

Theology on the Web.org.uk

Making Biblical Scholarship Accessible

This document was supplied for free educational purposes. Unless it is in the public domain, it may not be sold for profit or hosted on a webserver without the permission of the copyright holder.

If you find it of help to you and would like to support the ministry of Theology on the Web, please consider using the links below:



Buy me a coffee

<https://www.buymeacoffee.com/theology>



PATREON

<https://patreon.com/theologyontheweb>

[PayPal](#)

<https://paypal.me/robbradshaw>

A table of contents for *Bibliotheca Sacra* can be found here:

https://biblicalstudies.org.uk/articles_bib-sacra_01.php

ARTICLE VII.

PROFESSOR LOFTHOUSE AND THE CRITICISM
OF THE PENTATEUCH.

BY HAROLD M. WIENER, M.A., LL.B., OF LINCOLN'S INN,
BARRISTER-AT-LAW.

II.

By the courtesy of the Editor I have been able to see a copy of Professor Lofthouse's article in proof. In replying to it I shall endeavor to follow his order as far as possible, but as he has dealt with most of the subjects in numbered sections, I think it will be convenient for our readers that I should retain the same numbers in my reply. This makes it necessary for me to deal with the divine appellations last, since they are not included in his numbers, and accordingly I must make them (7).

Before, however, starting on these sections, I must draw attention to one matter of the utmost gravity. I ventured to conclude my July article with an appeal to Lofthouse "to make a serious study of the writings of the conservatives." "Common sense" — I added — "as well as common fairness should warn him that it is wrong to criticize what he has not read, and that persistence in this course is as little likely to advance scholarship as to add to his reputation." It is of course for each individual higher critic to decide what his controversial methods shall be. If, in the opinion of his opponents, his methods are not what they might be, their remedy is to expose them and draw the attention of the pub-

lic to the higher critical tactics. I shall have occasion repeatedly to advert to Lofthouse's steady ignoring of the conservative writings, and at this stage I feel that I ought at once to direct attention to one very grave instance of his methods. He says: "Mr. Wiener further writes as if, on the view of a post-exilic P, all that was said of the tabernacle in that document was intended to be understood as referring to the second temple. Who has ever suggested this?" I will content myself with four answers, but in giving them I deliberately cite the critical representations from conservative writings where they are quoted. "Who has ever suggested this?" (1) Wellhausen, on pages 36-37 of the English Translation of the Prolegomena, cited on page 165 of Orr's "Problem of the Old Testament" (a book which Lofthouse professes to have read and considered), says: "The temple, the focus to which the worship was concentrated, and which was not built until Solomon's time, is by this document regarded as so indispensable even for the troubled days of the wanderings before the settlement, that it is made portable, and in the form of a tabernacle set up in the very beginning of things. *For the truth is, that the tabernacle is the copy, not the prototype, of the temple at Jerusalem*" (my italics. H. M. W.). (2) Wellhausen on page 125 of the same book, cited on pages 240 f. of my "Pentateuchal Studies" (a book which Lofthouse professes to have read and considered), says: "The former [i.e. the sons of Aaron] are priests of the tabernacle, the latter of the temple; *but as in point of fact the only distinction to be drawn between the Mosaic and the actual central sanctuary is that between shadow and substance, so neither can any other be made between the Mosaic and the actual central priesthood*" (my italics. H. M. W.). (Parenthetically I may remark that Wellhausen is the leader

of the school of critics that bears his name and is practically the author of the current higher critical theory which Lofthouse supports.) (3) Lofthouse, in a passage quoted by me from his "Ezekiel" at page 480 of the July BS in the article to which he professes to be replying, writes: "*We even find that ancient history has been rewritten in accord with the religious views of this body of law. It is difficult to imagine when this code could have been obeyed, except after the return from Babylon, or when it could have been composed, except during and after the exile*" (my italics. H. M. W.). (4) Lofthouse, in the course of the very article in which he asks this question, says (p. 109): "As for the alleged unsuitability of the code to the post-exilic period, it has often been pointed out that the code in which all social and national interests are subordinated to that of religion, and in which the society contemplated is not a nation but a church, *is suited to no period in the history of Israel save that in which political independence had been lost* [my italics. H. M. W.] and the one social bond was the common religious conviction and practice." And on page 96 he says of the tabernacle that the priestly writers "idealized" it "into a glorified structure, *surrounded with the taboos or prohibitions with which the temple itself and the priesthood were encompassed*" (my italics. H. M. W.), and speaks of the Levites as a "post-exilic order."

