses the Hebrew Republic per se, though Aquinas comes close in his argument in 104 that it contains monarchical, aristocratic, and democratic elements, referring primarily to Aristotle. Calvin refers to Deuteronomy 17 in his *Commentaries on the Four Last Books of Moses, arranged in the form of a harmony*, C. W. Bingham, Trans. (1852;rpt. Grand Rapids: Baker, 1999) II, 93, where he does not discuss republican forms, but does note the moderating, and limiting effect of the law on the power of kings, and its benefits for stable and long lasting rule, referring to classical authors, 99-100.

¹⁰¹ Sidney, 63.

¹⁰² See Peter Lake, *Moderate Puritans and the Elizabethan Church* (Cambridge: Cambridge University Press, 1982) for the general character of moderate puritanism, of which the Sidney clan was a part.

¹⁰³ For Sidney’s theological and philosophical heritage and commitments (moderate puritanism and Platonism) see Blair Worden, “The Commonwealth Kidney of Algernon Sidney,” *Journal of British Studies*, 24(1985): 1-40, and Jonathan Scott, *Algernon Sidney and the English Republic, 1623-1677* (Cambridge: Cambridge University Press, 1988) 17-30.

¹⁰⁴ John Aubrey, *Brief Lives*, 135.

¹⁰⁵ Henry Neville, *Plato Redivivus, or A Dialogue Concerning Government*, 2nd Ed., 1681 (UK, Dodo Press, nd) 11.

¹⁰⁶ *Ibid.* 12.

¹⁰⁷ See the standard text and introduction by Peter Laslett, Locke: *Two Treatises of Government* (Cambridge: Cambridge University Press, 1988).

¹⁰⁸ Neville, 12.

¹⁰⁹ *Ibid.* 13.

¹¹⁰ *Ibid.* 27-8.

¹¹¹ *De Republica Emendanda*, A juvenile tract by Hugo Grotius on the emendation of the Dutch polity, Arthur Eyffinger, intro, trans, ed., 5 *Grotiana*, n.s. 3(1984) 4. My thanks to Anne Guenther at the Hiebert Library for tracking down this special edition of *Grotiana*. Anne has contributed far more than she knows to this work.

¹¹² *De Republica Emendanda*, 66ff.

