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## ARTICLE II.

A NEW SOLUTION OF THE PENTATEUCHAL  
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THE principal purpose in publishing "A New Solution of the Pentateuchal Problem" was accomplished, when, in the January issue of the *BIBLIOTHECA SACRA*, I presented the constructive materials in the case. It is on the consideration of those materials that the solution will meet approval or disapproval. But whether we approve or disapprove there are difficulties and objections which will arise. Such difficulties and objections, in so far as they arise out of the Pentateuch itself, and not out of some proposed solution of the Pentateuchal problem, I will endeavor to give brief consideration now.

## DIFFICULTIES AND OBJECTIONS.

Brief answer must be given to a question which immediately arises: Is the technical use of these law words found anywhere else in the Old Testament? A complete answer, involving as it does the examination of every instance of the use of these law words "commandments," "judgments," and "statutes" in the remainder of the Old Testament, would extend this article many pages. Only the results of such examination will be stated: The technical use of these legal terms occurs in the Book of Joshua, occasionally in Second Samuel and First Kings, in the Chronicles, Nehemiah, and Ezra, and in Ezekiel. It does not occur at all in the

Psalms, except a few instances near the end of the book, nor in the Wisdom Literature, and very seldom, if ever, in the Prophets other than Ezekiel. That is to say, the use of these technical terms occurs at the introduction of the law into the promised land, according to the face value of the record, and again at the second establishment of the law in the land at the close of the exile. Thus the result of this investigation would, in the main, agree well with the Documentary Theory. It agrees equally well with the facts pointed out in this study of the Pentateuch. Thus the result is, with some exceptions, neutral in this discussion.

It might be objected that this solution of the Pentateuchal Problem, the kinds and uses of the laws, is based entirely upon the legal portions of the law books. Such an objection is plausible, but specious; one easily deceives himself by it. It would be more correct to say that the criteria of this solution of the Pentateuchal problem are found in the legal portions of the law books; the application of these criteria, however, extends to the narrative portions as well: for the narrative portions make the legal portions intelligible. The laws alone would, for the most part, mean nothing to the history of religion in the world without the setting which the historical narrative gives. Imagine, if you can, the existence of these laws without a word concerning where they were given, by whom given, to whom given, or under what circumstances the narrated events took place. As the historical portions are thus necessary to the intelligibility of the law portions of these books, so each narrative portion, by reason of the historical setting it is suited to give to some portion of the laws, suggests naturally its own assignment among the divisions accorded by the technical legal terms.

This leads at once to another objection, that the assign-

ment of such large portions of these law books as are occupied by the narrative will present so many and such great difficulties that the reliability of the divisions will be impaired.

It is only necessary to go over the assignment of the narrative portions in detail to discern that this objection is only apparent; it is not real. There is no question of the assignment of narrative in Leviticus, and none in Deuteronomy. There is no problem at all in Exodus after the twentieth chapter. The first nineteen chapters are necessarily an introduction to the "commandments," the "judgments," and the "statutes" which follow. I have so recognized it in the assignment of this narrative portion. It might be an introduction to either the "judgments" or the "statutes," in fact, is an introduction to both, and so, in the comparison with the Documentary Theory, I have classified this portion as "Divided agreement." There remains but the Book of Numbers in which this problem of assignment of narrative portions presents real difficulty. But when these narrative portions are examined in detail, the difficulties disappear little by little until there is but a modicum left. It is interesting to note, also, that the little that remains is quite identical with the portions that afford the difficulty and uncertainty encountered by the Documentary Theory in this same Book of Numbers.

It is also objected that the different kinds and uses of laws are not sufficient to account for the differences in style and vocabulary in the Pentateuch. I think that a careful study of the kinds and uses of laws in the Pentateuch will satisfy any one that they are entirely sufficient to account for the differences of style and vocabulary. Not only so, but, in fact, the differences of style and vocabulary pointed out and attributed to different authors in different documents all actually exist

and in a most natural way in the lists of these different kinds of laws and the narrative portions that belong with them, for the very simple reason that *the divisions are the same.*

But there is still another answer to this objection, if anything additional is needed. It is this, That these different kinds of laws actually call for different authors, as already indicated. The "judgments" are not the work of any one man. They were "judgings," decisions that had become "common law," had in some instances actually fallen into rhythmic form for memorizing, then been adopted into the divine law and written down in the Pentateuch. They did not represent the literary style of the author of the Pentateuch, nor of any one author, but were the result of long usage.