In the light of these five passages, which of course could be multiplied indefinitely from other writings, I ask my readers to consider carefully Lofthouse's remark: "Mr. Wiener further writes as if, on the view of a post-exilic P, all that was said of the tabernacle in that document was intended to be understood as referring to the second temple. Who has ever suggested this?" If language has any meaning at all,

Lofthouse intends to convey to his readers that neither he nor any other critic of standing has suggested this; whereas, in truth and in fact, he himself, Wellhausen, and others had definitely stated it and are still stating it, and the conservatives had duly pointed this out in writings he professes to have considered. "Is it impossible for a legislator composing a code in one period of history to embody in it provisions which have been known and obeyed from a much earlier time?" (p. 95). Of course not; but one does not convey such a meaning by asserting that "it is difficult to imagine when this code could have been obeyed, except after the return from Babylon, or when it could have been composed except during and after the Exile." Either Lofthouse is capable of seeing that he is in hopeless contradiction with his own utterances or he is not. If the former, it is his plain duty to withdraw from a position that he now sees to be untenable. If the latter, the public will draw their own inferences. In any case they will watch to see what course he takes.

The point itself — whether the priestly legislation was or was not composed during or after the exile and acted on for the first time in the post-exilic period — will call for consideration in due course, for it is one of the most fundamental of all critical questions, but I have no wish to take it out of its turn. My object has been to throw clear light on Lofthouse's methods at the outset, and not to forestall the later discussion. I now come to his numbered sections.

1. As to cairns. In his introductory remarks he states that in the *London Quarterly Review* for last January he "was allowed a brief reply, showing that Wellhausen's 'lay altars,' or cairns, are unmentioned in Dt." This is not so. Lofthouse did *not* make this point, and consequently I did not reply to it. The point is answered in the sixth chapter

of my EPC, which I have repeatedly pressed him to study carefully, and there, and elsewhere, I have constantly referred to Deut. xvi. 21 (see Carpenter and Driver *ad loc.*, EPC, pp. 192 f.) and to the Deuteronomic passage Josh. ix. 23. I really do not know how Lofthouse is to be induced to study that chapter, and until he does so, he will not grasp the truth. But in the July number I pointed out that Lofthouse himself recognized two kinds of altars—cairns and permanent sanctuaries. He had admitted—and he now repeats the admission—that there were differences in material and construction. So far, so good. He now continues: “The fact is that until Josiah’s reforms, both laymen and priests sacrificed at cairns or earthen altars, and that priests sacrificed also at permanent shrines.” That is a further step in advance. But how comes it that he has not answered the questions I put to him on page 477 of the July number? I repeat them: “Remembering on the one hand such historical examples of the cairn altar as Manoah’s rock and Saul’s altar after Michmash, and on the other the horned altars of David and Solomon, let us invite Lofthouse to explain to what Exodus xxi. 14 refers, ‘thou shalt take him from mine altar, that he shall die.’ Does he contend that that was a cairn altar? Or would, e.g., a cattle thief be able after stealing sundry herd of cattle to sacrifice one at a mound of earth or stones and then contend that such an altar was a ‘sanctuary,’ and that he could take refuge at it? Or does the professor suppose that such altars ever had priesthoods? Or was it for such an altar that the Gibeonites were to hew wood and draw water (Josh. ix. 27)? Or could the first ripe fruits of Exodus xxiii. 19, xxxiv. 26, be brought to it?” What has Lofthouse to say to this? Then he goes on: “Mr. Wiener himself recognizes that lay sacrifices disappeared after the Exile.

Does he not see that the cairns, where lay sacrifices had been permitted, came to an end with Josiah in 623 B.C. (2 Kings xxiii. 13 ff.)?" No, Mr. Wiener does not; and in order that his readers may have an opportunity of judging the matter he quotes 2 Kings xxiii. 13-20:—

