

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 *The Churchman* can be found here:

https://biblicalstudies.org.uk/articles_churchman_os.php

There were clear indications among younger men present that they will not be behind in their response if only they are led with intelligence, sympathy, large-heartedness, and courage. We commend the admirable report of the meeting given in the *Record*, and trust that in its pamphlet form it may be scattered far and wide. The Royal Commission has so fully justified the position and contentions of the Evangelical and Moderate Churchmen that it would be deplorable if they do not take full advantage of the situation. There is a tide in the affairs of Church parties and schools of thought, as well as of individuals, and if Evangelicals do not take this at the flood it is hard to conceive of their getting another so entirely satisfactory and promising.



The Date of Deuteronomy.

BY THE REV. HENRY A. REDPATH, D.LITT., M.A.

IN the *Journal of Theological Studies* for July last, Dr. Kennett, Regius Professor of Hebrew at Cambridge and Examining Chaplain to the Bishop of Ely, propounded a theory that the Book of Deuteronomy is exilic in date, and proposed to place it about 520 B.C. We have always been led to believe by those who are called Higher Critics that one of the *established results* of their system is that the date of Deuteronomy is a few years anterior to its discovery in Josiah's reign. So much, then, for established results, which we are bidden to accept. The Professor has come down upon one of them and disestablished it.

I propose in the present paper to attempt to show that, while Dr. Kennett effectually disposes of many of the arguments in favour of the date rather earlier than Josiah assigned to the Book of Deuteronomy, he at the same time brings forward such inconclusive arguments in favour of his own hypothesis that we are almost of necessity thrown back upon the traditional date for the main body of the book.

His argument necessarily touches upon many details, and I am therefore obliged, so far as space permits, to quote his words at some length in order to substantiate what I say.

To begin with, after discussing a certain number of cases, he puts "literary considerations" on one side as leaving "the date of Deuteronomy undecided" (p. 486), and therefore they may be put on one side for my present purpose. It is the rest of the paper with which I propose to deal.

"In the first place," it says, "it is important to notice that Deuteronomy is addressed to *all* Israel; and this, not only in the introduction, as in i. 1, v. 1, but also in the main body of the book, as in xviii. 6. It is surely improbable that in the days of Josiah, or earlier, provision would have been made by Judæan legislators for the case of a Levite coming from North Israel." "North," by the way, is an insertion of the writer's: there is no special provision for North Israel: the words in Deut. xviii. 6 are more general—"any of thy gates out of all Israel." Now, the legislation of Deuteronomy is professedly prospective. It is certainly, as Professor Kennett says, improbable legislation in the days of Josiah or earlier in Judæan legislation. But, according to its account of itself, this legislation *was* addressed to all Israel. The traditional date exactly fulfils the condition.

The same considerations apply to his next argument about the cities of refuge. "If," he says, "that law had dated from the seventh century B.C., we should expect to find the three cities of refuge west of the Jordan in Judæan territory; whereas the statement in Josh. xx. 7, which enumerates Kedesh (in Naphtali), Shechem, and Hebron, implies that these three cities have always possessed the right of asylum." So far as I can see, this implication is read into the passage in Joshua. But it has really nothing to do with the date of Deuteronomy. Taking the books as they stand, previous legislation had settled that there should be six cities of refuge, three on the east, three on the west of Jordan (Num. xxxv. 6-14). Thereupon Moses appointed three cities for the east of Jordan, a territory

which had already been taken possession of, and their names are given (Deut. iv. 41-43). So far as Deuteronomy is concerned, the selection of the three cities to the west was to stand over till the people had taken possession of the land. And this is exactly what Josh. xx. 7, 8 represents as happening. The western cities needed dedicating in order to serve their purpose—dedication is not the word applied to the eastern cities. They had been already “separated” (Deut. iv. 41). This separation was ratified. If it had been intended to record their first appointment, the same word “dedicated” would have been used of them, as of the western cities. The narrative of Deuteronomy fits in best, then, with the traditional date.

The next point made is the absence of any “precise reference” to “the cult of the Queen of Heaven” (Jer. vii. 18). It is sufficient to say, with reference to this point, that it is not at all certain who or what is meant by the Hebrew expression translated the “Queen of Heaven,” at any rate in Jer. vii. 18, and that some interpretation of it might be expressly referred to in Deuteronomy. But, at the traditional date of Deuteronomy, there would be no occasion to specify this particular worship; the commands of Deuteronomy are more general.

