

Introduction

Moses in Modernity

Paul Michael Kurtz

One summer's day in 1898, an uncle wrote his nephew about the latter's upcoming trip abroad. It was furniture he wanted. The episode might be otherwise unremarkable were that uncle not the grand duke of Baden, that nephew the king of Prussia, and that furniture the Ark of the Covenant. This relic from Hebrew antiquity, a wooden chest covered in gold, reportedly contained the work of Moses – and with it a key to preserving bible, church, and crown.

When the Baden duke wrote the Prussian king, the impetus had come from a Swedish surveyor and archivist by the name of Henning Melander (1858–1933). Earlier that spring, the Swede had published a series of articles in the Zionist weekly *Die Welt*, beneath the title 'Could the Ark of the Covenant Be Found Again?'.¹ Melander not only answered yes but even cast himself as just the man for the job. He was convinced this sacred artifact still lay there for the taking, buried long ago in Jerusalem by the prophet Jeremiah. More than serve a practical purpose or as an aesthetic decoration, the chest encapsulated the cultural, or rather religious, heritage of Mosaic Israel. Evoking J.W. Goethe's (1749–1832) sense of morphology, from his letter to J.G. Herder (1744–1802), Melander asserted, 'The whole of Israel is concentrated in the Ark of the Covenant, as the plant contains the whole tree in itself', which included 'the archive kept safe with it'.²

But he convinced more than himself. The article by Melander entered the ducal hands together with Theodor Herzl's 1896 *Judenstaat* (*Jewish State*), a foundational document of Zionism. It was an eccentric priest who put them there: William Henry Hechler (1845–1931), chaplain to the British embassy in Vienna and champion for a Jewish homeland in Palestine. In fact, this German-born Anglican had helped put Melander's article in *Die Welt* in the first place, a journal founded by Herzl (1860–1904). The reverend had also placed his own work in the pages of its very first issue, wherein he expressed his conviction that 'a "Jewish state" must rise again in Palestine', all the more 'with the agreement

1 Henning Melander, 'Könnte man die Bundeslade wiederfinden?', *Die Zeit* 2/16 (22 April 1898), 3–4; 2/17 (29 April 1898), 2–4; 2/18 (6 May 1898), 7–8; 2/19 (13 May 1898), 5–6; 2/20 (20 May 1898), 9. He ended the article with a plea for financing, citing lack of interest in his homeland and lack of personal funds.

2 *Ibid.*, 2/17, 2, 3.

and kind help of the European princes'.³ Hechler formed one half of a Zionist odd couple with Herzl. The committed Christian showed no less dedication to the goal than the secular Jew – but far more devotion to the precise geography. Certainly well-connected, if not always well-respected, the Christian Zionist helped leverage his political connections for the cause.

Herzl and Hechler worked partly in tandem, partly at cross purposes as they chased those princes around Europe in search of political backing.⁴ They found it in Friedrich I of Baden (1826–1907), at least for a time. In July of 1898, after a couple years' imploring and cajoling, the Zionist duo prevailed upon Friedrich I to write to Wilhelm II (1859–1941), the Prussian king and German emperor. Broaching Jewish settlements in Palestine, Herzl's plea for an audience, and Hechler's theo-archaeological ambitions, the nobleman reported on the clergyman, 'He also revealed to me the secret of the "Ark of the Covenant" and said: all the hopes for recovering it would turn on you.'⁵ In this missive to his imperial nephew, the royal uncle included the 'scientific, thorough work' printed in *Die Zeit* – checked by 'German and British theologians' and championed by Hechler – which discussed 'theologically, historically' the quest for the holy grail that was the holy ark. He opined, 'The historical interest in the course of the peregrination of the Ark of the Covenant up to the place it now lies is, in fact, very meaningful – but of course the act of discovery would be full of meaning as a historical moment in the entire world.'⁶ The duke also forwarded a suggestion for the German emperor to obtain from the Ottoman sultan, Abdul Hamid II (1842–1918), the area in question for 'antiquarian research' – though, crucially, without divulging 'the goal of the research' since he 'would otherwise probably not be inclined to comply'.

3 William Henry Hechler, 'Christen über die Judenfrage', *Die Welt* 1/2 (1897), 7–9, at 7, 8. He continued, 'But if the Zionist movement progresses so eagerly and actively as it now does in the entire world, then this wonderful nineteenth century of electricity and the railroad – where everything moves fast and which has seen the formation of the new German Empire and of other empires – can finally still witness the foundation of the new Jewish state' (ibid., 8).

4 For more on this story, see Isaiah Friedman, *Germany, Turkey, and Zionism, 1897–1918* (Oxford, 1977); Paul Charles Merkley, *The Politics of Christian Zionism, 1891–1948* (New York, 1998), 3–34; Victoria Clark, *Allies for Armageddon: The Rise of Christian Zionism* (New Haven, 2007).

5 Friedrich I to Wilhelm II, 28 July 1898, in Hermann Ellern and Bessi Ellern, *Herzl, Hechler, the Grand Duke of Baden and the German Emperor, 1896–1904, documents found ... reproduced in facsimile* (Tel Aviv, 1961), letter 12, pp. 32–35, at p. 34; transcribed and reprinted in Walther Peter Fuchs, *Großherzog Friedrich I. von Baden und die Reichspolitik, 1871–1907*, vol. 4, 1898–1907, Veröffentlichungen der Kommission für geschichtliche Landeskunde in Baden-Württemberg, Series A/32 (Stuttgart, 1980), letter 1879, pp. 68–69, at 68.

6 Ibid., 35 / 69.

Friedrich knew how to zig and zag between religious and political aspirations – or to differentiate, as Herzl recalled him saying, ‘world-historical’ and ‘theological’ perspectives.⁷ (Such a distinction also featured between Hechler and Herzl themselves.) He well understood Wilhelm’s ambitions of empire as well as the potential expediency of Jews. Amidst the global jostling and jockeying of European powers, the idea emerged that Jewish emigration could warrant declaration of a protectorate for German Jews in Palestine at the expected fall of the Ottoman empire.⁸ Yet finding Moses’ chest might also bring a badge to the emperor’s. And Wilhelm was known to like shiny things. In this century of imperial rivalry and national display, museums in Europe were quickly filling up, often through depredation from colonial pursuits. No doubt, the Ark of the Covenant would look handsome in Berlin, next to the recently plundered metopes from the Pergamon Altar.

That autumn of 1898, Friedrich received a long letter from the chaplain. Anticipating the emperor’s imminent journey to Jerusalem, the frenetic Hechler was hoping to advance his agenda via the German ambassador:

I purpose [*sic*] telling him all about mount Nebo and try to persuade him to have that whole district of East Jordan, near the Dead Sea, given to the Emperor of Germany by the Sultan, so that, when the Ark of the Covenant is found, his Majesty will possess it with the two tables of stone with the 10 Commandments written by God on mount Sinai, and probably the original ms. of the 5 books of Moses, written by Moses, which were hid in the Ark and which will prove how foolishly so called ‘Higher Criticism’ tries to make out that Moses could not have written this and that, etc. etc.⁹

7 Theodor Herzl, 3 September 1898, in Raphael Patai, ed., *The Complete Diaries of Theodor Herzl*, trans. Harry Zohn, 5 vols (New York, 1960), 2:659.

8 For more on the potential alliance of imperialist and Zionist agendas, see Friedman, *Germany, Turkey, and Zionism*; Walther Peter Fuchs, *Studien zu Großherzog Friedrich I. von Baden*, Veröffentlichungen der Kommission für geschichtliche Landeskunde in Baden-Württemberg, Series B/100 (Stuttgart, 1995), esp. 185–220; John C.G. Röhl, *Wilhelm II: The Kaiser’s Personal Monarchy, 1888–1900*, trans. Sheila de Bellaigue (Cambridge, 2004), esp. 924–965; cf. also Röhl, ‘Herzl and Kaiser Wilhelm II: A German Protectorate in Palestine?’, in *Theodor Herzl and the Origins of Zionism*, eds Ritchie Robertson and Edward Timms, *Austrian Studies* 8 (Edinburgh, 1997), 27–38.

9 William Henry Hechler to the Grand Duke Friedrich I of Baden, 26 September 1898, in Ellern and Ellern, *Herzl, Hechler, the Grand Duke of Baden and the German Emperor, 1896–1904*, letter 15, pp. 38–47, at p. 41; partially republished in Fuchs, *Großherzog Friedrich I. von Baden und die Reichspolitik, 1871–1907*, vol. 4, 1898–1907, letter 1890, pp. 76–77. Though placed in good narrative form, the passage sees misattribution – to the duke himself, rather than Hechler – and therefore misinterpretation in Shalom Goldman, *Zeal for Zion: Christians*

By finding Moses' box, Hechler hoped to close Pandora's, to contain the demons of historical criticism. Just as the divine cloud had surrounded Moses on Mount Sinai in the biblical account, so now clouds of doubt had been encircling him again in the minds of modern thinkers. Like other presumably historical figures – Homer, Plato, Jesus – the arrows of philology had been assailing the balloon of this Hebrew prophet over the century, both the unity of his writings and the historicity of the man.¹⁰ In the case of Moses, it was well over a century, at least as far back as Baruch Spinoza (1632–1677). Whether as figment or as fraud, he had become suspect, together with his legacy: from his religious laws to his political constitution to his historical deeds. Discovering the ark, with the tablets of stone and manuscripts of Moses, could, hoped Hechler, bring certainty to the Christian faith – and glory to the German empire. Herzl and Hechler, however, would only find disappointment: in spade and crown alike.