"13 And the high places that were before Jerusalem, which were on the right hand of the mount of corruption, which Solomon the king of Israel had builded for Ashtoreth the abomination of the Sidonians, and for Chemosh the abomination of Moab, and for Milcom the abomination of the children of Ammon, did the king defile. 14 And he brake in pieces the pillars, and cut down the Asherim, and filled their places with the bones of men. 15 Moreover the altar that was at Beth-el, and the high place which Jeroboam the son of Nebat, who made Israel to sin, had made, even that altar and the high place he brake down; and he burned the high place and stamped it small to powder, and burned the Asherah. 16 And as Josiah turned himself, he spied the sepulchres that were there in the mount; and he sent, and took the bones out of the sepulchres, and burned them upon the altar, and defiled it, according to the word of the Lord which the man of God proclaimed, who proclaimed these things. 17 Then he said, What monument is that which I see? And the men of the city told him, It is the sepulchre of the man of God, which came from Judah, and proclaimed these things that thou hast done against the altar of Beth-el. 18 And he said, Let him be; let no man move his bones. So they let his bones alone, with the bones of the prophet that came out of Samaria. 19 And all the houses also of the high places that were in the city of Samaria which the kings of Israel had made to provoke the Lord to anger, Josiah took away, and did to them according to all the acts that he had done

in Beth-el. 20 And he slew all the priests of the high places that were there, upon the altars, and burned men's bones upon them; and he returned to Jerusalem."

It will be seen that there is no reference whatever to lay cairns. It is not suggested, e.g., that it would be wrong to let a Naaman have some earth (2 Kings v. 17), because he desired to sacrifice to the Lord. What is suggested is that high places devoted to the worship of other gods and sanctuaries that were intended to rival Jerusalem were illegal. Of lay cairns there is no word or hint. That Deuteronomy does not forbid these cairns categorically (as Lofthouse asserts) is plain from the recognition they receive in Deut. xvi. 21 and Josh. ix. 23. That our text of Deut. xii. is far removed from the original is amply shown by the extant variants, and it is difficult to say exactly how the original ran (see especially BS, Jan. 1915, pp. 110 f.). Then Lofthouse asks: "How could P, laying down its minute regulations for its sacrificial system, have entirely neglected a whole class of sacrifices, offered, as Mr. Wiener supposes, by irresponsible laymen, whenever they might chance to officiate at a wayside cairn?" The answer, which I have discussed at length in the sixth chapter of EPC, a careful study of which I must once more impress on Lofthouse as necessary, is simple enough. P is dealing with the sacrificial system at the permanent shrine, and does not deal with the wayside cairn sacrifices (regulated elsewhere, as I have shown, EPC, pp. 180 f.), except in cases where they degenerated into idolatrous worship (Lev. xvii.). Its basis is, "*if* a man bring near a sacrifice." It was not concerned with sacrifices which by the established custom were *not* brought near. There was no more occasion to deal with them than there would be to treat of domestic prayers in an ordinance relating to public service

in church. Lofthouse himself wrote: "It is true that a large part of P is a manual for sacrifice at the house" (LQR, Jan. 1915, p. 132). He has now conceded that wayside cairns are different from permanent shrines, and these two admissions together dispose of his earlier contentions.¹

Lofthouse next deals with Ex. xxi. 6, the boring of the slave's ear, and for some obscure reason says that my sense of humor seems to have led me astray. "There is nothing in the passage pointing definitely either to cairns or the sanctuary." That is true, but it has taken me eleven years to get this public admission from Lofthouse. I have before quoted to him Carpenter's argument that this *does* deal with the sanctuary, — an argument on which he relies, amongst others, to establish the Wellhausen case. I will now quote the footnote on page 187 of EPC: "I have repeatedly pointed out that the confusion engendered by the word 'sanctuary' reaches its climax in the writings of such authors as Driver and Robertson Smith. The latter writes: 'The local sanctuaries were the seat of judgment, and so in the language of S [so he designates this 'source'] to bring a man before the magistrates is to bring him "to God" (Exod. xxi. 6; xxii. 8, 9, Heb.)' (Additional answer to the libel, p. 74.) It is well known that 'the seat of judgment' was the gate of the city, not a lay altar: and it is tolerably obvious that the door or doorpost presupposed by Exodus xxi. is lacking to a stone or mound, albeit present in a gate. The stoutest opponents of the higher critics would have thought it impossible that they should be so hopelessly incompetent as to be unable to distinguish a mound and a house, and that merely because

¹ On the cessation of lay sacrifice I am delighted to be able to refer now to the excellent discussion on pp. 61 and 62 of Van Hoonacker's *Communauté Judéo-Araméenne* (Milford, 1915).

they had called both these objects 'sanctuaries'; but, unfortunately, the facts admit of no doubt. It is never wise in matters legal or historical to call a spade a sanctified excavatory implement." The true meaning of the law was explained by me on pages 25 ff. of my "Studies in Biblical Law"; and if Lofthouse had read that discussion (to which I carefully referred him in the April LQR), he would know that the only meaning the expression can have from a legal point of view is "the judges." I may add that, since I have been studying the alteration of baal into other words, it has occurred to me as a possibility that Elohim has here, and in some other passages, been substituted for *baalim* "burghers" (see e.g., Judges ix.). As to Lofthouse's suggestion that it is to be understood of the *penates* or household gods, there are two glaring impossibilities — the one religious and psychological, the other legal.