On the other hand, Leviticus, representing the "statutes," and, indeed, all the statutory portions, as the description of the tabernacle in Exodus, does represent the literary style of the Pentateuchal author, and a very different style from that of the "judgments." The same style, varied according to the subject, ought to be found in the narrative portion at the beginning of Exodus. In fact, the Documentary Theory has at this point much difficulty because of resemblances to the style of the P Document. Of course! since the narrative portions of Exodus represent the same author as the "statutes" of Leviticus. So again in Numbers the "judgments" are assigned by the Documentary Theory to JE or to J and E, and they represent the same result of long usage found in the "judgments" of Exodus, while the "statutes" of Numbers are assigned to P. Here again of course! they represent the real style of the author of the Pentateuch. And is not the style of the Deuteronomist said to resemble the style

of P? Why not? since we have here again the Pentateuchal author.

Another query has been raised at this point: As the division of the Pentateuch indicated by the kinds and uses of laws are the same as the divisions of the Documentary Theory, it follows that there is the same distinctive use of the divine names in these kinds and uses of laws as in the different documents of the Documentary Theory. How account for such discriminative use of the divine names in the kinds and uses of laws?

*Elohim*, the general name for God which is found almost exclusively in the "judgments," was the appropriate divine name for God in the legal world then as it is to-day; while *Jehovah*, the covenant name of God, was the appropriate name in ecclesiastical writings, as the word Saviour and very many other gracious names are so frequently used at the present time for the same purpose. But there were occasions when a discriminating use of these divine names was not necessary, and textual criticism has shown that they were sometimes used interchangeably. These exceptions present no difficulties in the kinds and uses of laws, for even gracious divine names are sometimes appropriate in court, but the interchange of *Elohim* and *Jehovah* in the documents gives no little trouble to the Documentary Theory.

Something must be said also concerning the omission of Genesis altogether from these investigations. That Genesis should be omitted from the investigations is natural enough, since the investigations were concerning the "materials of the Law." But it will be asked, How can the problem of the Pentateuch be said to be solved by any explanation that makes no mention of Genesis?

It may be noted that the original analysis of the Pentateuch

arose first in Genesis from the use of the divine names in that book. A perfectly natural and simple explanation of the discriminating use of these divine names in the law books, which has been considered in this discussion, prepares the way, also, for the solution of the problem of the use of the divine names in Genesis. The two names being in existence and having markedly distinctive use, the discriminating use of these names in Genesis offers no difficulty. That they can, in almost every instance, be so explained, and reasonably, in Genesis has been shown many times. That in some instances either name would suffice, and so variations occur, is also certain.

Again, when once the analysis was extended to the law books and a large list of peculiar words and phrases were found, these, as criteria, were applied to Genesis as well, and so the book was divided not only into J and E sections, but large portions of it were *assigned to P also*. Again, Genesis is in the style of the real author of the Pentateuch. "One of the chief of these criteria of the P Document" (to quote Kautzsch, p. 108), "is the style, with its unflinching breadth, its fondness for exhaustive details," etc. This very exactly corresponds to the descriptive style of the "statutes" which Kautzsch (p. 109) calls "far the weightiest portion of the Priest's Writing." Thus Genesis, which so often calls for descriptive writing, naturally reveals much of the distinctive style of the Pentateuchal author, whom the Documentary Theory calls P and limits to a portion of the Pentateuch. The portions of Genesis which do not call for a descriptive style are naturally less descriptive in style, and those portions the Documentary Theory assigns to J and E. How delightfully simple!

Objection will be raised, — indeed, has already been raised,

— on behalf of the Documentary Theory that this proposed solution does not deal with the “historical difficulties” which are satisfactorily met by the Documentary Theory. Only an outline of the reply to this objection can be indicated now. A full discussion of this question must await a more complete presentation of the evidence.

