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“He shall write for himself a copy of this law:”

The Ideological Uses of the Hebrew Republic in the Early Modern Age

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I

Introduction

The title of the paper refers to Deuteronomy 17, verse 18, a section referred to as the Law of the King, a central passage in treatments of the Hebrew Republic. This section of the book of Deuteronomy has embedded in it, some Old Testament scholars tell us, an outline of a constitutional order, which was understood by ancient writers like Josephus, elaborated by the second Moses, the medieval rabbi Moses Maimonides, and rediscovered by Christian thinkers from the thirteenth into the nineteenth century.¹ In the last twenty years we have seen a growing stack of articles and a number of fine scholarly books on the early modern history of what is now regularly referred to as Political Hebraism, and a subcategory The Hebrew Republic.² I will argue in this paper that we are just at the beginning of the development of understanding the historical extent, meaning, and ideological uses of that tradition.

Both the enthusiasm for the topic and the need for more careful in-depth work are at least partially the result of the groundbreaking work by Eric Nelson, *The Hebrew Republic*.³ In the introduction to the work, Nelson is explicit that he will concentrate on a specific subset of writings on The Hebrew Republic, those published primarily in the United Provinces and England beginning in the early 17th century, starting with Peter Cunnaeus' *The Hebrew Republic*, and extending through James Harrington

¹ I have provided an outline, descriptive list of Old Testament passages, and selected ancient and medieval commentators in Appendices I and II.

² Kalam Neuman, "Political Hebraism and the Early Modern 'Respublica Hebraeorum:': On Defining the Field," *Political Hebraism: Judaic Sources in Early Modern Political Thought*, ed. Gordon Schochet, Fania Oz-Salzberger, Meirav Jones (Jerusalem: Salem Press, 2008), 57-71.

³ Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge: Harvard University Press, 2010). For an analysis of this tradition primarily in the seventeenth century, building on Nelson, see my "The Hebrew Republic: seventeenth-century hospitality, Old Testament scholarship, and political engagement," *Pacific Journal*, 13(2018), 53-101.

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and Algernon Sidney to John Locke's *Letter Concerning Toleration* at the end of the century (1689).

Nelson focuses on three topics which he contends are defining features of modernity: a republican tradition as "a requirement of legitimacy," the state's "coercive power to redistribute wealth," and a time in which "broad toleration is the rule." With these "we are recognizably talking about the modern world" he says. The "paradoxical fact," he writes, is that this Jewish and developing Christian tradition of the Hebrew Republic which is the source of these modern political characteristics reveals that the shaping thought of distinctly modern claims is not a secular set of ideas and thinkers, but that this modern world was "called into being not by the retreat of religious conviction, but rather by the deeply held religious belief that the creation of such a world is God's will" as shown in revealed laws and institutions for governance in the *Hebrew Bible*, or *Old Testament*.⁴

Nelson explains that his study will not be a full history of the influence of Jewish thinking and the Old Testament on political thought in the period. It is rather "an attempt to identify" what he considers "the most important ways in which Hebraica reoriented European political thought."⁵ By the end of the work, however, he is not so careful. He writes in the brief conclusion, "For roughly 100 years...European Protestants made the Hebrew Bible the measure of their politics. They believed that the same God who thundered from Sinai, and who later sent his son into the world, had revealed to Israel the form of a perfect republic. They labored with the help of rabbinic authorities to interpret his design and attempted in their own societies to replicate it as closely as possible. In the process they

⁴ Nelson, 5. Nelson is not the first to write on this topic. There are a number of modern treatments of the Hebrew Republican theme, sometimes without the name published both before and at the same time as Nelson's volume. See, Frank E. Manuel, *The Broken Staff: Judaism Through Christian Eyes* (Cambridge, MA: Harvard University Press, 1992); Daniel Elazar, *Covenant and Polity in Biblical Israel*, Vol 1. *The Covenant Tradition in Politics* (New Brunswick: Transaction, 1995); Fania Oz-Salzberger "The Jewish Roots of Western Freedom," *Azure* 13(2002), 88-132, and "Political Hebraism, Past and Present," *The Liberal-Republican Quandary in Israel, Europe and the United States*, ed. Thomas Maissen and Fania Oz-Salzberger (Boston: Academic Studies Press, 2012), 30-48; Adam Sutcliffe, *Judaism and Enlightenment* (Cambridge: Cambridge University Press, 2003), chap 2; Joshua Berman, *Created Equal* (Oxford University Press, 2008), chap 2; Yoram Hazony, *The Philosophy of Hebrew Scripture* (Cambridge: Cambridge University Press, 2012), chap 5.

⁵ Nelson, 6. He is countering works like Mark Lilla's *The Stillborn God: Religion, Politics, and the Modern West* (New York: Vintage Books, 2007) with his notion of "the Great Separation," chap. 2.

made crucial contributions to the political thought of the modern world.”⁶ In the course of a fast paced, detailed, and selective study, the conclusion has taken on more than it can carry. He seems correct about the paradoxical fact of the religious origins of much of modernity. He makes a strong claim for religious influence.⁷ But we will have to leave aside the question whether the state as a redistributor of property is a defining characteristic of the modern world in the face of one of modernity’s founders, John Locke’s claim to an individual’s inalienable right to property. And we should note that the thinkers Nelson singles out usually rejected the notion that what was revealed in the Old Testament was a perfect republic which exhibited the three traits he mentions.⁸ A brief look at the tradition reveals rather that The Hebrew Republic as a tradition of thought was much more flexible, could and did include many counter-ideological claims, and those whose thought was invigorated by it, as we have been by Nelson’s work, were wary of replicating that supposedly perfect design. My purpose in what follows it to describe and analyze a few of the episodes in the use of the Hebrew Republic, and thus to demonstrate the existence of the longer and broader tradition to which we should be attentive.

II

Aquinas, Aristotle, and Maimonides

The tradition of seeing in the Old Testament a republican order of sorts is older in Europe than the sixteenth and seventeenth century. This is, of course not a new assertion. It is evident in the works of Josephus from the ancient world, and in Maimonides whose *Guide for the Perplexed* was translated into Latin in the 13th century. However, there are medieval developments that warrant our attention.

⁶ Ibid., 139

⁷ The entire claim is not new. See the work of Brian Tierney, Francis Oakley, and Janet Coleman among many others, along with older writers like John Neville Figgis.

⁸ The most we can say is that individual thinkers who reflected fruitfully within this developing tradition of thought adapted one, two or all of these claims, and others, and that they created an ongoing dialogue within the developing tradition that was one of the roots of modern political thinking. See Manuel’s statement to the same effect, 115.