In the Pentateuch there is only one reference to household gods. That is in the narrative of Rachel's theft of Laban's divinities, and these potent godheads are held up to ridicule by being literally sat upon. That a ceremony should be commanded to be performed in their presence is ridiculous on the face of it, but the argument does not stop there. The neighboring legislation (all of which is assigned by the critics to JE or J or E) contains the following: "Thou shalt have none other gods before me. Thou shalt not make unto thee a graven image, nor the likeness of any form that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; thou shalt not bow down thyself to them, nor serve them" (Ex. xx. 3 f.). "Ye shall not make with me gods of silver or gods of gold" (ver. 23). "He that sacrificeth unto any god, save unto the Lord only, shall be utterly destroyed" (xxii. 19 (20)). "And in all things that

I have said unto you take ye heed; and make no mention of the name of other gods, neither let it be heard out of thy mouth" (xxiii. 13). To suggest that such a legislation contains a command to deal with household gods can scarcely be thought to be within the limits of critical sanity.

The second reason is legal. I have shown in my SBL the true intent of such ceremonies in the light of our knowledge of the problems that confronted early legislators and their solution, and anybody who will take the trouble to study that will see that household gods — who could judge nothing and give no evidence — are legally out of the question.

The fact, therefore, is, that, so far from having been led astray by my sense of humor, I have rendered the view of Kuenen, Robertson Smith, Carpenter, and others so untenable that even Lofthouse no longer pretends to support it, and is driven to a choice between the contention I have always upheld and a wild theory which could never commend itself for an instant to any thinking man. When he says that Dt. xv. 16, 17, "shows that the door of the master's own house is in mind," he is simply reading into the passage something that is not there. As I have shown in SBL, there is no discrepancy on this matter between Exodus and Deuteronomy.

As Lofthouse cites Kent's "Israel's Laws and Legal Precedents," I refer my readers to my exposure of this book on pages 97-131 of the BS for January, 1908. I may add that one of the foremost living authorities on comparative ancient law wrote to me, saying, that Kent's book was, in fact, "very disgraceful." If Lofthouse chooses to use and recommend this "very disgraceful" book, he shall not be able to say truthfully in the future that he did so without warning.

2. In the middle of the contentions which constitute his second section, Lofthouse asks for my views as to Chron-

icles. It will be easier to treat the remaining matters intelligibly if I first clear the ground by dealing with this question. In a chapter of PS which I have often pressed Lofthouse to read, the following occurs: "It is to be observed that the Chronicler himself twice refers to a 'Midrash' as an authority. The following extract from the article 'Midrash' in the 'Jewish Encyclopædia' throws some light on the meaning of this expression:

"A term occurring as early as 2 Chron. xiii. 22, xxiv. 27, though perhaps not in the sense in which it came to be used later, and denoting "exposition," "exegesis," especially that of the Scriptures. In contradistinction to literal interpretation, subsequently called "peshat," the term "midrash" designates an exegesis which, going more deeply than the mere literal sense, attempts to penetrate into the spirit of the Scriptures, to examine the text from all sides, and thereby to derive interpretations which are not immediately obvious. . . . The divergence between midrash and peshat increased steadily; and, although the consciousness of this divergence may not have increased in a proportionate degree . . . it was never wholly obscured' (vol. viii. p. 548).

"Of the countless millions of Jews who have used this term through the ages, one only has produced work that was deemed worthy of inclusion in the Canon. That one was the Chronicler. It is reasonable to suppose that he knew the meaning that the expression had in his own time, and the only question that can arise is whether that meaning was or was not the same as in later times. If we found such a word as 'allegory' employed by a narrator to designate one of his sources, it would be fair to inquire whether he used the word in the sense that appears natural to us, or in some other sense, and the answer would be determined by internal evidence.

If it then appeared that the narrative based on that source really was allegorical in character, we should conclude (1) that he had in fact used the word in the sense with which we are familiar, and (2) that his original public would have understood this as well as we do.