1. The peculiarity of vocabulary and style in various parts of the Pentateuch, and the various divisions or “Documents” resulting from gathering together all those portions having like peculiarities, are the essential elements of the Documentary Theory. All the real historical difficulties of the Pentateuch belong to any consideration of the historical matter of the Pentateuch, they must be met by any proposed solution of the Pentateuchal problem, and are not constituent elements of any particular theory, but rather of the Pentateuchal problem itself. So the obligation to meet these difficulties is an obligation to the Pentateuchal problem and not to the Documentary Theory.

2. Many of the historical difficulties to which the advocates of the Documentary Theory demand answer of any one who presents another solution of the Pentateuchal problem, are not essential difficulties in the Pentateuchal problem at all, but only arise on the assumption that the Documentary Theory is correct. In other words, the Documentary Theory creates many of the difficulties which it has to meet and demands that others shall meet. In this the friends of the Graf-Wellhausen Theory are like advocates of the Ptolemaic theory of the solar system who should demand that the advocates of the Copernican Theory meet all the difficulties that the Ptolemaic Theory encounters; whereas a large portion of these difficulties were not in the problem of the solar system at all, but only arose on the assumption that the Ptolemaic Theory



is correct. The Documentary Theory does very plausibly explain some seeming anachronisms of the Pentateuchal record, but it gets us into more difficulty than it gets us out of. More anachronisms and other difficulties arise on the assumption of the late date of the Pentateuch than are explained by it. In the presentation of the Documentary Theory by Kautzsch, with whose presentation of the subject this present comparison is made, the blessing of Jacob in Genesis and the prophetic promises of Joshua in the Book of Joshua, which involve no historical difficulty whatever from the viewpoint of the sacred writer, who put these forth as predictive prophecies, are yet found to present great historical difficulties immediately from the viewpoint of the Documentary Theory, which regards these explicit statements not as prophecy, but as history.

An examination of the Pentateuchal problem *ab initio*, and not somewhere along the line in somebody's theory, reveals the only real difficulties that belong to the Pentateuchal problem. I have carefully studied the books of the Old Testament with these historical difficulties put forward by the Documentary Theory constantly in view and find, that, when the statements of the various Old Testament authors are taken at their face value, many of these difficulties do not appear at all.

3. I do not doubt that some historical statements, and perhaps also a few laws, were added to the Pentateuchal Documents at a date subsequent to their original composition, and that thus some of the real historical difficulties arose.

4. The manifest viewpoint of the Pentateuchal writer, if his statements are taken at their face value, is that the laws in Exodus, Leviticus, and again in Deuteronomy, were given with the expectation of an immediate entrance into the prom-

ised land and life there. The forty years' wandering were not on the horizon of the consciousness of any in Israel at Sinai and not, as an expectation, on the plains of Moab. Thus the laws were given, in large part, not for life in the Wilderness, but for life in a fertile land of orchards and vineyards and of wine and of oil, given for a settled state of civilization and not for a nomadic life.

5. With many, if not most archæologists, I believe that the early portions of the Old Testament, and perhaps some of its later books, were originally written in cuneiform, the sacred writing, i.e. "the finger of God," at the time of the Exodus, and continued in that script certainly for some time after that date; for how long is not certain. At a later date, some of these books, at least, were translated into Aramaic. Still later, probably in the time of Ezra, when Hebrew was not only still the colloquial dialect of Palestine, but long before had become also a literary language, all were translated into the Hebrew language and written in the Hebrew script.<sup>1</sup>

Consider for a moment what would happen if critical microscopes were fixed upon words of our present English translation of these same Scriptures. How many historical allusions involving ridiculous anachronisms would appear, if the etymology and history of the words should be carefully scrutinized and magnified. The number of *obsolete* words rejected in the later English translation gives some hint of the number of *later* words which might be introduced into a translation of the Old Testament into Hebrew in the days of Ezra. Of course many historical indications would be found in those words, when closely pressed. But why press them any more than words of the English translation of to-day?