“The denunciation of Ammon and Moab in Deut. xxiii. 4 *et seq.* (E.V., 3 *et seq.*) is intelligible if the composition of Deuteronomy be later than the destruction of Jerusalem.” It *is* intelligible that this denunciation could not have been made for the first time in the days of Josiah. But we must remember that a professedly historic reason is given in Deuteronomy for the denunciation. It is true that our present narrative does not connect Ammon with the history of Balaam; but it is to be remembered that Ammon and Moab are closely linked in kinship in the narrative of their origin (Gen. xix. 37, 38). Besides, the Revised Version misleads us in the latter part of Deut. xxiii. 4: the verb is singular — “he hired” — referring to Moab. The same distinction of number is kept where the law is quoted in Nehemiah (xiii. 2). Taken in this way, the narrative exactly describes what happened as to the

relations between the Israelites and Ammonites ; they were non-existent—the two peoples mutually ignored one another. Here, again, the traditional date will satisfy the circumstances of the case quite as easily as a post-exilic one. So the favourable mention of Edom (Deut. xxiii. 7) accords with the advances made to Edom by Israel, and the avoidance of contest between them. The post-exilic dating of Deuteronomy requires us to believe that very soon after the destruction of Jerusalem there must have been many Edomites in Judah, and that, therefore, it would have been almost impossible to exclude them from the congregation. This is difficult to believe when we see how hated they were at that time for their share in the destruction of Jerusalem. Professor Kennett omits all reference to Obad. 11 in this connection.

The favourable mention of the Egyptians presents, perhaps, a stronger case than the others ; but, after all, as they looked back, the Jews, if they believed their own history, could credit their preservation and development from a family into a people to the kindness which had allowed them first of all to settle in the land of Egypt. Moreover, the only later time such remarks would fit would be the time of Solomon, and no one wishes to ascribe Deuteronomy to his reign.

We need not stop to consider the law of slavery, for no argument, it is allowed, can be founded on it.

The law relating to the king is hardly likely to have received Josiah's assent—*i.e.*, of course, if it had been first promulgated then. If the law is post-exilic, the difficulty is still greater. As a people they had come back without a king, and without any likelihood of their having a king to themselves. There would, therefore, be no question of discussing the possibility of the election of a foreigner. Their patriotism at that time would revolt from it. But place the law at its traditional date. The lawgiver contemplates the setting up of an earthly king. Proper limitations of choice in the future must be laid down, and this is one limitation. Professor Kennett has to use expressions like, "It is not impossible,

that." The statement about the people going down to Egypt "seems at first sight somewhat gratuitous during the exile." He has to allow the existence of many difficulties against his own theory! And how does he know that in the last years of the kingdom of Judah costly supplies of horses were brought up from Egypt for Judah's suicidal wars? We are told of wars with Egypt in Josiah's reign. Was the Pharaoh likely to allow an export of supplies of horses for the equipment of Josiah's army? I very much doubt whether any such exportation could be remembered, though they might then have heard of the exportation of horses from Egypt in the reign of Solomon, who was allied by marriage to the Egyptian court.

As to the cutting of the flesh as a sign of mourning, that cannot, I think, be used as an argument one way or the other; and it does not seem to me that Jeremiah, in the way in which he speaks of it—quite negatively—had any call to speak about its legality or illegality. Many illegal actions were, unfortunately, done in Jeremiah's time quite commonly.

In the next paragraph Professor Kennett comes back to the Levite from North Israel, already discussed. Deut. (xviii. 6) implies, I should say, the non-existence, not the abolition, of the northern sanctuary or sanctuaries, which, when they were established, were not served by Levites at all (1 Kings xii. 31), as Professor Kennett seems to argue more than once.

With regard to the two laws of Lev. xvii. and Deut. xii., several points may be noticed. No doubt the first is the earlier. But when would the law of One Sanctuary for the future be more likely to be laid down than when the people were about to leave the wilderness in which all their life, political and social, had been grouped around one central sanctuary? Even when they were on the march the tent of meeting was to be the central object with tribes north, south, east, and west of it. And, as to the question of the fat of the sacrifices, Deut. xii., as I read it, does not deal with it: the main regulations deal with the case which would be so common of what was to happen when the man could not kill flesh for his own eating at the sanctuary;

then it was sufficient to pour out the blood on the ground. No alteration of the sacrificial law is contemplated, and this, I think, is proved by the constant occurrence in 2 Chron. (vii. 7, xxix. 35, xxxv. 14), which is universally admitted to be later than Deuteronomy, of the ritual offering of the fat, to say nothing of its mention in Ezekiel (xliv. 7-15). Here again, then, I maintain that the traditional date of Deuteronomy satisfies the requirements of the case.