“Now, any thinking reader of 2 Chron. xiii. will, I imagine, agree that it is not literal history. When, therefore, we find the only authority referred to in this chapter designated by the appropriate term ‘midrash,’ it seems impossible to doubt that the expression is used in substantially the same sense as later, and that the Chronicler and his original readers appreciated this as well as could any modern. (R. V. ‘commentary’ entirely fails to convey the meaning of ‘midrash.’) The real meaning of the chapter must be sought in such phrases as, ‘But as for us, the Lord is our God, and we have not forsaken Him;’ ‘And, behold, God is with us at our head;’ ‘O children of Israel, fight ye not against the Lord, the God of our fathers.’ And so it came about that Talmudic authorities did not question the canonicity of Chronicles, but treated it as a book intended for the particular kind of spiritual exposition which is designated ‘midrash.’ This is really what is meant by the harsh and unsympathetic paragraph of the ‘Jewish Encyclopædia,’ which Professor Curtis summarizes in the following sentence:

“‘While in rabbinical literature Chronicles was regarded with suspicion, its historical accuracy being doubted by Talmudic authorities, and it being held to be a book for homiletical interpretation, yet its canonicity, as some have thought, never seems really to have been questioned’ (p. 2).

“Failure to grasp this truth has led to the most perverted views of the Chronicler, his work, and its historical and religious value. I suppose that, after what has been said, my

readers will have no difficulty in appreciating 2 Chron. xiii. Let us glance at another instance: in 1 Chron. xxv. we are told that David instituted certain Levitical musical services. Verse 4 brings us to a list of names. Though there is a good deal of corruption, it is absolutely certain that many of these names are not proper names at all, but Hebrew words including some verbs like 'Giddalti' (I have made great). It is generally agreed that originally these words formed a consecutive sentence, but owing to the state of the text the exact details are not clear. The reading favoured by Professor Curtis is rendered by him as follows:

“‘Be gracious unto me, O Yah, be gracious unto me;
 Thou art my God whom I magnify and exalt.
 O my Help (or, Thou art my Help) when in trouble, I say,
 He giveth (or Give) an abundance of visions.’

“This rendering will do as well as any other for the purpose of my illustration. It will then be followed immediately by verse 5, ‘All these were the sons of Heman the king’s seer in the words of God,’ etc. Now, I ask, if this were an English book, would any English reader think there were men who literally were called by such names as ‘I magnify,’ etc.? Would he proceed to infer that the author of the book believed this to be literal history, or for one moment imagined that his readers could suppose it to be so? Would he, then, charge him with ‘deliberate invention or distortion of history,’ or seek to defend him against such a charge by insisting that he has ‘worked everywhere according to sources’? (see J. Wellhausen, “Prolegomena,” Eng. trans. p. 222 (quoting Dillmann).) Or would he inveigh against his ‘law-crazed fancy’? (*Op. cit.*, p. 195.) Or would he write a note saying, ‘Why what was possibly an ancient prayer should thus be resolved into proper names cannot be determined’?

(Curtis and Madsen, p. 278.) How many readers of the 'Odyssey' wonder that *Oὐτις* could have been regarded as a name by Odysseus and the Cyclops—or the Greeks who listened to the Rhapsodists? What would happen if the 'Pilgrim's Progress' were edited on such lines? Or is it really supposed that a Hebrew-writing canonical author could be so ineffably stupid as to write words like 'I magnify,' 'I exalt,' etc., in *his own language* without understanding what he was writing? Read the lines of the prayer as conjecturally restored, and consider: were not all these in a very deep and spiritual sense the sons of Heman the king's seer in the words of God? Can any Temple service do more than establish such communion between men and God? The chapter may be corrupt, the details are not in all cases clear, but the bed-rock meaning is as plain as could be desired. When the Chronicler is tried for this falsification of history, all who have ever spoken in parable or allegory will be his companions in the dock. Shall we speak of law-crazed fancy or spiritual insight?" (PS, pp. 284-286).

Let me give just another instance of *midrash* to make matters even clearer, if that be possible. A Jewish Midrash will say that Elijah on Mount Carmel was girt with the skin of the ram that Abraham sacrificed in lieu of Isaac (Gen. xxii.). The real meaning will be (a) that the spirit which animated Elijah was the same as that which animated Abraham, and (b) that but for Abraham and Isaac there could have been no Elijah. But a higher critic would never understand this. He would begin by asserting that Abraham and Elijah were supposed to be historical characters. Then he would examine the difference in date, and discuss whether by any process known to antiquity the ram's skin could have been preserved for that period, what the probabilities were that

such process could have been successfully applied by Abraham in the particular circumstance of the case, whether and how the skin could have been transmitted from Abraham down to Elijah, etc.; and, having demolished the literal credibility of the story on these grounds, he would then proceed to argue that the whole thing was unhistorical, that Abraham and Elijah never existed, and that in view of the astronomical Aries the mention of the ram's skin proved that we have to do with an astral myth. The real meaning of the story would be just as much a sealed book to him at the end of his laborious investigations as it was at the beginning.

