

# The Jewish Roots of Western Freedom

*Fania Oz-Salzberger*

In *On Liberty* (1859), John Stuart Mill declared the age of “Christian morality” to be over. The ethical system grounded in Scripture could no longer be taken seriously as a basis for modern conceptions of liberty. The New Testament is not a complete moral system at all, nor does it claim to be; whereas the Old Testament, though certainly containing an ethical doctrine “elaborate indeed,” was “in many respects barbarous, and intended only for a barbarous people.”<sup>1</sup>

Mill thus sounded a solemn death knell for three centuries of political Hebraism. For three hundred years, political thinkers mined the Hebrew Bible, the Talmud, and rabbinic literature for ideas, examples, and full-fledged political systems, with the aim of applying them to contemporary Europe. For Mill, as for Marx, such political historicism is over. Modern man must henceforth come to terms with justice and liberty on his own, armed with his understanding and conscience alone. Neither the ancient Greeks nor the Romans are of any further use to political theory in the West; while the Hebrew and Christian Bible, for Mill and many of his contemporaries, belonged strictly in church or on the desks of comparative philologists.

---

Mill's heirs, including late-twentieth-century liberals like Isaiah Berlin and John Rawls, have likewise tended to view any mixture of theology and politics as either dangerous or obsolete. "Thin" liberalism, the liberalism of human rights and free markets, no longer requires either the classics or the Bible, notwithstanding its persisting declaratory respect for the Greek *polis* and the Roman republic as foundational models.<sup>2</sup> In the sophisticated marketplace of liberal-democratic ideas that Mill helped to establish, the ancient Hebrew stall was relegated to obscurity.<sup>3</sup>

And yet the story of political Hebraism, the sustained effort to read the Bible politically during the seventeenth century, is one of the most exciting chapters in the history of political thought—and it is a chapter rather than an anecdote. This essay attempts to point out some of the most interesting, most thought-provoking, and least studied Hebraic and Judaic origins of early modern political thought in England and beyond. It will examine several political Hebraists of the seventeenth century, and will consider the reasons for the abandonment of biblical and post-biblical sources of political thought by Enlightenment and post-Enlightenment thinkers—in particular modern liberals. Seventeenth-century judaizing was, for thinkers like John Stuart Mill, one reason for the Casaubon-like obsolescence of seventeenth-century political philosophy. In fact, Hebraic scholarship became the very epitome of that obsolescence.<sup>4</sup>

The history of ideas is a wily creature. In the last three decades the seventeenth century has become the locus of a "new," or "contextual," history of political thought. Its concepts of liberty, carved out during the Dutch struggle for independence, the English civil war, and the Glorious Revolution, are a major focus of scholarly work. And while both founding fathers of the contextual history of political thought, John Pocock and Quentin Skinner, have warned against the facile drawing of present-day political conclusions from the study of historical texts, recent works (including Skinner's) have increasingly sought out contemporary relevance in the history of political ideas.<sup>5</sup> As Richard Tuck put it, "The point of studying the seventeenth century... is that many of the conflicts which

---

marked its politics are also to be found in some form in the late twentieth century, and indeed, the better our historical sense of what those conflicts were, the more often they seem to resemble modern ones.”<sup>6</sup>

In Skinner’s cautious formulation, “There must be some deeper level at which our present values and the seemingly alien assumptions of our forebears to some degree match up.... Intellectual historians can hope to produce something of far more than antiquarian interest if they simply ply their trade. It is enough for them to uncover the often neglected riches of our intellectual heritage and display them once more to view.”<sup>7</sup> The present writer, who belongs to an academic culture far more willing to politicize its intellectual history than that of the Regius Professor at Cambridge, is in full agreement with him about the need for historians to simply “ply their trade.” The texts themselves, however, excavated and quoted and discussed in their own contexts, sometimes scream to be made relevant right over the historian’s bowed head. In particular, a new foundation has been sought recently for contemporary concepts of liberty, which attempts to reconstruct seventeenth-century republican ideas as possible sources of inspiration for a model of political liberty broader, or better balanced, or more subtle, than the classical “thin” liberalism, the liberal theory that insists almost exclusively on civil rights and freedom of expression.

Isaiah Berlin identified two major models of political liberty in Western thought of the last four centuries. The first, which Berlin himself advocated, was the “negative liberty” of classical liberalism—the freedom of the citizen from the state, the freedom of the individual to pursue happiness and defend his property against interference from the regime and from his fellow human beings. Against that vision stood the republican model, which Berlin described as being based on “positive liberty,” and which he distrusted deeply. Here the citizen is called upon—even obligated—to engage in public life, to exercise active responsibility in the polity, in shared public concerns, in the *res publica*. Berlin saw in positive freedom the roots of totalitarian nationalism.<sup>8</sup>

---

Some of Berlin's most significant followers, however, take issue with this dichotomy. For several years now, Quentin Skinner has been engaged in a serious rethinking of the tradition that he calls "liberty before liberalism," or the "neo-Roman" tradition of modern Europe.<sup>9</sup> He suggests this as a substitute for, or rather a necessary complement to, the individualistic idea of liberty, the "possessive individualism" (in J.B. Macpherson's phrase) which has until recently been identified with classical liberalism. Skinner and his colleagues also suggest reading John Locke as a republican rather than a minimalist or "negative" liberal, a point to which I shall return. Republican liberty, Skinner argues, is not inimical to the preservation of individual liberty, but essential for it. The relation between Berlin's "positive" and "negative" concepts must therefore be reworked and harmonized. The seventeenth-century "neo-Roman" tradition is, for Skinner, a viable basis for this endeavor, and hence a usable legacy if used with caution.

In this essay, I would like to consider an as-yet-unreconstructed piece of the seventeenth-century matrix for rethinking contemporary liberalism. Most of the recent contextual historians who have given new relevance to seventeenth-century political thought have paid little attention to its voluminous Jewish sources—biblical, talmudic, and rabbinic. By most accounts, republican liberty flowed into Europe directly from Rome, by way of Machiavelli.<sup>10</sup> The story, as told in Pocock's *The Machiavellian Moment* (1975) and in many subsequent monographs, has no need for the books of Joshua, Judges, or Kings; nor for Josephus, the talmudic tractate Sanhedrin, or Maimonides. They are similarly absent from Skinner's *Liberty Before Liberalism* (1998), the most recent attempt to single out the usable portion of Europe's republican legacy: A heavily stoicized but almost wholly de-christianized—and fully de-judaized—corpus of political thought.

Something is surely amiss. Jewish texts were not accidental sources for the subtle discussion of liberty engaged in by seventeenth-century thinkers. There were several important ideas about the nature of freedom,

---

which early modern Europe learned from the Bible and its Jewish interpreters, and from them alone. These ideas, which Enlightenment thinkers and their progeny either abandoned or ignored, have now returned to the forefront of political discourse, and are relevant in no small measure to contemporary Israel as well. Their reconstruction may therefore prove valuable both to the history of European political thought and to the subtle intellectual debate underlying Israeli political discourse today.

This is not an essay about “Jewish” philosophy as such, or about “Christian” readings of Jewish sources, but about early modern European political philosophy, which felt fully and intimately at home with the Hebrew scriptural canon, enjoyed some familiarity with later Jewish texts and exegeses, and accommodated a very small number of living Jews within its sphere of discourse. The interpretations to be discussed here are neither Christian nor Jewish, but ethical and political. The “Hebrew republic,” the polity idealized—practically invented—by early modern Hebraists, is significant above all as a political model. It is part of “the often neglected riches of our intellectual heritage,” not as Jews (or, for that matter, as Christians or Moslems) but as denizens of modern polities in need of refining their concepts of political freedom and active citizenship.

## II

The seventeenth century was the most biblical of European centuries. It transformed the Renaissance Hebraism associated with Pico della Mirandola, Erasmus of Rotterdam, and Johannes Reuchlin, as well as the theological Hebraism of the early Reformation. Martin Luther, who put the New Testament on the kitchen table of almost every literate home in northern Europe, did not commend it for its specifically political aspects.

---

The politicization of the Hebrew Bible, and its application to modern notions of liberty, was a project of second- and third-generation Protestants, and particularly of Calvinists.

From the second half of the sixteenth century, when the Puritans began culling new political ideas from the Bible, until about 1710, when the early Enlightenment launched its attack against the new demon of “pious superstitions,” the Old Testament played some part in most discussions of the good state, of the best form of government, and of the proper relations between rulers and subjects. Seventeenth-century thinkers used their Bible in a multitude of ways: There were biblical royalists, biblical republicans, biblical regicides, biblical patriarchalists and defenders of the old order, biblical economic revolutionaries and deniers of private property, biblical French imperialists, biblical English patriots, and their biblical Scottish counterparts. Policies, polemics, and parodies were based on the Bible. Writers and readers alike were intimately familiar with the Old Testament.<sup>11</sup> In Protestant Europe and in much of counter-Reformation Europe, it was the central compartment of a learned man’s toolbox, the principal weapon in his scholarly arsenal.

On the antipodes of political thought in that contentious and bloody century, we find at one extreme Jacques-Benigne Bossuet, an advocate of the French monarchy and an enthusiastic supporter of its claims to empire over Europe. Bossuet’s Old Testament deftly justified the absolute right of kings and conquerors. At the other extreme, proponents of regicide, like the pseudonymous Stephanus Junius Brutus in *Vindiciae contra Tyrannos*, found in the same holy book no small measure of support for their own beliefs.<sup>12</sup> The English “Levellers,” anti-royalist revolutionaries who called for the destruction or redistribution of private property, present us with a third extreme.<sup>13</sup> What all of these had in common was their stout belief not only in the supreme importance of the Hebrew Bible as an authority for their convictions, but also in its uniqueness as a source of historical models. Since Calvinists and Puritans, monarchists and monarchomachs, French and Dutch and English

---

alike all viewed themselves as the “second Israel,” the ancient Hebrew state was their best political template, if not their only one. Not Athens or Sparta or Rome, but Israel, with its kings and priests, its tribes and elders, its institutions and, especially, its laws.

By focusing only on the biblical roots of republican ideas, we leave most of these interpretations aside. The seventeenth-century radical Baruch Spinoza, who was more of a democrat than a republican, also remains on the sidelines of this particular story. So does the tradition of religious tolerance that was transformed by Spinoza and Locke into a doctrine of political tolerance.<sup>14</sup> For at issue here is neither toleration of the weak, the dispossessed, or the misguided, nor the question of metaphysical equality among God’s creatures, but rather the acts of citizens within the polity: The interrelations among active bearers of civic virtue, their dealings with their government and laws, and their commitment to what seventeenth-century thinkers still recognized—up to and including Locke—as the image of God within them.

A highly influential group of seventeenth-century thinkers found within Hebraic sources a cluster of significant ideas, and put them into the mainstream of European intellectual history. These thinkers, and the ideas about which they wrote, were linked to one another in several ways. The following sections of this essay discuss three seminal ideas, explicitly and often exclusively Hebraic in their inspiration—ideas for which Aristotle, Cicero, or Tacitus (among others) could not reasonably be credited—which played a crucial role in the genealogy of modern political thought. They affected early modern thinking about the state and about political liberty, and took part in the birth pangs of classical liberalism itself. They deserve study, and perhaps they merit the kind of cautious quest for new relevancy that historians are sometimes tempted to engage in while plying their trade.