James Blythe in *Ideal Government and the Mixed Constitution in the Middle Ages*,⁹ building on his mentor, Brian Tierney's broad knowledge and brilliance as an interpreter of Medieval political thought,¹⁰ analyzes treatments of mixed governments from Aquinas and Ptolemy of Lucca's *On the Government of Rulers* in the early fourteenth century to Nicholas of Cusa in the fifteenth, and later conciliar writers in the early sixteenth century. According to Tierney, in the *Summa* "for the first time, the government of Moses was associated with the mixed constitution of Aristotle."¹¹ The treatment in the *Summa Theologiae* (I, II, 105) is, however, more than a simple association. Blythe analyzes this section chiefly in relation to the question of mixed government. But it is illuminating to consider the extent to which Aquinas develops the Old Testament material. Aquinas brings the Old Testament writings, particularly from Deuteronomy,¹² into the tradition of classical analysis of political regimes. In question 99 he explains the division of the Jewish law into moral, ceremonial, and judicial categories that will be important in later Reformed discussions.¹³ The judicial or civil laws are not all binding but are advisory and may be applicable for the achievement of justice. There is no perfect judicial law or civil government, only degrees of goodness shown in multiple forms in various polities. In question 105 he divides the judicial law into four articles on laws relating to rulers, laws between individuals, laws relating to foreigners or non-citizens, and domestic laws.

In the first article "Whether the Old Law Enjoined Fitting Precepts Concerning Rulers" Aquinas begins the discussion with reference to Aristotle's *Politics* book II, 6 where he finds that "all should take some share in the government" which makes for an enduring and peaceful rule. He then refers to

⁹ (Princeton: Princeton University, Press, 1992).

¹⁰ For example, Tierney's *Religion, law and the growth of constitutional government 11-50-1650* (Cambridge: Cambridge University Press, 1982).

¹¹ *Ibid.*, 88

¹² In Q. 105 the references to Deut. are equal in number to all other scriptural references combined.

¹³ *Summa Theologiae*, I, II, 99. All references are to *The Summa Theologiæ of St. Thomas Aquinas*, Second and Revised Edition, 1920, translated by Fathers of the English Dominican Province, <https://www.newadvent.org/summa/2.htm>.

Politics III, 5 where Aristotle discusses monarchy, aristocracy and democracy as parts of the mixed constitution, concluding that “for this is the form of polity, being partly kingdom since there is one at the head of all; partly aristocracy, in so far as the number of people he [Moses] set in authority; partly democracy, i.e., government by the people, in so far as the rulers can be chosen by the people, and the people have the right to choose their rulers.” The judges, and later kings of Israel, a body of seventy-two composed as an aristocratic council of judges/legislators, and judges of lesser courts chosen out of the people were all elements of the Hebrew Republic that Aquinas mentions and will figure prominently later. By the time Aquinas has replied to all of the objections, in addition to noting the mixed form of the government, he has reviewed the Law of Kings in Deuteronomy 17: 14-20, the problems resulting from the power of Kings, and the dual choice or covenant of a king by God and the people.

In the second article, Aquinas asks “whether the Judicial Precepts Were Suitably Framed” regarding relations between people. After 12 objections and relying now on the understanding of Augustine and Cicero that “a nation is a body of men united together by consent to the law and by community of welfare,” he discusses the appointment of local judges and magistrates, impartiality in judgment even for strangers in which “there shall be no difference of persons,” citing Exodus and Deuteronomy, and the outline of a constitutional form of government in Deuteronomy 16-18. He adds commentary on judicial procedure from the same source, then goes on to discuss private property, common property, and allowances in the use of property by the poor. By the time he has replied to the twelve objections, he has covered a large number of other topics in the constitutional order, dependent throughout on Maimonides treatment in *The Guide to the Perplexed*, which he mentions only once (in the reply to objection 12).¹⁴ Positioned in relation to the category of mixed governments, and treated in

¹⁴ According to Hans Liebschutz, “Judaism and Jewry in the Social Doctrine of Thomas Aquinas,” in *Studies in Maimonides and St. Thomas Aquinas*,” Ed. Jacob I. Dienstag (KTVA, 1975), 143, Maimonides did not have access to Aristotle’s *Politics*. Aquinas was, therefore, original in “seeing biblical history from the point of view of political theory.”

the scholastic order of objection, positive statement of his position, and reply to objections (that is, treated in an order often obscure to us), Aquinas has described the basic elements and many of the detailed provisions of the Hebrew Republic. This extensive use of the Old Testament in the 3rd and 4th articles of the question continues to deepen the analysis and understanding of the wisdom of Hebrew government.

Blythe thinks it is “indisputable that Thomas is recommending this form of government as best absolutely,”¹⁵ but his stated purposes is to show that it is wisely ordered. We might say that mixed government may be the best form for Aquinas, and one form of that best form, is the wise Hebrew Republic. Aquinas’s analysis, deepened by a series of thinkers like Ptolemy of Lucca and John of Paris, made its way through conciliarists like Pierre d’Ailly and Jean Gerson to the sixteenth century conciliarists Almain and Mair, teachers of early reformers.¹⁶ Indeed those who read Gerson would find references to Jethro’s recommendation of judicial councils, the formation of a larger senate, and a larger mixed constitution taught by Moses.¹⁷ In the early 16th century, the study of a Hebrew Republic would not be unfamiliar, and the contribution of Jewish thinkers, in this case Maimonides, would be recognized in a wise form of government that could be drawn upon by those concerned with both ecclesiastical and temporal governments. The whole scheme is there. It is even recognized as a polity, or constitutional order, though without the title “the Hebrew Republic.” All of this bears deeper study.

¹⁵ Blythe, 53. Liebschutz, 144, contends that Aquinas argues that it is the best form of government for the historical circumstances for the Jews of the time of Moses. In a more recent essay David Novak regards it as “highly significant” Aquinas’s statements about the Hebrew polity being the best form of government in light of the New Testament’s slight teaching on political order, “Maimonides and Aquinas on Natural Law,” in *St. Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives*, ed. J. Goyette, M. S. Latkovic, and R. S. Myers (Washington, DC: Catholic University of America Press, 2012), 58.

¹⁶ Blythe, 258-9.

¹⁷ *Ibid.*, 251.

III

Bertram, Beza, and Bunny

One chapter in the story of the Hebrew Republic that has not yet been told is the one developing from the 1550s through the 1570s in Geneva, France, and England. In Nelson's book, Cornelius Bonaventure Bertram, teacher of the Old Testament in Geneva, and author of *De Politia Judaica* (later published as *De Republica Ebraeorum*) is mentioned several times, but not discussed in detail.¹⁸ His work has not been translated, nor its influence and contribution thoroughly analyzed. Theodore Beza recognized a Hebrew Republic, but his placement in the development is not noted by Nelson, nor is that of Phillip du Plessis-Mornay's *Defense Against Tyrants* which bases its arguments on Old Testament notions of covenant in the formation of governmental order. In a footnote Nelson calls Edmund Bunny's *The Scepter of Judah* (1584) "the first important English text in this idiom."¹⁹ However, little is known about Bunny, and his work does not seem to have had much influence. Yet there is a story here about the understanding and use of the Hebrew Republic in both ecclesiastical and political realms in the Reformed tradition, in both a time of crisis in France and in an attempt to establish a stable governmental order in England.

To see the development over these decades we might begin with John Calvin's *Harmony* of the Pentateuch. According to students of Old Testament commentary, this harmony of the Old Testament law was a novelty, building on ancient practice of creating a harmony of the Gospels. The *Harmony* was written as a result of weekly pastoral colloquies beginning just before 1560 which Calvin led, and then used to write his extended combined commentary.²⁰ One other element of Calvin's treatment is unique

¹⁸ Nelson, 17-18, 71.