- ¹¹³ One significant exception to this is Eric Voegelin's *Israel and Revelation*, Vol. I *Order and History* (Baton Rouge: Louisiana State University Press, 1956), 369ff. See the analysis of Voegelin as an Old Testament interpreter by Bernard W. Anderson, "Politics and the Transcendent: Voegelin's Philosophical and Theological Exposition of the Old Testament in the Context of the Ancient Near East," and "Revisiting Voegelin's *Israel and Revelation* after Twenty-five Years," in *Voegelin's Israel and Revelation*, W. T. Thompson and D. L. Morse, eds. (Milwaukee: Marquette University Press, 2000) 17-46 and 47-60, as well as a the assessment by Aaron L. Mackler, "Voegelin's Israel and Revelation after Forty Years: A Jewish Perspective," in the same volume, 105-139.
- ¹¹⁴ John Howard Yoder, *The Politics of Jesus* (Grand Rapids: Eerdmans, 1972).
- ¹¹⁵ Donald Kraybill, *The Upside-Down Kingdom*, 5th ed. (Scottsdale: Herald Press, 2011)
- ¹¹⁶ See Brevard Childs, *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress, 1985), 178-79.
- ¹¹⁷ An Introduction to the *Old Testament* (Louisville: Westminster/John Knox, 2003) 20. See Brevard Childs' response to both Gottwald and Brueggemann, which Brueggemann recognizes (p. 21), for Gottwald, *Old Testament Theology in a Canonical Context* (Philadelphia: Fortress, 1985), 24ff, 176ff, and for relation to Brueggemann, Childs, *Biblical Theology of the Old and New Testaments* (Philadelphia: Fortress, 1992) 72-73.
- ¹¹⁸ Manuel, *The Broken Staff* (Cambridge: Harvard University Press, 1992) 124.
- ¹¹⁹ Childs, *Introduction to the Old Testament as Scripture* (Philadelphia: Fortress, 1979), 208.
- ¹²⁰ McConville, Introduction, following Halpern below. Also, Patrick Miller, *Deuteronomy* (Louisville: John Knox, 1990) 5-8.
- ¹²¹ Childs, *Introduction to the Old Testament*, 224.
- ¹²² *Ibid.* 204.
- ¹²³ See McConville who summarizes, 46
- ¹²⁴ Walter Eichrodt, *Theology of the Old Testament*, trans. J. A. Baker (Philadelphia: Westminster Press, 1961) I, 90.
- ¹²⁵ *Ibid.* 92. Childs notes that it is a strength of Eichrodt's work, as compared to Gerhart von Rad, that he included Israel's institutions. See also his comments in *Old Testament Theology in a Canonical Context*, 175-184.
- ¹²⁶ Baruch Halpern, *The Constitution of the Monarchy in Israel* (Chico: Scholar's Press, 1981) 221-234.
- ¹²⁷ *Ibid.* 234-35.
- ¹²⁸ Norbert Lohfink, "Distribution of the Functions of Power: Laws Concerning Public Offices in Deuteronomy 16:18-18:22," *Song of Power and the Power of Song*, D. L. Christensen, ed. (Winona Lake: Eisenbrauns, 1993) 343-44.
- ¹²⁹ *Ibid.* 345.
- ¹³⁰ S. Dean McBride, "Polity of the Covenant People: The Book of Deuteronomy," *Song of Power and the Power of Song*, D. L. Christensen, ed. (Winona Lake: Eisenbrauns, 1993) 63.
- ¹³¹ *Ibid.* 64, see nts. 6 and 7.
- ¹³² *Ibid.* 65-66.
- ¹³³ *Ibid.* 68.
- ¹³⁴ *Ibid.* 69.
- ¹³⁵ *Ibid.* 77. See also the McBride festschrift, *Constituting the Community: Studies in the Polity of Ancient Israel in Honor of S. Dean McBride*, J. T. Strong, S. S. Tuell, eds. (Winona Lake:

Eisenbrauns, 2005). McBride's article is reprinted, with multiple contributions offering developments and qualifications, supportive in general of his study.

¹³⁶ A. W. Mahnke, trans. (Minneapolis: Fortress Press, 1996), 234.

¹³⁷ Ibid. 246.

¹³⁸ Ibid. 248-9.

¹³⁹ The scholars who do not mention or develop a response to the question of kingship, law, and other governmental institutions in Israel is also extensive. I can only conclude that biblical scholars today are working without deep knowledge of the Christian or Jewish interpretation of the Old Testament prior to the advent of modern scholarship in the nineteenth century. I note the following which I consulted in the process of this study. The early standard commentary by Gerhard von Rad, *Deuteronomy: A Commentary* (Philadelphia: Westminster, 1966) concentrates on historical matters, e.g. whether the laws for the king are reflective of the northern or southern kingdoms. Jack R. Lundbom in his massive *Deuteronomy: A Commentary* (Grand Rapids: Eerdmans, 2013) when he offers comment on the "message and audience" simply summarizes the text, 17:14-20 for example, and notes that an eighth- or seventh-century reader would have understood it as criticism of a king like Solomon (p. 543). He offers no further reflection on the text. In the standard scholarly series "The Old Testament Library," Richard D. Nelson's *Deuteronomy* (Louisville: Presbyterian Publishing, 2004) notes the constitutional pattern of "checks and balances," and "distribution of power," and that the power of the king is "downgraded" and subject to law (p. 213-15). He also notes that while seemingly practical it has left the impression of utopianism. He notes that the noble classes would have been well served by limitation of the king's power (p. 225) but offers no further reflection on the political implications or teaching that the text might offer. Graeme Auld's *I and II Samuel* (Louisville: Westminster John Knox, 2012) in the same series, notes that Samuel recorded a law for the king (p. 116-18), but does not refer to Deuteronomy 17, and offers no reflection on the political implications for Israel or today. In the Interpretation series for preaching, Patrick D. Miller, *Deuteronomy* (Louisville: John Knox, 1990) notes Lohfink's work (p. 142) and emphasizes the limitations placed on kingship. He outlines the various offices and concludes these are idealizations for the time in which the Israel is to possess the land. He offers no reflection on the political teaching of the *Deuteronomy* for the people of God. Also in the same series Walter Brueggemann's *I and II Samuel* (Louisville: John Knox, 1990) is structured around "social change" and the "reconfiguration of social power" (p. 1). He notes that kingship is rejected by Yahweh for theological reasons (p. 63), that I Sam. 10:24-25 is probably related to Deut. 17:14-20, and that Samuel "seeks to curb the unrestrained power of monarchs," which he speculates made possible the authority of the prophet in Deut. 18. He does not comment further on the political implications of the teaching. While not a commentary, Norman K. Gottwald's *The Politics of Ancient Israel* (Louisville: Westminster John Knox Press, 2001) is the tersest in rejecting any notion of an institutional pattern "different from the theopolitical justification of regimes throughout the ancient Near East," 210, simply stating that "Deuteronomy 17 reads more like a moral admonition than a binding limitation on the king," 313, n. 111.