Consequently I do not regard Chronicles as a historical source in the same sense as a professed history. Chronicles is, in part at any rate, professed *Midrash*. This does not exclude the possibility of its containing some historical material, and in some instances we can say with greater or less certainty that a particular narrative is probably historical. But there are a number of cases where this is not so, and except where we have some certain indication — such as confirmation in some other book — there must be doubt as to how far the statements are meant to be taken literally.

I have shown on pages 238 f. of PS that the statements of Chronicles cannot be reconciled with P. Of the greater number of the passages I have cited, Lofthouse takes no notice, and accordingly I press my readers to examine this portion of PS (for I cannot here transcribe the whole book) and note Lofthouse's failure to meet it. Here I will deal with what he has said: "Mr. Wiener here refers to the supposed contrasts between Num. xviii. 3 and Chron. — presumably 1 Chron. ix. 28, the arrangement instituted by David (ver. 22)." Lofthouse's presumption is wrong. I have said no word about 1 Chron. ix. 28 or 22. It is of course open to

him to read PS and see what I have referred to. He then proceeds: "1 Chron. xxiii. 27 ff. does not conflict with the warning in Numbers. It is the priests who enter the inner part of the shrine, as distinct from the Levites (2 Chron. xxix. 16). In Chron. Mr. Wiener urges, the Levites are said to do what by Num. xviii. 3 they were to have been put to death for doing." What I in fact wrote was: "1 Chronicles xxiii. 31 assigns to the Levites the task of offering burnt offerings on certain occasions; but P expressly forbids their approaching the altar (Num. xviii. 3) on pain of death to both Levites and priests." This Lofthouse ignores. Yet how could they offer burnt offerings without approaching the altar? As to 2 Chron. xxix. 16, we read that *on a particular occasion* "the priests went in unto the inner part of the house of the Lord, to cleanse it, and brought out all the uncleanness that they found in the temple of the Lord into the court of the house of the Lord. And the Levites took it, to carry out abroad to the brook of Kidron." What on earth has the removal of this filth got to do with the duty assigned in a wholly different chapter of offering burnt offerings?

That, however, is the only answer he can give to the question I put to him on page 482 of the July BS, "Will he further tell us why P visits with death duties assigned to the Levites by the Chronicler?" We now know that Lofthouse holds that it is because the Levites are said to have removed some filth on a totally different occasion. There I can leave this part of the contention.

But Lofthouse writes (p. 112): "I have attempted in the preceding pages to answer all the points raised by Mr. Wiener in his article. I have shown that to each of his 'unanswerable arguments' there is a very simple and conclusive answer." Is it indeed so? He still asserts: "True, the

general system of P contemplates a state of society far removed from that of the desert"; and in a passage I have already quoted that "the code . . . is suited to no period in the history of Israel save that in which political independence had been lost and the one social bond was the common religious condition and practice." Very well: when does he claim to have dealt with the following points with which I have pressed him? "At what age does he suppose that the Temple was to be carried about and that a whole tribe was set aside for its portage?"¹ "It is clear," he now writes, "too that the codifiers of P had a comparatively small community around Jerusalem in mind" (p. 277). "Will he explain the practicability and precise utility of carrying about the Temple in the midst of a small community around Jerusalem?" (BS, July, 1915, p. 482). And what of the other points to which I referred on page 483, but set out at greater length on pages 272-275 of the April LQR: "Or take the case of the leprosy regulations. At a time when the great majority of Jews were living in Babylonia or Egypt, what could be the meaning of such laws as those of Lev. xiii. f.?" "How could such regulations conceivably occur to the mind of any sane man during or after the exile when the bulk of the Israelites were in Babylonia and there were important Jewish colonies in Egypt and elsewhere? And if the theory is absurd when it is applied to men, what are we to say when we read of leprous garments (Lev. xiii. 47 ff.)? Was a man to make the pilgrimage from Babylonia to Jerusalem to consult a priest about a doubtful

¹Of course, if he throws over the Wellhausen case as to the tabernacle and the duties of the Levites reflecting post-exilic conditions, he *ipso facto* throws overboard the contention that the enormous sections of P which deal with these topics suit a post-exilic date.

