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Josephus and the Ban on Jews in the 1814 Norwegian Constitution

Gunnar Haaland

Abstract

*Why is it that arguably the most liberal constitution of its time contained the most xenophobic clause? The pursuit of an answer to this question involves attempts to understand the literary landscapes of and the intellectual climate among those who crafted this constitution. My present contribution to this pursuit is an exploration of a corner within the thought world of Christian Magnus Falsen (1782–1830), the “father” of the Norwegian constitution of 1814 and one of the architects behind its ban on Jews. In an unpublished essay on ancient Israelite history, the Norwegian legislator articulated his understanding of the Jewish legislator, the Jewish people, legislation, historiography, and theology. I focus on Falsen’s use of the first century CE Jewish historian Flavius Josephus and the third century BCE Egyptian-Hellenistic author Manetho, whom Josephus engages in his treatise *Contra Apionem*. This chapter may serve as a reminder that reading and interpretation are always dependent upon cultural horizons, and that the mobilization of ancient writings in support of current concerns—be they political or educational—is not always a virtuous enterprise. Reception history is thus my approach, anti-Jewish motives and patterns are my specific focus, and ethical reading of ancient sources is my general concern.*

Keywords

Anti-Judaism, Christian Magnus Falsen; Josephus; Moses; Manetho; Norwegian constitution; Norwegian Jews.

Author

Gunnar Haaland, professor for Christianity, religion, worldview, and ethics (KRLE), NLA University College, Oslo, Norway; adjunct professor of Jewish studies, University of Oslo, Norway.

1. Introduction

Toward the end of his life, Jewish historian Flavius Josephus (37–ca. 100 CE) composed his two-volume apologetic treatise *Contra Apionem*.¹ The title refers to one of Josephus’s antagonists, but it is not original.² As a doctoral student, I spent years

1 I am grateful to Håkon Harket and Daniel R. Schwartz for valuable inputs and to James Spinti for diligent proofreading and editing of this chapter.

2 See, e.g., John M. G. Barclay, *Against Apion: Translation and Commentary*, FJTC 10 (Leiden: Brill, 2007); Volker Siebert, *Über die Ursprünglichkeit des Judentums (Contra Apionem)*, 2 vols., SIJD 6 (Göttingen: Vandenhoeck & Ruprecht, 2008).

studying this fascinating yet often neglected work. As the first Norwegian to write a doctoral dissertation on Josephus, I felt like a pioneer in pristine landscapes when I explored this understudied treatise.³ Little did I know that one of the great figures of Norwegian history studied *Contra Apionem* almost two hundred years before I did, and that his reading of Josephus’s apology fed into his argumentation for the disgraceful ban on Jews in the first Norwegian constitution of 1814.

His name was Christian Magnus Falsen (1782–1830), and he figures prominently on a large painting covering the front wall of the main chamber of the Norwegian parliament *Stortinget*. Falsen is depicted standing in front of the Norwegian Constituent Assembly of 1814, reading the final paragraph of the Constitution of Norway (see fig. 1). Falsen was at the time district court judge in a county south of Oslo, he arrived at the Constituent Assembly with a well-prepared draft for the constitution, and he played a vital role—arguably the most vital role—during the deliberations and negotiations at the Constituent Assembly. Thus, he is known as “the father of the Constitution.”⁴



Figure 1. “Eidsvold 1814.” Oil on canvas by Oscar Arnold Wergeland (1844–1910), 1885. Photograph by Teigens Fotoatelier. © Storting Archives.

A glimpse of Falsen’s reading of *Contra Apionem* is accessible through his writings, notably the unpublished essay “Moses, eller Hebræerne til deres Tilbagekomst til

3 Gunnar Haaland, “Beyond Philosophy: Studies in Josephus and His *Contra Apionem*” (PhD diss., MF Norwegian School of Theology, 2006).

4 All translations from Norwegian are mine.

Canaan” (Moses, or the Hebrews until Their Return to Canaan).⁵ I study Falsen’s reception of Josephus and Manetho with particular attention to anti-Jewish motives and patterns and a general concern for ethical reading of ancient sources.

Before exploring Falsen’s reading of *Contra Apionem*, some historical background information may be useful.⁶

2. The End of the Napoleonic Wars and the Striving for Norwegian Independence

In August 1807, the United Kingdom attacked Copenhagen to seize the Danish fleet before Napoleon did. As a result of this Pearl-Harbor-like attack, the Danish king joined Napoleon and declared war against the United Kingdom. Hence, Denmark–Norway ended up on the losing side, whereas Sweden played its cards better and was on the winning side. Sweden had lost Finland to Russia in 1808, however, and was eager to have Norway as a kind of compensation and reward. In January 1814, the Danish king Frederick VI was forced to surrender Norway to Sweden.

Inspired by the Enlightenment principle of popular sovereignty—the idea that the people are the source of all political power—influential Norwegian figures advised the governor, Crown Prince Christian Frederick, to reject the Swedish takeover, establish a Norwegian government, and organize a Constituent Assembly, instead of simply proclaiming himself king of Norway, as was his initial plan. On April 10, 1814, just days after Napoleon’s abdication, 112 men gathered at the manor house of Eidsvoll, about sixty kilometers north of Oslo. They were leading landowners, industrialists, and capitalists; theologians, jurists, and other academics; army officers, merchants, and farmers. Within just over a month, they crafted a constitution for the independent kingdom of Norway. The constitution was signed on May 17, 1814, and Christian Frederick elected king of Norway the same day. Four hundred years under Danish dominion had come to an end.

Sweden did not accept these moves, however, and invaded Norway in the summer of 1814. Norway won one battle, lost all other battles, and surrendered after less than three weeks. As a result of negotiations during the autumn, Norway entered a union with Sweden which remained until 1905. The Norwegian constitution was adapted to the new union, the Norwegian parliament and supreme court were established, and the Norwegian government developed. These institutions secured Norwegian autonomy within the union, whereas the two nations shared king and foreign policy.

5 Falsen, “Moses, eller Hebræerne til deres Tilbagekomst til Canaan” (unpublished manuscript, n.d.), <https://marcus.uib.no/instance/manuscript/ubb-ms-0040.html>.