The first of these was a concept of international borders, nonfeudal demarcations of sovereign states, which underpinned a novel, natural-law-based theory of the state, law, and rights. Second, a “moral economy,”

---

based on primeval universal community, entailing mutual social responsibility and imposing limits on property rights. Third, the idea of the federal republic as modeled on the twelve tribes of Israel: An ancient decentralized government and a multi-centered society that allowed the Israelites to maintain, for a significant period of time, an extraordinary political system that combined a seemingly deterministic divine plan with an abundance of very human personalities and desires. These three interconnected ideas—borders, moral economy, and federal republic—informed the European republican legacy (and perhaps affected the modern republican *state of mind*) in ways that continue to be felt today. In the context of contemporary political philosophy, the time may have come to invoke and review them in a non-antiquarian perspective.

### III

John Selden was an English jurist who devoted his entire life to the study of ancient Hebrew law. His great ambition was to demonstrate that the laws of the Jews, given in the Pentateuch and interpreted in the Talmud and in Maimonides' *Mishneh Tora*, constitute the historical core of the natural law common to all mankind. Enlightenment thinkers, notably Voltaire, would later mock Selden's effort as the scholastic triflings of a dusty *erudit*, but in his own day admiration for Selden was widespread. Hugo Grotius called him "the glory of England" and both Leibniz and Locke held him in the highest esteem.<sup>15</sup> Selden's greatest work, the monumental *Law of Nature and the Nations According to the Hebrews* (1640),<sup>16</sup> was written in seven parts, each corresponding to one of the seven Noahide laws, which the author saw as an original expression of natural law, as well as the fundamental text for the law of nations.<sup>17</sup> The almost exclusive Hebraic basis of Selden's jurisprudence is precisely what



---

earned him unreserved fame during his lifetime, and posthumous scorn in the anti-Hebraist climate of the Enlightenment.

According to Selden, the early Israelites created, with divine guidance, the first juridical state in history, a veritable *rechtsstaat* which became the paradigm for the rule of law thereafter. The law given by God at Sinai was natural law itself, hence the Israelite laws deriving from it belong not in the realm of canon law but in that of civil law in the most proper sense. A test case was provided in Selden's early work *The History of Tithes* (1618), which examined the Israelite rules of tithing, and of sabbatical and jubilee years.<sup>18</sup> Selden observed that these were not merely ritual obligations but formed an integral part of the Hebrew civil code, and should therefore serve as a practical model for any future society wishing to enact just agricultural and social laws and to encourage communal responsibility.

This same thesis, that divine principles were geared towards a just and practical constitution, appeared to Selden to hold true for the rest of the Hebraic legal system as well. In *Uxor Hebraica* ("The Jewish Law of Marriage and Divorce," 1646), he applied it to the Jewish matrimonial laws.<sup>19</sup> Elsewhere, he analyzed ancient Israel as a classical polity: The Sanhedrin was a senate dedicated to interpreting and expanding upon the Tora, which in purely political terms is the Israelite constitution.<sup>20</sup> Divine law was the cornerstone of the ancient Hebrew state, which was the first in history to recognize the supremacy of law in all human affairs.<sup>21</sup> Like his contemporary Thomas Hobbes, Selden used the early Israelite commonwealth as an inspiration for a revolutionary philosophical move. This involved the novel conceptualization of the state as the supreme moral authority, leading to the ultimate separation of the state from God, of politics from theology, and of civil from divine law. This philosophical step, it should be stressed, was made not by the ancient Israelites, but by Hobbes and Selden themselves, and could not have been accomplished without their Greek, Roman, and Renaissance sources.<sup>22</sup> Selden, like

---

Hobbes, was orthodox in his religion, but Erastian in his political stance, rendering unto God what was God's and unto parliament what was parliament's.<sup>23</sup> His Hebraic model—inasmuch as it was a model for post-biblical polities—achieved the breakthrough of removing civil society from its divine cradle. Like Hobbes, Selden thus paved the way for the secularization of modern European politics.

Hobbes, too, was a dedicated Hebraist, and two of *Leviathan's* four books rely heavily on the ancient Israelite model. As Menachem Lorberbaum has recently argued, Hobbes' politics was essentially a political theology: He invoked biblical authority for his doctrine that the ruler alone is the legitimate interpreter of the divine will. Both the will of God and the assent of his creatures are necessary to justify the establishment of a political community. After the initial democratic moment, when the civil compact is signed in accordance with the model of the covenant between God and Israel,<sup>24</sup> the sovereign proceeds to rule alone, as the source of law and guarantor of the social order.<sup>25</sup> Selden and Hobbes thus followed a common route: A biblical foundational moment yields a political matrix, and a theological scaffolding gives way to a solidified constitutional model. In ancient Israel, God first anchored the natural law in a system of civil laws, and then established a political authority to interpret and enforce those laws. In the modern state, the same structure of laws and sovereign applies, with God discreetly backstage, soon to become altogether absent. Leaving behind the covenant and the tablets, the modern ruler strides forward, alone, into the Europe of the future, the Europe of sovereign states guided by political rationalism.

What, then, did Selden contribute to the Western concept of political liberty? If rationalism and secularism are the keys to liberty, then both Selden and Hobbes hover like fairy godmothers over the cradle of the modern state. But Selden also presented a new idea, taken directly from biblical law, that fortified the basis of the European state at a crucial moment in history. As a recent study has suggested, Selden used the Bible

---

to argue for clearly definable borders between political entities. The notion of borders as juridical fiction, broached by Selden, underpinned the legal integrity of the modern sovereign state.<sup>26</sup>

The occasion for Selden's interest in international borders was a dispute between English and Dutch merchants over open-sea shipping rights. The Dutch demand for a "free sea," free of navigation limits and territorial rights, was capably advocated by the prominent statesman and jurist Hugo Grotius. The rival English case for a "closed sea," divided up among land powers, was taken up by Selden on the order of James I, which was later renewed by Charles I.<sup>27</sup> The maritime dispute thus yielded two of the greatest works in the history of international law. Grotius' *Mare Liberum* ("A Free Sea," 1609) argued—relying, among other things, upon biblical sources—that sea boundaries are purely imaginary and therefore invalid.<sup>28</sup> Selden responded with *Mare Clausum* ("A Closed Sea," 1635), in which he showed that in the Bible and the Talmud precise boundaries were drawn both around the land of Israel and between the segments allotted to each tribe, thus establishing the principle of boundaries as a binding legal fiction.<sup>29</sup> Maritime boundaries were similarly settled for the seafront tribal territories, and their validity rested on their very status as products of legal imagination.

Selden's *Mare Clausum* may explain something of the allure that the Bible and Talmud held for this particular jurist. In his later *Uxor Hebraica*, concerning divorce, he found the Jewish laws to be an attractive model for permitting that which the canonical law forbade. And here as well, as a British statesman during the formative period of the European political order, Selden found in the Bible the legal justification for the idea of meaningful political boundaries and total separation between states. It was a necessary corollary to Jean Bodin's idea of the complete and uniform sovereignty of a supreme ruler over a strictly defined territory, without internal distinctions of delegation, division, or secondary rule.<sup>30</sup> Total borders made total sovereignty, and fostered the modern system of international relations. It was no accident that *Mare Clausum* enjoyed the peak

---

of its fame, and was translated into English, soon after the enactment of the Peace of Westphalia in 1648.

It was within these Bodinian, Hobbesian, and Seldenian states, headed by a sovereign and enclosed within clearly delineated national borders, that a new idea of European liberty, based on natural law, could flourish. The state was the source of law and hence the source of rights, and its subjects could therefore become bearers of rights of a new kind, universal and equal.<sup>31</sup> Just as the unambiguous boundaries of biblical Israel defined a space in which “the same rule shall apply to you and to the stranger who resides among you,”<sup>32</sup> so too the new sovereign European state created a new space for legal equality. Selden’s doctrines, manifestly inspired by the Bible and the Talmud, allowed the next generation, that of John Locke, to apply a new doctrine of rights within the newly created expanse of the sovereign state.

Biblical inspiration must, again, be measured against its own limits: Not civil rights, but the delineated political space within which they could be enacted, was the outcome of Selden’s Hebraic scholarship. Ancient Israel, in Selden’s eyes, owed its success as a constitutional state to the clear definition of the territory in which its laws applied. Even the Hebraic laws of marriage and divorce depended upon a precise demarcation of the territory of the land of Israel, as discussed in the talmudic tractate of *Gitin*. The mutual dependency between the uniform application of laws and the clear delineation of national borders was a product of Selden’s extensive study of Deuteronomy and the talmudic tractates *Gitin* and *Sanhedrin*. The English and Dutch sailors exchanging blows in the taverns of Rotterdam or on the estuary of the Thames were probably unaware that their maritime dispute was being settled in consultation with the ancient Jewish academies of rabbinical exegesis. But the history of ideas is a wily creature indeed.

---

#### IV

It is likely that John Selden never met a Jew in his lifetime: Jews had been expelled from England in 1290, and Manasseh Ben-Israel started negotiating with Oliver Cromwell for their readmission only a year after Selden's death in 1654. Other English jurists of his day traveled to centers such as Leiden, Geneva, and above all Amsterdam, where they took part in that wonderful, if transitory, continental network in which rabbis shared their Hebraic knowledge with Christian scholars. Seventeenth-century Amsterdam was the most fertile soil for social and scholarly interaction between Jews, primarily exiles from Spain well versed in classical thought, and Christian scholars, primarily Calvinists with a Hebraic fire burning in their bones.<sup>33</sup> In the Dutch golden age, the "Hebrew republic" took shape as an ideal type for the modern European legal and political system. Grotius was one of the first to search for the *Hebraica veritas*, the Hebrew truth, a natural law common to all nations.<sup>34</sup> But perhaps the greatest product of this Hebrew-Dutch encounter was Grotius' student and rival, the jurist Peter van der Cun, better known by his Latin name, Petrus Cunaeus.

Cunaeus' great work, *Respublica Hebraeorum* ("The Commonwealth of the Hebrews"), was published in 1617.<sup>35</sup> It was preceded by about a dozen works by other authors bearing the same title, but Cunaeus' effort stood apart, for the first time presenting the Israelite state of the First Temple period, and especially the united monarchy under Saul, David, and Solomon, as a practical model for the newly independent United Provinces. Cunaeus addressed his book to the General Estates of Holland and West Frisia and to their magistrates, suggesting that they learn from "a commonwealth, the most holy, and the most exemplary in the whole world."<sup>36</sup>

---

As Michael Walzer has noted, earlier Dutch Calvinists had already found in the story of Exodus a useful model for justifying their war of independence against Spanish rule.<sup>37</sup> But Cunaeus now took the biblical inspiration a step further: The Bible was not merely a model for the rebellion of slaves against their masters, or for the revolt of subjects adhering to the true religion against tyrants imposing a false one, but a legal and juridical model for the functioning of an independent state.

