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THE PROBLEM OF DEUTERONOMY

BY THE

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BEING THE BISHOP JEUNE MEMORIAL FUND PRIZE
ESSAY (1909) ON "THE HISTORICAL TRUTH
AND DIVINE AUTHORITY OF THE BOOK
OF DEUTERONOMY"

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PREFACE

THIS little book is a revised and enlarged edition of the Bishop Jeune Memorial Fund Prize Essay (1909) on "The Historical Truth and Divine Authority of the Book of Deuteronomy." It is mainly an attempt to present as clearly and concisely as possible the chief arguments for and against the Mosaic origin of Deuteronomy, so that the English reader may be able to test them for himself, and arrive at a just conclusion on this important and much-debated question. When the author first thought of competing for the Jeune Prize it was his intention to make the "critical theory" as set forth in Dr. Driver's Commentary, the Hastings Dictionary, etc., the starting-point of his own Essay. His change of plan is, he believes, fully vindicated in the following pages. He has earnestly endeavoured to be quite fair to those from whom he differs, to avoid any misrepresentation of their views, and to abstain from anything in the nature of special pleading. Among those scholars to whom he is indebted for much of the material used in the preparation of the Essay, he would specially mention Prof. Robinson (*Genesis of Deuteronomy*); Dr. Jas. Orr (*Problem of the Old Testament*); and H. M. Wiener (*Studies in Biblical Law, and Essays in Pentateuchal Criticism*). He has also derived considerable assistance from "critical" works. Owing to the numerous differences on *fundamental* points (*e.g.*, the *extent* of Deuteronomy, its *author*, *age*, *aim*, and *relation* to the other codes) among the various advocates of the Graf-Wellhausen theories, he found in many cases the most effective arguments against some of the "assured results of modern criticism," not in the pages of conservative writers, but in those of the modern critics themselves!

UPPINGHAM,
March, 1911.

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THE PROBLEM OF DEUTERONOMY

I.—CLEARING THE GROUND

THE problem of Deuteronomy has been well named "the pivot of Pentateuchal criticism." Its importance has long been recognized by all Biblical critics, "conservative" and "advanced."¹ The primary and secondary issues involved are far-reaching in character and consequence. The solution we adopt must influence our interpretation of Hebrew history, and of the

¹ Graf: "We must have a definite standpoint from which we can look with steady eye both forwards and backwards. This definite standpoint is the time of the appearance of Deuteronomy" (*Die Geschichtlichen Bücher des Alten Testaments*, 1866, p. 4). Dillmann: "Deuteronomy must be the starting-point, partly because its character and date are most certainly determined, partly because the decision of the other codes really depends upon their relation to Deuteronomy" (*Die Bücher Numeri, Deuteronomium, und Josua*, 1886, p. 559). Wellhausen: "Deuteronomy is the starting-point, not in the sense that without it nothing could be done, but in the sense only that being established on historical grounds, it requires the Priester-codex, also on historical grounds, to be placed after it" (*Proleg.* 1895, p. 14). Kittel: "Deuteronomy is the fixed point from which we can work both backwards and forwards" (*A History of the Hebrews* vol i. 1895, p. 48). Westphal: "The Ariadne's thread in the historical problem of the Pentateuch" (*Les Sources du Pentateuque*, II. *Le Problème Historique*, 1892, p. xxiv). Addis: "The fixed point from which all other points in the chronology of the Hexateuch must be determined" (*The Documents of the Hexateuch*, Part I. 1893, p. lxxiv). etc.

development of the Old Testament religion. Whether the religious history of Israel is to be explained on the same lines as the history of the pagan religions, or on distinctive and supernatural lines; and whether the sacred Scriptures of the Jews were communicated by Divine revelation through patriarchs and prophets, a process historically crowned by the manifestation of the Son of God in the flesh, or are to be accounted for on purely naturalistic hypotheses, in close analogy with the mythical and legendary literatures of other ancient nations: these are questions on which our view of the origin and character of Deuteronomy must bear with special emphasis. And each alternative can scarcely fail to carry with it judgment after its own kind on the Person of the Christ Himself.

A problem so tremendous in its issues demands that we approach it in the scientific spirit, accepting the facts as we find them, not striving to wrest them or explain them away in the interests of a theory already formed. For this reason the *à priori* arguments so popular with some writers on both sides, will not appear in the following pages. It will be our endeavour to derive our conclusions from the known facts, rather than to interpret the facts in harmony with a preconceived hypothesis.

The Book of Deuteronomy professes to be a record of the acts and speeches and legislation of Moses. It consists mainly of three orations addressed to the Israelites at the close of their journey from Egypt to Canaan. To these are prefixed brief historical introductions detailing the circumstances in which the speeches were delivered. Other historical allusions, chiefly to incidents which had occurred in the desert, are interspersed here and there throughout the book. The Song of Moses and the Blessing are added in chaps. xxxii. and xxxiii.; and the book closes with an account of the last days of Moses, and his death in sight of the Promised Land.

In character, therefore, Deuteronomy is *historical*, containing as it does an account of certain events in the history of the chosen people: *legislative*—proclaiming a number of laws which the people were to observe when settled in the land of Canaan; but above all, *hortatory*—a collection of prophetic addresses in which the laws are not merely stated, but “expounded” in the light of history, and their aim and spirit developed in a wonderfully impressive manner.

Implicitly, the book professes to be a genuine history of actual events. Explicitly, it claims to have been given by Divine inspiration, and issued by Divine authority through Moses, “the man of God.” Can these claims be maintained? Is there any available evidence which tends to vindicate the historical truth and Divine authority of the Book of Deuteronomy? In the following pages an attempt will be made to furnish a satisfactory reply.

The following *preliminary considerations* are put forward by way of clearing the ground:—

(1) The case for the historical truth and Divine authority of Deuteronomy depends upon the *date* at which the book was composed. It is true that many of those who believe that Deuteronomy was written in the seventh century B.C. find little to challenge in its historical statements. Dr. Driver, for instance, represents it as a historic reality, an imaginative re-vivification of the past, a substantial record of Moses and his times.¹ He also waxes eloquent over the “lofty spiritual tone” and “unmistakable inspiration”² of the book. But the “critical theory,” as it is termed, affords no certain ground for such enthusiastic eulogies. For if Deuteronomy was written by an unknown author in the seventh century B.C., who merely used the name and authority of Moses to promote a religious

¹ *Commentary on Deut.*, p. lviii.

² *Expositor*, vol. liii. p. 48.

reformation on sectarian lines,¹ what security have we for its historical accuracy? Conceivably it might have been compiled from records and documents which had survived from Mosaic times, but on the critical hypothesis it is impossible to *prove* that it was so compiled. The critical dictum that "Deuteronomy is historically dependent upon JE," does little towards establishing its historicity, seeing that JE is assigned by criticism to the eighth century B.C., a date long subsequent to that of Moses. Dr. Driver speaks occasionally of "an ancient traditional basis," "an independent source, oral or written,"² etc.—as if oral tradition and tradition reduced to writing were not two things as far apart as heaven and earth!³ And Dr. Cheyne suggests that the author may have "derived his material from more than one source; his secondary authority being sometimes popular tradition, sometimes, perhaps, *his own creative imagination*." These scholars seem to forget that "the value of tradition depends absolutely on the date at which it ceased to be oral by becoming fixed in writing. If so recorded at first hand, or nearly so, it may have all the authority of contemporaneous history. But as generations come and go, and the events recede into the dim past, that which is handed down simply by word of mouth soon degenerates; and parting with the reality of life, rapidly vanishes into the misty air of myth and fable. After the lapse of a few generations, oral tradition loses all pretence of simple truth."⁴ Meinhold (himself an "advanced" critic) frankly admits that if, on the grounds of literary criticism, Deuteronomy be dated at 620 B.C. no credibility can be attached to its historical statements.⁵ Besides, if the critical theory is right,

¹ According to criticism, Deuteronomy represents the aims and polity of the prophetic party.

² *Commentary on Deut.*, p. lxi.

³ Sir W. Muir, *Authorship of Deut.*, p. 5.

⁴ *Ibid.*

⁵ *Jesus und das A. T.*, p. 121 f.

the statements made in Deut. i. 1, 5 ; xxix. 1 ; xxxi. 9, 24-27, must be false. And if the book is not to be believed when it distinctly affirms its Mosaic origin, on what grounds are we to accept its assertions on other points ?

Again, if Deuteronomy is, as the "advanced" critics claim, "a protest of the prophetic party of the seventh century B.C. against the connection of unspiritual and heathen elements with the worship of Yahweh,"¹ issued in the name of Moses by "men who thought the time ripe for reform and had *intelligently planned* the way in which this should be effected,"² it is not easy to accept it as a divinely authorized code of laws. There are, of course, several passages and even books of the Old Testament whose inspiration is undoubted, though the writer's identity is unknown. The Book of Job is none the less inspired because its author is nameless. And whether the goth psalm was written by Moses or some other poet is a question that does not affect our estimate of the psalm itself. But Deuteronomy speaks with an accent of *authority* : it lays down certain laws which were to be strictly observed by the Jewish people : and the authority which it claims is the authority of Moses as the "man of God," Divinely commissioned to legislate for Israel. It was on this ground—that it is the genuine work of Moses—that its authority was recognized, and its enactments obeyed by Josiah and his subjects. But if the book itself and most of the laws it contains were unknown to Moses, its claim falls to the ground. It is as certain as anything can be that if King Josiah and his people had held the "critical" view of the origin of Deuteronomy they would never have accepted the book as divine.³

¹ J. E. Carpenter, *Mod. Rev.*, 1883, p. 274.

² *Enc. Bib.* i. 1084.

³ The foregoing remarks are not intended to create a prejudice against the "critical theory." Whether that theory is true or false is a question that can only be decided by an appeal to

On the other hand, if it can be shown that Deuteronomy was written at or near the time of which it professes to be a record, this would furnish a strong presumption in favour of its historicity and authority. This is admitted (as indeed it must be) even by the most thorough-going unbelievers in the supernatural. "It would most unquestionably be an argument of decisive weight in favour of the credibility of the Biblical history, could it be shown that it was written by eye-witnesses."¹ Any error or invention in the record would be liable to almost instant exposure. And when we remember what tremendous claims are here set up on behalf of Moses, and how strong was the tendency of Israel to rebel against their leader, it is clear that the *will* to disparage and denounce the accuracy of the narrative and the authority of the laws would not have been lacking.

And this presumption becomes practical certainty if sufficient evidence is forthcoming that the book was written by, or under the direction of Moses himself. For then the splendid character of the great leader and his intimate acquaintance with the events described are a guarantee of fidelity and truth. To quote Strauss again, "Moses being the leader of Israel would undoubtedly give a faithful history of the occurrences, unless (of which no one suspects him) he designed to deceive."

From all this we conclude that the case for the truth and inspiration of Deuteronomy stands or falls with that for its Mosaic origin. So that the "problem of Deuteronomy" is the question: When was the book composed? And our first endeavour must be to examine the evidence for and against the Mosaic date of the book.

facts. All we are concerned to show here is that the "critical theory" is inconsistent with the view that Deuteronomy is historically true and Divinely inspired.

¹ Strauss.

(2) It is important to note that the *Mosaic authorship* of Deuteronomy does not necessarily mean that every word in the book as we have it now was written by the hand of Moses in his own autograph. It may have been taken down from his dictation, or composed under his general supervision. He may have written the orations and commissioned competent persons to edit them and add the historical introductions. But in either case—and this is the important point—the contents of the book would be stamped with the authority of the great legislator himself.

Nor does the theory of Mosaic origin preclude the possibility of some minor changes in, or additions to the book, after it left the hand of Moses or his scribe (Obviously the last chapter must have been written after the death of Moses.) The Jews hold that all the Old Testament books were carefully revised by Ezra and the Great Synagogue;¹ and this was also the belief of the early Christian Fathers.² If Deuteronomy was edited in this way, it is not impossible, or inconsistent with the original authorship, that the editor or editors should have admitted explanatory notes and other additions of post-Mosaic date into the body of the work.

(3) The Mosaic authorship of Deuteronomy is not *antecedently impossible*; for (a) it is generally admitted (and will be assumed throughout this essay) that such a person as Moses actually existed, that he was the leader of a great exodus of Hebrews out of Egypt, and that he gave his people *some* laws—the substance of Exod. xx.–xxiii., if no more. (b) That the *art of writing* was well known to the Egyptians and Semites long before the time of Moses has been sufficiently demonstrated by the recent researches of Egyptologists and Assyriologists. Prof. Sayce says,³ “We now know that there never was a more mistaken belief than that

¹ Buxtorf. *Tiberias*. Bk. I., ch. x.

² Tertullian *De Cultu Femin.* ch. 3.