¹⁹ *Ibid.*, 35, 140 nt80.

²⁰ E. A. de Boer, "Origin and Originality of John Calvin's 'Harmony of the Law,' The Expository Project on Exodus-Deuteronomy," *Acta Theologica Supplementum*, 10(2008), 41-69. See also David F. Wright, "Calvin's Pentateuchal Criticism: Equity, Hardness of Heart, and Divine Accommodation in the Mosaic Harmon Commentary," *Calvin Theological Journal*, 21(1986), 33-50 for his general exegetical principles.

for the time. He distinguished between the historical and didactic elements of the Old Testament, encouraging an historical reading of the texts before examining its teaching. In this he was participating in an ongoing development of historical practice that was an important part of French humanism as Donald Kelley and others have described.²¹ When Calvin came to discuss the law of Kings in Deuteronomy, however, he did not discuss the governmental implications and meaning for the limitation of political power, but instead developed the moral meaning of the laws as counselling against haughtiness, extravagance, and vanity.²² Calvin earlier in the mid-1550s had given a series of sermons on Deuteronomy. When he addressed there the law of the King, rather than commenting on its institutional meaning, which may be the most apparent reading of the text, he turned to a moral interpretation.²³ In his interpretive and exhortative purpose he participated in the Renaissance humanist focus that has recently and magisterially been named “virtue politics”²⁴ with his distinctive emphasis on obedience to the law. We might also recognize in his interpretation the same reticence he shows in book IV of the *Institutes* regarding resistance to tyrants.

Theodore Beza, Calvin’s successor in Geneva, probably participated in some of the colloquies on the harmony of the Pentateuch, and Bertram arrived in Geneva just after they had been published, in

²¹ Barbara Pitkin, “Calvin’s Mosaic Harmony: Biblical Exegesis and Early Modern Legal History,” *Sixteenth Century Journal*, XLI, 2(2010), 441-466, who links Calvin’s way of considering the historical elements compared to the didactic or doctrinal to the development of the discipline of history among French humanists as developed by Donald R. Kelley, *The Foundations of Modern Historical Scholarship: Language, Law, and History in the French Renaissance* (New York: Columbia University Press, 1970). See also Dmitri Levitin, “From Sacred History to the History of Religion: Paganism, Judaism, and Christianity in European Historiography from Reformation to Enlightenment,” *The Historical Journal*, 55(2012), 1117-1160.

²² John Calvin, *Commentaries on the Four Last Books of Moses arranged in the Form of Harmony*, Vol 2. Trans. C. W. Bingham, Calvin’s Commentaries, 22 Vols. (1852; rpt. Grand Rapids: Baker, 1999), 96-100 (on Deuteronomy 17: 14-20).

²³ See the one hundred and fifth and sixth sermons, the fourth and fifth on Deuteronomy 17: 14-20, dated 20th and 21st of November 1555. *The Sermons of M. Iohn Calvin Vpon the Fifth Booke of Moses called Deuteronomie*: Translated out of the French by Arthvr Golding. London: Henry Middleton for Thomas Wookcocke, 1583, pp. 644-655. <https://archive.org/details/sermonsofmiohnca1583calv/page/n5/mode/2up?view=theater>. Accessed, May 20, 2022.

²⁴ James Hankins, *Virtue Politics: Soulcraft and Statecraft in Renaissance Italy* (Cambridge, MA: Harvard University Press, 2019).

1562. The topic of Hebrew government was current in Geneva, and relevant in the following decade as France descended into bloodshed and the St. Bartholomew's Day Massacre in 1572. Bertram's work, published in 1574, and dedicated to Beza,²⁵ has been given two different treatments. In one he is shown to have used the discussion of Hebrew government to argue for separation of churchly governments and the governments of cities and kingdoms. Carlo Sigonio, in Venice, at least corresponded with Bertram and echoes this same concern, arguing in his book entitled *The Hebrew Republic* for the same distinction between religious, in this case papal government, and secular government in Rome, which did not win him Roman friends.²⁶ In the other treatment, Bertram is explained as having offered a full treatment of the governmental institutions of Israel as portrayed in the Pentateuch and historical books, from Adam to Moses, popular and aristocratic governance through courts, the founding of kingship, good and bad kings, Jeremiah and the exile, restoration, then to Alexander the Great's conquest and the Maccabees. He includes references and discussion of Maimonides and the Talmud, as well as Aristotle and Polybius.²⁷ Neither of the two available discussions is a complete treatment, but it appears that Bertram's is.

What we do not know at this point about Bertram may be made up for by Beza. While I cannot offer a full analysis at least we can see a few indications of Beza's understanding, which developed in relation to Calvin's work and in discussion with Bertram. In the long sixth question in *The Right of Magistrates Over Their Subjects* (1574) in response to the massacre of Reformed in France, a conflict in which Beza was deeply involved, his use of the same Old Testament material that shapes the Hebrew

²⁵ Bonaventura Cornelio Bertramo, *De Politia Ivdaica*, Genevae, Apud Eustathium Vignon, MDLXXIII, Preface, 6.

²⁶ Guido Bertolucci, "The Hebrew Republic in the Sixteenth-Century Political Debate: The Struggle for Jurisdiction," in *Ancient Models in the Early Modern Republican Imagination*, ed. Wyger Velema and Arthur Weststeijn (Boston: BRILL, 2017), 217-222. And Francois Laplanche, "Christian Erudition in the Sixteenth and Seventeenth Centuries and the Hebrew State," *Hebrew Political Studies*, 3(2008), 11-14.

²⁷ Ziskind, "Cornelius Bertram and Carlo Sigonio: Christian Hebraism's First Political Scientists," *Journal of Ecumenical Studies*, 37(2000), 382-87.

Republic points to a deepening understanding, and a willingness to draw the governmental teaching that Calvin had neglected and that Bertram had outlined out of the Old Testament.²⁸

First we might note that the simple amount of space he allots to discussion of Old Testament, focused on governmental form and history is equivalent to the amount he gives to ancient Greek and Roman history combined.²⁹ Beza reveals that he does indeed recognize the importance of the Hebrew history for an understanding of its government. Second, he repeatedly refers to the Hebrew “commonwealth” or *respublica*, to its “constitution,” to it as a “polity” or mixed government, and to its transition from an aristocratic form, echoing perhaps Josephus,³⁰ to a monarchic form.³¹ Third he develops a detailed analysis of the dangers of Kingship, citing the warning of I Samuel 8, and also the choice or election of kings by both God and the people, and the renewal of kingship through dual covenants and oaths. As he writes referring to Joash and a “two-fold obligation,” “For both the king and the people first promised God under solemn oath to observe His laws both ecclesiastical and political. Afterwards another mutual oath too was taken between the king and the people.”³² In his concluding remarks before moving on to modern historical examples he writes, “the Orders and Estates of the people of Israel had authority to choose for themselves of the family of David whom they wished [to be king], and afterwards, when he had been elected either to drive him out or even to execute sentence of death upon him as occasion demanded.”³³ This final statement may not have pacified fears regarding

²⁸ Theodore Beza, *On the Right of Magistrates Over Their Subjects (1574)*, trans. Henry-Louis Gonin, ed. Patrick S. Poole, <https://constitution.org/1-Constitution/cmt/beza/magistrates.htm>. Accessed May 23, 2022.