garment? And what about the leper's offerings in chapter xiv.? Could they conceivably have been meant to apply to such circumstances?" (OP, p. 76). Again, "The Israelites are represented as being so closely concentrated that they will always be able to keep the three pilgrimage festivals. One exception only is contemplated, and that is singularly instructive: 'If any man of you or of your generations shall be unclean by reason of a dead body, or be on a journey afar off, yet he shall keep the passover unto the Lord: in the second month on the fourteenth day at even they shall keep it' (Num. ix. 10 f.). That is the one and only passage in which attention is given to the possibility that the Israelite may be unable to present himself at the religious center on one of the three pilgrimage festivals. Now consider what the circumstances of P's age were. The great bulk of the Jewish people were in Babylonia, but there were also numerous colonies in other countries, notably Egypt. A relatively small proportion of the Jews were to be found in Palestine. For by far the greater number, attendance at the Temple on any occasion whatever was entirely out of the question. The suggestion that this law belongs to that age is therefore grotesque. But let nobody conclude hastily that this is a remark applicable merely to this passage—which the critics with unconscious humor assign to a *late stratum* of P! Except in this one instance, *the entire priestly code from first to last assumes that the whole people are always quartered within easy reach of the religious center.* Let him who can, fit this into the circumstances of the Exile!" (OP, p. 119).

"It has been shown that the duties of the Levites in P are such as would be impossible in any age other than the Mosaic, seeing that nobody could expect a temple to be taken down, carried about, and set up at sundry times: we have

also seen that P, if construed in the fashion of the critics, visits with death the performance of functions assigned to them in the second temple. We must add that the Ark had ceased to exist, so that the arrangements for its construction and transport are a little belated. But it is not only on these points, important as they are, that P betrays its true historical setting. Read the account of the war with the Midianites (Num. xxxi.) and the elaborate provisions as to the booty. Can any reasonable being suppose that such commands could have had any meaning at all in the days of the Exile or of Ezra and Nehemiah? When and where were the Jews to win victories and acquire booty? And how about the unions with Midianitish virgins authorized by verse 18? Was there any danger of the post-exilic age which appeared more menacing to the religious leaders or called forth more energetic opposition from them than these foreign unions? Or, again, pass to the last chapter of Numbers and consider the historical setting. What is the complaint urged by the deputation that waits upon Moses? It is this. If heiresses 'be married to any of the sons of the tribes of the children of Israel, then shall their inheritance be taken away from the inheritance of our fathers, and shall be added to the inheritance of the tribe whereunto they shall belong.' What a pressing grievance for a legislator to consider and redress when tribes and tribal lots had ceased to exist forever!

"It is no better if we turn to the hierarchical organization proposed. Urim and Thummim were not used after the Exile. In lieu of the simple conditions — a small number of full priests and a body of Levites — we find a developed hierarchy, priests, Levites, singers, porters, Nethinim, sons of Solomon's servants. The code that *ex hypothesi* was forged to deal with this state of affairs has no acquaintance with

them. The musical services of the Temple are as much beyond its line of vision as the worship of the Synagogue. Even such an organization as that betrayed by the reference in 1 Sam. ii. 36 to the appointment by the High-priest to positions carrying pecuniary emoluments is far beyond the primitive simplicity of P. And if we turn to the individual sacrifices it contemplates, we find only fresh evidence of early conditions. If a man bring a burnt-offering, he is to kill and flay it himself! There are similar rules in the case of other sacrifices. Now test this by reference to such sacrifices as those of Solomon (1 Kings viii. 63). Is it conceivable that, as luxury and refinement increased and as the number of victims offered were multiplied, the well-to-do classes would themselves kill and flay the animals? Can we believe that they would have either the inclination to act thus or the power of killing a large number of victims single-handed in any reasonable space of time? The more this is pondered the easier it is to see how it came about that heathens performed services of this kind in the temple of Solomon, and the more intelligible do the changes of Ezekiel and the representations of the Chronicler become. In truth here, as elsewhere, P shows us the conditions of the earliest age: and subsequent changes were due to the impossibility of applying such regulations without modification to the circumstances of more advanced periods.

“One other piece of historical evidence must be mentioned before we pass to the next division of the conservative case. If this law was really forged about the time of Ezra, how came it that the latter so fundamentally mistook its object? The statements of P constantly show that its provisions were meant only to reach the people through the teaching of the priests (Lev. x. 11, etc.; cp. Deut. xxiv. 8; xxxiii. 10, etc.).