As a sequel to all this, when the narrative of what happened in Josiah's reign has to be dealt with, many difficulties arise if Deuteronomy is exilic in date. Other things than those mentioned in 2 Kings xxii. have to be suggested as the cause of Josiah's self-humiliation. These take the form of a denunciation of sacrifice to be found in some collection of prophetic sayings which might have been described in the earliest form of the story as a book of *tôrā*. Here are three assumptions: (1) That there was a denunciation of sacrifice; (2) that there was a collection of prophetic sayings containing this denunciation; (3) that this collection was a *tôrā*. I have indicated more than once elsewhere how I think Deuteronomy or the Pentateuch was re-discovered in Josiah's reign, but it may be worth repeating here. In Hezekiah's reign there was a time of reform and a renaissance with regard to older literature and records. This research extended back as far as Solomon's reign, and a selection of Solomon's proverbs was discovered and edited (Prov. xxv. 1). With the termination of Hezekiah's reign all such work was temporarily suspended; for nothing of the kind was likely to be effected during the reigns of Manasseh and Amon, as they are described to us in 2 Kings. With Josiah the revival began again, and research was carried back still further, with the result that an earlier document was discovered. To me it seems more likely that this was Deuteronomy than the whole Pentateuch, because the Tabernacle or Temple worship had never ceased, and the sacrificial laws would have to be constantly referred to, that it might be duly performed.

With Professor Kennett we have at present been dealing

with the main body of the book. I proceed to a consideration of the other points of his article.

1. The words "as at this day" are quite possibly a later gloss which has come into the text. No one with, for instance, Gen. xxxvi. 31 before him would dispute this. And the previous words are words put into the mouths of men of future generations. /

2. Deut. xxxiii. 7: "Hear, Lord, the voice of Judah, And bring him in unto his people." These words are confessedly difficult. But the traditional date of the book will give us an explanation of them if the text is right.¹ Judah was to take the lead in the host of all Israel, and actually did so (Num. ii. 3, 9; x. 14). As the leading tribe, it would therefore bear the brunt of any fighting, and the prayer is that he may come back safe to his own people—*i.e.*, to Israel as a whole.

3. The questions that surround the study of Deut. xxvii. are certainly obscure. There is no need to consider that the association of "the elders of Israel" with Moses implies that the regulations of this chapter were "supplementary to the law of the One Sanctuary" (p. 494). It seems quite natural that they should be brought in in a case when each of the tribes was to be mentioned individually, and assigned its position either on Mount Gerizim or on Mount Ebal. They are associated with Moses in seven passages, all of which are assigned by the "Higher Critics" to the earlier strata of the Pentateuch, and therefore there can surely be no objection to their finding a place here. The law of the One Sanctuary had, I venture to submit, nothing to do with the matter; for these regulations refer to one special occasion, which would be past and gone long before there would be any possibility of establishing the one central sanctuary, as is admitted by Professor Kennett a little later. There is no indication whatever, that I can see, that there had ever been a place of sacrifice there before—the indications are all the other way (vers. 4, 5)—and it is only the

¹ The LXX gives quite a different turn to the sentence: *εἰς τὸν λαὸν αὐτοῦ ἔλθοις ἄν.*

exigencies of his position that require the Professor to state that "it is probable that this enactment was a compromise made with the object of reconciling a recalcitrant party in North Israel." North Israel comes in over and over again all through the article.

The greatest difficulty is that there seem to have been two settings up of stones, not one : the one at Gilgal, the other at Mount Ebal ;¹ and that the record hurries on from the one to the other. But the main object of both was to infuse into the people, on their emergence from their nomadic life in the wilderness into a land where they were to become permanent settlers, the idea that, though a conglomeration of tribes, they were none the less a nation—Jehovah's peculiar people. As to the Gilgal of Deut. xi. 30, I do not think that need trouble us here ; there are more interpretations than one of that geographical note.