What did Cunaeus see in the ancient Hebrew polity? First and foremost, the biblical historical narrative from Exodus to Kings, and its exegesis in Jewish literature, provided him with a realistic source of political inspiration.<sup>38</sup> He read Josephus' *Jewish Antiquities* and *Contra Apion*, as well as Maimonides' *Mishneh Tora*, and these works assisted him in translating the Bible's political imagery into familiar Greco-Roman terms. In Cunaeus' opinion, however, the Hebrew republic was of a higher order than the Greek or Roman states. Because its god was the true God, the Hebrew state, a real polity in every sense notwithstanding its divine origins, could function as an archetype for the ideal republic. Its laws corresponded to natural law, and its social spirit flowed directly from the divine imperative of justice. This state was neither a monarchy nor an oligarchy nor a democracy, but a republic, whose senate—the Sanhedrin—and magistrates, including judges and priests, enforced and executed divinely ordained laws in ordinary civic situations.<sup>39</sup>

Two aspects of this ancient polity intrigued Cunaeus. First, the agricultural and social laws of the Bible; and second, his understanding of the Israelite kingdom of the First Temple period as a successful federal republic. A political Calvinist, Cunaeus was impressed by the harmony that prevailed between rulers and priests, between the divine word and its legal interpretation and execution, between theocracy and earthly politics. In the Bible he found what Aristotle, Cicero, and the Stoics all lacked: A clear notion of social responsibility and communal justice. For this reason, Cunaeus dedicated several chapters of *The Commonwealth of the Hebrews* to the biblical commandments about tithes, leaving part of one's

---

field for the poor, and forgiving debts, redistributing land, and freeing slaves during the sabbatical and jubilee years. He understood these commandments to complement and maintain the just distribution of landed property among the tribes and households during the era of Israelite settlement in the land—the distribution reported with such meticulous detail in the book of Joshua. The agricultural and social laws enacted in the biblical Hebrews’ nomadic period and listed in Leviticus, Numbers, and Deuteronomy continued to act as a permanent corrective, ensuring that “the avarice of a few should not invade the possessions distributed with so fair equality” among the tribes.<sup>40</sup> This lost thread of social justice is worth picking up, for although it was cut short by post-Lockean liberalism, it was tightly coiled around the very cradle of that liberalism.<sup>41</sup>

Cunaeus’ second concern was with the constitution of ancient Israel, a federation of almost wholly autonomous tribes. The books of Joshua and Judges paint a picture unlike anything found in Athens, Sparta, or Rome, which were all in essence homogeneous and exclusive, imposing an oppressive rule. By contrast, the Hebrew republic offered a federative and inclusive model, which allowed for a range of cultural experiences within its borders. This was a single political entity comprising a range of local centers, and marked by geographical and cultural variety. The republic of the Hebrews had powerful local leaders, bold and idiosyncratic historical figures, the likes of Gideon and Samson. Jerusalem was its spiritual capital, but its civic heart pulsed in many other cities throughout the tribal lands.<sup>42</sup>

What held this republic together—until Jeroboam came and divided it irrevocably—was the principle of the *concordia*, the basic human social impulse towards unity that was celebrated by Cunaeus’ great teacher and rival, Hugo Grotius. The very *concordia* that held the tribes of Israel together throughout their early republican age would serve during the seventeenth century as the basis for the powerful idea that Grotius would pass on to his disciples, and especially to John Locke: The idea that a sense of social responsibility and a natural desire for peace connect the

---

members of every civil society, and bring polities and their neighbors into peaceful cohabitation.<sup>43</sup>

The three interlinked concepts derived from the Bible were thus well established by the middle of the seventeenth century: Political boundaries as the basis for the application of universal laws; rules of social and economic justice as an inseparable component of a well-governed republic; and the decentralized federal state, existing by virtue of the *concordia* prevailing in a people that lives in accordance with the natural law.

## V

The glory of the Hebrew republic in Western political thought reached its apex in the middle of the seventeenth century, when the English republican revolutionaries made it their central historical model, sometimes alongside the Roman republic, but more often above it. James Harrington did so in his *Oceana* (1651), John Milton followed suit in his *In Defense of the English Nation* (1658), and they were joined by several other republican writers who have recently enjoyed a revival of scholarly interest, such as Algernon Sidney and Marchamont Nedham.<sup>44</sup>

These thinkers all repeat, with individual variations, the same basic theme: The people of Israel had a republic, a nearly perfect republic, from the time of the Exodus until at least the coronation of Saul.<sup>45</sup> Despite its transcendent origin, this republic was the product of a historical, political society. And precisely because of its transcendent origin, it was an exemplary state of law and a society dedicated to social justice and republican liberty.<sup>46</sup> When at times these authors follow Josephus in using the term “theocracy” to describe early Israel,<sup>47</sup> the term signifies for them a legal and political system involving citizen participation and civic freedom, uniquely blessed in having been founded by divine imperative in



---

accordance with natural law. Not a supra-political state, but a political state, as close to the ideal republic as God intended. A “kingdom of priests and a holy nation”<sup>48</sup>—but not quite a monarchy, and certainly not meant to be ruled by king or priest alone.<sup>49</sup>

Some thinkers, including Cunaeus and Sidney, deemed the Hebrew republic an aristocracy, governed by a Sanhedrin that functioned as a senate, ruled by priests and other magistrates—and, when necessary, by a warrior-judge.<sup>50</sup> But civic participation and the relative equality of property guaranteed that it was nevertheless a true republic. Harrington in particular made a point of emphasizing ancient Israel’s historicity—or, in effect, its normalcy. At the same time, it was the state of the Chosen People, and its divine laws carried a spiritual and universal weight unknown in the agora or in the forum.<sup>51</sup> The political and ethical touch of God could be seen in this republic, a touch unknown to the Romans.<sup>52</sup> The English Puritan republicans hoped to inherit this precise admixture of the profane and the sacred, to establish within England a “second Israel,” the true Jerusalem.

Most of these authors painstakingly showed that the Bible favored the early republic over the subsequent kingdom, and argued that it was the very existence of an Israelite monarchy as such, or at least its division into two rival kingdoms, which brought decline, destruction, and exile upon the Chosen People.<sup>53</sup> In this view, the coronation of Saul was both a theological and a political error, because kingship rightfully belongs to God alone, and because the revelation at Sinai was aimed at creating a republic, not a kingdom:<sup>54</sup> A polity blessed with republican laws and institutions, and with a civic spirit.<sup>55</sup> In its demise, however, the republic of the Hebrews passed the divine command on to other republics. From the perspective of the English revolutionaries, they had inherited a godly mandate for political existence, subject to a constitution independent of church and crown.

The Hebrew Bible, buttressed by Josephus and Maimonides, thus offered these devout republicans an archetypal political community,

---

divine in source but wholly historical in its life and aims. This republic would partake of wars and internal struggles like any other historical nation, but would at the same time be bound to an imperative for social justice embodied in its unrivaled code of law.<sup>56</sup>

The demise of the Israelite commonwealth was no evidence against its political wholesomeness. As disciples of Aristotle, Polybius, and Livy, these early modern republicans knew only too well that history, alas, devours all its political creations. The republic of the Hebrews is no more; its progeny wander through Europe, scarred and shamed. *Concordia* gave way to discord, due in no small part to the kings and their appetites. But that ancient codex was still within reach. It lay on bookshelves, in Oxford and Leiden and Naples and Geneva, alongside the annals narrating the years of its political realization. The codex is eternal, and it is written in Hebrew.

## VI

John Locke, the founder of classical liberalism, was a Christian who based his political outlook on the imperative of obeying God-given duties. Indeed, Locke may have been the last major political theorist of the Western canon who possessed, and deployed, a detailed knowledge of the biblical text.<sup>57</sup> His immediate followers, in particular the thinkers of the French and Scottish Enlightenment, found little room for the Scriptures on their desks.

In the past three decades, several major works re-examining Locke have transformed his previous image as a theorist of “thin” or “negative” liberalism, as the spiritual father of capitalism, and as the herald of secular political rationalism.<sup>58</sup> Locke held that promises will not be kept without God, and that no social contract and no civil society can be maintained

---

without keeping promises. He believed not only that the state needs to guarantee its citizens' rights to life, liberty, and property, but that its citizens also have duties toward the state, and particularly toward their fellow men, who partake in the image of God.

Locke argued for these principles with reference to both the New Testament and the tradition of natural law. But the key to the link between Locke's theory of political obligation and his idea of social obligation lay in the Hebrew Bible. Robert Filmer, against whose ideas Locke's first *Treatise of Government* was principally directed, had argued that the king rules by the grace of God and, being a direct heir of Adam, is exempt from human control. Locke summoned all his biblical expertise in order to refute the argument that God gave Adam absolute sovereignty, or that this sovereignty was passed on, first to Noah and then by lines of legitimate patrimony all the way to James II of England. Rule is not an absolute possession, Locke asserted, and it is not passed on through lineal inheritance.<sup>59</sup> The right to rule depends on the ruler's commitment to the rights of the ruled, and it may be annulled and transferred when the violation of the subjects' rights transcends tolerable limits.

What did Locke learn from the Hebrew Bible? First, that men left the state of nature and established civil society out of necessity. Locke's state of nature is occasionally conflictual, demanding temporal leadership and justice. Appealing to divine intervention may prove insufficient in such pre-political quarrels: Otherwise, why would the children of Israel and the Ammonites take up arms after the judge Jephthah had explicitly called upon God to judge between the two?<sup>60</sup> Like several Calvinist thinkers before him, Locke saw in the period of the judges a transitional stage between the state of nature and civil society, and discerned in its failings a proof of the necessity of the state for resolving disputes.<sup>61</sup> It was the Bible, he argued, that documented the particular moment that "puts men out of a state of nature into that of a commonwealth, by setting up a Judge on Earth" and establishing "a political, or civil, society."<sup>62</sup>

---

The Israelites founded a state that was not only unique and divinely ordained, but which “favours not at all paternal dominion.”<sup>63</sup> At its foundations lies the Tora, the legal basis of what Locke had called in an earlier work the “national Jewish liberty.”<sup>64</sup> But because God himself had established the “government of the Jews” and devoted special attention to it, Locke found it necessary to remark on “the Scriptures being utterly silent” about everything that pertains to other governments, and to note that the Bible “speaks very little of politics.”<sup>65</sup> This does not mean that God is not present in the state. On the contrary, true religion, for Locke, was the only guarantee for any political transaction. But no ruler can arrogantly assume absolute dominion while at the same time relying on God’s grace. If a ruler is tyrannical, the divine right flows through those who would rebel against him—as Locke found in the assistance God rendered to Hezekiah in rebelling against the king of Assyria in the book of Kings.<sup>66</sup>

But if no king can claim an unreserved birthright dating from Adam, no owner can claim property rights going back to the same primeval bearer of rights. For just as Adam was not absolute sovereign of the earth, neither was he its owner: He received no *dominium* from his Creator over the land beneath his feet—and neither did Noah or his sons. In the beginning, said Locke, all the world belonged to all human beings.<sup>67</sup> Here was the subtle link between Locke’s theory of government—the limitation of political *dominium*—and his moral economy, which was based on the limitation of material *dominium*. The link lay in the second and third chapters of the book of Genesis, Locke’s oft-ignored primary source of reference.