³ *Hom. Rev.* liv. 15.

the Oriental world was illiterate. On the contrary, there was more education and a more widely-spread knowledge of reading and writing in the world into which Abraham and Moses were born than there was in the Europe of a century ago. All over the civilized East, from the Tigris and the Euphrates to the Nile, there were schools, libraries, and archive chambers, and careful registers were kept of historical events. The post carried an active correspondence along the high roads of Western Asia, and in the century before the exodus, the natives of Canaan were corresponding with one another as well as with foreign countries in the language and cuneiform characters of Babylonia." The evidence of this may be seen in the pages of Brugsch,¹ De Rouge,² Ewald,³ Sayce,⁴ etc. Ewald says that the words for "write," "ink," "book" belong to all branches and dialects of the Semitic, and draws the inference that writing in a book with ink must have been known to the earliest Semites before they separated off into their various tribes and nations and families. He concludes that "the art of writing appears in history as a possession of the Semitic nations long before Moses."⁵

Moses then could have written such a book as Deuteronomy. Indeed, no one was better qualified for the task. And it is almost certain that he would wish to do so. If any reliance can be placed upon history and tradition, the oppressed Israelites escaped from Egypt under his leadership, and finally settled in Canaan as an independent nation. That he gave them *some* laws and subjected them to a training in the wilderness which should fit them, in some degree, for their occupation of the Promised Land is certain. What can be more

¹ *Hist. d'Égypte.*

² *Recueil de Rapports, Progres des Études Relatives à l'Égypte et à l'Orient.*

³ *Geschichte des Volkes Israel.*

⁴ *Fresh Light from the Ancient Monuments, etc.*

⁵ *Gesch. I. p. 77; see also, Naville, Discovery of the Book of the Law; Maspero, Dawn of Civilization, S.P.C.K.*

probable than that, before leaving them, he should wish to set before them the moral and spiritual teaching of their own history and the principles embodied in his legislation? And is it not most probable that he would, by his own hand, or by competent scribes, write a record of these things to serve as a permanent reminder when he himself should have passed away?

(4) The Mosaic authorship of Deuteronomy is distinctly asserted in the book itself (Deut. xxxi. 9-12; 24-26). "And Moses wrote this law, and delivered it unto the priests the sons of Levi which bore the ark of the covenant of the Lord, and unto all the elders of Israel"; "And it came to pass, when Moses had made an end of writing the words of this law in a book," etc. These words are an unmistakable declaration that the book was written by Moses or someone acting under his authority. They are in line with other expressions which frequently occur in the book, *e.g.* "These are the words which Moses spake to all Israel,"¹ "Across the Jordan, in the land of Moab, began Moses to declare this law,"² "Now this is the law which Moses set before the children of Israel,"³ "And Moses called all Israel, and said unto them,"⁴ etc. The book is not anonymous, and if not a genuine production of the Mosaic age, it can only be regarded as a "forgery." It is true that the term "forgery" is indignantly repudiated by most of those critics who deny the Mosaic origin of the work, and we shall need to consider their "vindication" later on. Meanwhile, if language has any meaning, the book as it stands professes to be a genuine work of Moses.

(5) The Mosaic origin of Deuteronomy was accepted by all Jewish and Christian antiquity, with the exception of a few heretical sects in the early Christian centuries (whose views, however, are discounted by the fact that they consistently disparaged the whole of

¹ Deut. i. 1.

² Deut. i. 5.

³ Deut. iv. 44.

⁴ Deut. v. 1.

the Old Testament). Certainly the Jewish and Christian world from the time of Josiah (621 B.C.) down to A.D. 1806¹ believed that Moses wrote this book.

It may be fairly claimed that the above considerations taken together, not only show the *possibility* of Moses having written this book, but also set up a strong presumption that he *did* write it. We have now to inquire whether there are any indications in the book itself, or in the history and literature of the Hebrew nation, which tend to support or overthrow this view.

II.—THE TESTIMONY OF THE BOOK

THE task of setting forth Deuteronomy's witness to its own origin is greatly simplified by the manifest *unity* of the book. The substantial unity of Deuteronomy ("exceptions" vary with the particular critic) is generally conceded by criticism.² The critical processes of disintegration and partition amongst a number of writers, so freely applied to the other parts of the Pentateuch, are not applicable to Deuteronomy. No other book of the Old Testament bears such clear signs of unity in language, aim, and thought. The various sections of history, exhortation, and law are pervaded by one spirit, and bear the impress of one mind. Whatever its date, it is mainly the work of one writer.³

The evidence of the book as to the date at which

¹ De Wette's *Dissertation on the Origin of Deuteronomy* was first published in 1806.

² Kautzsch (*Abriss*. 59) says, "Deut. iv. 44-xxviii. 68 presents a real unity throughout." Dillmann (p. 263), and Kuenen (*Hex.* 112-115) argue for the unity of Deut. v.-xxvi. Knobel, Graf, Koster, Colenso, and Kleinert defend the unity of Deut. i.-xxvi. Driver (*Deut.* lxxii.) favours the unity of Deut. i.-xxvi., and xxviii.

³ "A strong and distinctive individuality of thought, diction and style pervades the entire book," G. F. Moore, *Enc. Bib.*, 1079.

it was composed may be arranged under three heads, viz. language, dress, and standpoint.

(1) The *language* of the book is consistent with an early date. It abounds in archaisms. A long list of such archaisms is given by Alexander in the *Pulpit Commentary on Deuteronomy*, pp. xiv.-xvi.¹ They are of various kinds, including (1) words common to Deuteronomy and the rest of the Pentateuch, but rarely (some not at all) found elsewhere in the Old Testament ; (2) grammatical forms and constructions of early date ; (3) *Hapaxlegomena*, which are usually abundant in an ancient language ; (4) words and phrases found in the Pentateuch, but which seem to have become obsolete, or to have been regarded as archaic in the times subsequent to that of Samuel ; (5) pictorial expressions, *e.g.* a root of hemlock and wormwood sprouts (xxix. 18), head and tail (xxviii. 13, 44), the saturated with the thirsty (xxix. 19) ; and comparisons, *e.g.* as a man beareth his son (i. 31), as bees do (i. 44), as a man chasteneth his son (viii. 5), as the eagle flieth (xxviii. 49), as the blind gropeth (xxviii. 29).

It has been said that these are not so much archaisms as peculiarities of style, but it is at least somewhat singular that they should abound in Deuteronomy and the rest of the Pentateuch, and should be unknown in other books of the Old Testament, even in those connected with writers who have been suggested as probable authors or compilers of the Pentateuch, such as Samuel, Isaiah, Jeremiah, Ezekiel, and Ezra.

"But," it is argued, "though the language of Deuteronomy is apparently somewhat antiquated, it is too much like later Hebrew to have come from Moses." But is not this what we might have expected? "A language is fixed by its great, and especially by its popular, authors. It is commonly said that English

¹ See also Canon Girdlestone, *Student's Deut.*, and the same writer's paper on "Linguistic Peculiarities in Genesis," in the *Churchman*, Aug., 1898.

has been fixed by Shakespeare and the translators of the Bible. Moses, apart from all question of inspiration, was a man of extraordinary genius and opportunity. If he left behind him any literature at all, it could scarcely have failed to mould the tongue of his people. Every one that knew anything of letters must have known his writings. Eastern languages, like Eastern customs, are slow of change;¹ and there is nothing strange in our finding that in the thousand years, from Moses to Malachi, the same tongue was spoken, and the same words intelligible, especially in books treating of the same subjects, and where the earlier books must have been the constant study of all the writers down to the very last."² The language of Deuteronomy then is precisely what the language of Moses would probably have been, simple, forcible, with some antiquated forms and expressions, but, having formed and stamped all future language, still readily intelligible to the last.

It is further objected that the difference in style between this and the other books of the Pentateuch is so marked that they cannot have been the work of the same writer.³ This objection does not seem to have much force save to those who accept the Mosaic authorship of the other books. For if those others are indeed composite productions of post-Mosaic times—the work of E, J, JE, P—the alleged differences between them and Deuteronomy would not necessarily affect the genuineness of the latter. But even assuming the Mosaic authorship of the other books, an objection founded on

¹ "It is said on the authority of Freytag, that the inhabitants of Mecca still speak the pure language of the Koran, written 1200 years ago."—*Speaker's Commentary*, I. 18, n. "We have Babylonian texts dated B.C. 2200 showing slight differences only from the language of B.C. 600."—*Murray's Illust. Bib. Dict.*, 801.

² See *Speaker's Comm.* I. 18.

³ "The literary styles of Deut. and P. are cast in two entirely different moulds; if Moses was the author of the one, he cannot have so far disowned his own individuality as to be also the author of the other (*Driver, Deut.*, p. xli.).

differences of style is not very impressive. The passing of forty years is sufficient to explain a certain difference in style and mode of thought. Moreover, the other books are purely legal and narrative, while Deuteronomy is mainly hortatory. It is evident that the style and manner proper to the former would be highly unsuitable for a series of popular addresses. In Exodus and Leviticus the law is codified for the judges and priests; in Deuteronomy it is preached to the people. Dillmann's idea that the style of Deuteronomy, especially in its rhetorical fulness and breadth of diction, implies a long development of the art of public oratory¹ overlooks the fact that oratory is a *gift*. Had not the author possessed oratorical ability, the art might have gone on developing twenty centuries instead of seven, without producing orations like those of Deuteronomy.

On the whole, then, the language and style of the book are not incompatible with its claim to be the work of Moses.

(2) The entire *costume and colouring* of the book is consistent with its professedly Mosaic origin.

(a) The writer's familiarity with the Egypt of the Exodus appears in several passages, *e.g.* Deut. xi. 20, "And thou shalt write them on the posts of thine house and on thy gates," is in strict accordance with the drawings of Egyptian architecture, where the doorposts of temples and tombs are covered with hieroglyphics. Deut. xxv. 2 (infliction of the bastinado) is graphically illustrated in the sculptures of Beni-Hassan. Deut. xxvii. 2, 3, "Thou shalt set thee up great stones, and coat them with lime; and thou shalt write upon them all the words of this law," is also in strict conformity with Egyptian custom. Deut. xxv. 4, "Thou shalt not muzzle the ox when he treadeth," was the custom in ancient Egypt as the monuments prove. Deut. xxvi. 14 (offerings to the dead) refers

¹ P. 611. But for the contrary view see Macaulay, *History*, vol. iv. 318.

to a custom prevalent in Egypt, where small tables were placed in the tomb "for the use of the departed spirit in its journey to the underworld."¹ Deut. xi. 10, is a vivid representation of the old Egyptian agriculture to which the monuments bear witness.

Other references of a similar character are Deut. xi. 10 (exaltation of Canaan by comparison with Egypt); Deut. xi. 18 (command to bear the words of the Lord as an amulet on the hands and breast); Deut. xx. 5 (function of the scribe in the military arrangements of the Egyptians); Deut. xxviii. 27, 35 (diseases peculiar to Egypt); and numerous allusions to the residence of the Israelites in Egypt and their deliverance from thence as of recent occurrence.

It is said² that these references to Egypt and Egyptian customs are far too insignificant and slight to prove that Moses was the author. But their force depends not on their *number* or *importance*, but their *accuracy*. We cannot reasonably demand that Moses should set his authorship of the book beyond question by a lavish display of his intimate knowledge of Egypt; but we may and do expect that his references to his native land, be they few or many, should be *correct*, and this is precisely what we find to be the case in Deuteronomy.

(b) Several geographical and biological references attest the author's acquaintance with the desert. A striking instance is to be noted in the table of clean and unclean animals. The lists in Deut. xiv. and Lev. xi. run on similar lines. But no fewer than nine animals are mentioned in Deuteronomy which find no place in Leviticus. Amongst these are :—(1) hart; (2) roebuck or gazelle; (3) fallow-deer or roebuck (*Antelope bubalis*); (4) wild goat (Syrian ibex); (5) pygarg (*Oryx leucoryx*); (6) wild ox or antelope (*Addax nasomaculatus*); (7) chamois (*moufflon*). Dr. H. B. Tristram

¹ Wilkinson-Birch, *Ancient Egypt*, III. 432.

² Driver, *Deut.*, p. lxiii.

has plainly shown¹ that with the exception of the hart or deer, none of these creatures could possibly have existed at any time in the land of Goshen, or in any part of the delta of the Nile, or in any part of Palestine except the southern wilderness of Judah. "They never could have been denizens of the hilly, wooded, and cultivated western Palestine, carefully tilled—as we know from the evidence of the tablets of Tel-el-Amarna, and Tel-el-Hesy, and other proofs—by the Canaanites long before Joshua's invasion. All wild goats and antelopes are inhabitants exclusively either of desert plains, or of bare rocky heights. That such were the animals spoken of by the writer of Deuteronomy is beyond question."² It is highly improbable that any writer of the later monarchy could have inserted in the catalogue creatures which, if known at all, could only have been known by report to the Jews of his time. For the Jews of the monarchy were quite unfamiliar with the desert. If they travelled beyond Syria at all, it was to Egypt or Assyria, and the route to neither led through the desert. Jeremiah at Anathoth could not have seen one of these animals except perhaps an *Ibex*. Ezra could have met none of them when he led the Return. "It seems impossible that the list can have been compiled at any other period or in any other place, than where and when it purports to have been written, just before the entrance into the Land of Promise, and on the east of Jordan."³

(c) Many passages indicate the author's *intimate* knowledge of notable events which occurred during Israel's journey through the desert, *e.g.* Deut. i. 22 (the sending of the spies); Deut. ii. 26-36; Deut. iii. 1-17; Deut. xxix. 7, 8 (defeat of Sihon and Og, and partition of their land); Deut. ix. 7-24; xi. 6; i. 37-46; vi. 16; ix. 22 (rebelliousness of the people); Deut. xxiv. 9 (leprosy of Miriam). Deut. iv. 3, 4, "Your

¹ *Am. Sun. Sch. Times*, xliv. 468.