6 For more comprehensive accounts in English of Scandinavian attitudes and policies toward Jews within the larger European context from the late 1700s and onward, see Christhard Hoffmann, ed., *The Exclusion of Jews in the Norwegian Constitution of 1814: Origins—Contexts—Consequences*, Studien zum Antisemitismus in Europe 10 (Berlin: Metropol, 2016); Frode Ulvund, *Religious Otherness and National Identity in Scandinavia, c. 1790–1960: The Construction of Jews, Mormons, and Jesuits as Anti-citizens and Enemies of Society*, Religious Minorities in the North: History, Politics, and Culture 2 (Berlin: de Gruyter, 2021), ch. 4, <https://doi.org/10.1515/9783110657760-006>.

When Napoleon was defeated in the Battle of Waterloo in June 1815, the newly established United Kingdoms of Sweden and Norway were not involved.⁷

3. The Norwegian Constitution and the Ban on Jews

The Norwegian constitution of May 17, 1814, was inspired by French and United States models and was radical, democratic, and liberal. For example, when discussing limitations of voting rights, an outspoken farmer named Teis Lundegaard allegedly argued that “a great farm and a great mind do not always come together” and thus persuaded the assembly to extend voting rights to all independent men regardless of the size and value of their property.⁸ The constitution contained, however, an infamous ban on Jews, monastic orders, and Jesuits. The ban on Jesuits remained until 1956, the ban on monastic orders until 1897, whereas the ban on Jews was lifted in 1851.⁹

During the late 1830s and the early 1840s, theologian, poet, writer, editor, librarian, and archivist Henrik Arnold Wergeland (1808–1845) was the most outspoken critic of the ban and protagonist of the Jews. H. Wergeland, arguably Norway’s leading “influencer” of his time, pushed this agenda in several pamphlets, two cycles of poems—“The Jew” (1842) and “The Jewess” (1844)—and numerous articles, reader opinion pieces and letters.¹⁰ A lifting of the ban was proposed three times to the Norwegian parliament (1842, 1845, and 1848) without receiving the necessary two-thirds majority, but was finally approved in 1851. Hence, H. Wergeland did not live to see the ban lifted. Jewish friends in Sweden funded and produced his tombstone. It was erected at the Cemetery of Our Savior in Oslo in 1849, and three of the Swedish Jewish sponsors received an extraordinary travel permit and were exempted from the ban in order to be present when the monument was unveiled. It remains thought-provoking that the tombstone of one of Norway’s great national heroes was erected by Jews who prospered in Sweden but were banned from Norway, even if the two countries were united under the same king. For the last hundred years, however, in the morning of May 17, the Norwegian National Constitution Day, Jews in Oslo gather at H. Wergeland’s tomb, and a young representative of the community gives a speech and lays down a wreath as tokens of respect and gratitude.¹¹

Why is it that the most liberal constitution of its time contained the most anti-Jewish clause? According to H. Wergeland’s record one generation later, the aforementioned farmer played a major role in this case as well:

7 For another brief yet more exhaustive account of the eventful year 1814 in Norway, see Christhard Hoffmann, “Introduction,” in Hoffmann, *Exclusion of Jews*, 13–14.

8 The quotation is widespread, but I have not been able to find it in primary sources.

9 For the history of the anti-Catholic clauses, see, e.g., Ulvund, *Religious Otherness*, ch. 6.

10 See Leiv Amundsen and Didrik Arup Seip, eds., *Henrik Wergelands skrifter*, 8 vols. (Oslo: Cappelen, 1957–1962), 7:107–38; 8:23–109.

11 It is uncertain when this tradition started, but there is documentation from 1917 onward. See Oskar Mendelsohn, *Jødenes historie i Norge gjennom 300 år*, 2 vols. (1969, 1986), 1:416.



Figure 2. Henrik Wergeland (1808–1845), poet and writer. Lithography by I. W. Tegner & Kittendorff, 1850s, based on daguerreotype by O. F. Knudsen (1806–1882), 1842. Photograph by O. Væring (1837–1906). National Library of Norway, public domain.

Teis Lundegaard finally brought the debate to an abrupt end by getting up and shouting: “Rise, everyone that will not allow Jews in this country!” And everyone followed as by an electric shock.¹²

Hence, for more than 150 years, the narrative has been that the ban on Jews was so-to-speak a slip of the tongue, an unwary outcry of popular prejudice, a remnant from the Middle Ages that crept into a constitution that was otherwise a product of the Enlightenment.¹³

This narrative was overthrown in a study by publisher and intellectual historian Håkon Harket that was published for the two-hundred-year anniversary of the constitution in 2014.¹⁴ Harket thoroughly and convincingly demonstrates that the ban on Jews was prepared and pushed through by leading intellectuals. Among them was Henrik Wergeland’s father Nikolai Wergeland (1880–1848; theologian, scholar of

12 Henrik Wergeland, *Norges Konstitutions Historie*, 3 vols. (Oslo: Guldberg & Dzwonkowski, 1841–1843), 2:50; Amundsen and Seip, *Henrik Wergelands skrifter*, 6:141.

13 On Henrik Wergeland and his legacy, see, e.g., Hoffmann, “Introduction,” 15–19.

14 Harket, *Paragrafen: Eidsvoll, 1814* (Oslo: Dreyer, 2014). For a brief account in English, see Harket, “The Ban on Jews in the Norwegian Constitution,” in Hoffman, *Exclusion of Jews*, 41–65.



Figure 3. Tombstone of Henrik Wergeland. Photograph and © by Chris Nyborg.

Hebrew, and parish minister). Henrik Wergeland mentions in passing that “Wergeland” argued for the ban but adds an apologetic footnote. Another leading proponent for the ban was Professor Georg Sverdrup (1770–1850), arguably the most prominent academic in the Constituent Assembly. Formerly a professor of Greek literature in Copenhagen, Sverdrup moved back to Norway in 1813 and became the backbone of the faculty of philosophy and the university library at the newly founded Royal Frederick University (now the University of Oslo). Some twenty years later, in his capacity as head of the university library, he was for some years Henrik Wergeland’s boss. Harket reveals the central role of these two intellectual heavyweights and the weak historical evidence for Lundegaard’s alleged pivotal outburst.