Locke, to be sure, was no Leveller.<sup>68</sup> Most of his interpreters today agree that he viewed the historical phase prior to the enclosure of property, a phase identified with the early part of Genesis, as a “negative community” from which people took for themselves private property over the course of time, and not as a “positive community,” according to

---

which all of the land belongs to all human beings in perpetuity.<sup>69</sup> There is nothing wrong with private property because, as the republicans argued, it serves as the basis for civic participation in the political community.<sup>70</sup> But material possessions “are never so much ours that they cease to be God’s.”<sup>71</sup>

This claim is a cornerstone of Locke’s political philosophy: To him, “property” includes our lives, our liberty, and our private possessions, which are also the key to our membership in the political community. But precisely for this reason there is a limit on private property. In the distant past, human beings owned whatever land they could till by their own labor, and enjoy for their own consumption.<sup>72</sup> The invention of money, however, greatly increased the possibility of accumulating wealth and property. But if a fellow human is starving, his right to life overrules our right to property, and we are obligated to feed him.<sup>73</sup> In Locke’s words: “God, the Lord and Father of all, has given no one of his children such a property, in his peculiar portion of the things of this world, but that he has given his needy brother a right to the surplusage of his goods; so that it cannot justly be denied him, when his pressing wants call for it.”<sup>74</sup> Absolute ownership is thus as unacceptable as absolute rule. Early liberalism drew its principles of social justice from the same wellspring from which it drew its principles of limited government.

Locke still belonged to the class of “moral economists,” whose political thinking could never ignore the three great symbols of the biblical needy: The stranger, the orphan, and the widow. He would have agreed with Leibniz’s succinct equation, that justice is none other than charity.<sup>75</sup> And it is worth noting that whereas in Latin and its daughter languages there is no etymological connection between *justitia* and *caritas*, the Hebrew equivalents, *tzedek* and *tzedaka*, are semantical twins.

The rise and fall of the “republic of the Hebrews” in European political philosophy was part of the rise and fall of moral economy. So long as the right to property was offset, as in Locke, by the hungry man’s “right

---

to surplusage,” the early Hebrew commonwealth could present a unique model of an altruistic community rooted in law.<sup>76</sup> But perhaps a reversed causality also holds true. So long as jurists and political thinkers read the Bible as a historical and political text, they remained committed to the principles of moral economy.

## VII

Several explanations have been given for the decline and fall of the Bible as a political text in the early eighteenth century. Historians have attributed it to the demise of radical Protestantism, to the growing revulsion against pious enthusiasm,<sup>77</sup> to the downfall of the English revolutionary republic, to the rise of centralized monarchy based on *raison d'état*, and to the decline of Latin and Hebraic erudition in the wake of Enlightenment *philosophie* and the witty vernacular prose of Addison and Voltaire.

It is worth noting, in this context, that few Protestant cultures gave up the Scriptures so quickly and so thoroughly as did the Scottish Enlightenment. Despite the clerical background of some of its leading lights, and in line with the professed secularism of its greatest mind, David Hume, the particular Scottish understanding of economics and society disposed of moral economy efficiently and persuasively. Adam Smith's economic world is certainly a moral place, but its morality is based neither on Genesis nor on Deuteronomy. It relies on the natural functioning of the marketplace, guided by an invisible hand and founded on the principle of absolute property rights.<sup>78</sup> Private property, for Hume and for Smith, no longer requires a divine dimension. Brotherly altruism is no longer expected from men created in God's image. Hume and Smith saw

---

modern European man as a merchant rather than a citizen, gracious and refined, but self-serving to the core. Public welfare is no longer founded on his conscious charity. It is, rather, an unintended benefit of his self-interested activity, thanks to the corrective mechanisms of the modern marketplace. He is a man of his word and tends to keep his promises—as a result of social pressure and concern for the opinion of his neighbor, not out of the fear of God. An individual may or may not be moral, but society as a whole *cannot* be moral, nor does it need to be.<sup>79</sup> Justice is blind, or—in eighteenth-century terms—it is beautifully mechanical. When setting out to invent the modern science of economics, Hume and Smith put aside the Bible and Cicero, and eagerly opened Newton’s *Principia Mathematica* in their stead.<sup>80</sup>

This was the first major break in the ranks of classical liberal thought,<sup>81</sup> and with the help of a selective reading of Locke it grew progressively deeper. The citizen was increasingly seen as enjoying rights granted by the state, but was freed of performing voluntary moral duties toward his community. Constitutions and governmental mechanisms took the place of individual civic involvement. Hume deemed it unwise to base a large modern state on the virtues of its citizens.<sup>82</sup> Jean-Jacques Rousseau redefined “republic” as any state in which the rule of law prevailed.<sup>83</sup> Immanuel Kant concluded that an ideal state may be run by demons, so long as they are guided by reason.<sup>84</sup> In considering the success of the future European state, all three placed their trust not in citizens but in reason, institutions, and law. In this way, classical liberalism had internalized the concept of territory and law which John Selden had derived from the Bible and the Talmud—but not the imperative of mutual responsibility gleaned by Cunaeus and Locke from the same sources.<sup>85</sup>

Enlightenment *philosophes* no longer needed the Old Testament and the republic of the Hebrews. The political writings of Hume, Kant, and the American founders make few references to the Jews, and care little for their ancient political experience. The glaring contradiction between the grandeur of the Jewish texts and the miserable state of contemporary Jews,

---

a constant source of astonishment to seventeenth-century readers, no longer troubled the eighteenth century: The Hebrew texts were as obsolete as the living Jews themselves. The books, not to mention the rabbis, could no longer provide sustenance for new theories of government and society.<sup>86</sup> European liberalism regarded the Jews as objects of distaste, curiosity, or charity, but not as partners in conversation, certainly not within the realm of political thought.<sup>87</sup>

This was not a question of anti-Semitism. Many of the seventeenth-century thinkers, including Selden, had no difficulty combining a disdain for the Jews of their time with great interest in and respect for the ancient Hebrew republic, and even for the later rabbinic writers. By the eighteenth century, no such contrast could be found. For Montesquieu and for Hume, biblical history provided at best some minor political examples, as would any book in an educated man's library.<sup>88</sup> For others, such as Kant, the Jewish political tradition became a negative precedent in every respect.<sup>89</sup> The customs of Israel documented in the Bible no longer exemplified the historical application of natural law, and the Israelites were no longer the fortunate nation that had once been, by means of the revealed law, so close to carrying out God's own political design. The commonwealth of the Hebrews no longer stood for liberty.<sup>90</sup>

An offhand remark by Hume, in his essay "Of Public Credit," supplies a vivid example that dramatizes this change. The Bible makes mention of the treasury of King Hezekiah, writes Hume, "if I remember correctly."<sup>91</sup> One doubts that John Locke could possibly refer to the Old Testament in so careless a manner. Yet many in the generation following Hume no longer even took the trouble to attempt to "remember correctly."<sup>92</sup>

A lone voice in the wilderness was Moses Mendelssohn, who, in his book *Jerusalem* and in his other writings, attempted to halt the rapid abandonment of the Scriptures and the Jewish corpus by Europe's philosophers. But Mendelssohn himself was seen by too many of his contemporaries, and by several historians of the Enlightenment, more as an



---

object of tremulous declarations of tolerance, as in Lessing's *Nathan the Wise*,<sup>93</sup> than as a thinker to be reckoned with, who had restored substantive elements of Jewish thought to modern philosophy. Mendelssohn is remembered primarily—and in a manner that would have angered and annoyed him to no end—as an object rather than as a subject, as a beneficiary of ethical conduct rather than its philosopher.<sup>94</sup>

And it was precisely this attitude that the thinkers of the Enlightenment passed on to later European liberalism. The Jew was no longer a political mentor, but an object of tolerance. The Jews of Europe were addressees, but no longer correspondents. The Jew depicted in the writings of Lessing and Walter Scott and George Eliot is a beneficiary of kindness, at times an erotic creature, an attractive and esoteric bearer of ancient wisdom—but his book of books had been removed from the desk of the political philosopher. It is back in its late-Renaissance place, on the preacher's pulpit or under the philologist's lamp.<sup>95</sup>

## VIII

U ntil the last quarter of the twentieth century, the idea of liberty in Western liberal thought, which Jewish scholars such as Isaiah Berlin and Jacob Talmon did so much to fortify, was seen as decidedly un-Hebraic in its origins. Even Hannah Arendt, whose critique of individualistic liberalism draws on Greek sources and regards the *polis* as a principal source of inspiration, had no need for the “Hebrew republic.” The Jewish commitment to liberalism, greatly intensified after World War II and the destruction of European Jewry, relied barely at all on Jewish sources of inspiration. Talmon and Berlin, both of whom had a firm Jewish cultural identity, attached themselves to liberalism as its grateful beneficiaries, not

---

as members of a culture that had nurtured its early roots.<sup>96</sup> Other Jewish liberals, such as the Oxford legal scholars H.L.A. Hart and Joseph Raz, felt no need for any link between their ethnic or cultural origins, on the one hand, and their legal and political doctrines, on the other. Conversely, philosophers of Judaism, such as Martin Buber and Emmanuel Levinas, who used Hebrew sources extensively, did not belong squarely among liberal political thinkers.

In the last three decades, the situation has changed. Classical liberalism has sustained sharp criticism from thinkers who have internalized its values. “Thin” liberalism, they argue, is not enough; ensuring basic civil rights and a free market cannot suffice. Isaiah Berlin’s cherished “negative liberty,” the freedom of the individual from the gross interference of state, church, or other establishments, does not exempt us from confronting the question of “positive liberty,” the freedom to undertake civic activity on a communal level, whose enforcement Berlin so greatly feared. Liberals today are raising questions of social, and not only civil, rights; of group rights and group identity, and not only individual identity; of the cohabitation of different cultures within the same political framework; of the varieties of political life far from the centers of political power. Hence, critical-liberal and post-liberal Jewish thinkers, such as Michael Walzer, Amitai Etzioni, and Yael Tamir, have begun to find meaning in their own Jewish sources.<sup>97</sup> Yet this remains almost wholly an American experiment. Most British and Continental scholars still ignore the Hebraic origins that complement the “neo-Roman” inspiration of the European republican tradition.<sup>98</sup>

At this particular juncture in the history of political thought it may well be worthwhile to take a fresh look at the Hebrew Bible, the Talmud, and the *Mishneh Torah*: The political Bible, which for the philosophical Christian reader was holier than Tacitus, yet more historical and political than the New Testament; the Bible as a textbook on political borders and universal laws; the legal Bible, whose God is first and foremost the judge

---

of all the world, a title which at times allows a mortal like Abraham to bring even God's own actions—vocally and unequivocally—under judicial review.<sup>99</sup>

But not only the political Bible and the legal Bible await those who read Locke's sources seriously. So does the social Bible, whose regulations were so great an inspiration to utopian republicanism and moral economy in the seventeenth century. Had this tradition not been cut off in its prime, it could have had a direct impact on much of the social thought of the early twentieth century. The early Labor Zionists knew something of this powerful link of inspiration; A.D. Gordon and Berl Katznelson and Martin Buber certainly did. Labor Zionism and the founders of the kibutzim and moshavim knew intuitively that biblical influence fed the modern longing for social justice, but they did not know that Selden and Cunaeus and Harrington and Locke had already explored this ground. Nor did they know that early modern Europe had invested great efforts that might have built a bridge connecting ancient Israel to modern Israel, and linking new ideas of liberty and justice with their Hebrew origins. Now that modern Israel seems to have lost interest in its own social vision, the need to rediscover that link has become all the more urgent.