If this motley crew hoped to find the corpus of Moses buried away in Southwest Asia, its spirit was on full display in Central Europe already, or rather still. Images of Moses and/or his Ten Commandments adorned public buildings across the Germanies. Some had stood for centuries, like the Decalogue scenes painted by Lucas Cranach the Elder (1472–1553) on the townhall of Wittenberg, Saxony, in the early 1500s, the statue of Moses erected on the Bremen *Rathaus* about a century later, or the figure carved into wooden paneling of the *Friedenssaal* in the city hall of Münster sometime in between. Others were of more recent vintage, such as on a ceiling in the guildhall of Monheim, Bavaria: the residence of a 'court Jew' built in the 1730s yet sold to the city upon expulsion of Jewish people not too long thereafter. Still other likenesses had been recently restored, including the *Rathaus* façade in Lindau, Swabia, during the 1880s. Yet Moses had made more recent appearances as well. A mural in the Neues Museum of Berlin, by Wilhelm von Kaulbach (1804–1874), starred him along with other lawgivers ancient and modern: Solon (ca. 630–560 BCE), Charlemagne (ca. 747–814), and Frederick the Great (1712–1786) (Figure 1).

Jews, & the Idea of the Promised Land (Chapel Hill, 2009), 112–17. The same (ostensibly direct) quotation looks like an almost different one altogether in Merkley, *The Politics of Christian Zionism*, 31, which renders it back into English from the French translation of Claude Duvernoy, *Le prince et le prophète* (Jerusalem, 1966) but without confusing the parties concerned.

- 10 See Paul Michael Kurtz, 'A Historical, Critical Retrospective on Historical Criticism', in *The New Cambridge Companion to Biblical Interpretation*, eds Ian Boxall and Bradley C. Gregory (Cambridge, 2022), 15–36.



FIGURE 1 Photographs by Gustav Schauer of sketches for mural paintings of Moses, Solon, Charlemagne, and Frederick the Great in the Neues Museum of Berlin. Published in Karl Frenzel, *Die Wandgemälde W. von Kaulbach's Treppenhaus des Neuen Museums zu Berlin* (Berlin, 1870). DIGITAL IMAGE COURTESY OF THE RIJKSSTUDIO OF THE RIJKSMUSEUM AMSTERDAM, THE NETHERLANDS.

In 1904, he would also ornament the renovated *Grossratssaal* of Basel, Switzerland. Alongside such civic sightings, Mosaic manifestations could long no less be spotted on sacred sites as well, from the *Mosesbrunnen* beside the Minster in Bern – built in 1544 and rebuilt 250 years later – to the graven image of him sculpted for the Berlin cathedral in the 1890s (Figure 2).¹¹

11 For more on Moses in graphic representation, see the digest in Elisabeth L. Flynn, 'Moses in the Visual Arts', *Interpretation* 44/3 (1990), 265–76, and the array of figures in Friedrich Wilhelm Graf, *Moses Vermächtnis. Über göttliche und menschliche Gesetze*, 3rd ed. (Munich, 2006).

Just as Moses featured as the giver of law on physical structures – sacred and civic alike – so too he figured in conceptual ones. His portfolio, however, had shrunk over the years, or better millennia, since Philo (ca. 20 BCE–50 CE) once listed his functions as king, lawgiver, priest, and prophet.¹² Most important for Philo, in *On the Life of Moses*, was his charge as philosopher-sage. Though it was one of the last to go, he was increasingly relieved of this capacity as well.¹³ As Dmitri Levitin has argued,

By the end of the [seventeenth] century, the narrative of Judaic primacy and of Moses as pioneering philosopher-sage was almost dead. This happened not under the aegis of heterodoxy or ‘early enlightenment’, but from the slow dissemination of new sources, from new approaches to the existing sources, and from the theological pressures that shaped these scholarly developments.¹⁴

Yet the narrative of Moses as pioneering lawgiver lived on – be it bruised, maimed, or reincarnated – even as the nature of that law (civil or religious), its significance (historical or normative), and its scope (universal or particular) remained very much contested. Although Spinoza killed the author Moses, and Voltaire (1694–1778) assassinated his moral character, Rousseau (1712–1778) could still laud the effects of his legislation.¹⁵ Many followed Montesquieu (1689–1755), whose *On the Spirit of Law* relativized such historic legislation by appealing to the words of Solon and God themselves that conceded to having

12 Philo, *Mos.*, 2.292. See further Maren R. Niehoff, *Philo of Alexandria: An Intellectual Biography*, Anchor Yale Bible Reference Library (New Haven, 2018), 110–20; Louis H. Feldman, *Philo's Portrayal of Moses in the Context of Ancient Judaism*, Christianity and Judaism in Antiquity 15 (Notre Dame, 2007). For a longer, wider reception history of Moses' roles, starting from scripture itself, see Jane Beal, ed., *Illuminating Moses: A History of Reception from Exodus to the Renaissance*, Commentaria 4 (Leiden, 2014).

13 Cf. Hywel Clifford, ‘Moses as Philosopher-Sage in Philo’, in *Moses in Biblical and Extra-Biblical Traditions*, eds Axel Graupner and Michael Wolter, Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 372 (Berlin, 2007), 151–67.

14 Dmitri Levitin, *Ancient Wisdom in the Age of the New Science: Histories of Philosophy in England, c. 1640–1700*, Ideas in Context (Cambridge, 2015), 114. For ancient debates among Jews, Christians, and pagans over the priority and primacy of Moses and Homer, see Arthur J. Droge, *Homer or Moses? Early Christian Interpretations of the History of Culture*, Hermeneutische Untersuchungen zur Theologie 26 (Tübingen, 1989).

15 Cf. Ronald Schechter, *Obstinate Hebrews: Representations of Jews in France, 1715–1815*, Studies on the History of Society and Culture (Berkeley, 2003).



FIGURE 2 Statue of Moses and the Ten Commandments on the Berlin Cathedral
 PHOTOGRAPH BY VOLLWERTBIT; IMAGE COURTESY OF WIKIMEDIACOMMONS, CC BY-SA 3.0. [HTTPS://COMMONS.WIKIMEDIA.ORG/WIKI/FILE:BERLINER_DOM_MOSE_BERLIN2007.JPG](https://commons.wikimedia.org/wiki/File:Berliner_Dom_Mose_Berlin2007.JPG)

given imperfect laws, which then furnished a ‘sponge that wipes out all the difficulties that are to be found in the law of Moses’.¹⁶ Nonetheless, this title role of historic legislator remained a point of departure and return.

Despite these conceptual shifts, older – even ancient – practices perdured in processing Mosaic law. In his monumental *Mosaisches Recht*, or *Mosaic*

16 [Montesquieu], *De l'esprit des loix ...*, new ed., 3 vols (Geneva, 1749), 2:140, bk 19, ch. 21, alluding to Solon's response to the Athenians as told by Plutarch (Plut. *Sol.* 15.2) and God to a Hebrew prophet (Ezek 20:25).

Jurisprudence, Johann David Michaelis (1717–1791) declared, ‘whoever wants to look at the laws [*Gesetze*] with the eye of a Montesquieu, for him it is indispensable to know the legal systems [*Rechte*] of other peoples: the further in time and place, the better.’¹⁷ For Michaelis and many more, Athens had much to do with Jerusalem: ‘Everything that can move us to devote our hard work to Greek law will also recommend the Mosaic law to us as remarkable.’¹⁸ Or was it Jerusalem and Cairo? Already the *Geography* of Strabo (ca. 62–24 BCE) portrayed Moses as an Egyptian priest: this antique sketch associating law in Bible and religion in Egypt was transformed into a bright mural in the Enlightenment.¹⁹

The study of comparative lawgiving represented a time-honored tradition. Ever since antiquity, Moses was made to stand shoulder to shoulder with – or head and shoulders above – other peoples’ lawgivers. In his *Library of History*, Diodorus of Sicily (1st cent. BCE) placed Moses, with his god ‘Iao’ and his people the Jews, in a lineup of divine lawgivers: alongside Hermes through Menes in Egypt, Zeus through Minos in Crete, Apollo through Lycurgus for the Spartans, the Good Spirit through Zarathustra for the Aryans, and Hestia through Zalmoxis for the Getae.²⁰ The obscure late-antique work known as *Lex Dei* or *Mosaicarum et Romanarum legum collatio* (*The Law of God or Compilation of the Mosaic and Roman Laws*), a more technical, less topical comparison, even juxtaposed extracts from the Hebrew scriptures with some from Roman legal writing.²¹ Attracting savants since the sixteenth century, this collection underwent its foundational editing by Theodor Mommsen (1817–1903) in 1890. Albert

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- 17 Johann David Michaelis, *Mosaisches Recht*, 6 vols (Frankfurt am Main, 1770–75), 1:2. Michaelis has attracted considerable interest in the last twenty years: cf. Jonathan Sheehan, *The Enlightenment Bible: Translation, Scholarship, Culture* (Princeton, 2005); Michael M. Carhart, *The Science of Culture in Enlightenment Germany*, Harvard Historical Studies 159 (Cambridge, MA, 2007); Suzanne L. Marchand, *German Orientalism in the Age of Empire: Religion, Race, and Scholarship*, Publications of the German Historical Institute, Washington D.C. (Cambridge, 2009); Michael Legaspi, *The Death of Scripture and the Rise of Biblical Studies*, Oxford Studies in Historical Theology (Oxford, 2010); Avi Lifschitz, *Language & Enlightenment: The Berlin Debates of the Eighteenth Century*, Oxford Historical Monographs (Oxford, 2012); Ofri Ilany, *In Search of the Hebrew People: Bible and Nation in the German Enlightenment*, trans. Ishai Mishroy, German Jewish Cultures (Bloomington, 2018); Yael Almog, *Secularism and Hermeneutics*, Intellectual History of the Modern Age (Philadelphia, 2019).
- 18 Michaelis, *Mosaisches Recht*, 1:5.
- 19 Strab. 16.2.34–41. See further Jan Assmann, *Moses the Egyptian: The Memory of Egypt in Western Monotheism* (Cambridge, MA, 1998), 91–143.
- 20 Diod. Sic. 1.94.1–2.
- 21 See further Robert M. Frakes, *Compiling the Collatio Legum Mosaicarum et Romanarum in Late Antiquity*, Oxford Studies in Roman Society & Law (Oxford, 2011).