² *Ibid.*

³ *Ibid.*

eyes have seen what the Lord did because of Baal-peor, for all the men that followed Baal-peor, the Lord thy God hath destroyed them from among you. But ye that did cleave unto the Lord your God are alive every one of you unto this day." Such a statement is only intelligible on the supposition that it was the utterance of one addressing those who were contemporaneous with the event. Either these words were spoken at the time indicated by "this day," or the assertion is a deliberate attempt to mislead.

Deut. i. 20, "Ye are come unto the mountain of the Amorites":¹ to one who has entered the land from the wilderness of the wanderings, the expression is exact. It appears to be a long mountain range stretching from east to west. To a Jew of the monarchy, who could have approached the region only by the imperceptibly but steadily descending downs from the north, the idea would be impossible, and the expression the very last that would occur to a late compiler.²

(3) The *standpoint* of the writer is manifestly that of one in the position of Moses just before Israel's entrance into Caanan. The speeches keep in constant view the past experiences and present circumstances of Israel, and the crisis at which they had now arrived. "The book reflects the optimism of one who knew nothing of the chequered after-history of Israel, rather than the hope of a baffled seer making a desperate attempt to wean the people from gross idolatry." It is full of confidence in the Divine protection, and of glowing appeal to the future career open to the nation on the other side of Jordan.

Professor G. L. Robinson says,³ "Deuteronomy is *primarily* intended to be a code of conquest for Israel. It is a military law-book." The people are to obey its laws in order that they "should do so in the midst of the land whither ye go in to possess it" Deut. v. 31;

¹ Cf. also Deut. i. 41-46.

² Tristram.

³ *Genesis of Deuteronomy.*

cf. also v. 29; vi. 2). To this end they are to expel the aborigines (Deut. vii. 1 f; iv. 38; ix. 1 f; xx. 16, 17; xxxi., 3), observe in warfare certain peculiar laws of the theocracy (Deut. xx. 1-20; xxxi. 6, 8; xxiii. 9-14; xxi. 10-14), make no covenant with the Canaanites (Deut. vii. 2, 3), nor learn to do after their abominations (Deut. xviii. 9), but utterly *devote* their enemies to destruction (Deut. vii. 2; xx. 16), and destroy all their places and objects of worship (Deut. xii. 2 f; xiii. 6 f); when they have vanquished their enemies, and taken possession of their inheritance, they must settle down as citizens of a civilized land (Deut. xix. 14; xxii. 8-10; xxiv. 19-22; xvii. 14-20), carry into execution the laws of Jehovah (Deut. xii. 1), choose cities of refuge (Deut. xix. 1 f), sacrifice at the place which God shall choose (Deut. xii. 5), and write this law upon great stones and set them up (Deut. xxvii. 1-8); and if they disobey they will be visited with the diseases of Egypt—with which the author alleges *they are already familiar* (Deut. vii. 15).

All these features are quite consistent with the Mosaic origin of the book. But they are distinctly out of place in a work written in the seventh century B.C. Why, for example, should a reformer in Josiah's time insist upon the extermination of the Canaanites, when as a people they had long ceased to exist? As well might a British reformer of the present day insist upon the extermination of the Druids. And what can be the meaning of Deut. vii. 18 ("Thou shalt not be afraid of them") if there were practically no Canaanites remaining at the time of writing? And what is the purpose, in the seventh century, of the command to destroy the Canaanites *gradually* lest the wild beasts should become too numerous (Deut. vii., 22)? Such injunctions are in perfect keeping with the time and circumstances of Moses in the land of Moab, but they would be as inappropriate in the days of the monarchy as it would be to-day to exhort the inhabitants of New England to extirpate the Redskins, not

to be afraid of them, but to consume them gradually, lest the wild beasts should increase in the land!

Many advocates of the "critical theory" maintain that these commands (against the Canaanites, etc.) are simply repeated from older law-books. Deuteronomy, according to Dillmann, "is anything but an original law-book."¹ And Dr. Driver says, "What is essentially new in Deuteronomy is not the matter, but the form."² But the question immediately arises, "If the work was written by a would-be reformer of the seventh century, what could have been his object in including these obsolete provisions? It is not enough to say that they were inserted as "a significant protest against the idolatrous fashions of Josiah's age,"³ for obviously the protest would have been still more significant and effective if it had been expressed with reference to the prevailing customs of the time. Dr. Driver seems to be nearer the mark when he says that "in a recapitulation of Mosaic principles addressed *ex hypothesi* to the people when they were about to enter Canaan, they would be naturally included."⁴ That appears to be a roundabout way of saying that they were inserted in order to give the necessary antique colouring to the work, and to secure its acceptance as a genuine production of the Mosaic age. In any case (and this is all we need claim just now), these commands to destroy the Amalekites, etc., are quite consistent with the Mosaic origin of the book.

So far the evidence tends to support Deuteronomy's claim to be of Mosaic date. But it is objected that certain words and phrases in the book cast considerable doubt upon its antiquity.

Obvious *editorial* additions can scarcely be included in this category; for we may reasonably suppose that whoever added the account of Moses' death (Deut. xxxiv. 5-12, which is denied to Moses even by the Talmud)

¹ *Pref. to Ex. and Lev.*, p. viii.

² *Ibid.* p. xxxii.

³ *Deut.* p. lvi.

Ibid. p. lxii.

might also have tried to adjust the different parts of the book, and bring them into their present form. The archæological and topographical notes, which are of a parenthetical character, e.g. Deut. ii. 10-12; 20-23; iii. 9, 11, 14; x. 6, 7 are probably explanatory notes inserted by a later reviser. It must be remembered that "footnotes" are a comparatively recent invention. An ancient editor would consider himself fully entitled to add here and there an incidental notice or explanation which he considered likely to be of use to his own contemporaries; and such notes, instead of being written in the margin, would be embodied in the text.¹ The Mosaic origin of the book is not affected by any conclusion that may be formed about such isolated passages.

Several phrases and expressions, however, are affirmed to be wholly inconsistent with the Mosaic date. The following are the most important:—²

1. "At that time," which occurs fifteen times in Deuteronomy,³ is said to be "utterly inappropriate in the mouth of Moses speaking so soon after the events." But eight out of the fifteen refer to events which happened before Israel departed from Horeb, thirty-eight years prior to the time of speaking; and the remaining seven refer to what took place when Israel defeated Sihon and Og six months before. Surely six months is not too brief a period to justify such an expression in oratorical utterances.

2. "Unto this day," occurs six times.⁴ But two of these occur in the "footnotes" already referred to (Deut. ii. 22; iii. 14), which are very probably

¹ See *Speaker's Comm.* I. 793; also, Prideaux, *Connexion*, Pt. I., Bk. V. 3, 4.

² For material used in this section the writer is largely indebted to Alexander, Espin, G. L. Robinson, Douglas (*Lex Mosaica*), Wiener, and Browne.

³ Deut. i. 9, 16, 18; ii. 34; iii. 4, 8, 12, 18, 21, 23; v. 5; ix., 20; x. 1, 8.

⁴ Deut. ii. 22; iii. 14; x. 8; xi., 4; xxix. 4; xxxiv. 6.

considerably later than the body of the work; one is found in Deut. xxxiv. 6, which is admittedly post-Mosaic; one (Deut. x. 8) covers a period of thirty-nine years, and another (Deut. xi. 4) a period of forty years. The latter refers to the Egyptians having been destroyed "unto this day," which was essentially true when Moses was in the land of Moab; but later on Egypt's power revived, e.g. in the days of Rehoboam, Shishak, king of Egypt, actually plundered Jerusalem.¹ The remaining passage (Deut. xxix. 4) accuses Israel of blindness and dullness during all their desert wanderings "unto this day"—an expression quite as appropriate in the mouth of Moses, as the accusation was practical and just.

It may be added that, "of all possible colloquial expressions, 'unto this day,' and 'at that time,' are just such as the (alleged) literary artist of the seventh century would have studiously avoided had they seemed to him inappropriate in the mouth of Moses."²

3. The formula "over (or beyond) Jordan," which occasionally seems to place the writer on the west side of the river. It occurs ten times; seven times it refers to the territory east of the Jordan,³ and three times to that on the west side of the river.⁴ Some writers explain the phrase as a proper name for the district east of the Jordan, used quite irrespective of the position of the speaker or writer, and analogous to our Norfolk.⁵ But Deut. iii. 20, 25; xi. 30; and Josh. v. 1; ix. 1; xii. 7 (where it is used of western Palestine) shows that this assumption is incorrect.⁶ The editor of

¹ 1 Kings xiv. 25, 26. In the days of Josiah Egypt was very powerful.

² Robinson.

³ Deut. i. 1, 5; iii. 8; iv. 41, 46, 47, 49.

⁴ Deut. iii. 20, 25; xi. 30.

⁵ So Espin, Alexander, and Wellhausen (quoted by Stuart, *The Bible true to Itself*, pp. 84, 85).

⁶ Driver, *Deut.*, p. xliii.

Hastings' Bible Dictionary¹ suggests that "wherever the *author* of Deuteronomy speaks in his own person (Deut. i. 1, 5 ; iv. 41, 46, 47, 49) it refers to the country east of Jordan ; wherever Moses is introduced as the speaker (Deut. iii. 20, 25 ; xi., 30) it refers to the region west of Jordan " ; But Deut. iii., 8, though it stands in a passage attributed to Moses, evidently refers to the land of Moab. Besides, this conjecture fails to explain its use in the other books of the Pentateuch. We can only conclude that " the term is an elastic one, and, when standing alone, ambiguous." ² This is borne out by the fact that in every instance where the phrase occurs in Deuteronomy some qualifying addition (*e.g.* "in the land of Moab," "toward the sun-rising," "over against Beth-peor," "eastward," etc.) is made to determine it. Also in Num. xxxii. 19, a phrase almost precisely similar is used of *both* sides of the Jordan in the same verse. It is plain, therefore, that no inference can be drawn from this expression as to whether the writer was on one side of the Jordan or the other.

4. "As Israel did unto the land of his possession, which the Lord gave unto them" (Deut. ii. 12), apparently presupposes a time when the Israelites were already in possession of Canaan, and therefore later than Moses. But it is not certain that Canaan was the land referred to, for similar phraseology is used in Deut. iii. 18, 20, of the district east of Jordan, already captured by Israel and given to the tribes of Gad and Reuben, and the half-tribe of Manasseh. Most probably, however, Deut. ii. 10-12, is "an explanatory footnote of an antiquarian character, inserted some time after the original text was composed." ³

5. "When ye came forth out of Egypt." ⁴ But Deut. iv. 45, 46, are in an editorial comment ; and the remaining instances refer to events at least thirty-eight

¹ Art. *Beyond*.

² Robinson.

³ *Ibid*.

⁴ Deut. iv. 45, 46 ; xvi. 3, 6 ; xxiii. 4 ; xxiv. 9 ; xxv. 17.

years before the time of writing, and therefore are not inconsistent with Mosaic authorship.

6. "Thou shalt not remove thy neighbour's landmark, which they of old time have set" (Deut. xix. 14); and the permission in Deut. xx. 5, 6, to the builder of a new house, and the planter of a vineyard to stay at home in time of war, are said to assume the existence of conditions which really imply a much later time than that of Moses. But these verses are in entire harmony with the Deuteronomic standpoint which is that of faith in the divine promises. The speaker, therefore legislates for the settled condition which he is certain will come to pass. In Deut. xix. 14, the words which follow the passage quoted clearly refer to the land as yet to be acquired.

7. Colenso asserts that Deut. xxiii. 12, 13, is a clear proof of the unhistorical character of the whole narrative, because it involves the absurdity of enacting what was obviously impracticable. But Deut. xxiii. 12, 13, is a regulation for soldiers encamped against their enemies, not for the domestic encampment of the people either in the wilderness or elsewhere.¹

8. It is contended that the references to "star-worship" (Deut. iv. 19; xvii. 3) imply a later date, as that form of idolatry first became popular in Palestine in the seventh century B.C. But 2 Kings xvii. 16 (referring to the eighth century) states that the Ten tribes worshipped "all the host of heaven"; Isaiah xvii. 8 makes mention of "sun images" worshipped in the prophet's time; Amos v. 25, 26 denounces Israel for sacrificing to "the star of your god;" the monuments of Ramak, dating from the reign of Seti I. in the fourteenth century B.C., show pictures of a steer of Moloch, and a cow's head with a crescent between the horns; and the names of certain places in Palestine testify that the worship of the sun and moon was ancient, and Deuteronomy

¹ Cf. Alexander, *Pulp. Comm. Deut.* p. xxviii.

lays no stress upon "star-worship" apart from that of the sun and moon¹

Another objection to the antiquity of Deuteronomy is founded upon a number of alleged "contradictions" between it and the other books of the Pentateuch. Some of these are "legislative," and will be discussed in chap. iv. ("The Critical Theory"). Others are in the narratives. Most of these, however, will be found on close examination to be due to incompleteness of statement, rather than to any fundamental contradiction, e.g. in Deut. i. 9-13, Moses suggests to Israel the advisability of appointing judges, while in Exod. xviii. 13-26, the suggestion is made by Jethro to Moses. Similarly, in Deut. i. 22, 23, the plan of sending spies is attributed to the people; according to Num. xiii. 1-3, it was due to the commandment of the Lord. In Deut. ix. 9, and x. 10, Moses is said to have fasted on the occasion of his first and second visits to the Mount; whereas Exod. xxxiv. 28 records the second instance only. In all these cases the two accounts are mutually supplementary rather than contradictory.