²⁹ As demonstrated by a simple count of lines and space in the text. Question 6 comprises half of the entire treatise.

³⁰ On Calvin’s use of Josephus, Kirk Essary, “Jewish Antiquity in the Sixteenth Century: Calvin’s Reception of Josephus,” *Church History*, 86, 3(2017), 668-94, especially 671-72.

³¹ Beza, 6, 10.

³² *Ibid.*, 11.

³³ *Ibid.*, 11.

Beza's intent. It was not the first time he had been impolitic.³⁴ But even the anachronism in the statement illustrates the use of the Hebrew Republic in Beza's thinking.

Behind this writing are a couple of other statements of Beza's that point to ongoing discussion in the Genevan milieu of the Old Testament teaching on government. In his 1559 defense of Calvin's teaching on the sacraments, Beza distinguished the three forms of law, the moral, ceremonial, and political uses of the law. He explains in the conventional way through the Middle Ages and in the Reformed tradition that the moral law continues in all times (principally in the form of the Decalogue). The sacrificial (or ceremonial) law trained the Jews, but Christians are taught a purer worship by Christ. The political law adapts the moral law for the magistrate in "the common society of men and arms." And then he adds an interesting note. He says these laws are placed "in scattered fashion" throughout the Old Testament and given in various times and places, but could be "as it were, assembled into one unit."³⁵ This is published at the same time as Calvin is working on his *Harmony*. Later in 1577, Beza published a harmony of the three forms of law in the Old Testament, *Lex Dei Moralis, Ceremonialis, et Politica, ex libris Mosis excerpta*.³⁶ It consists of Old Testament passages gathered together under topics like: "On Magistrates and Their Authority," "On Voluntary Homicide," and "On Lending at Interest." He notes in the preface that he is the grateful student of Calvin, a much wiser teacher than himself, and explains that he is doing something different than Calvin had done in his Old Testament teaching.³⁷ We might surmise that Bertram may not be the origin of Reformed thinking on the political use of the Old

³⁴ I refer to Beza's sermon at the Colloquy of Poissy, 1561. See the perceptive narration by Carter Lindberg, *The European Reformations*, Second Ed. (Malden, MA: Wiley-Blackwell, 2010), 271-3.

³⁵ Theodore Beza, *A Clear and Simple Treatise on the Lord's Supper*, trans. David C. Noe (Grand Rapids: Reformation Heritage Books, 2016), 171. I was directed to this reference by "The Heidelberg," by R. Scott Clark, [https://heidelberg.net/2016/07/beza-on-the-threefold-division-of-the-law/July 21, 2016](https://heidelberg.net/2016/07/beza-on-the-threefold-division-of-the-law/July%2021,%202016). Accessed May 23, 2022.

³⁶ Theodoro Beza Vezelio, *Lex Dei, Moralis, Ceremonialis, et Politica, Ex Libris Mosis Excerpta, et in certas classes distribute*, Apud Petrum Santandreanum, MDLXXVII. As of yet untranslated. Available through the Post-Reformation Digital Library, http://prdl.org/author_view.php?s=360&limit=10&a_id=3&sort=. Accessed May 23, 2022.

³⁷ *Ibid.* My thanks to Prof. Marshall Johnston, Fresno Pacific University, History Department for a literal translation of the preface.

Testament. Perhaps it was Beza who, we might say, put Bertram on to it, whom Beza then relied on in his *Rights of Magistrates*. Beza's thinking in *The Right of Magistrates* develops out of ongoing discussions in Geneva. To the remarkable development in Geneva in the early 1570s that produced Hotman's *Franco Gallia*, and Mornay or Languet's *Vindiciae Contra Tyrannos (Defense Against Tyrants)*, we should add the formative influence of Bertram's *De Politia Judaica*, Beza's *Lex Dei*, and the importance of the Hebrew Republic in Beza's argument in *The Right of Magistrates*.

This brings us from Bertram, and Beza to Edmund Bunny. As noted above Bunny is not well known. In fact little has been written about him. He was a Calvinist pastor and preacher, appointed as subdean of York in 1570 by Edmund Grindal the same year he became Archbishop of York. His duties were to preach widely throughout the archdiocese as part of the effort to bring Reformation to the recalcitrant northern region.³⁸ Grindal had been nominated to Queen Elizabeth by William Cecil, Lord Burghley, who later had to defend Grindal and himself when Grindal defied the Queen as Archbishop of Canterbury.³⁹ Bunny had studied at Cambridge like many of the moderate puritans,⁴⁰ and at Grey's Inn in London, which was also associated with moderate reform. He declined to continue as a lawyer and was disinherited as a result. He published a compendium of Calvin's *Institutes*, but he is most famous for removing catholic references from Robert Parson, *SJ's A Book of Christian Exercise*, representing it as a Protestant devotional work.⁴¹ We do not have a study of his Political Hebraism.

The Scepter of Judah was at the time of publication in 1584 still a work in progress. In his prefatory remarks, he explains that it had been intended as part of a larger work on the constitutions of

³⁸ For the career of Bunny, see William J. Shiels, "Bunny, Edmund (1540-1618)," *Oxford Dictionary of National Biography*, Vol. 8, ed. H. C. G. Matthew and B. Harrison (New York: Oxford University Press, 2004), 685-7.

³⁹ See Patrick Collinson, *Archbishop Grindal, 1519-1583: The Struggle for the Reformed Church* (Berkeley: University of California Press, 1979), 187ff.

⁴⁰ See Winthrop S. Hudson, *The Cambridge Connection and the Elizabethan Settlement of 1559* (Durham: Duke University Press, 1980), 25ff.

⁴¹ Most of the scholarship on Bunny is about this episode, see Brad S. Gregory, "The 'True and Zealouse Seruice of God': Robert Parson, Edmund Bunny and *The First Booke of the Christian Exercise*," *Journal of Ecclesiastical History*, 45, 2(1994), 238-68. doi:10.1017/S0022046900013002

the church, which he then realized would never be completed.⁴² He claims that he does not publish for the lawyers and scholars at Grey' Inn because he thinks he has described the perfect government that should be instituted in England, but that "such as are occupied with the lawes of the Realm, & now in the way to be in place of government hereafter, have some recourse withal unto the righteous lawes of God, & to the government that he of old to his people ordained."⁴³ In the following preface to the reader he notes that "most of them [laws] are altogether abolished to us, but so far as in sense and spirit, we are to take instruction of them." He recognizes that the judicial laws, as both Aquinas and Beza had noted, are not commanded for all times, but only as they reflect and are useful for just ordering in a particular time. He intends *The Scepter* to be characterized by "shortnes or plainness" and for the most part it is. The work itself seems to end abruptly without a conclusion. Despite the ending, however, it is a full treatment of the Hebrew Republic, containing all of the usual elements: representative judicial institutions, the aristocratic Sanhedrin, kings and the limits of their authority, the meaning and purpose of various laws, including laws regarding land and jubilee. Bunny like Calvin and other Reformed writers, organizes the law around the Decalogue. And he also relates the law found in the Old Testament, to the laws of reason and nature as do other Reformed thinkers.⁴⁴ Given the date of its publication and Bunny's intellectual milieu, it probably reflects Bertram. In short, we have a complete and unstudied work on the Hebrew Republic, without knowing much of its ideological or political intent. But we do have at least a hint, and a direction for further study.