What, then, does the seventeenth century offer us in reading the classic Jewish sources? I have suggested here three principles: The importance of the rule of law within fixed borders; a non-Roman republicanism based on the idea of mutual responsibility and a higher moral calling, which finds expression in social laws; and finally, the model of the federal republic. This last principle is needed not only because Europe is establishing itself as a federal republic before our eyes, but because in some sense modern Israel itself is, whether we like it or not, a federal republic of sorts. With good reason do the twelve tribes serve as a metaphor to describe our breathtaking cultural, social, and intellectual diversity. I therefore suggest that we listen to those republicans, Cunaeus and Harrington, and take note of what they found in the Bible: At the feet of the Ark of the Covenant they discovered a *polis*. In that ancient theocracy they

---

found a decentralized state rich in local customs and in strong-willed leaders. The seventeenth-century republicans needed those Jews of old, who dared criticize even God's own plans. They needed them because those Israelites were different from the pagans of Greece and Rome, whose potent lusts were free from any such divine burden, and different from the pious early Christians, whose theology required suppression of individual desires and unquestioning obedience to God. The ancient Hebrews—whose faith and historical self-understanding are filled with the memory of individual political volition and rebellious political personalities—must have offered something indispensable to the early creators of modern European republicanism.

My point here is not to glory in whatever Jewish chromosomes may be found in the genome of Western political thought. It is, rather, to consider and reconsider which parts of these sources, and of the inspiration they offered to European theorists of liberty, might be of value to us today. For example, ought we not reconsider the seemingly simplistic dichotomy between Judaism and modern liberalism? Between the seemingly competing claims that modern Israel ought to be “Jewish” and “liberal-democratic”? Perhaps liberalism is closer to home than many of us think. Perhaps it is not merely the abhorred Hellenism of the ancient purists. Indeed, it may well have some of its strongest roots in the books of Exodus, Judges, Samuel, and Kings, in the Talmud and in Maimonides: Tangible roots, though tightly coiled around the other, non-Hebraic sources of Western ideas of liberty. The Bible, of course, does not suffice to keep us safe from the mischief wrought by our fellow men or by rulers; but, as I attempted to show, it added some indispensable drops to the early modern republican cauldron.

Perhaps the Bible's greatest gift to its politically minded readers was the awareness of the importance of individual personalities within political history, of the perfectly singular mind of a warrior-judge like Gideon, of a leader like Deborah, of a political dissident like Nathan, of a killer like Yael the Kenite, of a social reformer like Amos, or simply of

---

an all-too-human figure like Saul. The Bible, anticipating Machiavelli, heralded the arrival in Western history of the political actor—the thinking and acting individual who wrestles with political virtue and political vice, who has a will to power and yet practices self-restraint, who brings all the grandeur and pettiness and restlessness of the human personality into the theater of political life. This was part of the Bible’s charm for the republicans, but not necessarily for the liberals. The latter—from Hume and Kant to Berlin and Rawls—sought to free the great modern state from all dependence on the idiosyncrasies of the individuals acting within it—of any particular leader, or any particular citizen.

Whoever feels today that this gamble on the part of post-Enlightenment liberalism did not pay off, that legal mechanisms are not always enough, that institutions and laws and even rights are at times insufficient, is invited to return to the great laboratory of the seventeenth century. For it is from there, if we look again to the ancient Hebrew republic for inspiration, that we may yet restore the questions of human nature, communal responsibility, and the deliberate actions of the individual into the heart of our own political discourse.

---

*Fania Oz-Salzberger is a Senior Lecturer in the School of History at the University of Haifa. This essay is an expanded version of the Zalman C. Bernstein Memorial Lecture in Jewish Political Thought, sponsored by the Shalem Center, which she delivered in Jerusalem on January 10, 2002.*

---

## Notes

I wish to thank Shlomo Avineri, Joseph Dan, Ofir Haivry, Menachem Kellner, Menachem Lorberbaum, Daniel Polisar, Aviezer Ravitzky, Eli Salzberger, Miriam Yardeni, A.B. Yehoshua, and Joseph Ziegler, as well as the participants in the works-in-progress seminar at the Shalem Center and several members of the audience at the annual Zalman C. Bernstein Memorial Lecture, for their comments on earlier versions of this essay. Thanks to Lea Campos Boralevi for making available to me unpublished material, and to Gabi Guarino and Julia Bershadsky-Lebovich for assistance in the translation of material from Italian. Finally, I would like to express my gratitude to Yoram Hazony for his deep interest.

1. "But before pronouncing what Christian morality is or is not, it would be desirable to decide what is meant by Christian morality. If it means the morality of the New Testament, I wonder that any one who derives his knowledge of this from the book itself, can suppose that it was announced, or intended, as a complete doctrine of morals.... To extract from it a body of ethical doctrine, has never been possible without eking it out from the Old Testament, that is, from a system elaborate indeed, but in many respects barbarous, and intended only for a barbarous people." J.S. Mill, *On Liberty* (1859), ed. Stefan Collini (Cambridge: Cambridge, 1995), pp. 49-50.

2. A similar attitude can be seen in the majority of general surveys of the liberal tradition, such as John Gray, *Liberalism* (Minneapolis: University of Minnesota, 1986).

3. The collection *Liberalism and Its Critics*, edited by Michael Sandel, a central work on the polemic between advocates of classical liberalism and its critics, does not contain a single reference to the Jewish sources, neither from the side of the "liberals" such as Isaiah Berlin, nor from that of liberalism's "critics," such as Hannah Arendt and Michael Walzer. It is particularly interesting to compare Walzer, who parallel to his critique of liberalism developed a profound discussion of Jewish political thought (and at a later stage integrated the two), with such Catholic critics of liberalism as Charles Taylor and Alasdair MacIntyre. Already in the 1970s, these thinkers openly articulated the political relevance to be found, in their view, in Catholic moral philosophy: See Michael J. Sandel, ed., *Liberalism and Its Critics* (New York: New York University, 1984).

4. It is interesting to note that even adamant political "moderns," thinkers who claimed that the modern era had political insights that departed from the entire range of possibilities offered by the tradition of the ancient world and hence required novel theoretical structures, still found interest in ancient Greece and ancient Rome, and even in the early Goths and Saxons. The Hebrew sources

---

were abandoned by the Enlightenment long before a similar fate was meted out to these other historical models.

5. Cf. Quentin Skinner, "Meaning and Understanding in the History of Ideas," *History and Theory* 8 (1969), pp. 3-53; Iain Hampsher-Monk, "The History of Political Thought and the Political History of Thought," in Dario Castiglione and Iain Hampsher-Monk, eds., *The History of Political Thought in National Context* (Cambridge: Cambridge, 2001), pp. 159-174.

6. Richard Tuck, *Philosophy and Government 1572-1651* (Cambridge: Cambridge, 1993), pp. xi-xii.

7. Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge, 1998), pp. 117-119.

8. Isaiah Berlin, "Two Concepts of Liberty" (1958), in Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford, 1969), pp. 118-172.

9. Skinner, *Liberty Before Liberalism*, part 1.

10. J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton, 1975); Quentin Skinner, *The Foundations of Modern Political Thought*, vol. i, *The Renaissance* (Cambridge: Cambridge, 1978), chs. 4, 6; for political theory anchored in the history of political thought, see Phillip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon, 1997).

11. See, for example, Leibniz, who makes a parody of Bossuet's presumptuous derivation of a French "right of conquest" in Europe from the rule (*autoritas*) that Moses took from God and borrowed from the Egyptians, a right which also applied to the conquest of Canaan and the rule of the Hebrews over the Canaanites. Gottfried Wilhelm Leibniz, "Mars Christianissimus (The Most Christian War-God)" (1683), in Gottfried Wilhelm Leibniz, *The Political Writings of Leibniz*, ed. and trans. Patrick Riley (Cambridge: Cambridge, 1972), p. 126.

12. Notwithstanding the sharp differences between them, Bossuet and "Brutus," each in his own way, raised the political use of the Bible to a high art. Both saw in the relation of the people to their king a covenant on the part of God (though they disagreed regarding the possibility of annulling it), and both found in I Samuel 8, which depicts the anointing of Saul, the historical centerpiece of their political outlook. Both moved within the monarchical paradigm, which is outside the ken of our present discussion. Cf. Stephanus Junius Brutus, the Celt (pseudonym attributed to Hubert Languet), *Vindiciae contra Tyrannos: Or, Concerning the Legitimate Power of a Prince Over the People, and of the People Over a Prince* (1579), ed. and trans. George Garnett (Cambridge: Cambridge, 1994). On the New Testament as a unique source within the model of natural

---

law, see George Garnett, "Introduction," in Junius Brutus, *Vindiciae contra Tyrannos*, pp. xxx-xxxii. Bossuet, who was active some hundred years later, was dubbed a "Judaizing Calvinist" by the historian of political thought Judith Shklar. While Sparta, Athens, and Rome served as models of equivalent value to that of ancient Israel in Bossuet's well-known *Universal History* (1681), he nevertheless declared in his most political book, published posthumously, that the Israelite case was peerless. Jacques-Benigne Bossuet, *Politics Drawn From the Very Words of Holy Scripture* (1707), ed. and trans. Patrick Riley (Cambridge: Cambridge, 1990). Concerning the uniqueness of the Israelite model, see Patrick Riley, "Introduction," in Bossuet, *Politics*, pp. xix-xx (the quote from Shklar is given in Riley, "Introduction," p. xi).

13. Christopher Hill, *The English Bible and the Seventeenth-Century Revolution* (London: Penguin, 1993).

14. On the thought of the *politiques* in France and in the Netherlands, and on the attitude to Jews within the paradigm of religious toleration, see Miriam Yardeni, *Huguenots and Jews* (Jerusalem: Zalman Shazar, 1998) [Hebrew]; on Spinoza and Locke, see Jonathan Irvine Israel, *Locke, Spinoza, and the Philosophical Debate Concerning Toleration in the Early Enlightenment (c. 1670-1750)* (Amsterdam: Koninklijke Nederlands Akademie van Wetenschappen, 1999).

15. At the same time, Leibniz considered Selden to have, at least to some degree, wasted his talent. Cf. Leibniz, "Opinions on the Principles of Pufendorf" (1706), in Leibniz, *Political Writings*, p. 66.

16. Selden, *De jure naturali & Gentium juxta Disciplinam Ebraeorum* ("The Law of Nature and the Nations According to the Hebrews") (London, 1640).

17. Selden's *Law of Nature* provided a detailed discussion of the Noahide laws and of their elaborations in the talmudic tractate of Sanhedrin.