In Deut. i. 37, 38, (cf. iii. 26; iv. 21) Moses is prohibited from entering Canaan on account of the *people's* transgression; in Num. xx. 12 (cf. xxvii. 13, 14), on account of *his own* sin. But both books teach plainly that *Israel* sinned (Deut. i. 37; Num. xx. 3, 13), and both expressly affirm that Moses was excluded from Canaan because of *his own* presumption (Num. xx. 12; Deut. xxxii. 50, 51). The *immediate* reason was the sin of Moses; the *ultimate* reason was the rebelliousness of the people which gave occasion to that sin.

Another difficulty of the same kind occurs in the accounts of the making of the Ark of the Covenant (Deut. x. 1-5, and Exod. xxv. 10 f; cf. Exod. xxxiv. 1-4, 28; xxxvii. 1 f.). There is a twofold difficulty here; first as to *who* made the Ark, Moses or Bezaleel

¹ See Robinson, *Genesis of Deuteronomy*; Kleinert, *Das. Deut.* pp. 105-112; and Driver, *Deut.* p. xlvi.

(but obviously, Moses may be said to have *made* it, although Bezaleel performed the manual labour); second, as to the *time* when Moses received and executed the divine command to make it. In Deuteronomy he is told to make the Ark *after* the destruction of the calf; he obeys and returns to the Mount to receive the new tables of the law. In Exod. xxv. 10 *f.* he apparently receives the command during his first sojourn in the Mount, *before* the episode of the golden calf, but its fulfilment is delayed till his second return from the Mount. The difficulty is not very important, because the phrase "at that time" in Deut. x. 1, renders it very uncertain *when* the command was actually given. Comparing the two accounts the order of events is probably as follows: God commanded Moses to make an Ark when he was with Him in the Mount on the first visit (*cf.* Exod. xxiv. 12, 18; xxv. 10), and at the same time appointed Bezaleel to make it (Exod. xxxi. 2, 7). Moses descended from the Mount, the tables were broken, the calf destroyed, the people punished, and after long communion with God in the tabernacle (Exod. xxxiii. 9-11) Moses was bidden to make two other tables. This he does, orders Bezaleel to make the Ark, and re-ascends the Mount (Deut. x. 1; Exod. xxxiv. 1). He then receives the new tables, brings them down, and places them in the Ark which Bezaleel had meanwhile prepared (Deut. x. 5). From this it may be seen that the two accounts are not necessarily discrepant, but mutually complementary.¹

From Deut. i. 46; ii. 1, 14, it might be inferred that Israel spent the thirty-eight years in the wilderness *away from* Kadesh (Deut. ii. 14) in wandering about Edom (Deut. ii. 1); while in Num. xiv. 28 *f.* the thirty-eight years are spent in Kadesh. But both books agree that Israel *abode* an indefinite time in Kadesh (Num. xx. 1; Deut. i. 46), and both declare that Israel spent

¹ Robinson.

a long time away from Kadesh "in the wilderness" wandering (Num. xiv. 33, "thirty-nine years"; Deut. ii. 1, "many days"). Besides, we must distinguish between Kadesh (Deut. i. 46; Num. xiii. 26; xx. 1, 14, etc.), and Kadesh-Barnea (Deut. ii. 14; Num. xxxii. 8, etc.). Kadesh was the region round about Kadesh-Barnea—a wilderness like the desert of Bered (*cf.* Gen. xvi. 14; Ps. xxix. 8). Moses himself may have spent some time in Kadesh-Barnea, but, for the sake of pasturage, the people would be obliged to scatter throughout the neighbouring wilderness.

Another discrepancy is alleged in the account of the journeyings of the Israelites given in Deut. x. 6, 7, as compared with Num. xxxiii. 31-33, 38. The stations of the journey are not mentioned in the same order. But the two accounts are not necessarily parallels; neither do they claim to be guides to Israel's movements at any given time; nor indeed can the names of the places be identified. The chief difficulty here is that "according to Deut. x. 6, Aaron dies in Moserah, whereas according to Num. xxxiii. 38 he dies in Mount Hor. But nothing is known of the place called Moserah, and in the absence of proof that there was no place of that name in Mount Hor, it cannot be claimed that Deut. x. 6 is a contradiction of Num. xxxiii. 38."¹ But there are strong reasons for holding that Deut. x. 6, 7, is not an integral part of the book, but an editorial note. Dr. Driver argues on behalf of this view with considerable force,² and therefore does not press the objections founded on this passage.³ This disposes also of the difficulty that Deut. x. 8, 9, places the consecration of the tribe of Levi much later than Exod. xxviii. 29; Lev. viii.; and Num. iii. 5-10, would imply.⁴

¹ So Robinson, who, however, inclines to the view that Deut. x. 6, 7, is an editorial note.

² Driver, *Deut.*, p. cxviii.

³ *Deut.*, p. xxxv.

⁴ On these discrepancies see Orr, *Prob. of the O.T.*, pp. 276-281.

These are the only important contradictions of the other Pentateuchal narratives to be found in Deuteronomy: It cannot fairly be said that any one of them is fundamental or irreconcilable; and they are all precisely such as a forger would be careful to avoid, and, seeing he must in that case have had the earlier books before him, could—in most instances—quite easily have avoided. They are all capable of satisfactory explanation, and certainly furnish no sufficient grounds for rejecting the traditional view. Indeed, as will be seen later on, they are neither as numerous nor as weighty as the difficulties which beset the theory of seventh-century origin.

The testimony of the book, then, is clear and consistent. It claims to be Mosaic,—for Dr. Driver's argument that "Deuteronomy does not claim to be written by Moses, because the author speaks of Moses in the third person,"¹ would also rob Cæsar of the *Commentaries*,—the book claims to be Mosaic; and its whole setting, its language, its standpoint, and its general tone are so entirely in harmony with that claim, that if it be not a genuine work of Moses, it is the "most exquisite of literary frauds, and that in an age which had not as yet acquired the art of transporting itself into foreign individualities and situations."² No date or historical setting fits the book save one, that is, when Israel were in the plains of Moab expecting to cross into the Promised Land. For this time and occasion it is perfectly appropriate. "The optimistic spirit which pervades it was natural to Moses, the aged servant of God, laying down his work and his life, happy and hopeful in the future of the nation he had loved and led so long."³

¹ *Introd. to the Lit. of the O.T.* p. 83.

² Hengstenberg. ³ Leitch.

III.—THE WITNESS OF PROPHECY AND HISTORY.

WHILE an examination of Deuteronomy itself shows that no absurdity is involved in the traditional opinion that it was written by Moses, it is not sufficient to *prove* that it was so written. It *may* have been a very clever forgery by an ingenious writer in a later age. In order to vindicate the genuineness and antiquity of Deuteronomy it is necessary to produce reasonable evidence of its existence in post-Mosaic, and especially in sub-Mosaic times.

Almost all Biblical critics are agreed¹ that the "kernel"² of Deuteronomy was contained in that "Book of the Law," which was discovered in the Temple in the reign of Josiah, B.C. 621.³ It is certain that both king and people acknowledged its Mosaic authority, and in this their example has been followed by the Jews ever since.

Taking B.C. 621, then, as our starting-point, let us search the earlier Hebrew records for traces of the existence and influence of Deuteronomy.

I. In the *prophetical books* of the Old Testament we find numerous quotations and allusions which show that the prophets were well acquainted with it.

There are so many points of similarity between Deuteronomy and the Book of Jeremiah⁴ that the only

¹ The chief exceptions are Havet, Vernes, and Eichthal.

² See p. 18, note (2).

³ 2 Kings xxii. 8.

⁴ Cf. Jer. ii. 6, Deut. viii. 15; Jer. ii. 28, Deut. xxxii. 37 38; Jer. iii. 1, Deut. xxiv. 4; Jer. iii. 17, Deut. xxix. 19; Jer. iv. 4, Deut. x. 16, xxx. 6; Jer. v. 15, Deut. xxviii. 49; Jer. v. 23, Deut. xxi. 18, 20; Jer. vii. 3, Deut. vii. 12-15; Jer. viii. 19, Deut. xxxii. 21; Jer. ix. 26, Deut. x. 16, xxx. 6; Jer. x. 16, Deut. xxxii. 9; Jer. xi. 3, Deut. xxvii. 26; Jer. xi. 4, Deut. iv.

possible question is whether Jeremiah quoted from Deuteronomy or was himself the author of that work.¹ In either case these coincidences point to the existence of Deuteronomy in the days of Jeremiah (B.C. 628-588).

The prophet Isaiah lived and taught in the reigns of Uzziah, Jotham, Ahaz, and Hezekiah, kings of Judah, B.C. 740-700. That Deuteronomy was known to him may be inferred from a comparison of the following passages: ²—Is. i. 2 with Deut. iv. 26, xxxii. 1; Is. i. 17, Deut. x. 18, xxviii. 33, 51; Is. i. 23, Deut. xxiv. 17; Is. i. 25, Deut. xxviii. 63; Is. ii. 7, Deut. xvii. 16, 17; Is. iii. 10, Deut. xii. 25; Is. vi. 9, 10, Deut. xxix. 4; Is. vii. 15, 16, Deut. i. 39; Is. viii. 18, Deut. xxviii. 46; Is. xvi. 14, Deut. xv. 18; Is. xvii. 1, xxv. 2, Deut. xiii. 16; Is. xxvii. 11, Deut. xxxii. 28; Is. xxx. 16, 17, Deut. xxviii. 20, 25, xxxii. 30; Is. xxxi. 1 *f*, Deut. xvii. 16; Is. xxxi. 7, Deut. ix. 21; Is. xxxiii. 14, Deut. iv. 24.

The prophet Micah was contemporary with Isaiah. He addressed not only the inhabitants of Judah, but also Samaria and the House of Israel. In his book there are many verbal correspondences with Deuteronomy, *e.g.* Micah i. 2, Deut. xxxii. 1; Micah i. 3, Deut. xxxii. 13; Micah ii. 2, Deut. v. 21; Micah ii. 4, 5, Deut. xxxii. 8, 9; Micah ii. 10, Deut. xii. 9; Micah v. 7, Deut. xxxii. 2; Micah vi. 2, Deut. iv. 26; Micah vi. 8, Deut. x. 12;

20, xxviii. 1, xxix. 13; Jer. xi. 5, Deut. vii. 12, 13; Jer. xv. 4, Deut. xxviii. 25; Jer. xvi. 13, Deut. iv. 26-28; Jer. xxi. 8, Deut. xxx. 19; Jer. xxii. 8, 9, Deut. xxix. 24-26; Jer. xxii. 29, Deut. xxxii. 1; Jer. xxiv. 9, 10, Deut. xxviii. 25; Jer. xxviii. 9, Deut. xviii. 22; Jer. xxviii. 14, Deut. xxviii. 48; Jer. xxviii. 16, Deut. xiii. 5; Jer. xxix. 13, 14, Deut. xxx. 3; Jer. xxxii. 21, Deut. xxvi. 8; Jer. xxxii. 21, Deut. xxvi. 8; Jer. xxxii. 37, Deut. xxx. 3; Jer. xxxii. 39, Deut. iv. 10, vi. 24; Jer. xxxii. 41, Deut. xxx. 9; Jer. xlvi. 10, Deut. xxxii. 42; Jer. xlvi. 40, Dlix. 22, Deut. xxviii. 49.

¹ "The opinion that Jeremiah was the *author* of Deuteronomy, though advocated formerly by Colenso, rests upon a superficial comparison of style, and has been rightly rejected by all subsequent critics," Driver, *Deut.* p. xciv.

² All of which are taken from the first part of the book.

Micah vi. 10, 11, Deut. xxv. 13-16; Micah vi. 15, Deut. xxviii. 38-40; Micah vii. 5, Deut. xiii. 6. Micah's expression (i. 2) "Let the Lord be witness against you, the Lord from his Holy Temple," is a significant though unobtrusive indication of the centralised worship at Jerusalem. Such phrases as Deut. xxv. 13-16; xxviii. 38-40, must have been borrowed *by* or *from* the prophet Micah. If Deuteronomy was known to the prophet the explanation is obvious, but if not, the phenomenon is extremely perplexing, if not quite inexplicable.