Whereas N. Wergeland and Sverdrup were leading advocates for the ban in the plenary debates, Harket contends Falsen played an equally important role behind the scenes as the chairman of the working group responsible for proposals and editing.¹⁵

15 Harket, “Ban on Jews,” 47–50, 52.



Figure 4. Nicolai Wergeland (1780–1848), theologian. Oil on canvas by Christian Olsen (1813–1898), 1850s. Photograph by Marcus Selmer (1819–1900), ca. 1864. © Storting Archives.



Figure 5. Georg Sverdrup (1770–1850), professor of philology. Pastel by Christian Horneman (1765–1844), 1813. © Storting Archives.

Hence, Henrik Wergeland was not just the great protagonist of the Jews and hero in the story of the lifting of the ban. He was also partly responsible for a storyline that downplayed and blurred the role of his own father, his former boss, and “the father of the constitution.”¹⁶

4. Readings and Writings, Connections and Controversies

In order to illuminate the driving forces behind N. Wergeland, Sverdrup, and Falsen’s conviction that Jews should not be allowed in Norway, Harket examined their book orders, diaries, letters, publications, and manuscripts, reconstructed their reading lists, and thoroughly explored their world of ideas, their networks of teachers and peers, and their sympathies and antipathies.¹⁷ He demonstrates that they were all well versed in the anti-Jewish polemics that had sprouted during the decades following the release in 1781 of historian and political writer Christian Wilhelm von Dohm’s *Über die bürgerliche Verbesserung der Juden*.¹⁸ Considerations of space prevents a

16 Harket, *Paragrafen*, parts 1–2.

17 Cf. Harket, *Paragrafen*, parts 3–6.

18 Von Dohm, *Über die bürgerliche Verbesserung der Juden* (Berlin: Nicolai, 1781).

Figure 6. Christian Magnus Falsen (1782–1830), district court judge. Lithography of oil on canvas by Christian Olsen (1813–1898), 1850s, based on oil on canvas by Carl Frederik Vogt (1781–1834). © The Municipal Archives of Trondheim.



thorough review, but the following examples will hopefully substantiate that ban on Jews in the constitution of 1814 was not a medieval remnant within an Enlightenment constitution; it is a part of the Enlightenment fabric of the constitution, the reverse side of the Enlightenment coin, and a notice of the emerging Romanticism.¹⁹

When Sverdrup claimed at the Constituent Assembly that the Jews would always form a nation within the nation, he echoes poet and historian Friedrich Schiller (*Die Sendung Moses*, 1790) and philosopher Johann Gottlieb Fichte (in an account of the Jews in his book on the French revolution, 1793).²⁰ Fichte considered the Jew to be a mighty and hostile nation that represented a serious threat to Europe. To grant them citizenship would lead to the destruction of other citizens. In a letter to a colleague and friend in 1811, Sverdrup exclaimed about Fichte: “I love him just as much as I admire him.”²¹

19 Harket, “Ban on Jews,” 58–64.

20 Schiller, “Die Sendung Moses,” *Thalia* 10 (1790): 1–37; Fichte, *Beitrag zur Berichtigung der Urtheile des Publikums über die Französische Revolution* (1793), 188–93, <https://www.digitale-sammlungen.de/view/bsb10421850?page=%2C1>.

21 Harket, *Paragrafen*, 312.

The roots, however, reach further back: Falsen and N. Wergeland both had in their bookshelves the six-volume *Mosaïsches Recht* (1770–1775) by biblical scholar and orientalist Johann David Michaelis.²² And when N. Wergeland and Sverdrup claimed at the Constituent Assembly that Judaism allows Jews to deceive non-Jews, they echo one of the numerous anti-Jewish “secrets” and slanders that orientalist Johann Andreas Eisenmenger collected in his voluminous *Entdecktes Judentum* (1700).²³

During the *Grattenaue-Kontroverse* in 1803–1805, sparked by the publication of jurist Karl Wilhelm Friedrich Grattenaue’s *Wieder die Juden*, Eisenmenger’s work received a renaissance, and the poisonous language reached new levels.²⁴ In 1803, N. Wergeland completed his degree in theology at the University of Copenhagen but continued his studies, and Sverdrup came to Copenhagen to start teaching Greek. They were both influenced by Daniel Gotthilf Moldenhawer, professor of theology and chief librarian.²⁵ He had studied the history of the Inquisition in Spain and come to the conclusion that Jews should not be integrated in a Christian society. Harket argues that Moldenhawer’s anti-Jewish stance was bolstered during the *Grattenaue-Kontroverse*.²⁶

Some sixty publications emerged during this controversy, among them *Moses und Jesus* by Friedrich Buchholz (1803), a writer and thinker at the intersection between history, political philosophy, and applied politics.²⁷ Buchholz was a late proponent of the Enlightenment, an early proponent of liberalism, and not at all a proponent of romanticism. He was also a supporter of Napoleon, an admirer of Machiavelli, and a denigrator of the Jews. As we will see, he became an important figure for Falsen.²⁸ Ten years after the publication of *Moses und Jesus*, a Danish translation sparked a great public controversy about Jews and Judaism in Denmark known as “the literary Jewish feud,” a name that distinguishes it from the violent riots of “the physical Jewish feud” in 1819–1820.²⁹

Falsen spent eleven years of his childhood and youth in Copenhagen but returned to Norway in 1802 upon completing his law degree. He was an active reader in the sense that he read a lot, but also in the sense that he took extensive notes and prepared his own writings. In addition to those mentioned above, he read and quoted the Bible, Josephus, Tacitus, Eusebius, Voltaire, Herder, Schiller, Schelling, and many others. He was concerned with universal history and constitutional theory and practice. Like

22 Michaelis, *Mosaïsches Recht*, 6 vols. (Frankfurt am Main: Garbe, 1770–1775).

23 Eisenmenger, *Entdecktes Judentum*, 2 vols. (Frankfurt am Main, 1700).

24 Grattenaue, *Wider die Juden: Ein Wort der Warnung an alle unsere christliche Mitbürger* (Berlin: Schmidt, 1803).

25 Harket, “Ban on Jews,” 53–55.

26 Harket, *Paragrafen*, 221–53.

27 Buchholz, *Moses und Jesus oder über die intellektuelle und moralische Verhältniß der Juden und Christen: Eine historisch-politische Abhandlung* (Berlin: Unger, 1803).