18. John Selden, *A History of Tithes* (London, 1618).

19. Selden, *Uxor Hebraica* (London, 1646).

20. Selden devoted his encyclopedic work, *De Synedriis & Praefecturis Juridicis Veterum Ebraeorum* ("On the Sanhedrins and the Judiciary Posts of the Ancient Hebrews") (1750-1753), to the Sanhedrin as a legislative, interpretive, and judicial body, and as a precedent for nonclerical systems of law in later political societies.

21. On the centrality of Selden in the natural-law tradition, and on his claim that the seven Noahide laws were a historical revelation of natural law while the Ten Commandments are Hebraic civil law in every respect, see Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge: Cambridge, 1979), ch. 4.



---

22. A delicious twist awaits us down the road from Selden, via the nineteenth-century Continental legal philosophers, and all the way to modern discussions of the rule of law and separation of powers. Ancient Israel was, for Selden, the incarnation of a principle that has recently generated public debate in modern Israel: Supreme Court President Aharon Barak's controversial claim that "everything is justiciable," the idea that the law and its interpreters reign supreme in the context of separation of powers within modern democracy.

23. The revolutionary onus remains with Selden and Hobbes, as creative readers of the Hebrew sources. My point here, as later, is not to celebrate the early modern rapture that biblical Israel inspired in Christian political philosophers, but to trace the impact of the Israelite model, as these thinkers understood it, on early modern republican thought.

24. Thomas Hobbes, *Leviathan* (London: J.M. Dent and Sons, 1651), book iii, ch. 35.

25. Menachem Lorberbaum, "The Return of the *Leviathan*: On Hobbes' Political Theory," in the journal *Tarbut Demokratit*, forthcoming.

26. Abraham Berkowitz, "John Selden and the Biblical Origins of the Modern International Political System," *Jewish Political Studies Review* 6:1-2 (Spring 1993), pp. 27-47. This reading of Selden is supported by Richard Tuck's suggestion that Selden contributed to the natural-law tradition a new emphasis on the contractual nature of the formation of territorial boundaries in particular, and the importance of the contract in natural law generally. Selden identified a complex, natural-law-based contractual approach to boundaries and property as early as the days of the patriarchs and certainly in the period of Israelite settlement. Tuck, *Natural Rights Theories*, pp. 87-88. It should be further noted that the same sophisticated biblical conceptualization of territory and property, the very *jus obligatum* that distances a person from the property of the other, also sets limits on the enrichment of the individual at the expense of others, and establishes the matrix of social obligation that the Bible inspired in natural-law jurists up to and including Locke.

27. This initiative began by an order of James I, but the book was published during the reign of his heir. In terms of his own political stance, Selden was a moderate monarchist. As a member of the Long Parliament, he demanded that Charles I honor the rights of members of parliament in the name of the English political tradition, not out of revolutionary considerations. Selden was subsequently praised by Edmund Burke for demanding that "the rights of Englishmen," rather than abstract, universal human rights, be honored by the sovereign. Burke found in Selden one of the "profoundly learned men" of his day. Edmund Burke, *Reflections on the Revolution in France* (1790), ed. Conor Cruise O'Brien (Harmondsworth: Penguin, 1978), p. 118.

---

28. Hugo Grotius, *Mare Liberum* (1609), translated by R. Magoffin as *The Freedom of the Sea* (New York: Oxford, 1916).

29. John Selden, *Of the Dominion and Ownership of the Sea (Mare Clausum)* (commenced in 1618, published in 1635), trans. Marchamont Nedham (1652); Berkowitz, "Selden and the Biblical Origins."

30. Bodin, too, was a political Hebraist. Without going into his Hebraism at great length, I will make do with two observations. First, Bodin, as opposed to Selden, employed the ancient Israelite model (in addition to the Greek) specifically in order to demonstrate that "civil society," understood as a federation of tribal unions, was a transitional phase between the family and the sovereign state. The people of Israel sustained a community with laws but without a king, until it felt the need to establish a monarchy and anoint a king. Second, Bodin uses the incident of the murder of the Egyptian by Moses in order to demonstrate his claim that a "foueraigne prince" is allowed to come to the aid of the subjects of a tyrant when "the gate of justice being shut against them" (as they themselves, according to Bodin, are not allowed to rebel against their oppressor), and even to kill the tyrant. Regarding Moses' act, notes Bodin, "none is more honorable or glorious." Jean Bodin, *The Six Books of the Commonwealth*, facsimile reprint of the English translation of 1606, ed. Kenneth Douglas McRae (Cambridge: Harvard, 1962), esp. book iii, ch. 7, and book ii, ch. 5. According to Bodin, Solomon was an absolute ruler, whose high priests and coterie of advisers were in effect magistrates who owed him absolute obedience, "as it was like in all monarchies"; thus, after the end of its "civil society" phase, there was no unique theocratic element in the Israelite monarchy. Bodin, *Six Books*, book iii, ch. 6.

31. On Hobbes' contribution to the discussion of universal rights in the generations that followed him, see Tuck, *Natural Rights Theories*. As for Bodin, it is interesting to note that Pierre Bayle used Bodin's depiction of Moses in order to ground his claim that Bodin was not a benighted absolutist, but a brilliant early theoretician of liberty, who attempted to combat religious oppression and persecution in an age of wars of religion, especially papist persecution, which made use of the doctrine of sovereignty. See Pierre Bayle, "An Historical and Critical Dictionary," in Pierre Bayle, *Political Writings*, ed. Sally L. Jenkinson (Cambridge: Cambridge, 2000), pp. 26-27.

32. Numbers 15:16.

33. The pinnacle of this dialogue, the acid test in which its intellectual victory and human defeat were sealed, was the case of Baruch Spinoza, the tragic crosser of boundaries and the great bearer of Jewish-Christian "otherness."

34. Grotius was more pragmatic than John Selden, when he proposed seeing in the "Hebrew republic" a practical model for the establishment of the

---

young Dutch republic. But Grotius' work on this subject, *Republica Emendanda* ("The Republic Reformed"), was not published until a century after his death.

35. I make use here of the new bilingual edition edited by Lea Campos Boralevi, who brings the Latin source alongside the English translation (by Clement Barksdale) of 1653: Petrus Cunaeus, *The Commonwealth of the Hebrews* (1617/1653), intr. Lea Campos Boralevi (Florence: Centro Editoriale Toscano, 1996). [Note: page-number references for Cunaeus reflect the facing Latin/English pagination.]

36. Cunaeus, *Commonwealth*, p. 4/5.

37. Michael Walzer, *Revolution of the Saints* (Cambridge: Harvard, 1965).

38. My analysis of Cunaeus is indebted to Lea Campos Boralevi's Introduction to her edition of *Commonwealth*.

39. On the Sanhedrin as a senate, see Cunaeus, *Commonwealth*, pp. 58/59, 142/143, and elsewhere. The motifs of Selden are repeated in the introduction to Cunaeus' book: The seven Noahide laws, Moses as legislating directly from God (and in writing, for the first time in history), the divine source of the ancient Israelite rule of law, and the centrality of legislation in the life and existence of every republic. Cunaeus, *Commonwealth*, pp. 30/31-44/45.

40. Cunaeus, *Commonwealth*, p. 60/61. Cunaeus quotes at length, in this context, from Leviticus 25, emphasizing the mechanism of invigorating and renewing the division of land and of agrarian justice by means of the sabbatical and jubilee years, as well as the prevention of poverty and harmful urbanization by means of the laws governing treatment of the stranger and the widow, the first fruits, and tithes—in contrast to the centralization of land ownership, degeneration, and ethical corruption in ancient Rome. Cunaeus, *Commonwealth*, ch. 3.

41. The connection between moral economy and political liberty will be further discussed below, with reference to John Locke.

42. Cunaeus, *Commonwealth*, pp. 6/7-10/11, but compare with the author's discussion of the centrality of Jerusalem according to the Talmud and the identification of its fall with that of the Jewish commonwealth (Cunaeus' term for the era of the Second Temple) in ch. 7.

43. See primarily Tuck, *Natural Rights Theories*, pp. 72-74. The idea of the *concordia*, which Grotius attributed to prestate human society as a whole, in the sense of its being a basic model of the state of nature based upon "natural rights," was applied by Cunaeus to the description of the multilayered federal government of ancient Israel at its peak. It should be noted that Selden draws upon a different strand in the tradition of natural law, according to which the prestate situation was one of complete freedom and therefore does not involve

---

natural rights; while Hobbes denied the natural state of the Grotian *concordia*. Compare Tuck, *Natural Rights Theories*, chs. 4-6; and Cunaeus, *Commonwealth*, pp. 8/9-12/13.

44. Nedham translated Selden's *Mare Clausum* into English in 1652.

45. A comprehensive discussion of the commonwealth of the Hebrews appears within an overt polemic against the royalist reading of the Bible: James Harrington, *The Commonwealth of Oceana* (1656), ed. J.G.A. Pocock (Cambridge: Cambridge, 1992); Algernon Sidney, *Discourses Concerning Government* (1698), ed. Thomas G. West (Indianapolis: Liberty Classics, 1990). The latter is a polemic work directed against Robert Filmer's utopia, *Patriarcha*, which is a central text of seventeenth-century Hebraic monarchism.

46. On Harrington, the most prominent of the republican thinkers drawing on Hebraic sources, see primarily J.G.A. Pocock, "Historical Introduction," in J.G.A. Pocock, ed., *The Political Works of James Harrington* (New York: Cambridge, 1977); Blaire Worden, "James Harrington and the Commonwealth of Oceana, 1656," in David Wootton, ed., *Republicanism, Liberty, and Commercial Society 1649-1776* (Stanford: Stanford, 1994), pp. 82-110.

47. Josephus, *Contra Apion* II.165, discussed "the republic of the Hebrews" as a "theocracy," thus pioneering the political conceptualization of the biblical state in Greco-Roman terms.

48. Exodus 19:6.

49. The inclusion of the priests among rank-and-file magistrates—in this case subject to the king—already appears in Bodin, *Six Books*, book iii, ch. 6, p. 360.

50. Sidney, *Discourses*, ch. 2, section 9, especially pp. 62f. Moses, according to Sidney, established a "mixed rule," based on several limited governmental powers (pp. 288-289), including the Sanhedrin (p. 127).

51. The English republicans shared Cunaeus' emphasis on biblical agrarian law as a basis for the just division of property—an important condition for the vibrancy of the republic and for sustaining the federal principle. Alongside Leviticus 25 they also cite in this context Joshua 13-19.

52. According to Harrington, the superiority of Israel over Greece and Rome was due to the divine source of its laws, and its tradition of "ancient prudence." See Harrington, *Oceana*, pp. 25, 39-40.

53. This point is repeatedly illustrated by citing Moses in Deuteronomy 4:5, Gideon in Judges 8:23, the full text of I Samuel 8, especially v. 7, and Hosea 13:10-11. Cf., for example, John Milton, *A Defense of the People of England*

---

(1658), in John Milton, *Political Writings*, ed. Martin Dzelzainis, trans. Claire Gruzelier (Cambridge: Cambridge, 1991), p. 102 and *passim*; Algernon Sidney, *Court Maxims*, ed. Hans W. Blom, et al. (New York: Cambridge, 1996), pp. 42-43 and *passim*. Sidney, whose *Discourses* was published after the Restoration, insisted that the kings of Israel were only crowned with the agreement and permission of the Sanhedrin, which also retained the right of opposition to a tyrannical king; this point was supported by Josephus' *Jewish Antiquities* IV.8. Sidney, *Discourses*, pp. 289, 328-329, and *passim*.