⁴² Edmund Bunny, *The Scepter of Judah: or, what maner of government it was, that unto the common-wealth or Church of Israel was by the law of God Appointed*. London by N. Newton, and A Hatfield, for Ihon Wight, 1584. Prefaces to Gray's Inn and to the Reader.

<https://quod.lib.umich.edu/e/eebo2/A17243.0001.001/1:7?c=eebo;c=eebo2;cite1=scepter;cite1restrict=title;g=eebogroup;rgn=div1;view=toc;xc=1;q1=scepter> Accessed May 23, 2022.

⁴³ Preface to the "Gentlemen and Students of Graies In."

⁴⁴ As had Beza, 10. See also other Reformed treatments of the law, such as Girolamo Zanchi, *On the Law in General*, trans. J. J. Veenstra (Grand Rapids: CLP Academic, 2012), and Franciscus Junius, *The Mosaic Polity*, trans. Todd M. Rester, ed. A. M. McGinnis (Grand Rapids: CLP Academic 2015). For Zanchi "On the Laws of the Jewish State," see chap. 7.

Bunny is situated among the moderate puritan reformers from Burghley to Grindal, at Cambridge and Grey's Inn, with which Burghley too was associated.⁴⁵ In discussions of Patrick Collinson's argument for a "Monarchical Republic" in the reign of Elizabeth I, William Cecil, Lord Burghley, Elizabeth's long time, steadfast and chief counselor, has a place. In a volume written in response to Collinson, two essays open up an avenue of discussion. Stephen Alford's "The Political Creed of William Cecil" describes a process intended to be put in place by Burghley and others to replace the monarch should Elizabeth die without a designated heir. England would be ruled by a small council, essentially by Elizabeth's privy council, during the interregnum until Parliament could act to choose the next monarch. England would become an "elected hereditary monarchy."⁴⁶ He and other leaders in the government of Elizabeth looked back to the time of Edward VI when England had been ruled by regents, whom they supported and served in practical ways as agents.⁴⁷ In another essay Peter Lake argues that indeed Burghley represents a period in Elizabeth's reign when a monarchical republic seemed advisable and possible. As conflicts with more radical puritans developed, including the threatened removal of Grindal from the archepiscopal chair at Canterbury, Elizabeth became more inclined to absolutist pretensions.⁴⁸ Grindal, Burghley, along with their associates at Cambridge and Grey's Inn, and in the court of Elizabeth, seem to be the personal and institutional ideological matrices of Bunny's *Scepter*. The Hebrew Republic plays a role in the Monarchical Republic of the early Elizabethan era. While some of what I have outlined here is speculative and needs further study, Bertram, Beza, and Bunny point to a deep and diverse use of the Hebrew Republic politically and ideologically among Reformed scholars, theologians, and

⁴⁵ Hudson, 64-67; and see Stephen Alford, "The Political Creed of William Cecil," in *The Monarchical Republic in Early Modern England: Essays in Response to Patrick Collinson*, ed. John F. McDiarmid (Aldershot: Ashgate, 2007), 77-79.

⁴⁶ Alford, 88. For Collinson's original essay, "The Monarchical Republic of Queen Elizabeth I," *Bulletin of the John Ryland's Library*, 69(1987), 394-424, and now see his *Elizabethans* (London: Hambledon and London, 2003), 31-58.

⁴⁷ *Ibid.*, 80.

⁴⁸ "The Monarchical Republic of Queen Elizabeth I' (and the fall of Archbishop Grindal) Revisited," in *The Monarchical Republic in Early Modern England*, ed. McDiarmid, 144-47. He has continued his analysis in "The "Political Thought" of the "Monarchical Republic of Elizabeth I," Discovered and Anatomized," *Journal of British Studies*, 54, 2(2015), 257-87.

preachers, across several borders before it made its way to the United Provinces, to Grotius and Cunnaeus and then back to England in the seventeenth century.

IV

Lowman, Jahn, and Enlightened Religion in Early America

If we jump over the seventeenth century on which Nelson concentrates, we find another story waiting to be told. Old Testament scholar, and historian of Old Testament interpretation, J. W. Rogerson, in his *Cultural Landscapes and the Bible* summarizes the concerns of scholars and writers of the seventeenth and eighteenth centuries by noting three predominant ways to writing about the Old Testament and history of Israel: setting Israel within the history of the world, discussions of the government of Israel, and responses to attempts to discredit the Old Testament as divine revelation by free thinkers.⁴⁹ These topics are indeed the preoccupations of those we will see now in writings on The Hebrew Republic.

By the 1730's Henry St. John, Viscount Bolingbroke might be taken as an example of what a well-read politician and thinker might have understood regarding the Hebrew government. In *A Dissertation upon Parties*, according to David Armitage one of Bolingbroke's greatest works,⁵⁰ in letter sixteen he argues that kings must govern "under the constitutional control of the other two estates." He dismisses as "silly cant" the idea of divine right of kings, an idea that he says no doubt someone will defend, and then adds a brief but learned description of what may to be the state of knowledge of the political reader of the Hebrew Republic for the time. He writes regarding the formation judges and larger councils from the advice of Jethro:

⁴⁹ J. W. Rogerson, "Writing the History of Israel in the 17th and 18th Centuries," *Cultural Landscapes and the Bible* (Beauchief Abbey Press, 2014), 305-315.

⁵⁰ David Armitage, "Introduction" to Bolingbroke, *Political Writings*, ed. D. Armitage (Cambridge: Cambridge University Press, 1997), viii.

Whether they, who deduce from hence the institution of sanhedrin, are in the right, or they who assign them a more modern date, against the opinion of the Jewish doctors themselves, whose authority our doctors receive implicitly enough in some cases, and reject as arbitrarily in others, it matters not to enquire. Let us leave the dispute to the partisans of Joseph Scaliger, and Petavius, of father Simon and LeClerc. Thus much is certain. A great Sanhedrin subsisted at Jerusalem, even at the coming of the messiah, as well as inferior sanhedrins in several parts of Palestine; which form of government bore some resemblance to our old Saxon constitution; and he who takes the trouble of looking into Mr Selden, will find that the great Sanhedrin had as much authority, and exercised as much power as ever Parliaments did, or witanegetots could claim. That God approved a kind of parliamentary establishment, and a division of the supreme power between his vicegerent Moses and the seventy elders, to whom he gave some of the spirit that was on Moses, the quotations I refer to from holy writ do sufficiently prove. After this, it cannot be said, I think, to derogate from the majesty of any prince, let us entertain as high notions of this majesty as we please, that he is relieved from the burden of governing alone, that he is obliged to share the supreme power with the nobility and commonality of the realm; and that he is hindered from destroying, either directly or indirectly, that independency of those other estates, which can alone preserve, this division of the supreme power, really, as well as apparently.⁵¹

Bolingbroke recognizes the debates and the various positions taken, the authorities in the debates, both older and newer, the quality of the discussions, and the main import of the understanding of the Hebrew Republic. The development of the Hebrew Republic and its importance for the understanding of political power and its limitation has been substantial. In what follows, I will leave aside for the most part the Colonial American episode,⁵² and focus primarily on two longer treatments of the Hebrew Republic, first Moses Lowman's, 1740 *A Dissertation on the Civil Government of the Hebrews: In Which*

⁵¹ Bolingbroke, 159-60. Compare Manuel's critical treatment of Bolingbroke's negative assumptions about Jews, 186-87; in the eighteenth century the positive elements of this quote and the negative assumptions might well go together.