We now come to two witnesses whose evidence merits special attention, the prophets Amos and Hosea.

The book of Hosea consists of two unequal sections, chaps. i-iii and iv.-xiv. The former is generally assigned to the close of the reign of Jeroboam II., king of Israel, B.C. 743; the latter was published a few years later.¹ The following coincidences with Deuteronomy occur in this book:—Hosea iv. 4, which is intelligible only as a reference to Deut. xvii. 8-13; Hosea i. 10, Deut. xxxii. 21; Hosea ii. 8, Deut. viii. 18; Hosea iii. 5, Deut. iv. 30; Hosea iv. 14, Deut. xxiii. 17, 18; Hosea v. 10, Deut. xix. 14, xxvii. 17; Hosea vi. 1, Deut. xxxii. 39; Hosea vi. 15, Deut. xxviii. 30, 38; Hosea viii. 1, Deut. xvii. 2, xxviii. 49; Hosea viii. 13 and ix. 3, Deut. xxviii. 68; Hosea ix. 4, Deut. xxvi. 14; Hosea ix. 9, Deut. xxxi. 29; Hosea x. 11, Deut. xxv. 4; Hosea xi. 1, Deut. xxxiii. 3; Hosea xi. 3, Deut. xxxii. 11; Hosea xi. 5, Deut. xvii. 16; Hosea xii. 12, Deut. xxvi. 5; Hosea xii. 13, Deut. xviii. 18; Hosea xiii. 2, Deut. xxvii. 15; Hosea xiii. 5, Deut. xxxii. 10; Hosea xiii. 6, Deut. viii. 12, xxxi. 30, xxxii. 15; Hosea xiii. 12, Deut. xxxii. 34.

The Book of Amos is the earliest example of prophetic literature. Its genuineness (with the exception of a few verses) is not doubted by any critic. Its date is fixed by the title, and by the narrative in chap. vii. as being during the reign of Jeroboam II., B.C. 782-743; and other historical allusions in the book suit the same

¹ Prof. G. A. Smith, *Book of the Twelve Prophets*.

period.¹ Several passages indicate the prophet's knowledge of Deuteronomy, *e.g.* Amos ii. 9, Deut. iii. 11; Amos ii. 10, Deut. viii. 2; Amos iii. 2, Deut. vii. 6; Amos iv. 4, Deut. xiv. 28; Amos iv. 6-10, Deut. xxviii. 15-42; Amos v. 11, Deut. xxviii. 30; Amos v. 25, 26, Deut. xxxi. 21; Amos vi. 12, Deut. xxix. 18; Amos viii. 14, Deut. xi. 21; Amos ix. 4, Deut. xxviii. 65; Amos ix. 7, Deut. ii. 23; Amos ix. 14, 15, Deut. xxx. 3, 5, 9.

These quotations are not, of course, of equal evidential value, but their cumulative force warrants the conclusion that both Amos and Hosea knew the Book of Deuteronomy and freely quoted from it. This conclusion is supported by the fact that such prophecies as these, filled as they are with severe denunciations of the people to whom they are addressed, must have had a past framework of history and revelation, else they would have fallen like "bolts from the blue," and have served no intelligible meaning or result. Amos himself had been a herdman and a gatherer of sycamore fruit. He had not been trained in the schools of the prophets.² He was "a fair specimen of the religious Jew of the less-educated classes." What *he* knew of the past would be known to most of his contemporaries.

These prophets, then, addressed an audience well versed in the history and laws of their race, whose knowledge was derived not from vague traditions, but from written records. They were also a hostile audience. There were both priests and prophets opposed to Amos and Hosea, who would quickly and joyfully have exposed any error, and certainly prevented any sweeping religious changes, if those changes had no other warrant than the authority of the prophets themselves.

There is no indication in these prophecies that Amos and Hosea were advocating a new faith or ritual. "If anything is clear from their writings, it is that they do

¹ Prof. G. A. Smith, *Book of the Twelve Prophets*.

² Amos vii. 14.

not regard themselves as *innovators*, but as *reformers*. They are striving to call the people to their allegiance to Jehovah, and to raise practice to the level of belief. They are conscious of no discontinuity with the past."¹ Wellhausen says, "The language held by these men was one hitherto unheard of when they declared that Gilgal and Bethel and Beersheba, Jehovah's favourite seats were an abomination to Him."² But if their teaching was "hitherto unheard of," on what ground did they attack the unbroken customs of centuries? On what plea could they condemn practices condoned if not countenanced by the saints and heroes of the nation? On one point certainly Hosea appeals to the written law; and that point is one characteristic of the legislation of Deuteronomy. He condemns the multiplication of altars, and adds, "Though I write for him the great (or many) principles of My Law, like a strange thing have they been reckoned."³ It can scarcely be doubted, then, that these prophets appealed to historical and legislative standards which had their root in the past, and that these standards included the Book of Deuteronomy.

II. This appears to be a convenient point at which to examine another piece of evidence connected with the northern kingdom, viz. the Samaritan Pentateuch.

"The Pentateuch as preserved by the Jews was written in the Modern Hebrew or Chaldee characters. It was known to the ancient Jews and the early Christian Fathers that there was a copy preserved by the Samaritans in a more ancient character. For a thousand years it was lost, and its very existence was doubted. But in A.D. 1616 Pietro della Valle obtained a complete MS. of it from the Samaritans at Damascus. Several other copies have since been found, one of which is

¹ Kirkpatrick, *Warburton Lectures*, p. 26, quoted in *Lex Mosaica*.

² *Prolegomena*, p. 23.

³ Hos. viii. 12.

believed to be of the remotest antiquity. In almost all particulars (dates being the chief exceptions) the Samaritan Pentateuch agrees with the Jewish."¹

A question that bears closely upon the subject of our present inquiry is, "Since when has the Pentateuch been in the possession of the Samaritans?" Prof. König² fixes the date about 444 B.C., but gives no reasons. Prof. Kautzsch³ and Prof. Cowley⁴ declare that the date cannot now be known. Wellhausen⁵ and Driver⁶ ignore the problem. It may seem presumptuous on our part to step in where these great scholars decline to tread; but this Pentateuch must have appeared at some time, and while it cannot have done so *later* than 444 B.C. there are several facts that seem to indicate a much earlier date.

(a) On the assumption that the Pentateuch was not complete until *circa* 458 B.C. no adequate reason is suggested why the Jews should give or the Samaritans take a copy in B.C. 444. Ezra had banished the Samaritans from the Temple and city of Jerusalem: why should he tantalise them by giving them the law, and at the same time forbidding them to keep it? It has been conjectured that the Pentateuch was not given by Ezra, but stolen by the recreant priest Manasses (son-in-law of Sanballat), who is said to have founded the Samaritan Temple on Mount Gerizim.⁷ But if the Pentateuch was a recent compilation, a considerable portion of which (the legislation of the Priestly Code) had only been formulated since the return, Manasses, himself a priest, must have known this. Why should he desire to carry with him a Law which he knew to be

¹ See *Speaker's Comm.* i. 14.

² *Hastings' Dictionary of the Bible.*

³ *Schaff-Herzog Encyclopaedia.*

⁴ *Enc. Bibl.*

⁵ *Prolegomena.*

⁶ *Introd. to the Lit. of the O. Test.*

⁷ Josephus, *Ant.* xi., vii. 2, viii. 2, but the incident is dated a century too late: see *Neh.* xiii. 28.

of human and quite recent origin, the invention of his enemies, the priests of Jerusalem; a law, moreover, whose precepts he had broken, and which had forced him out of his priestly office?

Besides, the Samaritans did not merely preserve the Pentateuch as a literary treasure; they adopted it as their law-book. It is extremely rare for a nation to be converted wholesale to a new religion: rarer still for a community to adopt the religion of their bitterest foes—foes whom they not only hated, but utterly despised. That a nation should accept the Faith of a powerful people is at least conceivable; but what was there in the weak and pitiable state of the Jews in the year B.C. 444 to make the Samaritans anxious to borrow their laws?

(b) The *variations* of the Samaritan from the Massoretic Text indicate an origin much earlier than 444 B.C. They may be classified as (1) *Intentional* (including logical, grammatical, and doctrinal differences); and (2) *Accidental*, due to mistakes of sight, hearing, or memory. Of these variations, those caused by errors of sight (by which letters similar in appearance were mistaken) are the most important as an aid to fixing the date of the Samaritan MS. The Samaritan script is much older than the "square" letters of the M.T. The "square" alphabet was introduced into Palestine after the Exile, and probably came into general use in the fourth century B.C. It was preceded by the "crooked" letter in which the Samaritan roll at Nablous was written. Still more ancient, however, is the "angular" character found in the Siloam inscription (B.C. 736), and on the Moabite Stone (B.C. 895). Few, if any, of the variations of the Samaritan from the M.T. can be traced to resemblances of letters similar in the "crooked" script. Some, which can only be explained by similarities in the square character, are probably due to blunders by the Massoretic copyists. But in many cases the resemblances are best explained on the supposition that the document from

which they were copied was written in "angular" script of the date of the Siloam inscription—a view which would suit the idea that the MS. from which the Nablous roll was copied was, in the last resort, the MS. brought by Assur-banipal's priest (B.C. 660) who taught the colonists how to worship Jehovah. But that presupposes the existence of the complete Pentateuch long before 444 B.C.¹

(c) The Samaritans who were so eager to help in building the Temple in the days of Zerubbabel (B.C. 536) claimed to have been worshippers of Jehovah since the days of Assur-banipal, nearly 130 years before.² Their claim was not refuted though their proffered aid was emphatically declined. No charge of idolatry, or even of heresy, was brought against them. Indeed, after this they were allowed to join in the worship at Jerusalem.³ It was because they had been so long familiar with the Temple ritual that they so earnestly desired to join in the work of restoration. It was only after their generous offer had been harshly rejected, and they themselves later on driven from the Temple, that they built a temple of their own on Mount Gerizim. They had the Law, and they built a temple in which to observe the Law. But such devotion does not spring up in a moment. A nation does not receive a new ritual and resolve to build a temple in a day. Still less would it do either the one or the other simply out of sudden hatred. It was not a spiteful impulse, then, or vindictive fury that impelled the Samaritans to erect their temple at Shechem. It was an unquenchable love for the law of Moses, which they had known and venerated for at least two hundred years.

(d) How, then, did these Samaritans become possessed of the Law? If the date B.C. 444 is untenable there is only one alternative left. The Law must have been

¹ See Murray's *Illust. Bib. Dict.*, pp. 779, 780.

² *Ezra* iv. 2.

³ *Ezra* vi. 21.

introduced by that priest whom Assur-banipal¹ sent (B.C. 660), after the fall of Samaria, to instruct the heathen colonists in the worship and laws of the God of the land.² The priest himself was a native of Samaria, and he taught the worship of Jehovah as he had learned it himself. That he should teach them out of the written and authoritative Book of the Law is a reasonable supposition; and in the absence of any other tenable theory of the possession of the Pentateuch by the Samaritans it holds the field. We have seen that for various reasons the date 444 B.C. is impossible. Equally impossible is the period B.C. 536-444, during which Jews and Samaritans were open enemies. There is not a shred of evidence in support of any date between 536 and 660 B.C. We have good grounds therefore for concluding that the Samaritans received the Pentateuch in the days of Assur-banipal (*circa* B.C. 660).

Here we have independent testimony of great value to the antiquity of the Pentateuch and therefore of Deuteronomy. For no one suggests that Assur-banipal's priest fabricated the Pentateuch or any part of it. He simply used it as the standard and authority of his teaching—just as Amos and Hosea had done eighty or one hundred years before. And this use of it proves that it had already been in existence a sufficiently long time to win the acceptance and veneration of the ten tribes before the fall of Samaria; thus confirming the conclusions already derived from our study of the Books of Amos and Hosea.

But if such is the case, something more is proved than the mere existence of Deuteronomy in the Kingdom of Israel in the eighth century B.C.—more even than its reception at that time as a sacred book. For it is incredible that any book—least of all a book of laws—would be so received in the northern kingdom, which had only originated in Judah after the great schism. Deuteronomy therefore must have been known and its

¹ Ezra iv. 2.

² 2 Kings xvii. 24-28.

authority recognised at and before the time of the separation, in the days of Rehoboam. And if in the reign of Rehoboam, it must have been so regarded in the days of his predecessors, Solomon and David. For it cannot be believed that it could have won universal acceptance at the moment of Rehoboam's accession, had it not been by long usage already established. "It is true that the better part of Israel was never wholly alienated religiously from Judah, but it is most improbable that this would have led the nation generally to accept a book pretending to be from God by the hand of Moses, but which was unknown to their fathers, and had come into existence in Judah after the Separation." National enmity and sectarian jealousy would have prevented that, especially in the case of a book by which their whole system was condemned.

III. So far we have been able to trace the existence and recognition of Deuteronomy back to the times of David and Solomon, using as our authorities mainly the literature and history of the northern kingdom. We shall now see that the testimony of the historical books of Samuel and Kings¹ points in the same direction; and that in the Books of Judges and Joshua, the acceptance of Deuteronomy may be traced right up to the days of Joshua, the successor of Moses.