Montefiore Hyamson (1875–1954), a British civil servant and Zionist leader, commenced his English translation and revision of that edition because of ‘the prospect of an interesting comparison between two great [legal] systems’ but had to confess ‘this promise was illusory’.²² He was not the last to find interest – or illusions – in comparing the code of Moses to more worldly systems of law.

A historic lawgiver and the founder of a nation, of an ancient Hebrew people, Moses therefore occupied a central place as a both a father of Judaism and a framer of European civilization, two of his major roles – by turns in tension, in harmony, or in parallel – within much wider, longer cultural history.²³ Throughout the long nineteenth century, Mosaic patrimony came to the fore especially in debates over the legacy of Judaism in the West, over what the Christian nations of modern Europe owed to an ancient Semitic people of the Middle East. Moses loomed equally large as Jewish Europeans contemplated questions of tradition, identity, and assimilation. From the poet Heinrich Heine (1797–1856) to novelist Franz Kafka (1883–1924) to composer Arnold Schoenberg (1874–1951), Germanophone Jews in particular often framed their reflections on Jewishness and its relationship to modern European cultures by exploring the figure of Moses.²⁴ Psychoanalyst Sigmund Freud (1856–1939) devoted no small amount of attention to him too, which itself has attracted much analysis.²⁵ In like manner, the philosopher Hermann Cohen (1842–1918)

22 Albert Montefiore Hyamson, *Mosaicarum et romanarum legum collatio: With introduction, facsimile and transcription of the Berlin codex, translation, notes and appendices* (London, 1913), vii.

23 Cf., e.g., Wolf-Daniel Hartwich, *Die Sendung Moses. Von der Aufklärung bis Thomas Mann* (Munich, 1997); Assmann, *Moses the Egyptian*; Melanie Jane Wright, *Moses in America: The Cultural Uses of Biblical Narrative* (Oxford, 2002); Brian Britt, *Rewriting Moses: The Narrative Eclipse of the Text*, *Journal for the Study of the Old Testament Supplement Series* 402 (London, 2004); Barbara Johnson, *Moses and Multiculturalism* (Berkeley, 2010); Theodore Ziolkowski, *Uses and Abuses of Moses: Literary Representations since the Enlightenment* (Notre Dame, 2016).

24 See Bluma Goldstein, *Reinscribing Moses: Heine, Kafka, Freud, and Schoenberg in a European Wilderness* (Cambridge, MA, 1992). Good bibliography appears in Pamela Cooper-White, ‘Freud’s Moses, Schoenberg’s Moses, and the Tragic Quest for Purity,’ *American Imago* 79/1 (2022), 89–122.

25 Richard J. Bernstein, *Freud and the Legacy of Moses*, *Cambridge Studies in Religion and Critical Thought* 4 (Cambridge, 1998); Ruth Ginsburg and Ilana Pardes, eds, *New Perspectives on Freud’s Moses and Monotheism*, *Conditio Judaica* 60 (Tübingen, 2006); Gilad Sharvit and Karen S. Feldman, eds, *Freud and Monotheism: Moses and the Violent Origins of Religion*, *Berkeley Forum in the Humanities* (New York, 2018); Lawrence J. Brown, ed., *On Freud’s ‘Moses and Monotheism’*, *The International Psychoanalytical*

reflected on the authority of Mosaic law as guarantor of human morality and defender of pure monotheism.²⁶

However, Moses was not just built into the architecture of modern Europe, both real and ideal. His law was even built into its legal structures. Michael Carhart writes, accordingly, 'As law codes were revised in the seventeenth and eighteenth centuries, frequently parts or even all of the law of Moses were incorporated into local legal systems, and most regions of Europe at least rendered the Ten Commandments as a basic part of the regional law'.²⁷ However, revision could also turn into rejection, as was the case from at least the later seventeenth century onward. Transforming age-old theological questions about not only the particularity and universality of Jewish law but also natural *vis-à-vis* revealed or 'positive' religion, a wide array of discussions both between and among Jews and Christians reassessed the normativity of ancient Mosaic law in modern European society. Many among the Christians converged with a larger movement, in the words of Nils H. Roemer, 'to decenter Judaism's elevated role in world history'.²⁸ Between the Christians, not a few Protestants deployed certain stereotypes of Judaism – as hidebound legalism – to polemicize against Catholicism: availing themselves of ancient Jewish law to assail contemporary Catholics as legalistic, irrational, and unmodern. Long disputes ensued as to which laws, if any, were still binding and why.

Association Series Contemporary Freud: Turning Points and Critical Issues (London, 2022); Yosef Hayim Yerushalmi, *Freud's Moses: Judaism Terminable and Interminable*, Franz Rosenzweig Lecture Series (New Haven, 1991).

- 26 See George Y. Kohler, 'Finding God's Purpose: Hermann Cohen's Use of Maimonides to Establish the Authority of Mosaic Law', *Journal of Jewish Thought and Philosophy* 18/1 (2010), 75–105.
- 27 Carhart, *The Science of Culture in Enlightenment Germany*, 45. For an overview of nineteenth-century codification in Germany, see Susan Gaylord Gale's classic article 'A Very German Legal Science: Savigny and the Historical School', *Stanford Journal of International Law* 18/1 (1982), 123–46; Michael John, *Politics and the Law in Late Nineteenth-Century Germany: The Origins of the Civil Code* (Oxford, 1989). For the incorporation of Mosaic law in Lutheran lands – alongside Roman, custom, and canon – during codification processes since the eighteenth century, see Dieter Strauch, 'Quellen, Aufbau und Inhalt des Gesetzbuches', in *Das schwedische Reichsgesetzbuch (Sveriges Rikes Lag) von 1734. Beiträge zur Entstehungs- und Entwicklungsgeschichte einer vollständigen Kodifikation*, ed. Wolfgang Wagner, Ius Commune: Veröffentlichungen des Max-Planck-Instituts für Europäische Rechtsgeschichte, Sonderhefte: Studien zur europäischen Rechtsgeschichte 29 (Frankfurt, 1986), 61–106, esp. 93–98.
- 28 Nils H. Roemer, *Jewish Scholarship and Culture in Nineteenth-Century Germany: Between History and Faith*, Studies in German Jewish Cultural History and Literature (Madison, 2005), 18; cf. also Bernd Witte, *Moses und Homer. Griechen, Juden Deutsche: Eine andere Geschichte der deutschen Kultur* (Berlin, 2018).

Claims and convictions, like their consequences, could cut across confessions. Some of those discussions were theoretical in nature, ranging from reason and revelation to ethics and the nature of religion. As criticism of the Old Testament grew at the end of the eighteenth century to match that of the New, much Enlightenment thought was dispensing with *adiaphora* in order to save the faith.²⁹ New frames thus formed around an older question, one Christine Hayes articulates in the title of her astute study on antiquity as ‘what’s divine about divine law?’³⁰ In his inaugural lecture at Jena of 1789 – the year before a title change in his position from history to philosophy – Friedrich Schiller (1759–1805) attributed much enlightened thought to ‘Mosaic religion’, insofar as the teaching of a single god undergirded the concept of reason. Founded on truth and founding a state, argued Schiller, the Mosaic legislation fostered happiness among the Hebrews and laid a solid foundation for future enlightenment.³¹ Around the same time, G.W.F. Hegel (1770–1831) became convinced that the moral theory of Immanuel Kant (1724–1804) had essentially interiorized the ‘positive’ law of Moses.³² So too the *Haskalah*, or Jewish Enlightenment, supported a comparable move to internalize and privatize traditional practice. As Leora Batnitzky has shown, this trajectory imagined ‘that Judaism, and especially Jewish law, is not political but instead concerns the intellectual and spiritual dimensions of human experience’ – which allowed for its construction as a ‘religion’ structurally analogous to Christianity.³³ As the reform movement in Judaism gained steam, the medieval philosopher

29 Cf. Sheehan, *The Enlightenment Bible*, esp. 151–52.

30 Christine Hayes, *What’s Divine about Divine Law? Early Perspectives* (Princeton, 2015). See now also the ERC project ‘How God Became a Lawgiver,’ under the direction of Konrad Schmid at the University of Zurich.

31 On representations of Jews and Judaism in Schiller’s address ‘Die Sendung Moses’ (‘The Legation of Moses’), see Martha B. Helfer, *The Word Unheard: Legacies of Anti-Semitism in German Literature and Culture* (Chicago, 2011), 23–55.

32 Henry Siltan Harris, *Hegel’s Ladder: A Commentary on Hegel’s Phenomenology of Spirit*, 2 vols (Indianapolis, 1997), esp. 1:377 n.25, 1:613 n.69, 2:70 n.53. For more on Hegel’s understanding of freedom, rationality, and morality in ancient Judaism – especially with regard to Mosaic law and Roman rule – see Shlomo Avineri, *Hegel’s Theory of the Modern State*, Cambridge Studies in the History and Theory of Politics (Cambridge, 1972), 15–24.

33 Leora Batnitzky, *How Judaism Became a Religion: An Introduction to Modern Jewish Thought* (Princeton, 2011), 59. As a contemporaneous counterpoint to such ‘Talmudophobia’, Jews in the Russian Empire looked to Catholic tradition: see the critical intervention of Elyahu Stern, ‘Catholic Judaism: The Political Theology of the Nineteenth-Century Russian Jewish Enlightenment’, *Harvard Theological Review* 109/4 (2016), 483–511, esp. 495, 501.