<sup>1</sup> Cf. Naville, *The Archæology of the Bible*; also, *Swetsch Lectures*, 1916.

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6. In any case, upon any view of the Pentateuch, there are some discrepancies, historical difficulties, that give serious trouble. They look sometimes like absolute contradictions. I am always very slow to assert contradictions in the Bible, or anywhere in serious and credible literature. The human mind does not naturally admit contradictions; it abhors them. Apparent contradictions of ordinarily credible witnesses, as in evidence in courts of law or elsewhere, are usually only opposite segments of the same circle of truth, or, at least, segments not contiguous; something is omitted between them. Spectators standing in a circle about the night-blooming Cereus will give different accounts of the opening of its glories. These differences are not contradictions, or discrepancies to which attaches any discredit; they only present truth from different standpoints on the circle. The same phenomena are to be expected from the statements of different historians, standing at different points round about an event, especially the glory of supernatural events. These differences are not contradictions. No one of the witnesses is untruthful, but each one has given a glimpse of the truth from a different point on the circle.

7. The test of any explanation is its practical application: test this new solution of the Pentateuchal problem thus. I think it will only be necessary for any one to go over the law books in the Pentateuch and note carefully and in detail these kinds and uses of laws and the divisions which they afford, to be entirely satisfied that here is the solution of the main Pentateuchal problems, the peculiarities of vocabulary and style in its different portions. If so, then the historical difficulties must all be considered from this standpoint, and not from the standpoint of the Documentary Theory.

It has also been asked how historical objections are to be

met in detail, especially the sacrificing at many places in the days of Samuel and the worshipping at many centers. It is evident that to answer this question fully here would extend this article to become a volume. I will do no more now in answer to this query than to refer the reader to what I have written elsewhere on the Great Descent from the wilderness period of special divine tutelage to the conquest period of the ordinary life of a people scattered far and wide over the land of Canaan, and on the Great Emergence that came so suddenly at the end of the long period of the Judges, when both the national government and the ecclesiastical establishment shone out with such sudden splendor.<sup>1</sup> When the progress of doctrine throughout the whole period of Prophecy from the Wilderness to the Exile is correctly observed, these difficulties about sacrifices and places of worship seem to me entirely to disappear.

To all the facts developed by these investigations and enforced by these arguments it will be said: These facts are but collateral facts of the Documentary Theory, additional "marks," a part of the criteria of the various authors. J and E were legal writers and P was an ecclesiastical writer.

This objection is, on the face of it, exceedingly plausible. Perhaps to many who hold the Documentary Theory the mere statement of the objection will come as an instant relief from all the spectral doubts about the safety of the theory which the presentation of the facts developed by these investigations has aroused. Such will be little disposed to give the subject further consideration. I will write nothing for those who do only such superficial thinking, and who do not look a second time, and very sharply, into the face of every view that pre-

<sup>1</sup> *Deciding Voice of the Monuments in Biblical Criticism*, pp. 261-266.

sents itself. For those who wish to know unerringly the truth, I have something to say. Let all such consider the following reasons for thinking that these kinds and uses of laws are a real and independent solution of the Pentateuchal problem and not merely collateral facts in the Documentary Theory.

1. To those who so devoutly admire the Documentary Theory it may not seem very reverent toward their beloved view to ask why any one who had in his possession the JE Document presenting a consistent compendium of laws civil and criminal, and the P Document equally consistent as ecclesiastical law, should have yielded to such a crazy impulse as to break them into fragments and distribute them through various books, but I cannot resist the temptation to ask this question. It seems to me that the fragmentary groups of laws in the Books of Numbers and Leviticus can be accounted for only on the plain representation which they put forth, that *those groups of laws grew out of progressing events.*

2. The practical consideration of this objection is a careful study of all the facts developed by the investigations. Those facts, when fully apprehended and appreciated, so satisfactorily account for the peculiarities of style and vocabulary in the Pentateuch, and are so helpful in the consideration of historical difficulties in the Pentateuch (aside, of course, from those historical difficulties which only arise on the supposition that the Documentary Theory is correct), that they will not permit any one to admit any *theoretical explanation.* Why theorize for an explanation, when the known facts furnish a satisfactory one? Common-sense does not admit suppositions that are not needed. The law of economy is an inexorable law in logic, especially in that empiric logic which is an element in every sane mind. Had these facts concerning the kinds and uses of laws been noted before the supposition of

unknown authors and unmentioned documents was put forth, probably no one would ever have had the temerity to advance so gratuitous a supposition, certainly common-sense, so inimical to suppositions that are not needed, would never have permitted many to be attracted by such a theory, plausible as that theory has seemed to be at the time when the facts about kinds and uses of laws had not been noted.