2 Kings xiv. 6, reads, "But the children of the murderers he (Amaziah, king of Judah, B.C. 797-779) slew not; according to the law of Moses, wherein the Lord commanded, saying, the fathers shall not be put

¹ The Books of Chronicles are not referred to here, not because the author believes them to be wholly unreliable; nor because they furnish no evidence of the antiquity of Deuteronomy; but because so much discredit has been cast upon them by many modern critics, especially Wellhausen, that they could not, in common fairness, be quoted without first being vindicated; and such a defence of their general trustworthiness would occupy far too much space to be included within the limits of this little book.

to death for the children, nor the children be put to death for the fathers; but every man shall be put to death for his own sin." The king appears to have been influenced by a law which is found *only* in Deut. xxiv. 16.

In 2 Kings xviii. 4-6, an account is given of the reformation of worship by King Hezekiah. That reformation included the removal of the "high places" and the prohibition of idolatry, in conformity with Deut. xii. and xiii. And the historian describes it as having been carried on according to the commandments "which the Lord commanded Moses." It was not a *revolution*, but a *reformation*: not the introduction and imposition of a novel theory and practice of worship, but a reversion to the original ideal. It was not carried out arbitrarily by the authority of the king alone, but according to a law Divinely given through Moses. It emphasised the principle of the Central Sanctuary which is a prominent idea in Deuteronomy. In fact, the reformation of Hezekiah was more definitely Deuteronomic in character than that of Josiah.

The attempt of certain writers¹ to dispute the historicity of this passage (2 Kings xviii. 4-6, 22) can only be described as a flagrant instance of the fallacy called "arguing in a circle." 2 Kings xviii. 4-6 must be unhistorical because it describes a reformation, the chief note of which is the centralisation of worship at a time when the law of the Central Sanctuary was not in existence! Next we are assured that the law of Central Sanctuary was first formulated in 621 B.C. because there is no trace of its having been observed in earlier times! Thus portions of the history are cut out because they conflict with a theory; and then the mutilated remains are triumphantly put forward in support of the theory. If it be said that the compiler of "Kings" invented the story of Hezekiah's reformation, on what grounds can the truth of 2 Kings xxii.,

¹ E.g. Wellhausen: *Proleg.* p. 25 f, 46 f.

xxiii. (describing Josiah's reformation) be maintained? "Either the narrative (2 Kings xviii. 4-6) is historical, and we have no reason to doubt it, and then we have a clear trace of Deuteronomy; or it was invented by the Deuteronomist author of *Kings*, and then we may fairly question also the truth of 2 Kings xxii. f, in which case the *secure starting-point of modern criticism* would disappear!"¹

In the First Book of Kings we find many apparent indications that a written law attributed to Moses, and containing many of the precepts and provisions of Deuteronomy, existed and was recognised as authoritative in the period of the Undivided Monarchy. David's charge to Solomon that he should "walk in the ways of God, and keep His statutes and His commandments and His judgments and His testimonies, as it is written in the law of Moses, that thou mayest prosper in all that thou doest" (1 Kings ii. 3) is couched in language drawn from Deuteronomy (*cf.* Deut. xvii. 19, 20; xxix. 9). Solomon in giving command to Benaiah concerning Joab, adds words which are almost a verbatim quotation from Deuteronomy (*cf.* 1 Kings ii. 31, Deut. xix. 13, xxi. 8, 9). And Solomon's address and prayer at the dedication of the Temple simply bristle with such quotations (*cf.* 1 Kings viii. 16, Deut. xii. 11; 1 Kings viii. 23, Deut. vii. 9; 1 Kings viii. 29, Deut. xii. 11; 1 Kings viii. 32, Deut. xxv. 1; 1 Kings viii. 33, Deut. xxviii. 25; 1 Kings viii. 35, Deut. xxviii. 23; 1 Kings viii. 37, Deut. xxviii. 21-52; 1 Kings viii. 42, Deut. iii. 24; 1 Kings viii. 51, Deut. ix. 29; 1 Kings viii. 53, Deut. ix. 26, 29, xiv. 2; 1 Kings viii. 56, Deut. xii. 10; 1 Kings viii. 57, Deut. xxxi. 6; 1 Kings viii. 60, Deut. iv. 35, 39). Other references to Deuteronomy occur in 1 Kings vi. 7; ix. 3, 7, 8; x. 26; xi. 1-4, etc.

It is alleged, however, that these passages prove nothing as to the antiquity of Deuteronomy, but only that the author or compiler of *Kings* was familiar with

¹ Moller, *Are the Critics Right?* p. 41.

the book, and that it influenced his literary style and coloured his view of the history. This would be quite consistent with the assumption that Deuteronomy was published for the first time in 621 B.C., seeing that *Kings* in its present form could not have been completed earlier than the middle of the sixth century B.C.¹ According to this view the passages cited above, together with many others (e.g. the estimates of the character of the kings), are said to be insertions by the compiler who sought in this way to bring the history into harmony with the Deuteronomic legislation, and so lend historical support to the claims and authority of the latter.

In reply it may be urged that (1) Deuteronomy is not the only part of the Pentateuch thus referred to in *Kings*.² (2) It is certain that the compiler of *Kings* made use of materials which were in most cases contemporaneous or nearly so with the events described. He quotes from the Book of the History of Solomon, the Book of the History of the Kings of Judah, and the Book of the History of the Kings of Israel. Much of his material "was probably taken from a kind of Chronicles begun early in both kingdoms, and afterwards continued down to a late period, the work of continuation being taken up by one writer after another."³ He must therefore have known whether Deuteronomy was recognised in the days of Solomon or not. If, while well aware that Deuteronomy was unknown to the early kings, he yet "positively meddled with the materials as found in the sources,"⁴ in order to invest that book with an authority it did not really possess,

¹ At 2 Kings xxv. 27 ff, the favour shown to Jehoiakim in the 37th year of his captivity (B.C. 561) is mentioned.

² Cf. 1 Kings i. 39, Ex. xxx. 23, 25, 32; 1 Kings i. 47, Gen. xlvii. 31; 1 Kings ii. 1, Gen. xlvii. 29; 1 Kings ii. 9, Ex. xx. 7, Gen. xlii. 38, xlv. 31; 1 Kings ii. 19, Ex. xx. 12; 1 Kings ii. 31, Ex. xxi. 14; 1 Kings ii. 35, Num. xxv. 11-13; 1 Kings ii. 37, Lev. xx. 9; 1 Kings iii. 2, Lev. xvii. 3-5; 1 Kings iii. 7, Num. xxvii. 17, etc.

³ Kautzsch, *Lit. of the O.T.*, p. 71.

⁴ Wellhausen, *Proleg.*, p. 282.

what shall we say of his trustworthiness? How shall we discriminate between truth and falsehood in his work? (It is easy to say that the Deuteronomic element can be distinguished from the original work, but that virtually means that all references and statements which savour of Deuteronomy must be excised, merely because they are Deuteronomic, and in order that the critical hypothesis may "have free course and be glorified,"—which is only the "vicious circle" over again.) And why did this Deuteronomist compiler or "meddler" not carry out his self-appointed task more thoroughly? Was it, indeed, beyond the mental endowment of this astonishing redactor to discern the inconsistencies and discrepancies which are so evident to the critics of to-day? If he tampered with the histories of Solomon and Amaziah and Hezekiah, why did he refrain in the case, *e.g.* of the Elijah and Elisha stories which are so frequently and confidently appealed to by the advocates of the critical theory? Why did he not bring those narratives also into line with Deuteronomy? But if he was faithful to his "sources" *there*, may he not have been equally true to the original in the rest of his work? The truth is that the compiler of *Kings* was not a historian in the modern sense (*i.e.* one who *digests* his materials and then recasts them in a form which bears the stamp of his own individuality);¹ rather, he seems to have embodied wholesale extracts from writers who were, for the most part, contemporaneous with the incidents they record. The Deuteronomistic element in the Books of Kings can be traced with far greater probability to the original histories and chronicles than credited to the bias of the compiler himself.

No impossibility is involved in the suggestion that in 1 Kings, *e.g.* we have a fairly accurate presentation of the words of Solomon. Shorthand is not a purely modern invention. It was known to the Greeks and

¹ See *Enc. Bib.* Art. Kings (Book of), sec. 10, col. 2671.

Romans centuries before the Christian era.¹ It was probably in use among the Egyptians even before the Exodus. Indeed, the syllabic hieratic characters were peculiarly adapted for fast writing, being themselves equivalent to a kind of shorthand; and numerous specimens of cursive syllabic writing on papyrus have been brought to light.² It is not *absurd* but reasonable enough to suppose that many of the speeches recorded in the Old Testament were taken down at the time by rapid writers. But even if no such plan was adopted at the dedication of the Temple, surely some effort must have been made to preserve the utterances of the king on such an important occasion; and the report thus made would be most probably incorporated in the Book of the Acts of Solomon. And, as we have seen, there is no sufficient ground for charging the compiler of *Kings* with having substituted for that record an imaginary discourse of his own composition.

Advocates of the "critical theory" have laid great stress on the undoubted disregard of the law of the Central Sanctuary (Deut. xii.) during the period of Samuel and Saul. They maintain that the law was not obeyed simply because it did not then exist. Two remarks may be made in reply to this argument: (a) The law in Deut. xii. is expressly qualified by the *condition* of the Lord's giving Israel rest from all their enemies,³

¹ Seneca speaks of shorthand having been brought to such perfection that a writer could keep pace with the most rapid speaker (Lord Macaulay, *Essay on Lord Bacon*). "Ennius the poet (239-169 B.C.) amused himself with an elementary system of shorthand" (J. W. McKail, *Latin Lit.*, p. 7). Cicero's first oration against Lucius Catiline was reported by shorthand writers (Plutarch, *Life of Cato*, c. 23). "A fragment of an inscription found recently in the Acropolis at Athens has been shown by Gompers to be a portion of an explanation of a kind of shorthand as old as the fourth century, B.C." (E. M. Thompson, D.C.L., *Handbook of Greek and Latin Palaeography*, pp. 82, 83. See also, *Enc. Brit.*, vol. xviii. p. 164.

² J. Palmer, *The Gospel Problems*, p. 53 ff.

³ Wellhausen says that in Deut. "we have, so to speak, only the

a condition which was not fulfilled until near the close of David's reign ; (b) During the period referred to the observance of the law of the Central Sanctuary was *impossible*, for the Ark of the Covenant was in the hands of the Philistines. Here lies the explanation of the apparent contradiction between 1 Sam. i., where Elkanah is described as going up annually to Shiloh to worship, and 1 Sam. vii. 7-9, 17 ; xvi. 5, where Samuel is represented as sacrificing at Mizpah, Ramah, and Bethlehem. During the period of Philistine supremacy (1 Sam. iv.-2 Sam. vi.), Israel were practically deprived of a central sanctuary, and the law of Deut. xii. was therefore in abeyance. Before the recovery of the Ark, David tried to establish a central worship at Jerusalem,¹ but failed, chiefly because he and the whole nation were too much engrossed in war to build a house for Jehovah. "When Solomon finished the Temple it was *too late*. The nation had enjoyed the license of semi-idolatry and in some cases open apostasy too long." Besides, the costly and unnecessary magnificence of Solomon's Temple, involving as it did a crushing burden of taxation, alienated many of the people, and eventually led to the schism between Judah and Israel. Even Solomon himself toyed with idolatry. The worship of Jehovah, even in Jerusalem, became merely nominal and formal, and continued so in spite of the reforming zeal of Jehoshaphat and Hezekiah and Josiah. Each reformation was speedily followed by a reaction ; religious defection had become chronic. But the comparative failure of all these attempts at reform "does not prove the non-existence of the Deuteronomic Law any more than the steady degeneracy of the Oriental Church proves the non-existence of the Gospels." There is, indeed, no more evidence of the existence of the Second Commandment during this period than there is of the existence

idea as it exists in the mind of the lawgiver, but making no claim to be realised till a much later date," *Hist. of Israel*, p. 37.

¹ 1 Kings v. 3.

of the Deuteronomic statutes concerning Unity of Sanctuary.¹

Similar in character to the above objection is the alleged erection of *Mazzebas* (pillars) in post-Mosaic times even by pious Israelites, in defiance of Deut. xvi. 22. The instances commonly referred to are Josh. xxiv. 26 ; 1 Sam. vi. 14 ; vii. 12 ; 2 Sam. xx. 8 ; 1 Kings i. 9 ; vii. 21 ; Hos. iii. 4. " This detail is one of the clearest proofs that Deuteronomy was unknown until long after Moses. How could Joshua, if he had known such a law, have erected a *mazzeba* under the sacred tree by the sanctuary at Shechem ? " ² But there is no proof that it was a *mazzeba* of the kind forbidden in Deut. xvi. 22. The record simply calls it a *great stone* ; and that is the expression used in most of the passages quoted. In none but Hos. iii. 4 does the term *mazzeba* occur. All *mazzebas* were stones, but all monumental stones were not necessarily *mazzebas*. Why should it be assumed that these stones were of the kind denounced in Deuteronomy ? Hos. iii. 4 is irrelevant. It simply implies, what history asserts, that idolatrous customs—including the *mazzeba*—were observed in Israel. It neither states nor implies that they were ever considered lawful.