Maimonides (ca. 1138–1204) became a chief source in debates on the binding nature of Jewish law.³⁴

Other discussions were historical, driven by recasting, as the old pun went, the Mosaic Bible into a biblical mosaic. While critical analysis of biblical literature narrowed the textual inventory ascribable to Moses (or even to deep antiquity), the move to historicize and/or particularize Mosaic law expanded, whether the intention was to salvage or to spurn it. The lion's share of literature on biblical learning in this period tends to focus on Protestant scholarship, in the matrix of theology, philology, and history. Yet Jews, no less than Christians, were confronted by the concomitant conundrums. Jewish writers generated an equally broad set of solutions when faced with such historicist thinking.³⁵ In his voluminous work on Jewish antiquity, Isaak Markus Jost (1793–1860), for instance, accepted a distinction between 'Mosaism' and 'Judaism', between biblical and postbiblical Jewish history: a theologically freighted, often pernicious periodization long deployed in Protestant polemic. However, he argued against the implementation of Mosaic law in that earlier era, calling it more theory than practice, and argued for the realization of its monotheistic and moral dimensions only in the latter epoch, which amounted to a rise – not a fall – in the legacy of Moses.³⁶ Later, Benno Jacob (1862–1945) conceded critical arguments against Mosaic authorship, in his popular book *Die Thora Moses* (*The Torah of Moses*), but still claimed 'the spirit of Moses' gave unity to the Pentateuch and thus warranted continued reference to 'the *Torah of Moses*', even more if than two hands wrote under the name.³⁷

34 George Y. Kohler, *Reading Maimonides' Philosophy in 19th Century Germany: The Guide to Religious Reform*, Amsterdam Studies in Jewish Philosophy 15 (Dordrecht, 2012).

35 See Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism*, Studies in Jewish History (Oxford, 1988); Ismar Schorsch, *From Text to Context: The Turn to History in Modern Judaism*, Tauber Institute for the Study of European Jewry Series (Hanover, NH, 1994); Susannah Heschel, *Abraham Geiger and the Jewish Jesus*, Chicago Studies in the History of Judaism (Chicago, 1998); David N. Myers, *Resisting History: Historicism and Its Discontents in German-Jewish Thought*, Jews, Christians, and Muslims from the Ancient to the Modern World (Princeton, 2003); and Yaacov Shavit and Mordechai Eran, *The Hebrew Bible Reborn: From Holy Scripture to the Book of Books. A History of Biblical Culture and the Battles over the Bible in Modern Judaism*, trans. Chaya Naor, *Studia Judaica* 38 (Berlin, 2007).

36 Ran HaCohen, *Reclaiming the Hebrew Bible: German-Jewish Reception of Biblical Criticism*, trans. Michelle Engel, *Studia Judaica* 56 (Berlin, 2010), esp. 54–62.

37 Benno Jacob, *Die Thora Moses*, *Volkschriften über die jüdische Religion* 1/3–4 (Frankfurt, 1912/13), 94; see further Christian Wiese, *Challenging Colonial Discourse: Jewish Studies and Protestant Theology in Wilhelmine Germany*, trans. Barbara Harshav and Christian Wiese, *Studies in European Judaism* 10 (Leiden, 2005), 220–30.

Still other discussions were political, or rather overtly so. Concerns with the normativity of biblical legislation did not, of course, arise for the first time in this period. Perennial questions had long looked to the Mosaic law and an imagined Hebrew republic for matters juridical and legal, governmental and national. As Adam Sutcliffe has written of the early modern period, ‘The most politically contested field of Hebraism, and the most useful area for supporters of republicanism, was Jewish law.’³⁸ Eric Nelson has further emphasized how rabbinic texts, not the biblical alone, served as sources for such political thought.³⁹ Yet the long nineteenth century, as an age of reform, revolution, and emancipation, brought new possibilities and challenges – and with them new questions and answers. In 1788, Abbé Grégoire (1750–1831) transferred ideas – of Moses Mendelssohn (1729–1786) most of all – from Germany to France, and from Jewish to Christian thought, when he distinguished ‘in Mosaic law, between what lies essentially in the religious realm and what is only the object of civil and criminal jurisprudence, for the two are separable.’⁴⁰ But not everyone considered politics so separable from religion within the Mosaic writings. In a venomous series of lectures, Heinrich Leo (1799–1878) moved seamlessly from textual and historical arguments against the ‘Mosaic’ part of Mosaic law – what he deemed a devious project of later Jewish priestcraft, hiding behind the authority of Moses – into a diatribe against hierarchy (as in rule by priests), theocracy, and democracy, even pairing Robespierre (1748–1794) with Pharisees and portraying him as ‘the consequence’ of such priestly rule: a rule always empty of feeling and full of fanaticism.⁴¹ Just as Pharisaism enabled a superior Christianity to emerge, he argued, so also Catholicism allowed a higher

38 Adam Sutcliffe, *What are Jews For? History, Peoplehood, and Purpose* (Princeton, 2020), 39. See further idem, *Judaism and Enlightenment, Ideas in Context* (Cambridge, 2005); Graham Hammill, *The Mosaic Constitution: Political Theology and Imagination from Machiavelli to Milton* (Chicago, 2012); Markus M. Totzeck, *Die politischen Gesetze des Mose. Entstehung und Einflüsse der politica-judaica Literatur in der Frühen Neuzeit*, *Refo500 Academic Studies* 49 (Göttingen, 2019).

39 Eric Nelson, *The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought* (Cambridge, MA, 2010).

40 Cited in Michael Graetz, *The Jews in Nineteenth-Century France: From the French Revolution to the Alliance Israélite Universelle*, trans. Jane Marie Todd, *Stanford Studies in Jewish History* (Stanford, 1996), 177 – the original source being *Essai sur la régénération physique, morale et politique des juifs. Ouvrage couronné par la Société Royale des Sciences et des Arts de Metz, le 23 Août 1788* (Metz, 1789), 155.

41 Heinrich Leo, *Vorlesungen über die Geschichte des Jüdischen Staates; gehalten an der Universität zu Berlin* (Berlin, 1828), 57; for more on Leo, see Christhard Hoffmann, *Juden und Judentum im Werk deutscher Althistoriker des 19. und 20. Jahrhunderts*, *Studies in Judaism in Modern Times* 9 (Leiden, 1988), 42–73. Leo’s lectures drew a sustained

Protestantism to form. If politics and religion were inseparable in the law of Moses itself, they were no less indivisible in discussions of that inseparability.

Long after the idea of Moses the philosopher-sage had faded, Moses the lawgiver remained alive and well enough. But here too, new sources, new approaches, and new pressures led to new conceptual formations. In 1903, a few years after meeting Herzl thrice that autumn of 1898, in Constantinople, Mikve-Israel, and Jerusalem (thanks to efforts by Hechler and Friedrich I), Wilhelm II may not have dismantled but nonetheless did diminish the pedestal of Mosaic law. Responding to clouds of doubt gathering amidst all the inscriptions and monuments that had recently come to light in the Middle East, he released a statement that distinguished two kinds of revelation: a universal line for the development of humanity (Hammurabi, Moses, Abraham, Homer, Charlemagne, Luther, Shakespeare, Goethe, Kant, Wilhelm I) and a particular one 'more religious' in nature (Abraham, Moses, prophets, psalmists, Jesus). The statement, widely circulated, read in part:

When Moses had to reburnish the well[-]known paragraphs of the law, perhaps derived from the code of Hammurabi ... here the historian can perhaps construe from the sense or wording a connection with the laws of Hammurabi, the friend of Abraham. [...] But that will never disguise the fact that God incited Moses thereto and in so far revealed himself to the people of Israel.⁴²

Although the name of the Hebrew legislator appeared on both lists, his 'legislative act on Sinai' underwent reinterpretation: 'only regarded as symbolically inspired by God'. But if the law of Moses had become a dead letter to some, for

response by Henry John Rose of St John's, Cambridge, who sought to confront 'a view of Jewish History founded on the modern German School of Philology': Rose, *The Law of Moses Viewed in Connexion with the History and Character of the Jews, with a Defence of the Book of Joshua against Professor Leo of Berlin: Being the Hulsean Lectures for 1833. To Which is Added An Appendix Containing Remarks on the Arrangement of the Historical Scriptures Adopted by Gesenius, de Wette, and Others* (Cambridge, 1834), viii.

- 42 Dated 15 February 1903, the letter was published in Chicago as 'Kaiser Wilhelm on "Babel and Bible"'. (Letter from His Majesty Emperor William II. To Admiral Hollman, President of the Oriental Society); *The Open Court* 7 (1903), 432–36. The publisher reprinted it, among other appendices, to a translation of Friedrich Delitzsch's first two lectures: *Delitzsch, Babel and Bible: Two Lectures on the Significance of Assyriological Research for Religion, Embodying the Most Important Criticisms and the Author's Replies, Profusely Illustrated*, trans. Thomas J. McCormack and W.H. Carruth (Chicago, 1903). On the political dimensions to this confession of faith, see John C.G. Röhl, *Wilhelm II: Into the Abyss of War and Exile, 1900–1941*, trans. Sheila de Bellaigue and Roy Bridge (Cambridge, 2014), 498–521.

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many his legacy lived on – so many, in fact, that a German emperor felt compelled to intervene in a perilous theological, and political, debate.