⁵² See for various treatments, Harry S. Stout, *New England Soul: Preaching and Religious Culture in Colonial New England* (Oxford: Oxford University Press, 1986), chap 9, "Israel's Constitution;" Nathan R. Perl-Rosenthal, "The 'divine right of republics': Hebraic Republicanism and the Debate over Kingless Government in Revolutionary America," *William and Mary Quarterly*, 66, 3(2009), 535-64; Eran Shalev, "'A Perfect Republic': the Mosaic Constitution in Revolutionary New England, 1775-1788," *The New England Quarterly*, 82, 2(2009). 235-63; Eran Shalev, *American Zion: The Old Testament as a Political Text from the Revolution to the Civil War* (New Haven: Yale University Press, 2013); Steele Brand, "'This is our Jerusalem': Early American Evangelical Localizations of the Hebraic Republic." *Religions*, 7, 4(2015) 12 pages. www.mdpi.com/journal/religions doi:10.3390/rel17010004; Philip Gorski, *American Covenant: A history of Civil Religion from the Puritans to the Present* (Princeton: Princeton University Press, 2017), chaps. 2 and 3. In the scholarship on this chapter of the use of the Hebrew Republic, little is written on how and where the many preachers who used and spoke on it gained their knowledge.

the True Designs and Nature of their Government are Explained,⁵³ and at the beginning of the nineteenth century Johann Jahn's *History of the Hebrew Commonwealth*.⁵⁴

Lowman was a dissenting clergyman, a Presbyterian, who preached and taught in London his entire, lengthy career.⁵⁵ He had attended Oxford and the Inns of Court, before turning to the pastorate. The occasion of the *Dissertation on the Civil Government of the Hebrews* was a defense of Christianity against the arguments of the former dissenting Presbyterian and later deist writer Thomas Morgan whose *The Moral Philosopher* (1737) displayed a Christian Gnosticism, a Marcion-like teaching by which he attacked the Old Testament in particular.⁵⁶ To discredit Christianity he attempted to discredit the prophets. Lowman defends the Old Testament by showing the wisdom of the government of the Hebrews, as Moses intended it, before Kingship was established.⁵⁷ Thus to defend the Old Testament he appeals not to the historical veracity of the OT. This is assumed by both. Rather he attempts to show its wisdom and therefore its validity for all times.

Three things might be said about Lowman's treatment that tell us something about the now long and varied tradition of the use of the Old Testament in political thinking or Political Hebraism. First, we have another example of the argument of Aquinas, though Lowman does not mention Aquinas or seem to be aware of his question on the topic. The Old Testament teaching on government is an example of political wisdom. Second, part of his method is to quote short and lengthy selections of the treatments of Hebrew government from the sixteenth century to his own day, those we have discussed or mentioned, Bertram, Sigonio, Selden, Harrington, and others not mentioned in this paper, Ainsworth,

⁵³ Moses Lowman, *A Dissertation on the Civil Government of the Hebrews*, Second Edition, London: J. Noon, MDCCXLV. <https://archive.org/details/adissertationon01unkngoog>. Accessed May 23, 2022.

⁵⁴ Johann Jahn, *Jahn's History of the Hebrew Commonwealth*, Trans. Calvin E. Stowe, Andover: G. & C. Carville, 1928). <https://play.google.com/books/reader?id=HLC0AQAAAMAAJ&pg=GBS.PR2&hl=en> Accessed May 23, 2022.

⁵⁵ Alan Ruston, "Lowman, Moses (bap. 1679, d. 1752)," *Oxford Dictionary of National Biography*, Vol. 34, ed. H. C. G. Matthew and B. Harrison (New York: Oxford University Press, 2004), 594-95.

⁵⁶ Jan van den Berg, "English Deism and Germany: The Thomas Morgan Controversy," *Journal of Ecclesiastical History*, 59, 1(2008), 48-61. See also Manuel's treatment of Morgan, 188-9.

⁵⁷ Rogerson, 314-15.

Spencer, Patrick, Sherlock, Conring, Menochio, Simon—an ecumenical bunch, Reformed, Puritan or dissenter, Anglican, Catholic, and Lutheran—as well as Josephus, Maimonides, and other rabbinic writings. He offers a kind of recapitulation of the tradition in harmony with Harrington and the Old Whig tradition of thought.⁵⁸ Third, he defends the limitation of kingship in a cautious way as a careful dissenter should in the eighteenth century, examining this central topic only at the end of the volume. The limitation of kinship is linked to the Glorious Revolution, to James II and the dangers of a Catholic enemy, and to the limitation of each of the branches of the government.⁵⁹ Here the ideological associations are clear, and the dangers of Morgan’s arguments take on political significance.

At the turn of the 19th century, Johann Jahn’s *History of the Hebrew Commonwealth* (ca. 1810) gives us another kind of recapitulation. Jahn moves us to Austria, and the Catholic Enlightenment. His treatment includes at least two of the characteristics Rogerson notes for 17th and 18th century Old Testament study, correlating the history of Israel with classical and near eastern history and historical sources, and the government of Israel. It might also have at least some purpose in discrediting free thinking arguments against Christianity.⁶⁰ Jahn was one of the more well-known Austrian Catholic biblical scholars of the Catholic Enlightenment. His *Biblical Archaeology* (1805) was his most well-known work. Some of his work was declared unacceptable by the Church, including his argument that Job and other books were not historical, and he was removed from his teaching position.⁶¹ His works in the main

⁵⁸ Andrew C. Thompson, “Popery, Politics, and Private Judgement in Early Hanoverian Britain,” *The Historical Journal*, 45, 2(2002), 337. See also Caroline Robbins, *The Eighteenth-Century Commonwealthman* (1959;rpt. Indianapolis: Liberty Fund, nd), 236-7, and Manuel, 125.

⁵⁹ Lowman, 278-87.

⁶⁰ Ulrich Lehner, *The Catholic Enlightenment: The Forgotten History of a Global Movement* (New York: Oxford University Press, 2016), 31. On the Catholic Enlightenment in greater depth see, *A Companion to the Catholic Enlightenment in Europe*, ed. U. L. Lehner and Michael Printy (Leiden: Brill, 2010), Lehner, “Introduction,” 1-62, and Harm Klueting, “The Catholic Enlightenment in Austria or the Habsburg Lands,” 127-164.