28 On the affinity between the two, see Iwan Michelangelo D’Aprile and Håkon Harket, “Constitutional Discourse and Anti-Judaism: Friedrich Buchholz and Christian Magnus Falsen,” in Hoffmann, *Exclusion of Jews*, 67–101.

29 See, e.g., Therkel Stræde, “The ‘Jewish Feud’ in Denmark 1813,” in Hoffmann, *Exclusion of Jews*, 103–20; Ulvund, *Religious Otherness*, 85–89.

many of his contemporaries, he read a number of journals, including, among others, *Europäische Annalen*, where Buchholz was a frequent contributor from 1804, and *Journal für Deutschland*, established by Buchholz in 1815. In 1817, Falsen started publishing the weekly *Den Norske Tilskuer* (*The Norwegian Spectator*), in which Buchholtz initially was the only international contributor. Moreover, he published several books, including a “catechism” teaching the Norwegian Constitution through questions and answers, and drafted several works that were never published.³⁰ He left behind thousands of pages of handwritten manuscripts, including, for example, six volumes of notes for a world history in Latin.

5. The Norwegian Legislator on the Jewish Legislator

Among Falsen’s unpublished manuscripts, Harket found the one-hundred-page essay “Moses, eller Hebræerne til deres Tilbagekomst til Canaan” (“Moses, or the Hebrews until Their Return to Canaan”). It is written on bound folio sheets of rough paper (33.3 cm × 20.6 cm). There are usually twenty-five or twenty-six lines per page, and the body text covers roughly the left half of each page. The extensive right margins are mostly blank but occasionally contain corrections, additions, or notes. The essay is divided into an introduction and forty-five chapters and represents a rewriting of biblical history from Abraham until the conquest of the land of Canaan, interspersed with Falsen’s thoughts and comments, followed by discussions of the customs of the “Hebrews” and the laws of Moses. It was clearly intended for publication, but apparently, nobody read it for almost two hundred years until Harket picked it up in the archives of the University of Bergen Library, deciphered the handwriting as far as possible, and scrutinized the content.³¹ Subsequent to Harket’s work, high-quality photographs have become available but no critical edition.

Unfortunately, the essay is not dated. Harket contends that it must have been written no earlier than the autumn of 1812 and before *Haandbog i den gamle Historie* (*Handbook in Ancient History*), which is dated April 3, 1817 in the preface. For several reasons, including the extensive use of *Moses und Jesus* by Buchholz, he suggests that it was composed in 1813 alongside the literary Jewish feud in Denmark.³²

In “Moses, eller Hebræerne,” Falsen makes some claims about the ancient Hebrews that closely correspond to claims made about contemporaneous Jews at the Constituent Assembly, notably, that they cannot be loyal citizens in a state that is not their own, and that their religion infuses hatred toward non-Jews. This tone is already set in the first lines of the introduction, where Falsen provides reasons for granting the Jews a prominent place in history:

30 Christian Magnus Falsen, *Norges Grundlov gennemgået i Spørgsmål og Svar* (Bergen, 1819).

31 See Harket, *Paragrafen*, 346–63. I am deeply indebted to him for sharing from his transcriptions. My translation is based on these transcriptions.

32 Harket discusses the dating of “Moses, eller Hebræerne” in a two-page-long note, originally n. 479 on pp. 425–27, but in a later reprint n. 484 on pp. 423–25.

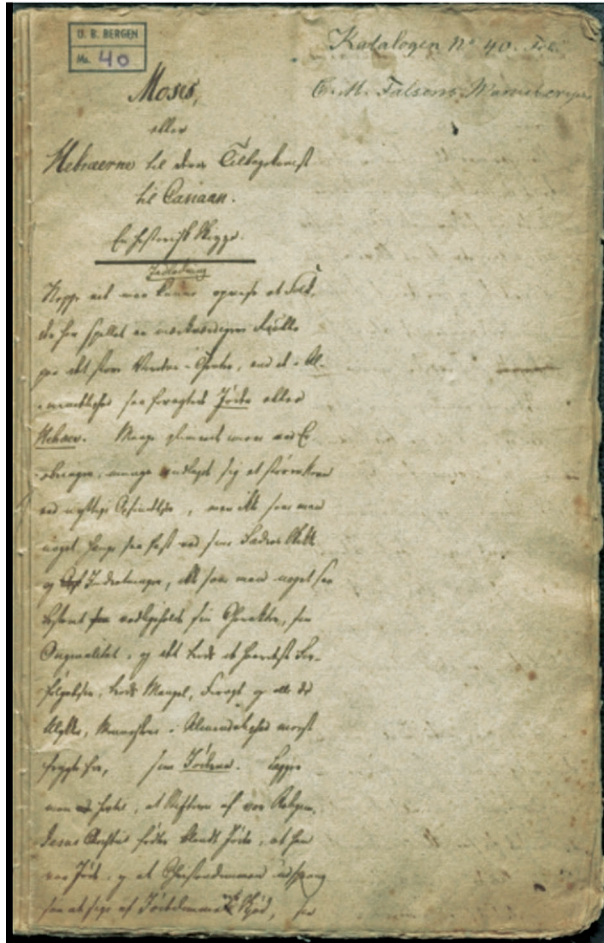


Figure 7. Falsen, “Moses, eller Hebræerne,” 1 (introduction).

One will hardly be able to display a people who have played a more remarkable role in the great world theater than the despised Jew or Hebrew. Many excelled more through conquests, many made a greater name for themselves through useful inventions, but no one was seen to cling so firmly to the customs and arrangements of their fathers, no one was seen to maintain their character, their distinctiveness so resolutely, and that in spite of the harshest persecutions, in spite of want, contempt, and all the misfortunes that people in general fear, as the Jews.³³

As his second reason, he notes that “the founder of our religion, Jesus Christ, was born among Jews, that he was a Jew and that Christianity arose, so to speak, from the womb of Judaism.”³⁴ The main reason for studying Judaism, however, is Moses:

33 Falsen, “Moses, eller Hebræerne,” 1, line 7–20 (introduction). The underlining here and in subsequent quotations from the introduction is original.