54. Sidney expounded on I Samuel 8: "Samuel did not describe to the Israelites the glory of a free monarchy; but the evils the people should suffer, that he might divert them from desiring a king." Sidney, *Discourses*, p. 336.

55. Selden's legal emphasis thus took up an explicitly republican dimension. Compare Sidney: "The kings of Israel and Judah were under a law not safely to be transgressed." Sidney, *Discourses*, p. 344.

56. John Pocock's seminal study of the revolutionary English republicans as the conveyors of the "Machiavellian moment" to early modern European and American political discourse underrated, in my view, the political Hebraism of "English Machiavellism," most notably Harrington's. Cf. Pocock, *Machiavellian Moment*, chs. 10-11.

57. On the "theocentrism" of Locke's political theory, see first and foremost John Dunn, *The Political Thought of John Locke: An Historical Account of the Argument of the "Two Treatises of Government"* (Cambridge: Cambridge, 1969). Locke was educated as a Puritan, though his mature political thought steered away from Puritan extremism. In his later years he wrote interpretations of Scripture, conversed with Isaac Newton on the secrets of biblical chronology, and died in 1704 while the mistress of the house was reading to him from Psalms. See Mark Goldie, "Introduction," in John Locke, *Political Essays* (Cambridge: Cambridge, 1997), pp. xiv-xv.

58. It was understood thus by C.B. Macpherson in his well-known book, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Clarendon, 1962). Some of the more significant reassessments that have appeared recently are mentioned in subsequent footnotes.

59. Locke dedicated the first of his treatises on government to this subject: John Locke, *Two Treatises of Government* (1690), ed. Peter Laslett (Cambridge: Cambridge, 1996). His refutation of the hypothesis of lineal inheritance, making extensive use of the Bible, appears on pp. 218-236.

60. Judges 11:27. Jephthah went as far as confronting the Ammonites with legalistic arguments regarding the right of the Israelites to their land.

---

61. The story of Jephthah is a crucial biblical reference. It was repeatedly cited by Locke (and similarly by Grotius and Pierre Jurieu). See Locke, *Two Treatises*, First Treatise, section 163, p. 260; Second Treatise, section 109, p. 340, and section 176, p. 376; but see primarily Second Treatise, section 21, p. 282, and the editor's comment on that page.

62. Locke, *Two Treatises*, Second Treatise, section 89, p. 325.

63. Locke, *Two Treatises*, Second Treatise, section 101, p. 334.

64. This liberty is based entirely upon obedience to the laws given at Sinai. It was abandoned, as Locke pointed out, both by the Pharisees, who were haughty enough to think that they "sat on Moses' chair" (Matthew 23:2), and by Jesus, founder of "Christian liberty," whose essential purpose was "not to submit to legal injunctions." Locke, "First Tract on Government" (1660), in Locke, *Political Essays*, pp. 26-27.

65. Locke, *Political Essays*, p. 51. If the Holy Scriptures had been a complete constitution for all human concerns, argued Locke, then any new civil legislation would be considered blasphemy. See his "Second Tract on Government" (ca. 1662), in Locke, *Political Essays*, p. 72.

66. "And the Eternal was with him; wherever he went forth he prospered; and he rebelled against the king of Assyria and would not serve him." II Kings 18:7. Locke highlighted the biblical use of the verb "rebel," indicating explicit divine sanction for political rebellion. Locke, *Two Treatises*, Second Treatise, section 196, p. 396.

67. In his "First Treatise," Locke argues that neither Genesis 1:28 nor any other source makes any reference to "Adam's monarchy or private dominion, but quite the contrary.... To conclude, this text is so far from proving *Adam* sole proprietor, that on the contrary, it is a confirmation of the original community of all things amongst the sons of men, which appearing from this donation of God, as well as other places of Scripture; the sovereignty of *Adam*, built upon his *private dominion*, must fall, not having any foundation to support it." Locke, *Two Treatises*, First Treatise, section 40, p. 169 (emphases in original). Cf. Peter Laslett, "Introduction," in *Two Treatises*, p. 101.

68. On Locke's concept of property, see Tuck, *Natural Rights Theories*; James Tully, *A Discourse on Property: John Locke and His Adversaries* (Cambridge: Cambridge, 1980); Dunn, *Political Thought*.

69. Tully, who thinks that Locke employs the principle of "positive community," is in disagreement on this point with Tuck and Dunn (as well as Hont and Ignatieff, below), who attribute to Locke the model of "negative community."

---

70. Locke's approach was republican in its essence: Property is the basis of civic involvement, which in turn is the basis of liberty. Hence, the property confiscated by Charles II and James II deprived their opponents, among them radical Puritans of Locke's own milieu, of their civic standing. Despite the fact that Locke's mature political model was a limited monarchic one, some important republican elements may be discerned in his thought. He found elements of a federal republic in England, with its decentralized government, strong local rule, and lively civic participation. In these political qualities Locke found a mixture of good Christianity with Roman republicanism. The primary sources for the study of morals, according to his work "Concerning Reading," were Cicero's *De Officiis* and the New Testament. See Goldie, "Introduction," p. xxvi.

71. Was it possible, Locke asked in this context, that God's words in matters of property might contradict natural law? Was the Exodus from Egypt, carrying off Egyptian goods, at the command of the Lord—here Locke directs his readers towards Exodus 12:35—tantamount to a violation of the natural property rights of the Egyptians to retain their Hebrew slaves? He answered in the negative, for God may transfer property from one to another without violating the natural right of the previous owners, because all property is given to us as a "loan" from God. See Locke, "Essays on the Law of Nature VII" (ca. 1663-1664), in Locke, *Political Essays*, p. 126.

72. Locke, *Two Treatises*, Second Treatise, section 36, pp. 292-293, and the editor's note to this paragraph on p. 292. Locke's famous statement, "In the beginning, the world was America" (*Two Treatises*, Second Treatise, section 49, p. 301), runs parallel to the biblical model: Genesis documents the transition from the age of communal property to the stage in which people (Cain and Abraham, for example) held a small and limited amount of private property. The biblical model appears in Locke's two treatises both independently and in close conjunction with the pre-state model of America. Compare First Treatise, section 130, p. 237, and the editor's note on that same page; First Treatise, section 136, p. 240; Second Treatise, section 38, p. 295.

73. Several pivotal aspects of early modern natural jurisprudence remain beyond the present discussion, notably the distinction between "perfect right" and "imperfect right," as well as the dispute between Filmer and Locke over the kind of consent involved in the original division of property. Locke took pains to emphasize, with the aid of the Bible, that the state of nature was an era of great abundance, and hence universal agreement was not required when some individuals began to appropriate land.

74. Locke, *Two Treatises*, First Treatise, section 42, p. 170. In the editor's view, Locke had Luke 11:41 in mind at this point. The tradition of moral economy described above points no less reasonably, in my opinion, to the social legislation of the Pentateuch.

---

75. Justice, writes Leibniz, is “the charity of the wise.” Moreover, “Neither Moses, nor Jesus, nor the Apostles nor the ancient Christians, regulated justice otherwise than according with charity (*caritas*.)” Gottfried Wilhelm Leibniz, *Elementa Juris Naturalis* (“Principles of Natural Law”), Acad. Ed. VI, p. 481, quoted by Patrick Riley, “Introduction,” in Leibniz, *Political Writings*, p. 3; and compare Locke himself in *Two Treatises*, First Treatise, section 42, p. 170.

76. Karl Marx duly identified this element in the Bible, but his dialectical method proscribed any form of a “second Israel” or, in secular terms, any practical revisiting of a bygone historical model. Marxism aside, the most probable heir of the republican-Christian “moral economy” is twentieth-century social democracy, though this body of thought developed largely in isolation from historical-theological inspirations.

77. Michael Heyd, *“Be Sober and Reasonable”: The Critique of Enthusiasm in the Seventeenth and Early Eighteenth Centuries* (Leiden: Brill, 1995).

78. Adam Smith offered a new solution to the problem that had engaged natural-law theorists since Thomas Aquinas: How to reconcile absolute right of property with the moral imperative (which Smith did not deny) to feed the hungry. In modern economics, Smith claimed, a balance is created among capital, labor, and basic life necessities which will satisfy the demands of natural justice without imposing any limitation upon private property, or any moral imperative upon the wealthy (who are likely, in any event, to feel voluntary compassion). See Istvan Hont and Michael Ignatieff, “Needs and Justice in the Wealth of Nations: An Introductory Essay,” in Istvan Hont and Michael Ignatieff, eds., *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment* (Cambridge: Cambridge, 1983), pp. 1-41.

79. Hont and Ignatieff, “Needs and Justice,” pp. 42-43. See also John Dunn, “From Applied Theology to Social Analysis: The Break Between John Locke and the Scottish Enlightenment,” in Hont and Ignatieff, *Wealth and Virtue*, pp. 119-135.

80. The Scots debated this idea among themselves. Representing the republican position within the Scottish Enlightenment, Adam Ferguson wrote of three special cases in which “democratic government” allowed the redistribution of property in order to advance liberty and social justice: Ancient Israel (at the time of the judges), Sparta, and Crete. However, Ferguson saw these polities as exceptions that proved the rule: “Some having thought, that the unequal distribution of wealth is unjust, required a new division of property, as the foundation of freedom [in later editions: ‘of public justice’]. This scheme is suited to democratical government.... New settlements, like that of the people of Israel, and singular establishments, like those of Sparta and Crete, have furnished examples of its actual execution; but in most other states, even the democratical spirit could



---

attain no more than to prolong the struggle for Agrarian laws.” Adam Ferguson, *An Essay on the History of Civil Society* (1767), ed. Fania Oz-Salzberger (Cambridge: Cambridge, 1995), p. 151.

81. According to Dunn, “It is hard for us even today to grasp the profundity of this caesura in the history of liberalism.” These words refer to the Scottish Enlightenment’s departure from Locke’s position, resulting in the innovative claim that justice, property, rights, and obligations are no longer based upon piety, but upon human and societal “knowledge” alone. Dunn, “From Applied Theology,” p. 121.

82. Knud Haakonssen, “Introduction,” in David Hume, *Political Essays* (Cambridge: Cambridge, 1994), p. xxiv.

83. Rousseau writes: “Call any state a republic which is governed by laws, under whatever form of administration it may be; for then only does the public interest (*res publica*) predominate.” Jean-Jacques Rousseau, *The Social Contract or Principles of Political Right*, trans. Henry J. Tozer (London: Swan Sonnenschein, 1895), book 2, ch. 6, p. 132. The Bible provided seventeenth-century jurists with an important basis for asserting the subjugation of the monarch to law and justice, which is best illustrated in the cases of Saul and David. The biblical reference was dropped, however, by most later British and American theorists of the “rule of law,” and similarly by German *rechtsstaat* theorists.