⁶¹ Lehner, *ibid.* See also the nineteenth century encyclopedia entries in James Strong and John McClintock, *The Cyclopedia of Biblical, Theological and Ecclesiastical Literature* (New York: Harper and Row, 1880), <https://www.biblicalcyclopedia.com/j/jahn-johann.html>. And see the German biography, Werner, “Jahn, Johann,” *Allgemeine Deutsche Biographie*, 13(1881), 665-667, <https://www.deutsche-biographie.de/sfz36866.html?language=en>. Accessed May 23, 2022.

were intended for students rather than original scholarship. But he relied on the most current scholarship, particularly on Johann David Michaelis, one of 18th century Germany's most prominent biblical scholars and author of *Commentaries on the Laws of Moses*, which itself is a detailed presentation of the mixed form of Hebrew government, along with Lowman's *Dissertation* when discussing the government of Israel.⁶²

Jahn's volume is a long history moving from creation to the destruction of the Temple in the first century AD. He correlates and copiously documents every historical event and movement with classical history and literature. But it is his beginning and approach which offers the most insight into his purpose. He begins with a brief, two page discussion of the origins of government, developing without reference to any scriptural texts the origins of government in the needs families and communities experienced in a time of lawlessness before established government. He does not use the language of "state of nature," but describes the characteristics of this time much as Hobbes or Locke had done more than one hundred years earlier. He uses throughout the language of the social contract tradition: rights, compacts, "origin of civil society," the establishing, enlarging and defense of private property, express and tacit agreement to compacts and laws, and development of arts and improvements.⁶³ He then moves to consider the characteristics of civil society before the flood, in the time of the patriarchs, and in Egypt. His second chapter is on "The Civil Constitution of the Hebrews," a forty page treatment of the government instituted by Moses, again with copious reference to biblical texts from Genesis through Nehemiah, and some to the prophets. It is in this section that he relies on Michaelis and Lowman. In the immediately following sections he develops the functioning of the government in the times of judges

⁶² Original pub 1770, Eng. Translation, 1814. Jahn, 55 and 60 which reference both Michaelis and Lowman. He also references Morgan, 53, probably reflecting his use Lowman. On Michaelis and the Mosaic Law, see Ofri Ilany, *In Search of the Hebrew People: Bible and Nation in the German Enlightenment* (Bloomington: Indiana University Press, 2018), chap. 2; and J. W. Rogerson, "Michaelis, John David (1717-1791)," *Historical Dictionary of Major Biblical Interpreters*, ed. Donald K. McKim (Downers Grove: InterVarsity Press, 1998), 343-46.

⁶³ Jahn, chap 1, 9-11. In this emphasis he follows Michaelis, see Ilany, *ibid*.

(Chapter III), and the historical foundation and laws of the monarchy (Chapter IV), referring back to the law of Kings in Deuteronomy, another twenty pages on the “civil constitution of the Hebrews.”

Throughout the following history he returns at many points to the function of the government under various kings, the failures, and restorations, all the while continuing to make connections with contemporaneous historical developments. Also throughout the predominantly descriptive discussion Jahn adds his judgement that the civil constitution reflected balance and wisdom unique not only in its time, but among all governments, sometimes also reflecting Enlightenment ideals. He says, to offer just one example, “Moses can never be accused of introducing regulations which tended to keep the people in ignorance; for no one of whatever tribe, who had the capacity, leisure and desire to apply any study, was forbidden to devote himself to the sciences.”⁶⁴ The discussion links the Hebrew development to Enlightenment thinking, and thus like Lowman and Michaelis linking biblical teaching and Enlightenment discourse. And it links early modern social contract thinking and the Hebrew Republic as an example for the modern world. This is all the more remarkable for a scholar and professor, still under watch by political and religious authorities, in a still absolutist Austrian Empire, despite some movements toward intellectual and political openness.

This story does not end with Jahn. I have referenced the English translation of Jahn by a young Calvin E. Stowe, published in 1828 while he was at the Theological Seminary at Andover. Stowe would move to Lane Theological Seminary in 1832 at the invitation of the founding president, Lyman Beecher. Four years later he married Harriet Beecher, who’s fame would later surpass her father’s, Lyman Beecher’s own renown as a biblical scholar. Later in the early 1850s Lyman Beecher, then in his retirement, would live with the Stowe’s in Amherst and revise his sermons and lectures for publication.⁶⁵ In 1852, the same year Harriet Beecher Stowe would publish *Uncle Toms Cabin*, Beecher published his

⁶⁴ Jahn, 50.

⁶⁵ Stuart C. Henry, *Unvanquished Puritan: A Portrait of Lyman Beecher* (Grand Rapids: Eerdmans, 1973), 267.

Lectures on Political Atheism which included a lecture on “The Republican Elements of the Old Testament.” The lecture is brief but full of commentary about the functioning and character of the government and society of the Hebrews. It shows a broad reading in the Old Testament and fluent appreciation for its depth. He begins by noting the distinction between the moral, ceremonial, and civil laws of Moses, then outlines seven characteristics of Hebrew governmental order: 1) that God had given them to Moses and through him to Israel; 2) that they “preserve in the hands of the people as much liberty as ever was or can be combined with a permanent and efficient national government;” 3) that the government Moses delivered was adopted by the election of the people; 4) that they choose representatives for “the administration of laws;” 5) that the legal administration had a “distinct and remarkable” process of appeal from lower to higher courts; 6) that the “civil constitution of Israel was a federal republic” which he links to the “civil and religious liberty” of each state of the US; and 7) that there is a broad distribution of land which is “the great spring of civil liberty, industry, and virtue.”⁶⁶ With emphases unique to the republican, commonwealth tradition and American constitutional context, and with awareness of the long tradition of preaching about and use of the Hebrew Republic in the colonial and revolutionary periods, he has recapitulated much of the tradition of the teaching of the Hebrew Republic. He puts it this way:

It is truly testified by Hume, that the Puritans introduced the elementary principles of republican liberty into the English constitution; and when they came to form the colonial constitutions and laws, we all know with what veneration and implicit confidence they copied the principles and the constitution of the laws of Moses. These elementary principles have gone into the constitution of the Union, and of every one of the States; and we have hence more consistent liberty than has ever existed in all the world, in all time, out of the Mosaic code.⁶⁷

It is difficult to believe that he had not known of Jahn, and through him the now centuries long tradition of the Hebrew Republic. Here is chapter in the history of the understanding of the Old

⁶⁶ Lyman Beecher, *Lectures on Political Atheism and Kindred Subjects* (Boston: John P. Jewett, 1852), 177-181.

⁶⁷ Beecher, 190.

Testament narrative in the eighteenth and nineteenth centuries that is not about its eclipse.⁶⁸ The full story of neither the Enlightenment nor the American appropriation and development of the Hebrew Republic have been written. I hope that some enterprising doctoral students and seasoned historians will pick up and develop the work already done in those arenas as well as earlier episodes.