34 Falsen, “Moses, eller Hebræerne,” 1, line 21–24 (introduction).

But it must be especially interesting to learn about the great man who forcibly tore the nation from the yoke of slavery, who, so to speak, raised it to become a nation, who formed them and gave them their constitution, which we still—however unfit it is to make Jews citizens of any other country, precisely because of their distinctiveness and stinginess—consider with admiration as a masterpiece—I mean Moses.³⁵

The next character to enter the stage is Falsen himself. He presents himself as a true son of the Enlightenment, a proponent of historical criticism rather than religious speculation: “I have considered the Hebrews and Moses merely historically.”³⁶ He returns to the same historiographical program in chapter 13, which is a brief reflection about the frictions and improbabilities in the Exodus story: “I recount history, and do not delve into theology.”³⁷ He is, however, not totally faithful to this program. Admitting that some readers may take offence from his purely historical approach, he makes a concession and allows himself to include “a few words about my faith.”³⁸ He then hesitantly and apologetically addresses his own religious beliefs in very general terms, mentioning “the Highest Being,” the immortality of the soul, divine retribution,³⁹ and morality. At this point, it is as if he regains his self-confidence:

If I act according to the regulations of the moral law, I believe that I can please God equally whether I am a Mohammedan, a heathen, a Catholic, or a Lutheran. I cannot, because Moses considered it necessary to instill in the Jews the belief that he was in immediate connection with the deity, persuade myself to blindly believe their writer at his mere word, no matter how great a respect I bear for him as a writer, as a legislator, and as a statesman. He hardly knew, that wise Egyptian, that their faith in his custom would last more than thirty-three centuries.⁴⁰

The last sentence is of particular significance. By referring to Moses as “Egyptian,” Falsen echoes Schiller and others and enforces a distinction between Moses and the Jews.⁴¹ The contrast between the admiration for Moses and the disdain for the Jews runs throughout the composition. Moses is praised as a clever legislator of Egyptian origin, who secured the loyalty of the people by means of persuasive monotheistic theology and laws that suited the poor nature of the people: “The Hebrews had to be ruled with fear. The God they were to obey and worship, had to be a terrible, a terrifying God, and that is how Moses portrayed him.”⁴²

These quotations demonstrate that Falsen’s rationalizing and demythologizing approach and deistic outlook sometimes trigger anti-Jewish outbursts. As we will observe below, this pattern is not prominent in the retelling of the Manetho account.

35 Falsen, “Moses, eller Hebræerne,” 2, line 4–10 (introduction).

36 Falsen, “Moses, eller Hebræerne,” 2, line 15–16 (introduction).

37 Falsen, “Moses, eller Hebræerne,” 29, line 26–27 (ch. 13).

38 Falsen, “Moses, eller Hebræerne,” 2, line 18–19 (introduction).

39 Falsen, “Moses, eller Hebræerne,” 3, line 19–23 (introduction).

40 Falsen, “Moses, eller Hebræerne,” 4, line 6–19 (introduction).

41 See Harket, *Paragrafen*, 183–91; “Harket, Ban on Jews,” 64.

42 Falsen, “Moses, eller Hebræerne,” 38, line 5–8 (ch. 17).

A comment on the use of sources is pertinent at this point: Falsen's "Moses, eller Hebræerne" represents a culture of referencing—or rather, nonreferencing—quite different from the academic norms of today: Extensive paraphrasing or even (what we would call) plagiarism was widespread. The main explicit sources for "Moses, eller Hebræerne" are the Pentateuch, Josephus, and *Mosaisches Recht* by Michaelis followed by Tacitus, Strabo, Voltaire, and Schiller. His main hidden source is *Moses und Jesus* by Buchholz.⁴³

After this general survey of Falsen's "Moses, eller Hebræerne," we now turn to Falsen's use of *Contra Apionem* by Josephus.

6. Manetho, Josephus, and Falsen

In *Contra Apionem*, Josephus quotes, paraphrases, exploits, and criticizes many authors, mostly from Hellenistic Egypt. The first extensive quotation is from the Egyptian priest Manetho, a third century BCE pioneer in conveying Egyptian history and lore in Greek language.⁴⁴ In Manetho's *Aegyptiaca*, Josephus claims to find evidence for the great antiquity of the Jewish culture: Manetho recounts that foreign intruders establish a harsh reign, fortified their positions, and established a capital in Egypt. They were called "Hykoussos," which allegedly means "king-shepherds" (*C. Ap.* 1.75–82). Moving from quotation to paraphrase, Josephus relates that after five hundred years of reign, the Hykoussos—or more commonly, Hyksos—were forced to leave Egypt and settle in Jerusalem in Judea (*C. Ap.* 1.83–90). By the time we get to Jerusalem, we understand Josephus's point: The Hyksos were the Hebrews! Josephus continues to substantiate his claim for Jewish antiquity by drawing more material from Manetho and establishing a chronology that puts the Jewish exodus from Egypt "somewhere close to 1,000 years" before the Trojan War (*C. Ap.* 1.104).⁴⁵ To be sure, modern Egyptology rejects this identification of the Hyksos as Israelites, but Josephus is not far off the mark: The Hyksos are commonly identified as the Fifteenth Dynasty during the Second Intermediate period (ca. 1650–1550 BCE), stemming from Levantine, West Semitic immigrants to Egypt.⁴⁶

What, then, would Falsen make out of this fragmentary account from Manetho through Josephus? Falsen turns to Manetho in chapter 14 as a digression after his record of the exodus from Egypt and the Israelites crossing of the sea:

43 See Harket, *Paragrafen*, 348.

44 See, e.g., Barclay, *Against Apion*, 335–37; Siegert, *Über die Ursprunglichkeit*, 2:41–47.

45 I quote *Contra Apionem* from Barclay's translation.

46 See, e.g., Salima Ikram, *Ancient Egypt: An Introduction* (Cambridge: Cambridge University Press, 2010), xviii, 90–91, 94–96; Janine Bourriau, "The Second Intermediate Period (c.1650–1550 BC)," in *The Oxford History of Ancient Egypt*, ed. Ian Shaw (Oxford: Oxford University Press, 2010), 185–95, <https://doi.org/10.1093/oso/9780198150343.003.0007>; Ana-Latifa Mourad, *Rise of the Hyksos: Egypt and the Levant from the Middle Kingdom to the Early Second Intermediate Period*, *Archaeopress Egyptology* 11 (Oxford: Archaeopress, 2015); Siegert, *Über die Ursprunglichkeit*, 2:72.