The critical difficulties conjured up in the next paragraph need not frighten us. The tribes ratified with their Amens the blessings and cursings pronounced by the Levites. "All the people" means "all the people" of the tribes to whose part it fell to say Amen to the curses, unless, indeed, it be that vers. 14-26 contain a preliminary service of preparation for the actual declaration of the blessings and cursings of Deut. xxviii. 3-6, 16-19 (six of each, one for each tribe). The first service would then strike a warning note of preparation for the solemnity that was to come, declaring who out of the twelve tribes (N.B. : there are *twelve* "cursed") had no right to bless or to curse others. In much this way, Dr. Driver suggests, as Professor Kennett mentions, that these verses were "an old liturgical office" (Driver's "Deuteronomy," p. 300).²

One is asked, moreover, to imagine that this chapter bore reference to "more than one ceremony of reconciliation between Judah and Southern Samaria, the district for which the original Deuteronomic code was compiled, and outlying districts in

¹ It is curious that in Josh. iv. 8, 9 there are also two sets of twelve stones each.

² "The blessing and the curse" of Josh. viii. 34 may refer to Deut. xxx. 19.

Northern Samaria, and possibly Gilead, as these were gradually induced to come into line in religious matters with Jerusalem." It is very difficult to see how it would have been possible, if Deuteronomy had been later than, say, the division into two kingdoms, for the Northern Kingdom, and afterwards the Samaritans, to have accepted it as part of a Divine code of legislation. Professor Kennett writes about the original elements of Deut. xxvii. How can we in any way discriminate them? and, if there are such, they do not affect the point I am making, for the Samaritan Pentateuch, like the Hebrew, contained it all. Now when the division of the kingdom took place, the Northern Kingdom established its own centre of worship: would the Southern Kingdom have been likely to propose, then, any reconciliation with the Northern?

Further still, when the settlement of Samaria was made, after the Assyrian deportation of the inhabitants, one of the illegitimate priests is represented as having been brought back from Assyria to teach the new inhabitants how to worship Jehovah, and His worship went on concurrently with the worship of other gods. Is there room in such a state of things as this for a concordat with Judah such as Mr. Kennett supposes? Again, when Zerubbabel and Jeshua are back in Jerusalem, the Samaritans claim to take part in the rebuilding of the Temple; but, no doubt, owing to their previous history, and because they could not show any real Hebrew origin for themselves, they were refused. If these Samaritans had accepted the law of the One Sanctuary we could understand their making this claim, but not otherwise, as they already had their own high places. Anyhow, no reconciliation took place then, such as Professor Kennett imagines to have happened at some time or other, and, as they claimed to be worshippers of Jehovah, he is quite right in saying: "It is certain that all the worshippers of Jehovah in Palestine had accepted the law of the One Sanctuary a considerable time before the mission of Nehemiah." By doing this he, to a great extent, cuts the ground away from his own argument for an exilic date for Deuteronomy. Certainly no later recon-

ciliation and acceptance of such a law was possible, for the estrangement was permanent ; *e.g.*, the son of Sirach talks about "that foolish people that dwelleth in Sichem" (l. 26). The only question is what "considerable" time we are to allow, and this concession certainly would not exclude the traditional date. It is true that the altar at Beth-el was broken down by Josiah ; nothing is said about the high place at Dan ; but this can scarcely be called a "reconciliation" or "an amalgamation" of worship.

Professor Kennett also alludes to the altar of Josh. xxii. The history of this altar might very well be made an argument for the law of the One Sanctuary being in force at the time. The builders of it distinctly said that it was "not for burnt-offering, nor for sacrifice," and also, "God forbid that we should rebel against the Lord . . . to build an altar for burnt-offering, for meat-offering, or for sacrifice, besides the altar of the Lord our God that is before His tabernacle" (Josh. xxii. 28, 29). We would only ask one question, in conclusion : What arguments are there to make it likely that the priests of Beth-el were Aaronite ?

To sum up : arguments, many of them cogent ones, are brought against dating Deuteronomy in the reign of Josiah or somewhat earlier. Instead, Professor Kennett would have us make that book exilic. In dealing with both alike, I have only treated of those in his paper. Are there not better reasons why we should go back to an earlier date, the traditional one, for that book ? and does not Professor Kennett help to throw us back to it ?