VI

Conclusion

I have not attempted to be exhaustive either in my treatment of individual thinkers and episodes or of the uses of the Old Testament reading of a Hebrew Republic. At this point in our work no one can make such a claim to such knowledge. But I hope what I have adduced has been suggestive of a longer and even more profound influence of Rabbinic and Old Testament ideas and treatments of political order in the early modern tradition than the recent claims for a movement moving through the seventeenth century in the Dutch Republic and England. The claims of Kevin Killeen regarding the British experience seem to me to bring the right note to the European wide tradition: “The scriptures mapped onto early modern thought in only oblique fashion, and few in the seventeenth-century believed that its polity—some version of the Sanhedrin, judge-ship or indeed its monarchy—could or should be imitated in any direct manner. The Bible provided a puzzle to be solved rather than a template to be adopted.”⁶⁹ And “as a resource of early modern thought, however, the scriptural was distinct, not because of some unimpeachable, straightforward axioms. Its complexity, even its opacity, was readily conceded. God acted darkly in the early modern mind, and the political lessons of the scriptures demanded that its interpreters negotiate these inscrutable swings of divine will. The Bible was a mine of political ideas,

⁶⁸ Hans W. Frei, *The Eclipse of the Biblical Narrative: A Study of Eighteenth and Nineteenth Century Hermeneutics* (New Haven: Yale University Press, 1974). Neither Lowman nor Jahn are mentioned.

⁶⁹ Kevin Killeen, *The Political Bible in Early Modern England* (Cambridge: Cambridge University Press, 2017), 8.

which offered a series of exemplary, but often enigmatic, instances of governance.”⁷⁰ The story began in the Middle Ages and continued on into the 19th century in America at least as we have seen, perhaps with a less enigmatic sense and greater enthusiasm.

And the story is not yet over. In the late twentieth and early twenty-first centuries, Hebrew Bible and Old Testament scholars have once again found a Hebrew Republic, particularly in Deuteronomy. Jewish scholar Baruch Halpern, Catholic Norbert Lohfink, main line Presbyterian S. Dean McBride, and British Evangelical Gordon McConville all have made the claim for a quasi-republican form of government, a mixed constitution, with limitations on kings or executives.⁷¹ They point to the same kinds of institutions and legal structures as our Medieval, and sixteenth through nineteenth century writers, polemicists, and scholars. Yet none of them seems to be more than vaguely familiar with the earlier development. All of them engage with the full range of contemporary Hebrew Bible and Old Testament scholarly tools and approaches. And out of these methods they have found what Josephus, Maimonides, and countless other Jewish rabbis found and taught to Christian scholars, readers, and teachers. Finally we should be grateful. We are in Eric Nelson’s dept for opening up this world to us. At least for me, his treatment of some of the ideas of the Rabbinic tradition and Christian tradition of interpretation has opened up the Old Testament as a source of political wisdom.

Appendices

1. Old Testament Passages Relating to “The Hebrew Republic”

Exodus 18:13-27; Deuteronomy 1:12-17	Jethro recommends councils/courts to Moses; 1000s, 100s, 50s, 10s; “Jethronic magistracy”
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⁷⁰ Ibid., 111.

⁷¹ Baruch Halpern, *The Constitution of the Monarchy in Israel* (Chico: Scholar’s Press, 1981); 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*, ed. D. L. Christensen (Winona Lake: Eisenbrauns, 1993), 336-52; S. Dean McBride, “Polity of the Covenant People: The Book of Deuteronomy,” *Song of Power and the Power of Song*, 62-77; J. G. McConville, *Deuteronomy* (Downers Grove: IVP Academic, 2002); J. G. McConville, *God and Earthly Power: An Old Testament Political Theology, Genesis to Kings* (New York: T&T Clark, 2006).

Exodus 19:7; Deuteronomy 29: 2, 10, 31: 9-12; I Samuel 11: 14-15,	References to the assembly of the people or elders of tribes, and kingdom
II Samuel 5: 3; II Kings 11: 17, 23:3	Covenant between God, King, and People; Covenant between king and people
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; I	Law of King, Kingship: King as brother, limitations on wealth and military, alliances, 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)

2. 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)

Moses Maimonides, <i>Guide for the Perplexed</i>	Book III, chapters 31ff. Explanation of Ordinances, relating to Civil Law in 32; Outline in 35
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3. A Brief Outline of the Hebrew Republic

The Hebrew Republic refers to a quasi-republican, mixed governmental and representative order included in the Old Testament, summarized most completely in the book of Deuteronomy (a second law or torah, which is also a constitutional document), but extending from Exodus through the so-called Deuteronomistic History to II Kings, and beyond. It is a sub classification of what has come to be called Political Hebraism.⁷² Early analyses and outlines of it are found in Josephus in the first century AD, and in Maimonides' (the second Moses') *Mishna Torah*, of the thirteenth century.⁷³ Different authors emphasized various elements of the republican order: the use of covenants between God, the community or people, and political leaders, and between political leaders and the community; Israel meeting as a congregation or assembly of the whole community or elders; basic moral law as established most prominently in the Decalogue; local and regional councils, courts, or decision making bodies, selected at least in part by local communities; multiple councils in Jerusalem; an aristocratic Sanhedrin or senate; the role of the Levites and priesthood in establishing and adjudicating law; the integration of religious ceremonies, laws, and the priesthood into secular governance; laws covering: the

⁷² Kalam Neuman, "Political Hebraism and the Early Modern 'Respublica Hebraeorum': On Defining the Field," *Political Hebraism: Judaic Sources in Early Modern Political Thought*, ed. Gordon Schochet, Fania Oz-Salzberger, Meirav Jones (Jerusalem: Shalem Press, 2008) 57-71.

⁷³ There are a number of modern treatments of the Hebrew Republican theme, sometimes without the name. Frank E. Manuel, *The Broken Staff: Judaism Through Christian Eyes* (Cambridge, MA: Harvard University Press, 1992); Daniel Elazar, *Covenant and Polity in Biblical Israel*, Vol 1. *The Covenant Tradition in Politics* (New Brunswick: Transaction, 1995); Fania Oz-Salzberger "The Jewish Roots of Western Freedom," *Azure* 13(2002) 88-132, and "Political Hebraism, Past and Present," *The Liberal-Republican Quandary in Israel, Europe and the United States*, ed. Thomas Maissen and Fania Oz-Salzberger (Boston: Academic Studies Press, 2012) 30-48; Adam Sutcliffe, *Judaism and Enlightenment* (Cambridge: Cambridge University Press, 2003) chap 2; Joshua Berman, *Created Equal* (Oxford University Press, 2008) chap 2; Eric Nelson, *The Hebrew Republic* (Cambridge: Harvard University Press, 2010); Yoram Hazony, *The Philosophy of Hebrew Scripture* (Cambridge: Cambridge University Press, 2012), chap 5.

distribution of property, slavery, protection of the vulnerable (widows, poor, orphans, foreigners/aliens), warfare; judicial impartiality and procedures (e.g. number of witnesses and appeals); military institutions; limits on executive or monarchic power through a law of kingship (the king must be a Jew, requirement to abide by the law, limits on wealth, military forces, foreign alliances, not performing religious sacrifice); a prophetic office to call Israel, its officers, and its people back to its covenant commitments to the law. Some of the elements of the Hebrew Republic are recognized as revealed, some are recognized as pragmatic. Some elements are developed early, and some later in and through Israel's historical experience. For example, there may or may not be a human King at any given time.⁷⁴ Those who analyze or outline the political institutions of Israel note its mixed character, a polity with popular, aristocratic, and monarchic elements.

⁷⁴ Prior to the 17th century, there was not a theoretical conflict between a monarch and a republic. We find monarchical republics. See James Hankins, "Exclusivist Republicanism and the Non-Monarchical Republic," *Political Theory*, 38(2010), 452-82.