With its citation of prophets, Jesus, and Luther, the kaiser's intervention suggests two other aspects of Moses in modernity.⁴³ On the one hand, the Pentateuch was often read through the Prophets, especially by Christians. Some such interpreters latched onto a selection of prooftexts – like the passage in Isaiah 1 where God asks, 'What need have I of all your sacrifices?' (JPS) – to claim the law had already been rejected, by God or the prophets themselves, even before Christianity superseded Judaism. The commentary by Ferdinand Wilhelm Weber (1836–1879), a Protestant pastor and active missionary to Jews, went in this direction: 'So little delight does the LOrd have in the nature of this people's worship, then, that he wants to put an end to it himself.'⁴⁴ The hermeneutical navigation here, of course, came from a particular reading of Paul (ca. 5–64 CE) and, further still, of Paul as read by Martin Luther (1483–1546): with a theological animosity to law.⁴⁵ On the other hand, the framing of Mosaic law was largely limited to the Bible, not the Talmud. Few Christians engaged with rabbinic materials, and those who did usually depended on translations and anthologies like that by Weber, who sought to define a 'theology' for ancient Judaism.⁴⁶ Many more simply disliked, even disparaged, the rabbis and their battery of discussions on halacha. Hermann L. Strack (1848–1922), the theologian and orientalist, was thus a rare Christian expert in rabbinics – enough to merit the respect of Jewish scholars – though not a rarity in his dedication to converting Jews.⁴⁷ In consequence, the question of Mosaic law was mostly confined to the (Christian) Bible.

43 This paragraph draws on insights kindly offered by an anonymous reviewer of the volume.

44 Ferdinand Wilhelm Weber, *Der Profet Jesaja, in Bibelstunden ausgelegt*, 2 vols (Nördlingen, 1875, 1876), 1:11, orthography original; cf. also the preface, which discusses Christian interpretation of Hebrew prophecy.

45 For more compelling understandings of Paul on the law, see Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity*, *Contraversions: Critical Studies in Jewish Literature, Culture, and Society* (Berkeley, 1994); Paula Fredriksen, *Paul: The Pagans' Apostle* (New Haven, 2017).

46 Ferdinand Wilhelm Weber, *System der altsynagogalen palästinischen Theologie aus Targum, Midrasch und Talmud dargestellt*, eds Franz Delitzsch and Georg Schnedermann, 1st ed. (Leipzig, 1880), repr. with a new title as *Die Lehren des Talmud, quellenmässig, systematisch und gemeinverständlich dargestellt*, *Schriften des Institutum Judaicum* 2/1 (Leipzig, 1886) and then in its 2nd ed. as *Jüdische Theologie auf Grund des Talmud und verwandter Schriften gemeinfasslich dargestellt* (Leipzig, 1897). For similar efforts in English, see the work of Paul Isaac Hershon (1817–1888), a Jewish convert and missionary to Jews.

47 For an introduction to Christian work on the Talmud in this period – especially at the nexus of proselytism and antisemitism – see Christian Wiese, 'Ein "aufrichtiger Freund

True to its title, this volume focuses on the figure of Moses to examine diverse representations and appropriations of biblical law across the German lands from the late eighteenth to early twentieth centuries. Its chapters chart how reflections on that ancient law shaped debates on modern structures – legal, political, religious, scholarly – and how contemporary concerns impacted, conversely, the apprehension of Mosaic law. Did Moses copy Hammurabi? Why would sacred legislation have any place in a modern state? Must Jews be forever bound by ancient law? How radical were the politics of Moses? In doing so, these chapters foreground the entanglements of secular and religious, of past and present, and of biblical, classical, and orientalist traditions – all against such background as legal reformation, administrative integration, colonial extraction, and civil emancipation. The selection of sources, sites, and speakers further shows how ‘German’ discourse remained inextricable from durable, if at times disavowed, connections across and beyond Europe.

Part 1, ‘Representations of the Past’, focuses on historical constructions of Moses and biblical law. In ‘The Early Speech of Nations: Biblical Poetry and the Emergence of Germanic Myth’, Ofri Ilany investigates the juxtaposition of things Hebraic and things Germanic: from language, literature, and law to religion, people, and custom. Positioning figures like Johann Gottfried Herder, Friedrich Gottlieb Klopstock (1724–1803), and Wilhelm Martin Leberecht de Wette (1780–1849) within a wider, deeper galaxy of intellectual culture, he documents the promotion (or demotion) of sacred scripture into the national heritage of an ancient, primitive people: no longer a legal code, moral guide, history book, or doctrinal system but now primarily a cultural artifact. Herder did much to recast Moses as a people’s poet, a nation’s founder. ‘Which law-giver could claim to have an effect *deeper on his people’s customs* [*Sitten*] than Moses?’, Herder once asked, in a source this chapter cites. ‘Not even Lycurgus can be compared to him; and now if he summed up the effect of his existence into words, it became – a *song*.’⁴⁸ Ilany argues for entanglement between the study of Hebrew national epics and the creation of German national

des Judentums”? “Judenmission”, christliche Judaistik, und Wissenschaft des Judentums im deutschen Kaiserreich am Beispiel Hermann L. Stracks’, in *Gottes Sprache in der philologischen Werkstatt. Hebraistik von 15. bis zum 19. Jahrhundert*, eds Giuseppe Veltri and Gerold Necker, *Studies in European Judaism* 11 (Leiden, 2004), 277–316; cf. also Hans-Günther Waubke, *Die Pharisäer in der protestantischen Bibewissenschaft des 19. Jahrhunderts*, *Beiträge zur historischen Theologie* 107 (Tübingen, 1998).

- 48 Johann Gottfried Herder, ‘Ueber die Wirkung der Dichtkunst auf die Sitten der Völker in alten und neuen Zeiten. Eine Preißschrift. (1778)’, repr. in *Johann Gottfried von Herder’s sämtliche Werke*, Section 2, *Zur schönen Literatur und Kunst*, vol. 9, ed. Johann von Müller (Tübingen, 1807), 378.

mythology: both were deeply concerned with naturalism, poesy, and originality. His analysis uncovers how ideas of poetic nations governed understandings of the Bible and how conceptions of the ancient Hebrews, in turn, shaped notions of other peoples' pasts. But if sacred scripture morphed into a cultural inscription, reading it proved no easier – and no less contentious.

'I am speaking here not of the historical but of the mythical Moses,' Heymann Steinthal (1823–1899) specified in 1862, 'and hope the reader will be inclined to distinguish these two just as much as with the historical and legendary Charlemagne.' The Jewish philosopher, psychologist, and philologist continued: 'Now the mythical Moses is, in essence, comparable with Prometheus.'⁴⁹ Like Steinthal in this passage, whom she herself discusses in her essay, Carlotta Santini moves from things Germanic to things Greek, examining how Bible and Homer underwent analysis in the new science of myth, circa 1800. With 'The Rise of Jewish Mythology: Biblical Exegesis and the Scientific Study of Myth', Santini follows the cross-pollination across fields now seen as fenced off. Alongside Ilany, Santini traces a transformation from the Bible as holy writ of God to wholly written by humans: be it composed or collected by Moses, compiled in his name or created by the people as collective. In this trajectory from sacred scripture to national monument, she also offers readings, from a different perspective, on Michaelis, Robert Lowth (1710–1787), Christian Gottlob Heyne (1729–1812), and Herder – the same Herder who once declared, 'What Homer is to the Greeks, Moses is to the Hebrews.'⁵⁰

However, Santini's study of biblical and classical studies centers on mythology as both subject and object, as discipline and material, following the fate of this approach as it found advocates and adversaries. She presents Lowth treating Moses and Homer together to consider myth in both and, conversely, Heyne moving from the authority of the Bible to validate the inquiry into myth, which in turn validated it as a hermeneutical lens. Along the way, her chapter discerns tensions in collaboration, demonstrating the difficulty of interpreting ancient myths as well as modern mythologists. She exposes difference in rhetorical or generic parameters between Heyne and Martin Gottfried Hermann (1755–1822) and disagreement over interpretation of the first book

49 Heymann Steinthal, 'Die ursprüngliche Form der Sage von Prometheus (Mit Bezug auf: Kuhn, *Die Herabkunft des Feuers und des Göttertranks*), *Zeitschrift für Völkerpsychologie und Sprachwissenschaft* 2 (1862), 1–29.

50 Johann Gottfried Herder, *Vom Geist der Ebräischen Poesie. Eine Anleitung für die Liebhaber derselben, und der ältesten Geschichte des menschlichen Geistes*, 2 vols (Dessau, 1782–83), 2:83.

of Moses between the editor Johann Philipp Gabler (1753–1826) and author Johann Gottfried Eichhorn (1752–1827). Eichhorn's ideas, she argues, then entered *Völkerpsychologie* ('folk psychology') through Friedrich August Carus (1770–1807). Half a century before Steintal invoked Prometheus, Carus had produced a psychology of ancient Hebrews, which appraised the Mosaic writings as sources and further assessed the 'psychological formation' (*psychologische Bildung*) of Moses and his contemporaries.⁵¹ The chapter sketches other contours, including attempts to discover laws that governed myth, laws of human cultural development, and laws of interpretation. Identifying where writers were not willing to go and what they were unwilling to relinquish, she advances her core argument: scholarship on mythic material still carries within it a theology that molded the study of myth as a discipline. According to Santini, the rise of mythology as a science meant the Bible had to undergo such analysis or risk losing its status as a legitimate object of study, with 'religion' then deposed as a superior form of consciousness. Therefore, confessional convictions that once held faith and science together still exercise a bonding power in mythology today.