¹⁴⁰ McConville, *Deuteronomy* (Downers Grove: IVP Academic, 2002) 50.

¹⁴¹ (London: T & T Clark, 2005).

¹⁴² Ibid. 74, 97-98, following Josephus in the final phrase.

¹⁴³ Pierre Manent, *An Intellectual History of Liberalism*, Rebecca Balinski, trans. (Princeton: Princeton University Press, 1995) who analyses de Tocqueville's thought on democracy in which he shows how political democracy takes over the entire social order. In another insightful argu-

ment, Jean Bethke Elshtain discusses the implications of the shift from national to individual “sovereignty” in *Sovereignty: God, State, and Self* (New York: Basic Books, 2008).

- ¹⁴⁴ One recent exception is A. James Reimer, *Toward an Anabaptist Political Theology: Law, Order and Civil Society*, P. G. Doerksen, ed. (Eugene: Cascade Books, 2014). Reimer’s range of debating partners seems indicative of the need to cover a lot of ground in a hurry—to bring Anabaptist thinking into the broad Christian tradition of political thought. He edges toward the topic of Old Testament teaching on 45-47.
- ¹⁴⁵ Joshua Berman, *Created Equal: How the Bible Broke with Ancient Political Thought* (Oxford: Oxford University Press, 2008).
- ¹⁴⁶ Yoram Hazony, *The Philosophy of Hebrew Scripture* (Cambridge: Cambridge University Press, 2012).
- ¹⁴⁷ See for example volume I of his “The Covenant Tradition of Politics,” *Covenant and Polity in Biblical Israel: Biblical Foundations and Jewish Expressions* (New Brunswick, NJ: Transaction, 1995).
- ¹⁴⁸ O’Donovan, *The Desire of Nations* (Cambridge: Cambridge University Press, 1996) and *The Ways of Judgment* (Grand Rapids: Eerdmans, 2005). See also Oliver O’Donovan and Joan Lockwood O’Donovan, *Bonds of Imperfection: Christian Politics, Past and Present*, (Grand Rapids: Eerdmans, 2004) where historical reconstruction of political thinking in medieval and early modern political contexts is used to illuminate current issues.
- ¹⁴⁹ See J. G. McConville “Law and Monarchy in the Old Testament,” *A Royal Priesthood: A Dialogue with Oliver O’Donovan*, C Bartholomew, et. al (Grand Rapids: Zondervan, 2002), 82-83; and O’Donovan, “Response to Gordon McConville,” 89-90 in which he says he had not read Deuteronomy “closely enough.” In *The Ways of Judgment*, his subsequent volume, the treatment of Deuteronomistic texts and themes is remarkably thin, 158, 192. See also Jonathan Chaplin’s contribution to the same volume “Political Eschatology and Responsible Government: Oliver O’Donovan’s ‘Christian Liberalism,’” 291-95 where he discusses “separation of powers,” and O’Donovan’s response, 309-313.
- ¹⁵⁰ McConville, *God and Earthly Power*, ix.