How then are we to explain Ezra's conduct in reading the whole law to the people?" (OP, pp. 121-123).

Our readers will see for themselves whether Lofthouse has met these points or not.

But there is another question of the utmost importance that I have put to Lofthouse and wish to get definitely answered. What becomes of the alleged unity of P's style? "Was P a gentleman who lived from the time of Moses (when presumably the 'very ancient laws' were composed) to that of Ezra, and continued to write in the same style throughout the centuries? Or was there a school of writers continuously active and maintaining for some 900 or 1,000 years a style that was so distinctive that nobody who is unable to distinguish between a mound and a house could possibly mistake a line of their writing for the work of somebody else? Or what does he mean?" (BS, July, 1915, p. 484). I can find no direct answer to this. Personally I do not believe in any part of the P theory, stylistic or other, and at a later stage I shall have something to say on my own views, but at this point it is my business to get a clear answer out of Lofthouse or else show that he cannot and will not answer. He rather suggests that much in P is ancient and may have been adapted "to fit in with a recognized scheme of things which has become possible in his own time," and that for the rest P deliberately imitated an ancient style. Apparently it is "natural" that "provisions as early as the desert itself or earlier should be preserved there." "As early as the desert," i.e. the Mosaic age! And attributed to Moses! And in the style that dates back to Moses or earlier (on p. 102 Lofthouse claims that Gen. ix. 4 "shows that this taboo is older than even Moses," but that verse is part of P)! Where, then, is the case for denying that we have

here the laws of Moses subject only to textual criticism in the language of Moses? Apparently it rests on the assertion that "the general system of P contemplates a state of society far removed from that of the desert." To establish that, Lofthouse will have to (*a*) rebut the facts and arguments he has hitherto ignored, and (*b*) produce evidence that P is late. He has not yet begun this twofold task.

It is, however, possible that he will fall back on the assertions made in a passage already quoted, that (*a*) "the society contemplated is not a nation but a church," and (*b*) "all social and national interests are subordinated to that of religion." Of these (*a*) is wholly false. I have dealt with the passage in Wellhausen from which these words are taken on page 289 of PS. I need only add that large sections of P — e.g. the war against Midian and the provisions as to land — show how utterly untrue this notion is. With regard to (*b*), "all social and national interests are subordinated to that of religion," just as much or just as little throughout the rest of the Pentateuchal legislation. It is all directed to making Israel a peculiar treasure to God, a kingdom of priests and a holy nation.

With regard to Moses and Hammurabi and some of his other remarks, I may refer Lofthouse for an answer to my article "Law in the Old Testament" in Murray's *Illustrated Bible Dictionary*, to pages 306–338 of PS (which would certainly interest him very much), and to the various writings to which I have referred in these discussions.

Lofthouse claims that Num. xxxv. 1–8 shows that the Levites were much more than desert porters. How can a passage ordering that they were to have an endowment *after the Conquest* prove that they were much more than porters *in the desert*?

As to my view of the history of the Levites, it is shortly stated on page 282 of the PS: "The priesthood of Aaron and his family is created to provide for the due exercise of the sacerdotal functions, and for the desert period a tribe is set apart to act as sacred porters of the wilderness sanctuary. At the same time a corpus of ritual legislation is given, some of which applies only to the age of Moses, while other portions, intended for use after the conquest, require for their administration, in the conditions of settled life, a numerous and scattered priesthood, such as could not be provided by the descendants of Aaron living at the time of the conquest. On the eve of the entry into the promised land, Deuteronomy enlarged the rights and duties of the Levites to meet the need thus created." But of course anybody who wanted to see what my view really was would read the whole chapter. Had Lofthouse done that, he would not have accused me of having failed to do justice to Deut. xxxiii. and Jud. xvii. 9; xviii. 30 (see PS, pp. 249 f., 251-253) or have alleged in the teeth of pages 246-247, 253, 255-256 of PS that I had "urged that the leprosy laws (Lev. xiv., xv.) were intended only for the desert, and could not have been obeyed after the entrance into Canaan." And I will ask him this. To what tribe does he hold that Moses belonged? A man must necessarily be of the same tribe as his paternal grandfather, and therefore the young man mentioned in Judges xviii. 30 will be of the same tribe as Moses.

As to Gen. xxxiv. and xlix., both passages refer to the *pre-Mosaic* age, and accordingly have nothing to do with the position of the Levites in and after the days of Moses.

In a future article I hope to answer Lofthouse's other contentions.