Moses for the Hebrews, Confucius for the Chinese, Jesus for the Christians, Muhammad for the Muslims: these pairings appeared in the entry for 'legislator' in a major French lexicon of the period. 'Religion is the first law of any society which begins; therefore, those who founded religions have been called legislators,' the author, an attorney general, registered before adding political and civil laws: and with them the exemplary lawgivers Lycurgus and Solon for Greece (i.e. for Sparta and Athens, respectively) and Napoleon (1769–1821) for France.⁵² If the dictionary had gone through a third edition, in the final third of the century, that entry could not have omitted Hammurabi for the Babylonians. In his essay 'Moses or Hammurabi? Law, Morality & Modernity in Ancient Near Eastern Studies,' Felix Wiedemann shifts from the pairing of Jerusalem with Athens or Berlin to that of Jerusalem with Babylon. Like Ilany, Wiedemann pursues constructions of the ancient Hebrews as a more natural,

51 Cf. Friedrich August Carus, *Psychologie der Hebräer* (Leipzig, 1809), 95, 97.

52 A. Gastambide, 'Législateur', *Dictionnaire de la conversation et de la lecture*, 1st ed., vol. 34 (Paris, 1837), 486; 2nd ed., vol. 12 (Paris, 1864), 212. This legislator lineup was widespread across the theological and political spectrum across the century: from Hugh James Rose's *Notices of the Mosaic Law: With Some Account of the Opinions of Recent French Writers Concerning It* (London, 1831) to Louis Jacolliot's intended yet incomplete *Les législateurs religieux: Manou – Moïse – Mahomet. Traditions religieuses comparés des lois de Manou, de la Bible, du Coran, du rituel égyptien, du Zend-Avesta des Parses et des traditions finnoises* (Paris, 1876), the latter both fused with antisemitism and formative for Friedrich Nietzsche.

more primitive people – at a lower stage of ‘civilisation’ – as well as conceptions of Jewish heritage in European culture. So too his chapter complements Santini’s in addressing the obstacles that emerged when the books of Moses were set alongside texts from other ancient peoples: but here Moses sits alongside Hammurabi, instead of Homer. This essay depicts several ways in which comparison opened fault lines within fields and fissures within confessions. As with myth, so too law could shake up or shore up the faith.

Wiedemann shows how the code of Hammurabi could be too close for comfort. Both biblical and Babylonian legislation entailed comparable content, commensurate claims of divine origins, and corresponding human lawgivers. Concentrating less on new ways of reading than new sets of data, Wiedemann traces an international arms race – or rather race of hands – in the deciphering, transcribing, editing, and processing of sources, and he tracks a series of interpretative contests that not only included German, Austrian, and Swiss or even British, French, and American scholars but also incorporated Jews, Catholics, and Protestants, involved rabbis and pastors, and encompassed ivory tower and public square alike. His central argument insists the controversies over the Mosaic and Hammurabic codes represented no mere chapter in the saga of the *Babel-Bibel-Streit* but constituted a story in its own right. Wiedemann’s essay situates this discourse within wider debates on the origins of civilisation and foundations of law as well as discussions over which ancient people proved to be the greatest – or at least the greatest contributor to ‘modern European culture’. With an eye on the labile relationship between archaeology and exegesis as well as the anxieties about autonomy (independent innovation, not diffusion), antiquity (older being better), and authenticity (original over copy), Wiedemann trains his sights on *Sittlichkeit*, which he considers a ‘key concept’ in this period, one that blurred morality, culture, and law. His analysis further reveals that the debate took as its starting point the confrontation between a sacred Moses and a secular Hammurabi, with the former conflating morality and law and the latter distinguishing the two. In the end, Wiedemann explains how much of these debates about the past proved to be, in fact, about the present: from law and religion to ethics and even capitalism.

Had he written several decades later, Moritz Duschak (1815–1890) would have had to tackle those Babylonians. But in 1869, the Moravian rabbi, like the attorney’s entry in the *Dictionnaire de la conversation et de la lecture* cited above, could still ignore them as he sought to systematise Jewish law. In *Das mosaisch-talmudische Strafrecht. Ein Beitrag zur historischen Rechtswissenschaft (Mosaic-Talmudic Criminal Law: A Contribution to Historical Legal Studies)*, Duschak argued that the rabbis had

not only sought to harmonise, in a distinctive way, the few Mosaic legal provisions with the expanded legal ideas and experiences among the Jews themselves but also borrowed a great deal from the legislations of other peoples, Persians, Greeks, and Romans – albeit with wise concealment of the origin – and merged it with Jewish law.⁵³

Not yet excavated, much less codified into the inventory of inescapable cultural comparisons, the Code of Hammurabi did not make his list.

Thirty years onward, a different eye looked at criminal law in comparative perspective. That eye belonged to Theodor Mommsen, and it looked to specialists in other fields of legal history – jurists and philologists – during work on the Roman case, for a title in the ‘Systematic Handbook of German Legal Studies’.⁵⁴ While it did not make contact with the ancient empires of Mesopotamia either, that line of sight had become more difficult to maintain. After Mommsen’s death, contributors to the 1905 *Zum ältesten Strafrecht der Kulturvölker* (*On the Oldest Criminal Law of the Civilized Peoples*) wanted to add other ‘peoples of culture’ for publication – the Babylonians, Parsees, Slavs – but the decision rested with preserving Mommsen’s own parameters.⁵⁵ Two aspects stand out. First, the volume included dedicated discussions of Greek, Roman, Germanic, Indian, Arabic, and Islamic law – but not Jewish. (Jews as well as Christians authored entries for the book.) As clarified in the foreword, an initial print run had credited, inter alia, Theodor Nöldeke (1836–1930) for ‘Arabic’, Julius Wellhausen (1844–1918) for ‘Arabic-Jewish’, and Ignaz Goldziher (1850–1921) for ‘Muslim’ criminal law.⁵⁶ The final publication of Wellhausen’s entry, however, bore the title ‘Arabic-Israelite’. It therefore bound ancient Israel to pre-Islamic Arabs: on the apparent assumption of a common substrate to peoples, in this case, both primitive and Semitic.⁵⁷ Second, this construction divided Torah and Talmud, thereby fracturing the Jewish legal tradition. In specifying ‘Israelite’, the title highlighted one part of Jewish history while

53 Moritz Duschak, *Das mosaisch-talmudische Strafrecht. Ein Beitrag zur historischen Rechtswissenschaft* (Vienna, 1869), vi–vii.

54 Theodor Mommsen, *Römisches Strafrecht*, Systematisches Handbuch der Deutschen Rechtswissenschaft (Leipzig, 1899).

55 Karl Binding, foreword, *Zum ältesten Strafrecht der Kulturvölker. Fragen zur Rechtsvergleichung gestellt von Theodor Mommsen, beantwortet von H. Brunner, B. Freudenthal, J. Goldziher, H.F. Hitzig, Th. Noeldeke, H. Oldenberg, G. Roethe, J. Wellhausen, U. von Wilamowitz-Moellendorff* (Leipzig, 1905), viii.

56 *Ibid.*, vii.

57 On such reasoning according to ‘primitivity’ and ‘Semiticity’, especially in Wellhausen, see Paul Michael Kurtz, *Kaiser, Christ, and Canaan: The Religion of Israel in Protestant*

blurring later (and especially for Christians, theologically freighted and polemically charged) periods of ancient Judaism. Meanwhile, the content of the chapter, insofar as it concerned Jewish antiquity, referred squarely to the Old Testament. In this way, Jewish law was compressed into the biblical and conflated with pre-Islamic Arabic.

But what some would separate, others joined together. Duschak's book was a sort of sequel. In 1864, he had undertaken a similar effort for civil law, hoping to ensure that guidelines on marriage did not conflict with moral, religious ones. There too, he treated the body of Jewish law, exegesis, and commentary as a single corpus, reflected in the very title *Das mosaisch-talmudische Eherecht* (*Mosaic-Talmudic Marital Law*), and here again arose questions of history and its consequences. Duschak was less concerned with the autonomy or authenticity of Jewish tradition than with its stability and integrity and thus posed two contentious queries for Jews: 'Is the Mosaic-Talmudic marriage law a doctrine that was once established, concluded, not to be altered or modified? Who would claim this?'.⁵⁸

Part 2 of *Moses among the Moderns*, under the heading 'Transformations in the Present', considers some who asked and answered such questions as those by Duschak. Shifting from past to present, from descriptive to normative,

Germany, 1871–1918, *Forschungen zum Alten Testament* 1/122 (Tübingen, 2018), 109–16, 157–59, 268–70; cf. also idem, 'Of Lions, Arabs & Israelites: Some Lessons from the Samson Story for Writing the History of Biblical Scholarship', *Journal of the Bible and its Reception* 5/1 (2018), 31–48. Another argument – less sociological or anthropological than historical or chronological (as well as theological) – opposed, in the words of one interpreter, 'a general custom of elucidating the gaps of the biblical legal order through the rabbinic laws of centuries later' on the grounds that 'even Jewish law changed in the course of time thanks to various external and internal events and relations', meaning 'it is very questionable to explain the *beginnings*, the childhood stage, of a legal system through the *result* which emerged in the course of history': Max Mandl, *Das Sklavenrecht des alten Testaments. Eine rechtsgeschichtliche Studie* (Hamburg, 1886), 4–5; cp. also the review by M. v. O. in *Vierteljahrschrift für Volkswirtschaft, Politik und Kulturgeschichte* 25/1 (1888), 103–06. Michaelis had advanced this argument a century earlier, as plainly stated in a section title: 'The explanation of the laws of Moses is not to be taken from the Talmud and the rabbis' (Michaelis, *Mosaisches Recht*, 1:59, §18).