84. Immanuel Kant, “Perpetual Peace” (1795), in Hans Reiss, ed., *Kant’s Political Writings*, trans. H.B. Nisbet (New York: Cambridge, 1997), pp. 112-113.

85. Spinoza, whose biblical education was probably as thorough as Locke’s, helped accelerate the rejection of Hebraist republicanism in favor of modern liberalism. Spinoza undermined the position of the Bible as a contemporary political text not only through his philological-skeptical approach to the ancient text, but primarily because he deployed the Jewish sources in support of democratic individualism rather than republicanism. By doing so, he helped establish the mainstream Enlightenment view of contemporary Jews as subjects of tolerance but not as the heirs of viable political texts; as individuals deserving universal rights, but not as the offspring of the ancient republican Hebrews. See Steven B. Smith, *Spinoza, Liberalism, and the Question of Jewish Identity* (New Haven: Yale, 1997); Israel, *Locke, Spinoza, and the Philosophical Debate*.

86. In the new context of political economy, the twelve tribes were an ancient society on the verge of transition from the stage of nomadic shepherding to that of agriculture. The early Hebrews, said Montesquieu, were certainly not a merchant people. Consequently, their history bears no lessons for modern Europeans. The source for Montesquieu’s statement, alongside I Kings 9 and II Chronicles 8, is Josephus Flavius’ *Contra Apion*. For example, the maritime trade

---

in the Red Sea during the reign of Solomon was a temporary result of the conquest of Eilat and Etzion-Gever from the Edomites, and died away with the loss of these seaports. Charles de Secondat Montesquieu, *The Spirit of the Laws*, ed. and trans. Anne M. Cohler, et al. (Cambridge: Cambridge, 1995), book xxi, ch. 6, p. 359.

Nor does the Jewish contribution to the modernization of the European financial market provide any inspiration for modern political economy. Medieval Jews merely were forced into the base and degraded practice of usury. Montesquieu was among the first to realize that this forced degradation of the Jews led to the creation of financial tools requisite to modern trade, through the invention of letters of credit. By doing so the Jews served as catalysts of the first order in the process of modernization, namely, “How commerce in Europe penetrated barbarism.” Montesquieu, *Spirit of the Laws*, book xxi, ch. 20, pp. 387-390. Compare his analysis of the failure of Russia as a trading nation in the context of the expulsion of the Jews by the Czarina Elizabeth in Montesquieu, *Spirit of the Laws*, book xxii, ch. 14, pp. 416-417. This analysis leaves the Jews as unintended agents of modernity, but without a philosophical voice.

Nor was the Old Testament a source of political inspiration. The laws of Moses, says Montesquieu, were “very wise” in the religious-historical context—in creating, say, a haven for unintentional killers—but there is no substantive connection between them and natural law. In fact, the Jewish codex at times openly contradicts natural law. Montesquieu, *Spirit of the Laws*, book xxv, ch. 3, p. 482. Montesquieu did not hesitate to condemn the Jewish people for being “dull-witted” in allegedly abstaining from self-defense on the Sabbath day. Precisely in such cases, Montesquieu reproachfully notes, the commandments of religion must yield to natural law. Montesquieu, *Spirit of the Laws*, book xxvi, ch. 7, p. 501.

87. The French Enlightenment presented a broad spectrum of attitudes towards ancient and contemporary Jews, ranging from the open hostility (coupled with an almost obsessive fascination) of Voltaire, to the lukewarm historicist references of Rousseau, to the universal generalizations typical of French Revolution writings. See Arthur Hertzberg, *The French Enlightenment and the Jews* (New York: Columbia, 1968); Adam Sutcliffe, *Judaism and Enlightenment* (Cambridge, forthcoming). The complexity of Voltaire’s attitude towards the Jews is beyond our present scope. One point, however, can be briefly made: While Voltaire shared the political anticlericalism of Hobbes and Harrington, he did not follow their view of the Hebrew commonwealth as a wise incorporation of the priesthood into temporal politics. Instead, Voltaire saw ancient Israel as the very embodiment of foul theocracy and supra-political clericalism.

The Scottish thinkers, as I have mentioned, generally found little time for the Jews and even less for their literature. David Hume commented on the Jews’

---

“national” tendency toward dishonesty in his essay “Of National Characters.” In a footnote Hume adds that minority groups which have fallen victim to prejudices, and therefore no longer have a good name to defend, “become careless of their behavior except among themselves.” Hume, “Of National Characters,” in Hume, *Political Essays*, p. 84.

88. One of Hume’s footnotes can serve to illustrate his disdain for the niceties of seventeenth-century students of the Hebrew commonwealth, who labored to incorporate the priests within the temporal institutions of that commonwealth. The priests, quipped Hume, are always the enemies of freedom, and freedom is the enemy of their political power. Hume brought the Hasmonean state as an example of the oppressive cooperation between princes with tyrannical ambitions and the clerical establishment. Hume’s source is, typically, Tacitus’ *History*. Hume, “Of the Parties of Great Britain,” in Hume, *Political Essays*, p. 41.

89. Kant went to the trouble of demonstrating that the early Israelites’ exultations of joy after winning military victories were opposed to both natural and divine justice and, in his phrase, to “the moral conception of a father of mankind.” Immanuel Kant, “Perpetual Peace,” p. 105 n. The idea of an antiwar “covenant,” presented by Kant as a partial, temporary alternative to the universal republic which he envisioned, is in no way based on the biblical covenant between the people and their God. The contractual tradition, as exemplified by Rousseau and Kant, had abandoned its biblical inspiration.

Elsewhere Kant states half-jokingly, insofar as he is capable of joking, that the Israelite prophets’ visions of destruction were in essence self-fulfilling prophecies, since “as the leaders of the people, they imposed upon their code so many legalistic (and thus also civil) stipulations until their state became unable to exist by itself, particularly in relation to other states. And thus, the priests’ prophecies of wrath in a natural way fell upon deaf ears, because those same priests themselves stubbornly adhered to their faith in the impossible constitution they had themselves established, and therefore they were able to anticipate the consequences with unmistakable certainty.” Immanuel Kant, “The Contest of the Faculties,” in Reiss, *Kant’s Political Writings*, p. 177. The confusion between priest and prophet exemplifies the carelessness, if not contempt, with which Kant made his infrequent use of biblical sources. Kant did not bother here, or in other places, to demonstrate any mastery of the texts. His primary purpose was to mock the political leaders of his time, who shared the biblical inclination towards unreasonable legislation and policy.

90. Among the Enlightenment thinkers there were some who accepted the Roman model, and others who developed an explicitly modern model—for example, on the basis of an idealization of the English form of government. Particularly significant is Montesquieu’s use of the English parliamentary monarchy.

---

See Montesquieu's comment about Harrington's *Oceana*, whose author "sought this liberty only after misunderstanding it, and... he built Chalcedon with the coast of Byzantium before his eyes." Montesquieu, *Spirit of the Laws*, book xi, ch. 6, p. 166.

91. Hume, "Of Public Credit," in Hume, *Political Essays*, p. 166.

92. Compare Adam Smith's curt discussion of the Protestant interest in Hebrew studies, whose status in the university nevertheless remained secondary, "the Hebrew language having no connection with classical learning, and except the Holy Scriptures, being the language of not a single book in any esteem." Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. Edwin Cannan (New York: Modern Library, 1937), pp. 722-723.

One should take note of an important nuance, however. In England, the analogy drawn between the English and the early Hebrews, underpinning the idea of England as the "second Israel," continued to flourish. This analogy, as Linda Colley suggests, nurtured the new national identity that the British forged for themselves during the course of the eighteenth century. See Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven: Yale, 1992). But the cultural uses of ancient Israel, ranging from Handel's oratorios *Judas Maccabeus* and *Israel in Egypt* to William Blake's *Jerusalem*, and up to George Eliot's *Daniel Deronda*, were no longer linked to a political application. Early Israel now provided images for a nation divinely blessed, and it conferred a certain erotic mark upon the Jews appearing in nineteenth-century novels, but it was no longer a constitutional or legal model. English cultural Hebraism outlived political Hebraism by well over a century.

93. Gotthold Ephraim Lessing, *Nathan der Weise* (1779). Montesquieu, for his part, included in *Spirit of the Laws* an interesting scene between a Jew and a Spanish inquisitor, which is one of the French Enlightenment's best exercises in "hearing the voice of the other." Like Shakespeare in *The Merchant of Venice*, Montesquieu is deeply ambivalent about his Jewish protagonist. Yet the Jew's soliloquy concludes with a resounding warning to the inquisitor: "If someone in the future ever dares to say that the people of Europe had a police in the century in which we live, you will be cited to prove that they were barbarians." Montesquieu, *Spirit of the Laws*, book xxv, ch. 14, p. 492.

94. I would not like to underestimate the effectiveness of Mendelssohn's political philosophy within the context of the German Enlightenment. Cf. David Sorkin, *Moses Mendelssohn and the Religious Enlightenment* (Berkeley: University of California, 1996). As a political thinker, however, Mendelssohn belongs not to the republican tradition but to the legalistic tradition whose roots lie in natural law. In German political philosophy this was part of a state-centered approach that did not found civil freedom on active civic participation.

---

95. Compare Kant's brief but incisive comment that the Jews and their writings entered the arena of known history and came within the scope of an "educated public" only with the translation of the Septuagint, which brought the Bible into the world of Ptolemaic learning. The sole matrix of true scholarship is thus the Greco-Roman one. Immanuel Kant, "Idea for a Universal History with a Cosmopolitan Purpose," in Reiss, *Kant's Political Writings*, p. 52 n.

96. Isaiah Berlin's interest in modern Jewish nationalism, which he discussed through the persons of Moses Hess and Chaim Weizmann, did not draw upon premodern Jewish sources. The synthesis proposed by Berlin between enlightened nationalism and established liberalism was based—and that only in part—upon Jewish experience in the modern period. For his part, Jacob Talmon emphasized the Jewish sources of socialism and of nationalism, and even of early messianic Protestantism—but not the similar sources of republican and early liberal thought. Compare Talmon, "Prophets and Ideology: The Jewish Presence in History," in the collection of his writings, J.L. Talmon, *The Riddle of the Present and the Cunning of History*, ed. David Ohana (Jerusalem: Bialik Institute, 2000), pp. 13-26, especially pp. 17-18. [Hebrew]

97. Yael Tamir, *Liberal Nationalism* (Princeton: Princeton, 1993); Michael Walzer, *The Jewish Political Tradition* (New Haven: Yale, 2000); Amitai Etzioni, *Rights and the Common Good: The Communitarian Perspective* (New York: St. Martin's, 1995).

98. Pocock, *Machiavellian Moment*; Skinner, *Liberty Before Liberalism*; Pettit, *Republicanism*; Martin Thom, *Republics, Nations, and Tribes: The Ancient City and the Modern World* (London: Verso, 1995). The latter work, bringing the account of early modern republicanism to the turn of the eighteenth century, demonstrates the scarcity—to the point of disappearance—of the formerly prominent Hebraic sources of this tradition.

99. Famous objections regarding the rightness of God's judgments were made by Abraham in Genesis 18:23-25 ("shall not the Judge of all the earth deal justly?"), and also by Abimelech in Genesis 20:4-5.