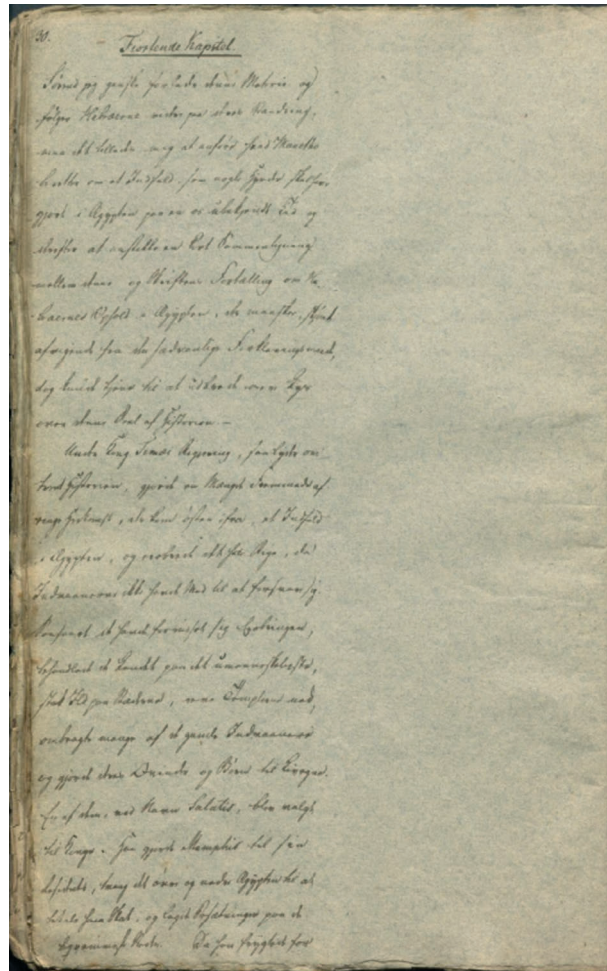


Figure 8. The introduction of Manetho in the beginning of chapter 14 (p. 30).

Before I leave this subject and follow the Hebrews along their journey, I allow myself to note what Manetho reports about the incursion that some shepherds allegedly did into Egypt at a time unknown to us, and thereafter open for a proper comparison between their and Scripture's story about the Hebrews' dwelling in Egypt, that might—despite departing from the common explanation—serve to illuminate their part of history.⁴⁷

Falsen read Josephus in Latin,⁴⁸ but his Latin text differs significantly from the critical edition by Karl Boysen (1852–1922).⁴⁹ The printed Latin versions of Falsen's

47 Falsen, "Moses, eller Hebræerne," 30, line 2–12 (ch. 14).

48 For Falsen reading Josephus in Latin, see Harket, *Paragrafen*, 348.

49 Boysen, *De Ioudaeorum Vetustate sive Contra Apionem*, vol. 6 of *Flavii Iosephi Opera ex versione latina antiqva*, CSEL 37 (Vienna: Tempsky, 1898).

days all depended on Sigismund Gelenius's (1497–1554) Basel edition from 1534, in which he frequently “improved” the Latin text based on comparisons with Greek manuscripts.⁵⁰ As we will see, Falsen's account from Manetho contains the names of two kings that represent such emendations.

To ease the comparison between Falsen's text and his source *Contra Apionem*, I have inserted the paragraph numbers of the latter. The observant reader will notice that Falsen skips over some paragraphs (*C. Ap.* 1.79, 83–84) and abbreviates and merges others. In a few cases, I have attempted to improve Harket's transcription after checking Falsen's handwriting against Josephus's text (in Greek and Latin). These readings of mine are italicized. In some cases, I have inserted words or phrases in brackets based on Josephus's text, but without being able to discern these words in Falsen's handwriting. In other cases, I have kept lacunae in the transcription or replaced uncertain readings with lacunae. To provide a sense of how Falsen's manuscript proceeds, I have indicated the page breaks.

(75) During the reign of King *Timaus*,⁵¹ so the story goes,⁵² a multitude of foreigners of humble descent, coming from the east, made an incursion into Egypt, and *conquered* half the kingdom, as the inhabitants lacked courage to defend themselves. (76) As soon as they had secured the conquest, they treated the land in the most inhuman way, *set the cities* on fire, tore down the temples, deported many old inhabitants and enslaved women and children. (77) One of them, called *Salatis*, was elected king. He made Memphis his [*residence*], forced Upper and Lower Egypt to pay him tax, and established settlements at the [*strategic*] *places*. Since he feared from (p. 31 in MS) Assyrian attacks, he populated the eastern regions, (78) particularly *the city of Auaris* at the [*eastern*] channel, which he *reconstructed* and manned with 240,000 men. (80–81) After *Salatis*, five more kings followed and together with him ruled for 259 years⁵³ and used all their efforts to suppress and displace the Egyptian people. (82) The Egyptians called these kings “*Hyksos*” or “shepherd kings.” (85) Finally, the kings of Thebais and the rest of Egypt *united* to do away with the kingdom, and after a [*great*] and extended war, (86) King *Alisfragmuthosis*⁵⁴ succeeded in driving them out of the rest of Egypt and isolating their [*city of*] *Auaris*. (87) The shepherds fortified themselves [*there*], so Manetho . . . tells, by constructing a high and strong wall, to bring there [*everything*] that they [*owned, and*] their plunder in [*safety*]. (88–89) When the Egyptians . . . could not take control over them, so they agreed to such a [*treaty*], that the shepherds should immediately leave Egypt with all the belongings. They departed,

50 Cf., e.g., David B. Levenson and Thomas R. Martin, “The Ancient Latin Translations of Josephus,” in *A Companion to Josephus*, ed. Honora Howell Chapman and Zuleika Rodgers (Chichester: Wiley Blackwell, 2016), 331, 334, <https://doi.org/10.1002/9781118325162.ch21>. I have consulted Gelenius, *Flavii Iosephi Operum*, 3 vols. (Lyon: Gryphius, 1555).