- 58 Moritz Duschak, *Das mosaisch-talmudische Eherecht, mit besonderer Rücksicht auf die bürgerlichen Gesetze* (Vienna, 1864), vi. Moritz was alone in neither topic nor title: cf. Samuel Holdheim, *Ueber die Autonomie der Rabbinen und das Princip der jüdischen Ehe. Ein Beitrag zur Verständigung über einige das Judenthum betreffende Zeitfragen* (Schwerin, 1843); Ignaz Graßl, *Das besondere Eherecht der Juden in Oesterreich nach den §§. 123–136 des allgemeinen bürgerlichen Gesetzbuches*, 2nd ed. (Vienna, 1849); Zacharias Frankel, 'Grundlinien des mosaisch-talmudische Eherechts', in *Jahresbericht des jüdisch-theologischen Seminars 'Fraenckelscher Stiftung'. Breslau, am Gedächtnisstage des Stifters, den 27. Januar 1860* (Breslau, 1860); P. Buchholz, *Die Familie in rechtlicher und moralischer*

the chapters concentrate on contemporary appropriations of Mosaic law. This part begins with ‘*Gesetz als Gegensatz: The Modern Halachic Language Game*’ by Irene Zwiep. So as Santini, she scrutinizes Heymann Steinthal and *Völkerpsychologie*; along with Ilany, the author investigates themes of a Hebraic national legacy and a Judaic contribution to European culture; and with Wiedemann, Zwiep inquires into law, ethics, morality, and *Sittlichkeit*. Yet she turns away from the discourse on Mosaic law as dominated by Christians and populated by concerns with systems of belief, trust in historical claims, and faith in revealed doctrine. Instead, her analysis pivots on changes to the framing of Mosaic law – in its distinction, identification, and delineation – among Jewish thinkers.

Zwiep explores dynamic reassessments of Jewish communal law, or halacha, amid great change in legal corpora, practices, and systems and in arrangements of church, state, and society. As her essay argues, the foundational rules and principles of Jewish legal practice may have remained stable, but the perception and observance of Jewish law changed dramatically. Indeed, the traditional integration of law, devotion, and morality spelled trouble for Judaism in a new order that claimed a separation of church and state and a distinction between moral religion and national legislation. With this inherent combination of law and religion featuring as both essence and embarrassment for Judaism, a range of thinkers engaged in what she calls a ‘halachic language game’, deploying old vocabulary into new contexts. On the one hand, her chapter discerns a trend among Jewish thinkers to amplify the Hebrew Bible as ethical and to dampen the legal corpus as esoteric. On the other hand, Zwiep’s essay detects internal differentiation, distinguishing three interpretative trajectories for reframing halacha. If Moses Mendelssohn and Hirschel Lewin (1721–1800) had cast it as a Jewish canon law outside competition with the state legal apparatus, Moritz Lazarus (1824–1903) followed Steinthal to depict it as collective morality that imitated a divine holiness, while Zacharias Frankel (1801–1875) portrayed it as Jewish jurisprudence, not only on par with Roman and German traditions but also a form of rational legislation. Examining a Judaism divided

Beziehung nach mosaisch-talmudischer Lehre, allgemein faßlich dargestellt (Breslau, 1867); Samuel Spitzer, *Die jüdische Ehe nach mosaisch talmudischen und den in Oesterreich bestehenden, besonders neuesten Ehegesetzen* (Essek, 1869); Ludwig Lichtschein, *Die Ehe nach mosaisch-talmudischer Auffassung und das mosaisch-talmudische Eherecht* (Leipzig, 1879); Joseph Bergel, *Die Eheverhältnisse der alten Juden im Vergleiche mit den Griechischen und Römischen* (Leipzig, 1881); Emil Fränkel, *Das jüdische Eherecht nach dem Reichscivilhegesetz vom 6. Februar 1875* (Munich, 1891).

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by external, Western categories of religion, law, and morality, Zwiep contends that religious practice ultimately became internalized, moralized, and thereby anesthetized, with traditional Jewish law discarded as a viable normative system. The lawgiving Moses thus seemed to be less modern – more time-bound – than the moralizing one.

In ‘The Truth Shall Abide: Samson Raphael Hirsch and Abraham Geiger on the Binding Nature of Torah’, Judith Frishman focuses on two stars within this discursive firmament mapped by Zwiep. Her chapter, too, attends to notions of *Sittlichkeit* and Kantian morality, to historicising and mythological readings of the Bible, and to questions of law *vis-à-vis* the authentically, essentially, irreducibly, or unalterably Jewish. Frishman homes in on an internal debate at the heart of modern Judaism, between orthodoxy and reform. Through her close reading of a critical exchange between Hirsch (1808–1888) and Geiger (1810–1874), she demonstrates how both liberalising and traditionalising movements conceptualized obedience to Jewish law. That exchange grappled with how to read text and uphold tradition amidst an assimilating Jewish bourgeoisie and a reforming rabbinate, and its positions were often articulated in epistolary and dialogic form and mostly siloed in specifically Jewish channels. Her essay details the attempt to grapple with competing claims both between and among philosophy, theology, and history: to synthesize or stabilize, to suspend or suppress them. It also charts the effort to measure the interpretative significance of historical development and to adjudicate the analytical suitability of other methods for understanding the Torah: whether seemingly universal, ‘scientific’ modalities of reading were applicable to particular ancient texts. In doing so, Frishman traces the emergence of questions on election, whether this meant a people chosen or a people choosing obedience. Ultimately, her analysis targets debates over what it means to be true to the teachings of Moses.

‘Law, generally speaking, to the average man is dull reading’, wrote a man from Babylon (on Long Island) in 1906, ‘and we need not be afraid to admit that this universal rule holds good with regard to the Law of Moses.’⁵⁹ But jurists, just like exegetes, are not normal people. For many, that reading was gripping. Lawyers from London to Leipzig thus offered their own studies of Mosaic law, including the barrister Harold M. Wiener (1875–1929), who sought ‘to apply the ordinary methods of legal study to the solution of Biblical problems.’⁶⁰

59 George Downing Sparks, ‘The Law of Moses Historically Considered’, *The Sewanee Review* 14/3 (1906), 281–87, at 287.

60 Harold M. Wiener, *Studies in Biblical Law* (London, 1904), vii; cf. also idem, *Essays in Pentateuchal Criticism* (Oberlin, 1909); idem, *The Origin of the Pentateuch* (London,

Well into the twentieth century, American law reviews – in Ann Arbor, New Orleans, and elsewhere – devoted space to articles on biblical law, as did *The Green Bag: An Entertaining Magazine for Lawyers*, based in Boston.⁶¹ So too journals for legal studies affiliated with both Cambridge universities, LSE, and the French society for comparative law found room to publish book reviews on Mosaic legislation.⁶²

Legislators in Parliament, however, long betrayed a special interest in biblical law – especially on the matter of marrying sisters. With “A Law for Jews and Not for Christians”? Mosaic Law and the Deceased Wife’s Sister Debate in Victorian Britain’, Michael Ledger-Lomas finds the fingerprints of Moses in the making of modern law. Following Frishman, he highlights Christian views of Judaism wed – in a spirit of supersessionism – to the notion of dead letters, and with Wiedemann his chapter underscores how Christians could disavow biblical law yet feel no small discomfort when discovering similar laws and

1910); Gerhard Förster, *Das mosaische Strafrecht in seiner geschichtlichen Entwicklung*, Ausgewählte Doktordissertationen der Leipziger Juristenfakultät (Leipzig, 1900).

61 Clarence A. Lightner, ‘The Mosaic Law’, *Michigan Law Review* 10/2 (1911), 108–119; Louis Binstock, ‘Mosaic Legislation and Rabbinic Law’, *Loyola Law Journal* 10 (1929), 13–19. Further examples include the Swiss Harvard professor Walther Hug, ‘The History of Comparative Law’, *Harvard Law Review* 45/6 (1932), 1027–1070, and the British Chief Rabbi Joseph Herman Hertz, ‘Ancient Semitic Codes and the Mosaic Legislation’, *Journal of Comparative Legislation and International Law* 10/4 (1928), 207–21. The *Green Bag* articles came mostly in a series of series by David Werner Amram, a prominent UPenn law professor, promoter of Zionism, and student of Marcus Jastrow: ‘Chapters from the Ancient Jewish Law’, 4/1 (1892), 36–38, 4/10 (1892), 493–95, 6/9 (1894), 407–08; ‘Some Aspects of the Growth of Jewish Law’, 8/6 (1896), 253–56, 8/7 (1896), 298–302; ‘Ancient Conveyance of Land’, 10/2 (1898), 77–78; ‘Chapters from the Biblical Law’, 12/2 (1900), 89–92, 12/4 (1900), 196–99, 12/8 (1900), 384–87, 12/9 (1900), 483–85, 12/10 (1900), 504–06, 12/11 (1900), 585–89, 12/12 (1900), 659–61, 13/1 (1901), 37–40, 13/2 (1901), 70–74, 13/4 (1901), 198–202, 13/6 (1901), 313–16, 13/8 (1901), 406–08, 13/10 (1901), 493–96, 13/12 (1901), 592–94; ‘A Lawyer’s Studies in Biblical Law’, 14/2 (1902), 83–84, 14/5 (1902), 231–33, 14/7 (1902), 343–46, 14/10 (1902), 490–93, 15/1 (1903), 41–44, 15/6 (1903), 291–94. Amram collected some of these articles and added other material for his *Leading Cases in the Bible* (Philadelphia, 1905), having previously published *The Jewish Law of Divorce According to Bible and Talmud, with Some References to its Development in Post-Talmudic Times* (Philadelphia, 1896).

62 I.G., review of *Studies in Biblical Law*, by Harold M. Wiener, *Harvard Law Review* 18/5 (1905), 408–09; Nathan Isaacs, review of *The Origin and History of Hebrew Law* by J.M. Powis Smith, *Harvard Law Review* 45/5 (1932), 949–52; T.W. Manson, review of *Studies in Biblical Law* by David Daube, *Cambridge Law Journal* 10/1 (1947), 135–36; B. Grey Griffith, review of *Studies in Biblical Law* by David Daube, *Modern Law Review* 11/2 (1948), 239–40; Jean-Philippe Lévy, review of *Mosaic Law in Practice and Study throughout the Ages* by Pieter Jacobus Verdam, *Revue internationale de droit comparé* 12/4 (1960), 891–93.

stories in other ancient cultures. In line with Santini and Ilany, Ledger-Lomas shows Michaelis to have been enormously influential even beyond the German lands: here, in questions of the value and validity of Mosaic jurisprudence. His essay, like Zwiép's, underscores efforts by Jews to reconsider the place of Jewish law in a modern (Christian) state.