3. The first two answers to this objection are quite sufficient, but there is another that renders them unnecessary. In reality, answer to this objection is like the answer of the attorney who was called upon to account for the absence of some one for whose presence in court he was responsible. After citing a number of reasons, any one of which might have excused the man, the attorney concluded by saying, "Last of all, your Honor, my client is not here because he is dead."

This distinction in technical terms runs all through the Pentateuch. It is observed in Deuteronomy. This is perfectly in order, if this distinction and the consequent divisions of the Pentateuch were produced by the kinds and uses of laws according to the facts which I have pointed out in this investigation, but is perfectly inexplicable on the supposition that various authors produced the Pentateuch according to the Documentary Theory, J and E being legal writers and P an ecclesiastical writer. How would the Deuteronomist, according to that theory, have observed this distinction in technical terms? Did some priest of the time of Josiah, or a little before that time, copy this distinction from JE? But JE existing alone would not show such a distinction at all between "judgments" and "statutes." There can be no distinction without comparison, and there was no comparison, for JE has only "judgments." The P Document, according to the Documentary Theory, had not yet been written, for,

according to that theory, it was post-exilic. So this witness of the technical law terms, needed in court to testify for the Deuteronomist on behalf of the Documentary Theory, if he was not dead, at least *he had not yet begun to live*.

To sum up the whole case against the objection that the facts produced by this investigation are merely collateral facts of the Documentary Theory, it may be replied in one sentence, These are "facts" certainly, they are facts that must be taken into the account by any theory of the Pentateuch; but they are not "collateral" with the other portions of the Documentary Theory.

A last question, perhaps already asked by every reader, is, When was the Pentateuch written and who wrote it?

I have no theory to present designed to meet all conditions of the case and show when the Pentateuch may have been written, but will confine myself to a statement of those facts which point distinctly toward a time when the Pentateuch actually was written. I do not care to know or to help any one else to know, any or all of the times when the Pentateuch may have been written, but only to know what evidence exists concerning the actual time of its composition. The known facts do not constitute complete evidence on this subject; but here incomplete facts are incomparably better than the most complete theory.

1. The first evidence of the time of the writing of the Pentateuch follows naturally after the last and conclusive reason given in answer to the objection that these kinds and uses of laws are but collateral facts of the Documentary Theory, namely, That, according to the Documentary Theory, the distinction in technical law terms was not in existence when Deuteronomy was written, which yet observes this distinction. In fact, Leviticus with its "statutes," which supply

the element of comparison necessary for the use of these technical terms, which the Deuteronomist observes, must then have been in existence together with all the "judgments" and "commandments" when Deuteronomy was written.

The Book of Deuteronomy must have been composed not later than the time of Josiah. Either the "book of the law" including Deuteronomy, or, according to the Documentary Theory, consisting of Deuteronomy, was actually "found," and so composed at an earlier date, or it was written at that time and put forth with the claim that it had been "found." In any case the acceptance of it as a book that had been "found" rested upon a tradition in Israel that there had been in existence law books that might thus be "found." All advocates of the Documentary Theory agree that these traditional law books were J and E, and later JE. But the use of the technical terms in Deuteronomy shows that the "statutes" referred by the Documentary Theory to the P Document must also have been included to supply the comparison necessary to the distinction in technical terms observed in Deuteronomy. How far back this tradition of law books thrusts their composition the facts do not yet positively indicate, but they do point toward the Mosaic age. At what time other than a time of ideal legislation, such as is claimed in these law books for the wilderness period, could such completeness of laws have been reached as is indicated by these technical terms and sharp discriminations? At what time during the long succeeding period of misrule and anarchy down to the days of David and Solomon, the days of the glory of the Kingdom and the Temple service, could such books be expected? If any one points to the period of the glory of Israel, the reply is that, according to the known lit-



erature of that age, as we have seen, the popular use of these technical terms seems scarce to have been known.