51 Falsen's handwriting is ambiguous. Harket reads “Timoi” and I read “Timai,” which I take for the genitive of “Timaus.” This reading corresponds to Gelenius, *Flavii Iosephi Operum*, 3:639, and to Τιμαος and Τιμαος in Greek manuscripts. Cf. Barclay, *Against Apion*, 52; Siegert, *Über die Ursprünglichkeit*, 1:109. Boysen, *De Ioudaeorum Vetustate*, 18, renders “Honorabile nomen.”

52 This phrase replaces the following sentence by Josephus: “I don't know why, a God whipped up a hostile storm.” In this case, Falsen demythologizes his source without any anti-Jewish slant.

53 Josephus provides name and reign of all these kings. The reigns indeed add up to 259 years.

54 This name is identical to that of Gelenius, *Flavii Iosephi Operum*, 3:641, and corresponds to Ἀλισφραγμαούθωσις in Greek. Boysen, *De Ioudaeorum Vetustate*, 20, renders *Alisfragmuthos*.

240,000 men, and went through the desert to Syria, (90) but since they were afraid of the Assyrians, who at that time controlled Asia, they built a city in Judea, large enough for them and their families to live there, and called it Jerusalem.

That Josephus, by citing this account of Manetho, (p. 32 in MS) assumes these shepherds and the Hebrews to be the same people is beyond doubt, and although this hypothesis of his has been dismissed by most people because it does not agree with the Holy Scripture, I dare to assert that it will not only be found to agree with sound *criticism*,⁵⁵ but also with the Scripture itself, miracles excluded.⁵⁶

With this rationalist (but yet again not anti-Jewish) comment, we have reached the end of chapter 14 and proceed to chapter 15: Falsen notes that the Jewish-Hellenistic writer Artapanus from Alexandria (second century BCE) provides “traces of evidence that the shepherd kings, whom he considers to be Arabs, ruled in Egypt” at the time of Jacob and Joseph.⁵⁷ These “traces” are left behind by the nomadic group that brought Joseph to Egypt: Since nomads are shepherds, and since Joseph by the help of these Ishmaelite shepherds ended up at the royal court, the rulers of Egypt at that time “were, if not Hebrews, so at least shepherds, made up of Hebrews and several related nomadic peoples.”⁵⁸ Falsen claims that this hypothesis will “illuminate this part of the story,” because it explains well why Joseph could ascend to power so quickly.⁵⁹ In Falsen’s view, his hypothesis is far more plausible than the biblical account. He notes laconically:

It is harder to understand how he, a simple slave, a despised . . . , could, by interpreting some dreams, manage to gain the upper hand over the Egyptian priesthood.⁶⁰

If Falsen’s historical reconstruction fails to impress the present-day reader, his ability to move swiftly from the Manetho fragment in *Contra Apionem* (1.75–90) to the Artapanus fragment in Eusebius’s *Praeparatio Evangelica* (1.23) is indeed impressive. Moreover, we have noted that Falsen’s authorial comments in these two chapters have generally been about historical criticism rather than anti-Judaism. The story of

55 Falsen wrote “sound sense,” which is the Norwegian idiom for “common sense,” but crossed out the latter word and wrote “criticism” above.

56 Falsen, “Moses, eller Hebræerne,” 30–32, from line 13 to line 10 (ch. 14).

57 Falsen, “Moses, eller Hebræerne,” 32, line 14–16 (ch. 15). For the fragments of Artapanus, see, e.g., Carl R. Holladay, *Historians*, vol. 1 of *Fragments from Hellenistic Jewish Authors*, SBLTT 20 (Chico, CA: Scholars Press, 1983), 189–243; John Collins, “Artapanus (Third to Second Century BC): A New Translation and Introduction,” in *Expansions of the “Old Testament” and Legends, Wisdom and Philosophical Literature, Prayers, Psalms and Odes, Fragments of Lost Judeo-Hellenistic Works*, ed. James Charlesworth, vol. 1 of *The Old Testament Pseudepigrapha* (London: Darton, Longman & Todd, 1985), 889–903; Collins, “Artapanus Revisited,” in *From Judaism to Christianity: Tradition and Transition; A Festschrift for Thomas H. Tobin, S.J., on the Occasion of His Sixty-fifth Birthday*, ed. Patricia Walters, NovTSup 136 (Leiden: Brill, 2010), 59–68, <https://doi.org/10.1163/ej.9789004187696.i-336.22>.

58 Falsen, “Moses, eller Hebræerne,” 33, line 5–7 (ch. 15).

59 Falsen, “Moses, eller Hebræerne,” 33, line 8–9 (ch. 15).

60 Falsen, “Moses, eller Hebræerne,” 33, line 20–24 (ch. 15).

the cruel and violent shepherd kings, however, speaks much louder than the authorial comments. Despite its compromising character, Josephus found it necessary to include the material from Manetho, because he had no alternative Egyptian evidence for Jewish antiquity.⁶¹ Why, then, did Falsen pick up Manetho's account and insert it within his retelling of the book of Exodus? One answer would be that Falsen chose to include this material precisely because of its damaging character. It seems more likely, however, that at this point, Falsen's main concern was to enhance his retelling of the biblical narrative by introducing prestigious historians and engaging in historical criticism. Another factor may be the attraction of ancient Egypt, which arguably has contributed to the Manetho account being one of the most cited parts of *Contra Apionem*.⁶² This attraction was extra vivid during the Enlightenment, and Schiller invested in Manetho before Falsen did.⁶³

If Falsen was looking for compromising representations of the Jewish tradition, *Contra Apionem* could provide plenty of material, and to this we will now turn.

7. Imagining Reading *Contra Apion* with Falsen

In his commentary on *Contra Apionem* (2007), John Barclay explores five different "reading options" or "reading stances": (1) that of a contemporaneous Roman or Romanized audience; (2) that of a contemporaneous Jewish audience; (3) the reception by the early church; (4) the reception by modern scholarship; and (5) Barclay's own postcolonial reading. Along similar lines, I will briefly discuss how *Contra Apionem* would resonate with Falsen and like-minded intellectuals at the beginning of the nineteenth century.