Yet departing from past work on the economic, social, and sexual spheres of marriage as well as the colonial dimensions to legal reform, Ledger-Lomas arrives at scriptural foundations. Spotlighting the interpretation and interpreters of biblical sources, he illuminates the textual basis of protracted debates on marriage and the family and elucidates the political cartography of those theological positions. Those debates, he argues, reveal a still more basic disagreement over the evaluation and application of Mosaic law. As his chapter expounds, moreover, the British discussion was tied to the German one, not only through the work of Michaelis or an *enquête* among professors of Hebrew but also via attention to marriage law abroad. Germans, like Jews, became beacons and bogeymen by turns. As Ledger-Lomas brings to light, marriage reformers could overcome their anxiety about German theology to find friends of convenience in biblical critics and Jewish commentators when certain arguments or expertise lent the right support. However, he also illustrates how figures on both sides of the issue in Britain found common ground: in different forms of anti-Judaism. Ultimately, his essay maps a feedback loop between ideas of marriage in the modern state and ideas of how to interpret and apply the law of Moses.

'Jews were not Socialists at heart', Theodor Herzl recalled telling the Prussian secretary of state, strategically. Herzl, remembering something he had read, elaborated: 'Through the Decalogue Moses created an individualistic form of society. And the Jews ... are and will remain individualists'.⁶³ As Carolin Kosuch shows, not everyone agreed. In 'Moses and the Left: Traces of the Torah in Modern Jewish Anarchist Thought', Kosuch traces the transformation of Mosaic law in radical political thought among German Jews. If together with Zwiép she considers Mendelssohn's view of Judaism as a rational religion of tolerance and humanity, she focuses like Frishman on responses to embourgeoisement and acculturation of German Jews and considers alongside Ledger-Lomas the politics involved in appropriating the Mosaic law.

Kosuch's chapter explores a post-Mendelssohn world, moving from a state project of Jewish emancipation and assimilation to a political project to turn

63 Patai, ed., *The Complete Diaries of Theodor Herzl*, trans. Zohn, vol. 2, entry for 18 September 1898, p. 667.

the world upside down. She disentangles the artistic, anarchist, and socialist strands all intertwined in the political theory of Gustav Landauer (1870–1919) and Erich Mühsam (1878–1934). Charting different responses to the problems of modernity and reactions to the place of Judaism in it, her chapter maps the interweaving of enlightened and romantic ideas in an age of formal legal equality for Jews. Kosuch considers why these two thinkers turned to anarchism and how, precisely as Jews and radicals, Landauer and Mühsam encountered tensions on both sides: raised in bourgeois Jewish families yet active in the mostly non-Jewish proletarian circles of their politics. However, their anarchistic ideas, she contends, entailed a reframing of central figures in the Jewish canon, including Moses. By fusing Mendelssohn and Romanticism, Herder and *Haskalah*, Landauer and Mühsam fashioned a new interpretative framework for Jewish law and particularity: as a duty to act – to ameliorate humanity and to consummate a new, true equality. This attempt at an anarchist reconfiguring of Jewish tradition, Kosuch further argues, constituted a dual form of resistance: to the Protestant bourgeoisie as well as to their acculturated Jewish milieu.

The core of this volume comes from a workshop – international, interdisciplinary, intergenerational – entitled ‘Mosaic Law among the Moderns: Constructions of Biblical Law in 19th-Century Germany’ and hosted in Cambridge during the summer of 2019. Presenters and respondents from Germany and Belgium, Israel and Italy, as well as the US, UK, and Netherlands, engaged in thought-provoking papers and lively conversation for three days’ time. That exchange was especially enriched by its diversity: in career stage, including predocs, postdocs, and professors, as in field, ranging from history and classics to studies religious, German, and Jewish. The delay between presentation and publication resulted from the usual holdups – major and minor, individual and collective – for such collaborative undertakings as well as the rather unusual one: namely a global pandemic.

Many of the chapters in *Moses among the Moderns* originated in that Cambridge conference, appearing here in revised form: those by Irene Zwiep, Felix Wiedemann, Carolin Kosuch, and Judith Frishman. Two others from that event have seen replacement. As Ofri Ilany’s original presentation was committed elsewhere, he wrote a new piece specifically for this volume.⁶⁴ Suzanne L. Marchand delivered a striking keynote presentation under the title ‘Greek Freedom and Mosaic Law in 19th-Century Germany’, laying out what Greek

64 Ofri Ilany, ‘Christian Images of the Jewish State: The Hebrew Republic as a Political Model in the German Protestant Enlightenment’, in *Jews and Protestants: From the Reformation to the Present*, eds Irene Aue-Ben-David et al. (Berlin, 2021), 119–35; see further idem,

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freedom meant to German thinkers in this period (a *geistige Freiheit* to imagine, learn, and create and to escape clerical and feudal legalism as well as aristocracy; a *bürgerliche Freiheit*, with citizens free to serve the state; a *völkische Freiheit*, championing individual tribes or peoples from domination by other, larger empires or states) – and in contrast to ‘oriental’ despotism, including the idea of Greek laws as universal and modern, with Mosaic law cast as ‘oriental’ and particular, a survival unfit for a new age. Instead of that paper, Marchand has contributed a retrospective on the volume as a whole, helping to weave the strands together.

Two other papers were delivered at the workshop but owing to other commitments could not, understandably, be revised for publication here. Both expanded the scope in transnational and colonial history. With ‘Which Law for the Colonial Empire? Rule of Law and (Christian) Religion in German Colonialism’, Nicola Camilleri (University of Padua) compared the tension between cultural and religious difference among inhabitants of the German empire and of colonial rule, on the one hand, and in the Italian colonial context, on the other. One tentative yet tantalizing result of the discussion was how legal history related to religion in the metropole transformed yet extended to the colonies: how procedures for marriage between Catholics and Protestants informed the same for citizens and subjects outside the borders in Europe. Annelies Lannoy (Ghent University) presented ‘The Law and the Republic: Maurice Vernes and Aristide Astruc on the History of Mosaic Law and its Instruction in the Ecole Laïque’. After surveying the Protestant Vernes’s (1845–1923) historical work on biblical law and political writings on the importance of the Old Testament for French secular education, Lannoy traced his strategic alliance with Rabbi Astruc (1831–1905) to integrate the history of religion – specifically Jewish history – into curricular programming. She thus illuminated biblical scholarship across national and confessional borders in the matrix of state and secularity. Furthermore, a third was set to expand the confessional, linguistic, and geographic perspective. Cristiana Facchini (University of Bologna) was meant to deliver ‘Monitoring German Scholarship on the Bible: Jesuit and Catholic Counter-Narratives (1850s–1900s)’. Through the journal *La Civiltà Cattolica*, founded in 1850, the paper planned to map Jesuit interpretation of German Protestant interpretation from the foundation of the

‘*Herr Zebaoth* and the German Nation: Bible and Nationalism in the anti-Napoleonic Wars’, *Global Intellectual History* 5/1, Special Issue: ‘Theology & Politics in the German Imagination, 1789–1848’, ed. Ruth Jackson Ravenscroft (2019), 104–24. The title of the workshop paper ran ‘The Israelites’ *Nationalgeist*: Ethnography and Politics in Johann David Michaelis’s Interpretation of Mosaic Law’.

journal to the modernist crisis (1907), focusing on the relationship between the nation state and the transnational Catholic community of faith. Unfortunately, Facchini had to withdraw from the program shortly before the workshop.

In addition to the papers revised or replaced for this volume, three were solicited to supplement the publication in breadth and depth. Carlotta Santini thus added her original contribution to include perspectives from German classics, while Michael Ledger-Lomas expanded the scope to interactions with German biblical studies in the British context. Yet another was planned to address Mosaic law in the historiography of Muhammad and formative Islam. David Moshfegh (IE University, Madrid) kindly agreed to write a chapter entitled ‘Semitic Religion, Theocracy, and *Islamwissenschaft*’, centered on Goldziher, Wellhausen, Nöldeke, and William Robertson Smith (1846–1894). This plan did not come to fruition, however.

This account of the prehistory to *Moses among the Moderns* aims not only to elucidate its becoming – the possibilities and actualities – or to illuminate latent ideas from unrecorded conversations or unrealized intentions. Rather, it also seeks to cast light on future pathways for work on the cultural history of Moses and reception of biblical law. In this way, it should signpost the roads travelled, those not taken, and those to be taken even further.

When Moses breathed his last on Mount Nebo – in the same region Hechler would hope to find the Ark of the Covenant and therein his very own writings – Joshua led the Israelites onward, to new vistas, new horizons. So too others should now lead the way to add further pieces to this Mosaic mosaic, to this reception of Moses and his many roles: in cultural, intellectual, and religious history, across the German lands, throughout the nineteenth century – and beyond (Cover Image; Figure 3).

Acknowledgements

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FIGURE 3 Cartoon, by Joseph Keppler and Frederick Opper, of 'The Modern Moses' Uncle Sam parting the waters for Jewish immigrants amidst pogroms in the Russian Empire. Published in the American magazine *Puck* in 1881. Further information on this item, including controversy at the time of its antisemitic caricature, available online through the Jewish Virtual Library, 'Judaic Treasures: From the Lands of the Czars'.

IMAGE COURTESY OF CORNELL UNIVERSITY – PJ MODE COLLECTION OF PERSUASIVE CARTOGRAPHY.