" But," it is said, " this law was unknown to Isaiah,"—in proof whereof Is. xix. 19 is cited.³ That passage, however, would prove too much. It reads, " In that day shall there be an altar to the Lord in the midst of the land of Egypt, and a pillar at the border thereof to the Lord." But Exodus xxiv. 24 ; xxxiv. 13, also forbid the worship of pillars. And these passages, on the critical hypothesis, belong to JE, which was admittedly in existence long before the time of Isaiah ! Besides, Is. xix. 19 asserts that the pillar will be erected, not at

¹ " Before the close of the century in which he died the whole body of Charlemagne's Laws had fallen into utter disuse." Stephen, *Lects. on Hist. of France*, p. 94.

² W. R. Smith, *O. Test. in the Jewish Ch.*, p. 354.

³ Driver, *Deut.* p. xlvi.

the sanctuary of Jehovah, but at the border of the land of Egypt, and therefore is not a *mazzeba*, but a stone set up as a memorial or landmark. Further, many critics now assign Is. xix. 16-25 to the third century B.C.¹ and defend its post-Deuteronomic date on exegetical grounds.²

Another objection of the same kind is the alleged offering of sacrifices by non-priestly men in post-Mosaic times, in apparent contravention of the law which—though it appears only in the middle books of the Pentateuch—is implicitly recognised in Deuteronomy. But when it is said that Samuel, Saul, David, Solomon, etc., “offered sacrifices,” “sacrificed unto the Lord,” etc., does this mean that they usurped priestly functions—that they slew the victims and sprinkled the altar with their own hands? Alexander³ reasonably suggests that “such statements may be understood according to the old judicial brocard—‘*Qui facit per alium facit per se*’—as simply indicating that the persons named presented sacrifices in the legal way by means of the priesthood.” In the case of Solomon, who offered 22,000 oxen and 120,000 sheep at the dedication of the Temple,⁴ it *must* be the explanation for obvious reasons.⁵

The only remaining difficulty of any importance in this connection is in the narratives of Elijah and Elisha and their alleged indifference to or ignorance of the Deuteronomic laws.

(a) It is said that while Elijah and Elisha protested against the worship of the Tyrian god Baal, they were “the actual champions of the Jehovah of Bethel and Dan, and did not think of protesting against his pictorial representation.”⁶ In support of this it is pointed out

¹ E.g. Hitzig, Gesenius, Merx, Renan, Duhm, Cheyne, etc. See Cheyne, *Introd. to the Book of Isaiah*, p. xxix.

² Cheyne, *Isaiah*, p. 101.

³ *Pulp. Comm. Deut.* p. xxxii.

⁴ 1 Kings viii. 63.

⁵ Wellhausen alludes to “splendid sacrifices such as those of the kings, presumably offered in accordance with all the rules of priestly skill,” *Proleg.* p. 55. But see also ch. iv. pp. 78, 79.

⁶ Wellhausen, *Proleg.* p. 283.

(1) that no protest by Elijah or Elisha against the "calves" is recorded.¹ But the history does not profess to be complete; and the argument *e silentio*, never very forcible, is peculiarly feeble here. For other prophets (*e.g.* Micah and Isaiah) also are silent as to the "calves" even when they denounce the sins of Samaria; but no one imagines therefore that they were "champions of the Jehovah of Dan and Bethel." (2) That Elijah on Mount Carmel proposed a choice of *two* things, "How long will ye halt between the two opinions?"² *i.e.* between Jehovah and Baal, whereas if the calf-worship was not the worship of Jehovah there would be a choice of *three*. But Hosea—prophesying not more than sixty (possibly forty) years after Elisha—while discriminating between the Baal and the calf, includes them both together with all forms of idolatry as being in antagonism to the pure worship of Jehovah.³ And Amos—earlier still—condemns the calf-worship with even greater vehemence.⁴ It is extremely difficult to believe that so fundamental a change in the conception of God took place in so short a time; and it is incredible that such prophets as Amos and Hosea should attempt to establish a *new* conception of the Divine Being in open opposition to such venerated prophets of Jehovah as Elijah and Elisha. Besides, the history does suggest that the true worshippers of Jehovah did not acknowledge the "calves"; *e.g.* Ahab, when consulting the prophets before the battle of Ramoth-Gilead, evidently recognised some valid distinction between the "four hundred" and Micaiah. The four hundred were not prophets of Baal: they claimed to speak in the name of Jehovah; but Micaiah plainly repudiated and ridiculed their claim.⁵ Elisha also declined to inquire of the Lord at the request of Jehoram, king of Israel, but bade him consult the prophets, of his father and mother, *i.e.* the calf-prophets, for Jehoram

¹ *Enc. Bib.* col. 1270.

² 1 Kings xviii. 21.

³ *Cf.* Hosea ii. 17, 20; viii. 5, 6; xiii. 2.

⁴ Amos iii. 14; iv. 4; viii. 14.

⁵ 1 Kings xxii.

had put away Baal, but still worshipped the "calves."¹ The history, therefore, shows us Micaiah and Elisha in perfect agreement with Hosea and Amos.²

(b) If the law of one sanctuary (Deut. xii.) was known, how comes it that Elijah erected an altar to Jehovah on Mount Carmel, and himself sacrificed upon it though he was neither priest nor Levite?³

The explanation is to be found in the peculiar circumstances of the time. The Jehovah worshippers in Israel were prevented from going up to Jerusalem by the policy of Jeroboam and his successors. Therefore they could not obey the law of the central sanctuary. Two courses were open to them: either to disregard the sacrificial laws altogether (as, under similar circumstances, the exiles in Babylon did), or to observe such parts of it as were still possible. They appear to have chosen the latter until they were prevented by the demolition of their altars, and the persecution of their prophets.⁴ "Since they could not carry out the Mosaic system in its entirety, they reverted to the patriarchal, rather than risk the absorption into idolatry which would be the certain consequence of the abandonment of all external worship of Jehovah."⁵ It must be remembered that from the earliest times sacrifice formed an essential element of Hebrew worship, just as prayer is now an essential element of Christian worship. Such sacrifices—in pre-Mosaic times—were not *statutory*, *i.e.* enjoined by Law), but *customary*,—the spontaneous acts of individual worshippers. They were offered by laymen on various occasions, upon altars of the rudest description, and were not governed by any restrictions as to time and place. It was to this patriarchal custom that the worshippers of Jehovah in the Northern Kingdom resorted when they were cut off from the legitimate worship of the Temple.

¹ 2 Kings iii. 2, 3, 13.

² See additional note A, p. 119.

³ 1 Kings xviii.

⁴ 1 Kings xix. 10.

⁵ *Lex Mosaica*, p. 346. See also ch. iv. pp. 80, 81.

In support of this view we may confidently appeal to the compiler of Kings himself. He was admittedly an ardent supporter of the Deuteronomic laws. He freely quotes from the book in which they are found. He believed, or (if the Graf-Wellhausen theory is correct) he wished his readers to believe that the Deuteronomic legislation was in force in quite early times. He pronounces judgment on each reign according to the Deuteronomic standard, and condemns all those kings from Solomon onwards, who maintained the worship at the high-places. Yet he assigns the greatest prominence to facts which appear to be wholly inconsistent with his standpoint and general plan; and even exults in the sacrifice on Carmel as one of the greatest acts of worship ever held. Why? To say that he condemns breaches of the law of central sanctuary as the cause of his country's ruin, and yet exalts one such as a notable triumph of true religion, is to pronounce him uncommonly foolish. The true solution can only be that these stories did not seem to him irreconcilable with the existence of the Mosaic law of one sanctuary. He knew, or *thought* he knew of a satisfactory explanation. And although he does not mention it in connection with these narratives, he elsewhere indicates its nature. For he justifies, or at any rate condones the violations of the Deuteronomic law *before* the completion of Solomon's Temple in these words: "the people sacrificed in the high-places, because there was no house built for the name of the Lord in those days."¹ The neglect of the law of central worship is excused on the ground of the impossibility of observing it. And that is, in principle, precisely the explanation he would have given of the acts of Elijah and Elisha and their followers in the Northern Kingdom. In the one case the people could not obey the law because the Temple was not yet built; in the other, because the settled policy of Jeroboam and his successors prevented

¹ 1 Kings iii. 2.

them from going to it. This explanation of the Elijah narratives is indeed so obvious to the editor of *Kings* that he does not even trouble to state it.

(c) As to the alleged sacrifice by Elisha (1 Kings xix. 21),¹ it will be sufficient to quote the words of the narrator: "And he (Elisha) returned from following him, and took the yoke of oxen, and slew them, and boiled (or roasted) their flesh with the instruments of the oxen, and gave unto the people and they did eat." Evidently this was no *sacrifice*, but a "killing and eating" of a kind which Deuteronomy expressly allows.²

But apart from any solution of specific difficulties, the argument that the non-observance of a law proves its non-existence breaks down as soon as we try to carry it out consistently. For example, according to criticism, JE (Exod. xx.-xxiii.; xxxiv.), may be dated as far back as the eighth century B.C., yet it was powerless to prevent the idolatrous practices described in 2 Kings xxiii., all of which were distinctly forbidden by it. So it cannot have originated before 621 B.C. It prohibits inter-marriage with the heathen inhabitants of the land (Exod. xxxiv., 16), but even in the middle of the fifth century this law was broken unconcernedly enough,³ therefore it cannot have been in existence at that time. But criticism maintains that it had been in existence for nearly 400 years, and recognised as Mosaic! Besides, the argument as to Deuteronomy itself proves a great deal too much. For if the maintenance of sacrifice at the "high places" down to 621 B.C. proves that the law of Deut. xii. was not known, what is proved by the state of things in the sixth century when (as Wellhausen admits⁴), the "high places" reappeared on all hands, not merely in the country, but even in the capital itself; and Jeremiah has to lament that there are as many altars as towns in Judah?

¹ Wellhausen, *Proleg.* p. 55.

² Deut. xii. 15.

³ Mal. ii. 10; Ezra ix. 1; Neh. x. 30, 31, xiii. 23 f.

⁴ *Proleg.*, p. 27.

What does criticism make of the following : In 1907 three Aramaic documents of great interest were discovered in Elephantine (Upper Egypt). They have been translated and edited by Professor E. Sachau, of Berlin, and consist of a complete papyrus dated from the seventeenth year of King Darius (B.C. 407), and containing a letter from Jedoniah and his fellow-priests of the Jewish Temple of Jahu (Jehovah) in the city of Elephantine, to Bagoas, governor of Judah ; a fragmentary copy of the same in slightly different wording ; and a fragmentary reply from two of the persons mentioned as addressees in the first papyrus. From Jedoniah's letter we gather that the Jewish colony in Elephantine had worshipped Jehovah in a Temple of their own, with an elaborate ritual which included *meal-offerings*, *burnt-offerings*, and the use of *incense*, from the time of the Egyptian kings (*i.e.* before the Persian conquest of Egypt by Cambyses, B.C. 525) : that their Temple had been spared by Cambyses, but had been destroyed by Egyptian troops at the instigation of the priests of the heathen god Khnoub, in the fourteenth year of Darius (410 B.C.) ; and that they had appealed to the priests of Jerusalem for help. They now implore Bagoas to send an order for the rebuilding of the Temple, promising him their prayers, and a gift of 1000 talents of silver in return for his favour. These papyri appear to be well-authenticated, and contain many correspondences with history both sacred and profane.¹

Here we have a much clearer case of transgression of the law of One Sanctuary than any to be found in the Book of Kings. This Jewish colony—evidently in touch with their brethren in Palestine—not only had a Temple of their own, in which they worshipped Jehovah with a ritual as elaborate as that of Jerusalem,² but also

¹ For further information, see articles by Stanley A. Cook, F. Ll. Griffith, and Prof. D. S. Margoliouth, in the *Expositor*, Dec. 1907.

² The sacrificial terms which occur in the papyri seem to indicate a knowledge, not only of Deuteronomy, but also of the Priestly Code. Cf. Num. xv. 1-16 ; Lev. xvi. 12, 13.

confidently looked for the sympathy of the Judæan community in their efforts to rebuild it. And this in the year 407 B.C., when, according to criticism, Deuteronomy had been in existence two hundred years, and the Priestly Code nearly half a century! Will the "critics" allow these facts to overthrow their theories?¹ But if not, what becomes of the argument that the non-observance of the Deuteronomic law by pious Jews proves its non-existence?

IV. The Book of Judges depicts an age of moral declension. "Every man did that which was right in his own eyes"² But even here there are indications that a written law existed and was known. Again and again the children of Israel are reported to have done evil in the sight of the Lord by forsaking the Lord God, and by breaking the covenant which he had made with their fathers.³ In Judges i. 17, the utter destruction of Zephath conforms to the requirements of Deut. vii., 2; xx. 16. In Judges vii. 1-7, Gideon's army is selected in keeping with the peculiar rule of Deut. xx. 1-9. In Judges xxi. 13, peace is proclaimed to the children of Benjamin in perfect harmony with Deut. xx. 10-18. The writer shows marked familiarity with Israel's journey from Egypt to Moab (*cf.* Judges xi. 13-28, with Deut. ii. 1 *f.*); assumes that Levi is the priestly tribe (Judges xvii. 7-13; xx. 27, 28); and shows studied concern to explain apparent violations of the Deuteronomic law as having been done in obedience to a direct command from God (Judges vi. 25-27; xiii. 16), being evidently conscious that the recognised place of worship was at Shiloh.