First, Falsen would probably accept and appreciate Josephus's overall argument for Jewish antiquity in the first main part of the treatise (*C. Ap.* 1.6–218), but he might have disliked the quite widespread anti-Greek bias: Josephus's sharp criticism of Greek historiography (*C. Ap.* 1.6–27) and his confident argument for the superiority of ancient Egyptian, Mesopotamian, and Phoenician, and—by extension—Jewish historiography. Moreover, Falsen would certainly not be convinced by Josephus's extensive refutation of anti-Jewish slanders in the second main part of the treatise (*C. Ap.* 1.219–2.286), particularly not Josephus's bold promotion of the Jewish culture in the second half of the second volume (*C. Ap.* 2.145–296). He could, however, turn Josephus's praise of the Jewish tradition upside down. For example, Josephus proudly and repeatedly claims that Jews stand out by their law-abidance (e.g., *C. Ap.* 1.190–192; 2.156, 169–179, 220–235); Falsen would condescendingly interpret this as yet another demonstration that Jews "cling firmly to the customs and arrangements of their fathers" and "maintain their character, their distinctiveness so resolutely."⁶⁴

61 Barclay, *Against Apion*, 50–51.

62 Barclay, *Against Apion*, 48.

63 Håkon Harket, "Etterskrift til Paragrafen," framing essay (PhD diss., University of Bergen, 2015), 22; Harket, *Paragrafen*, 187–88.

64 Cf. Falsen, "Moses, eller Hebræerne," 1, line 14–17 (introduction).

Falsen would clearly concord with several of the anti-Jewish slanders that Josephus wishes to refute, for example the charges that Jews are “misanthropes” and “the only ones to have contributed no invention of use to human life” (*C. Ap.* 2.148; cf. 2.135). We have already encountered Falsen’s disparagement of Jewish law-abidance and his charge of uninventiveness in the introduction to the essay. It is hard to know to what extent Falsen may have picked up such phrases directly from *Contra Apionem*. If he did, there is reason to believe that he was already familiar with these motifs from elsewhere.

Finally, for Josephus, Moses is not a medium of a divine law but the great and genius legislator (*C. Ap.* 2.75, 145–147, 153–156, 161, 209, 237, 257, 286). To be sure, an active and competent legislator and a passive and remote God sit well with the dominant theology of the Enlightenment, and Falsen indeed expresses such an understanding in the introduction quoted above.

8. An Enlightenment Exploitation of Josephus

As mentioned, Josephus praised the Jewish laws and the law-abidance of the Jews as proof of the excellence of the Jewish tradition. Moses Mendelssohn, the great Jewish philosopher of the Enlightenment, made a similar case for the Jewish laws. Whereas Immanuel Kant and other contemporaneous philosophers dismissed Judaism as primitive superstition and destructive to society, Mendelssohn argued that Judaism is compatible with and even a resource for Enlightenment and modernity, and he subtly suggested that a religion based on laws could hardly be inferior to a religion demanding conversion and belief in dogmas.⁶⁵ Despite his appeal to enlightened reason and individual freedom, his arguments were dismissed by his Christian colleagues. When Falsen mobilizes Josephus and *Contra Apionem* for the claim that the Jewish laws prove the lowliness of the Jewish people and that they are incompatible with the Christian larger society, he turns the main argument of *Contra Apionem* upside down. In doing so, Falsen provides an Enlightenment adaptation of the most long-enduring Christian abuse of Josephus: When commemorating the fall of Jerusalem and its temple by reading from Josephus’s *Bellum Judaicum* on the tenth Sunday after Trinitatis, this disaster was interpreted as God’s chastisement of the Jewish people for clinging to the Mosaic law and rejecting Jesus Christ.⁶⁶ For Josephus, on the other hand, the fall of Jerusalem and the temple happened because a small group of

65 See, e.g., Willi Goetschel, “Enlightenment,” in *The Modern Era*, ed. Martin Kavka, Zachary Braiterman, and David Novak, *Cambridge History of Jewish Philosophy 2* (Cambridge: Cambridge University Press, 2012), 64–67, <https://doi.org/10.1017/CHOL9780521852432.003>; Leora Batnitzky, *How Judaism Became a Religion: An Introduction to Modern Jewish Thought* (Princeton: Princeton University Press, 2011), 13–31.

66 See, e.g., Eivor Andersen Oftestad, “‘Who Can Approach Our Jerusalem without Weeping?’ The Destruction of Jerusalem in Danish Sources, 1515–1729,” in *The Chosen People: Christian Cultures in Early Modern Scandinavia (1536–ca. 1750)*, ed. Eivor Andersen Oftestad and Joar Haga, vol. 2 of *Tracing the Jerusalem Code* (Berlin: de Gruyter, 2021), 235–57, <https://doi.org/10.1515/9783110639452-013>.

Jewish rebels revolted against Rome and polluted the temple, thereby invoking divine wrath.⁶⁷

Whereas the zealous priest Josephus had been concerned with the scrupulous observance of the laws, his Christian users charged the Jews with failing to abandon those laws in favor of Christian faith.⁶⁸

9. Concluding Reflections

As noted at the beginning of this chapter, I was intrigued to learn that Falsen—the “father of the constitution”—had been reading *Contra Apionem* some 180 years before I started reading it. At the same time, I was and still am appalled by his anti-Jewish outlooks as they emerge in the introduction and numerous other places. My takeaway, however, from a closer examination of his engagement with Manetho and Josephus as well as Artapanus through Eusebius, is an appreciation of human complexity: In addition to his blatantly anti-Jewish stance, Falsen displays great knowledge and a charmingly naïve and immature enthusiasm on behalf of historical criticism. It may serve as a reminder that reading and interpreting ancient sources are always dependent upon cultural and hermeneutical horizons, and that the use of these sources to bolster current concerns—be they political or educational—is not always a virtuous enterprise.

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67 See, e.g., Steve Mason, *Josephus and the New Testament*, 2nd ed. (Peabody, MA: Hendrickson, 2002), 9–24.

68 Mason, *Josephus and the New Testament*, 20.

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