2. Archæological indications in the Pentateuchal books themselves point directly to the Mosaic age as the one time for their composition consistent with these archæological indications. I have dealt rather fully with this subject elsewhere,<sup>1</sup> and must refer the reader to what is said there. I will only indicate here the line of argument with some quotations from that book.

(1) The absence from the Pentateuch of any explicit doctrine of the resurrection is inexplicable upon any late theory of the composition of that portion of the Pentateuch assigned to the P Document, but is perfectly explicable upon the basis of authorship in the Mosaic age. The Egyptians had an exceedingly gross and materialistic conception of the resurrection and of life after death. The spiritual purpose of the Mosaic leadership was to bring the people to spiritual ideas of God and of the other world. Any mention of the resurrection explicitly at that time would have carried right over into Israel's religion practically the materialistic conceptions of the Egyptians on the subject. The only way to avoid this result was to keep entirely away from the subject until Israel learned first something of true spirituality. Thus the absence of any distinct doctrine of the resurrection from a Pentateuch written at this time is to be expected by any one familiar with the ideas of the Egyptians on the subject, but there is no other time from these days onward when the absence of a doctrine of the resurrection from the Pentateuch is so appropriate. Its absence from such documents coming from the Apocalyptic days of post-exilic times is perfectly inexplicable.

(2) Then when the archæological data of the Mosaic age

<sup>1</sup> *Deciding Voice of the Monuments*, chap. xviii.

are laid all along the course of the Pentateuchal narrative, it is found to be so uniformly harmonious with that narrative, with the customs, and the history, as far as these are known, all the way from the shadows of Hebrew slavery in Egypt to the fifth year of Meremtah and the turning back from Kadesh-barnea, as to make one marvel that different authors in different centuries should have been so uniformly successful in the representations of historical fiction.

(3) There is a long list of Egyptian words and words with Egyptian associations in the Pentateuch, words of such peculiar significance and use as to point most distinctly to the authorship of the Pentateuch in Mosaic days. This philological evidence and argument is most convincing, but is so voluminous as to preclude its incorporation here at this time.<sup>1</sup>

(4) When it is still further noted that this narrative, which has such exactly corresponding data, is so put together as to make a simple, natural, well-articulated, and symmetrical biography of a man, not such a haphazard man of irregular and fragmentary career as might be conceived to result from such incidental coming together of elements, but a colossal man of such grandeur and such climaxes as that not until the coming of the "Son of Man" could it be said that "a greater than Moses is here," then these archæological correspondences imperatively demand the composition of that whole connected story in the Mosaic age. It is quite believable that a single work of fiction, the work of one mind, and struck off at one time, may easily contain so symmetrical a life story. To most people it will not seem possible that a scrapbook should do so. Much less will it appear that a

<sup>1</sup> Cf. Lieblein, *Proc. Soc. Bib. Arch.* 1898, pp. 202-210; Kyle, *The Deciding Voice of the Monuments in Biblical Criticism*, pp. 151 ff., etc.

scrapbook made up of many and varied excerpts of different ages and put together finally by some one long after the time of all the original authors should accomplish this feat.

3. Finally, these investigations tend to establish the trustworthiness of the Pentateuchal records at their face value. They are not to be broken up into fragments from different authors at widely separated dates, and so made to present to us an entirely reconstructed national and ecclesiastical history of Israel, but are to be read as they stand, and their peculiarities of style and vocabulary are to be accounted for by the kinds and uses of laws presented. Thus the history of Israel as presented in the Pentateuch as we have it in the Bible is restored to its place of trustworthiness, and the whole narrative is to be received at its face value. To the extent to which this is established, to the same extent does the time of the wilderness wanderings appear to be the time of the composition of the Pentateuch, and Moses its responsible author.