That the Deuteronomic legislation was extant in a *written* form in the times of Joshua is implied in Josh.

¹ It is nearly three years since these documents came to light, but so far they have not caused any modification of the critical theory of the Pentateuch.

² Judges xvii. 6; xxi. 25.

³ *Cf.* Judges ii. 11-20; iii. 6-12; iv. 1; vi. 1; x. 6; xiii. 1.

i., 8 ; viii., 31, 34, where the author speaks of a "Book of the Law," which he affirms was bequeathed by Moses to Joshua. Joshua's command that Jericho and all within it should be *devoted* (Josh. vi. 17, 18) accords with the entire spirit of Deuteronomy, but especially with Deut. xiii. 15 *f.* Achan's disobedience is punished in accordance with Deut. xiii. 10 ; xvii. 5, because "he had sinned against the Lord God of Israel." After the capture of Ai, only the cattle and spoil of the city "did Israel take for a prey unto themselves" (Josh. viii. 27), according to the privileges expressed in Deut. xx. 14. The king of Ai is hanged, but his body is taken down at sunset,¹ in obvious obedience to a law *peculiar* to Deuteronomy.² In capturing the cities of Canaan, Joshua is said to have destroyed them utterly, "as the Lord commanded Moses."³

According to Josh. viii. 30, 31, Joshua "built an altar unto the Lord God of Israel in Mount Ebal, as Moses the servant of the Lord commanded the children of Israel, as it is written in the book of the law of Moses : " it was "an altar of whole stones over which no man hath lift up any iron ; and they offered thereon burnt-offerings unto the Lord, and sacrificed peace-offerings " (*cf.* Deut. xxvii. 4-6). Also he wrote upon the stones a copy of the Law of Moses ;⁴ "and all Israel and their elders and officers and their judges, stood on this side the ark, and on that side before the priests the Levites which bare the ark of the covenant of the Lord,⁵ as well the stranger, as he that was born among them ;⁶ half of them over against Mount Gerizim, and half of them over against Mount Ebal ;⁷ as Moses the servant of the Lord had commanded before, that they should

¹ Josh. viii. 29.

² Deut. xxi. 23, *cf.* also Josh. x. 26, 27.

³ *Cf.* Josh. x. 40 ; xi. 12, 15, with Deut. vii. 2 ; xx. 16, 17.

⁴ Josh. viii. 32, *cf.* Deut. xxvii. 8.

⁵ *Cf.* Deut. xxxi. 9, 25.

⁶ *Cf.* Deut. xxxi. 12.

⁷ *Cf.* Deut. xi. 29 ; xxvii. 12, 13.

bless the people of Israel.¹ Then he read all the words of the law, the blessings and cursings, according to all that is written in the book of the law."²

In chapter xxii. an event is recorded which could scarcely have happened had Moses never taught the unity of the sanctuary (a teaching emphasised in Deuteronomy), and the account of which has every appearance of being true history. "The indignation of the people against their brethren (the two and a half tribes) who had erected an altar on the border of Jordan before they crossed it to return to their own possession on the eastern side of that river; the earnestness with which the latter hastened to assure the people that they had erected the altar, not to establish an independent worship, but rather that it might stand as a permanent witness that they still adhered to and claimed to have part in Jehovah as their God; and the solemnity with which they disclaimed any intention to rebel against the Lord by building an altar for burnt-offerings, or for sacrifices besides the altar of the Lord that was before the tabernacle—all incontestably show that this law (the law of one altar) was known and recognised as imperative at the time of the settling of the people in the Promised Land. It was this law which they who had built the altar so earnestly disclaimed having broken; it was zeal for this law which stirred the other tribes to wrath against their brethren when they supposed it had been violated by them."³

We are again, however, as in the case of *Kings*, met with the objection that the passages cited above prove no more than the literary dependence of *Joshua* and *Judges* upon Deuteronomy. According to criticism (represented in this instance by Dr. G. F. Moore),⁴

¹ Josh. viii. 33.

² Josh. viii. 34, cf. Deut. xxviii. 2, 15, 45; xxix. 20, 21; xxx. 19; xxxi. 11, 12.

³ Alexander, *Pulpit Comm. Deut.* p. xxxi.

⁴ *Enc. Bib.* articles *Joshua* (*Book of*), *Judges* (*Book of*).

these books consist mainly of two strands of narrative (portions of two historical works of early date, J. and E.) united by a redactor (RJE.), and edited during or after the exile by another redactor (RD) in the spirit of Deuteronomy. Space forbids the exhaustive discussion of this hypothesis here, but even assuming it to be generally correct, we are not necessarily bound to conclude that the exilic or post-exilic editor is responsible for *all* the passages which imply the existence of Deuteronomy in sub-Mosaic times. We must carefully distinguish between *comment* on the history and the history itself. Some of the passages quoted above are in the nature of reflections on the incidents recorded, but the greater number are pure narrative. The former may, of course, be attributed to the editor without impugning his *bona fides*, or destroying the value of his work as a trustworthy record of facts; but to say that the latter are simply exilic inventions or distortions of history is really to destroy history in order to maintain a theory.

Dr. Moore says, "The Deuteronomistic element (in the Book of Judges) is confined to the introduction and setting of the stories, the stories themselves are not of Deuteronomistic conception, and, except on the margins where they are joined to the pragmatic introductions and conclusions, show no signs of Deuteronomistic redaction. As in Josh. i.-xii., the Deuteronomistic author manifestly took his narrative material from an older written source without to any considerable extent recasting it."¹ In that case we may confidently appeal to the narrative portions at least in support of the antiquity of Deuteronomy. The issue is plain: either these records are historical, in which case Deuteronomy must be Mosaic; or they are unreliable, in which case there is practically no Hebrew history at all, and therefore no sufficient *data* for the construction of *any* theory of the religious development of Israel. But in fact,

¹ *Enc. Bib.*, col. 2634.

the coincidences with Deuteronomy in these books are too few to justify the charge of falsification; they are sufficiently numerous to prove the antiquity of Deuteronomy.

We are now entitled to say that distinct traces of the existence and recognition of Deuteronomy are to be found in the annals of the Hebrews, from B.C. 621, right up to the days of Joshua. Proceeding along three separate lines of investigation—Prophecy, the Samaritan Pentateuch, and the Historical Books—we have arrived at the same conclusion in every case. So by a threefold cord of evidence which cannot easily be broken, Deuteronomy's witness to its Mosaic origin is amply corroborated and firmly established.

IV.—THE CRITICAL THEORY

The "Critical Theory" of the origin of Deuteronomy was advanced by De Wette in 1806, re-stated with various modifications by Reuss (1833), Vatke (1835), Graf (1866), Kuenen (1868), Wellhausen (1878), etc., on the Continent, and popularized in England by Colenso, W. Robertson Smith, Cheyne, Driver, etc. The following brief statement of it is condensed from the "Encyclopædia Biblica."¹ "Deuteronomy is a prophetic law-book, composed in the reign of Manasseh as a protest against the evils of the time, and a programme of reform: it was lost for many years and accidentally discovered in the Temple by Hilkiah in the reign of Josiah.² Or, it was composed in the reign of Josiah by men who thought the time ripe for reform, and had intelligently planned the way in which this should be effected.³ It

¹ Art. *Deut.*, by G. F. Moore.

² So Driver, *Deut.* p. liii. f; Kautzsch, *Lit. of the O.T.*, p. 65.

³ So Reuss, *La Bible, Traduction nouvelle*, &c. (1879). I. 156 ff;

represents the second stage in the development of the Hebrew legislation, being later than JE, but much earlier than P. Its literary influence is first recognized in the Book of Jeremiah; it was not known to the earlier prophets."

Analysing the above statement we find that in support of the seventh century origin of Deuteronomy an appeal is made to (1) the aim and character of the book as a programme of reform; (2) its place in the development of the Hebrew legislation; and (3) its literary influence. We shall examine these in the reverse order, dealing with the most important last.

I. That the literary influence of Deuteronomy is observable *first* in Jeremiah has been sufficiently refuted in chap. iii., where it is clearly shown that the book was known to and quoted by the prophets Isaiah, Micah, Amos, and Hosea. That the marks of that influence are more *numerous* in the writings of Jeremiah than in those of the earlier prophets is evident. But this fact is not inconsistent with the antiquity of Deuteronomy. For "of all parts of the Pentateuch Deuteronomy would, in the calamitous days of Jeremiah, come home to the prophet's mind with most frequency and force. The sins which Deuteronomy specially denounces were in Jeremiah's days most rife and gross in Israel; the retributive judgments denounced as a consequence in the same book were lighting on the people before his eyes; topics of comfort there were none except those splendid though distant promises which, in spite of its predominating tone of warning and threatening break so wonderfully through the prophecies of Deuteronomy. What wonder then that Jeremiah's utterances should so often sound like an echo of Deuteronomy?"¹ And if it is true, as all

Kuenen, *Hex.* p. 214; Cheyne, *Jeremiah*, p. 75; also Cornill, Graf, Wellhausen, etc.

¹ It is worthy of notice that out of the 31 parallel passages cited on pp. 35, 36, only four fall within the *legal kernel* of Deuteronomy

critics believe, that Deuteronomy was the Book of the Law found in the Temple by Hilkiah, its *special* influence on Jeremiah is fully accounted for. Besides, the task which faces criticism is not merely to show Deuteronomy's influence upon Jeremiah, but its *dependence* upon the eighth-century prophets, of whom the Deuteronomist is said to be the "spiritual heir."¹ From a literary standpoint the latter is impossible.²

II. The "Critical Theory" represents Deuteronomy as occupying a place midway between JE and P.—a modification and enlargement of the former, but considerably earlier than the latter.

It is laid down as a fundamental principle of modern criticism that the Pentateuchal legislation is made up of three Codes representing the ideal or practice of three distinct periods in the history of Israel: JE or the Books of the Covenant (Exod. xx.–xxiii.; xiii. 3–16; xxxiv. 10–26), that of the ninth century B.C.; Deuteronomy the seventh, and the Priestly Code, including the Law of Holiness (Exod. xxv.–xxxi.; xxxv.–xl.; Lev. i.–xxvii. Num. i.–x. 28; xv., xviii., xix.; xxv. 6–xxx. 54; xxxiii.–xxxvi.), the fifth. According to this theory Deuteronomy is "a revised and enlarged edition of the Books of the Covenant (J E) adapted to meet the needs of a more developed state of society for which the provisions of Exodus were no longer adequate." But "in neither its historical nor its legislative section can Deuteronomy be shown to be dependent upon the source termed P."³

(ch. xii–xxvi.), and of the remainder 17 are taken from Deut. iv., xxvii., xxviii., xxix., xxx., all of which, according to Kayser, Westphal, Robertson Smith, Kleinert, Wellhausen, etc., are much later than Jeremiah.

¹ Driver, *Deut.*, p. xxvii.

² Robinson.

³ Driver, *Deut.* p. xix., xxxviii., xlvi.; Wellhausen, *Proleg.* p. 32; Kuenen, *Hex.* p. 110; Cheyne, *Jeremiah*, p. 71; Cf. A. B. Davidson, *Expository Times*, Jan. 1898, "Deuteronomy in short virtually is these chapters (Exod. xx.–xxiii.)—Moses' last words—expanded and placed in a homiletic setting."

(A.) Is Deuteronomy a "revised and enlarged edition of JE."?

In support of the affirmative Dr. Driver¹ refers to *four* important instances in which the laws of JE are modified in Deuteronomy, and adapted to the needs of a more developed state of society.

(1) The law concerning *slaves*. Dr. Driver says, "In Exod. xxi. 2-11, a Hebrew bondman is to serve for six years, and to receive his freedom in the seventh year (v. 2); a bondwoman who comes into servitude with her husband is to receive her freedom at the same time (v. 3). But a daughter sold by her father as a bondwoman is on a different footing; she is not to go free as the bondmen do (v. 7). In Deut. xv. 12, the law of Exodus, by the addition of "or an Hebrewess," is pointedly extended so as to include bondwomen; and in v. 17 it is expressly prescribed that the bondwoman (without any limitation) is to be subject to the same law of manumission as bondmen. Both laws are designed for the land of Canaan, as appears from the reference to the door and doorpost. If both laws, however, were given in the wilderness for a time of future settlement in Canaan, the variation just noted appears arbitrary. It is, however, at once explicable upon the supposition that the law of Deuteronomy springs from a more advanced stage of society than the law of Exodus, and regulates usage for an age in which the father's power over his daughter was less absolute than it had been in more primitive times, and when it was no longer the custom (see Exod. xxi. 8, 9) for a Hebrew girl to be *bought* to be the wife of her master or his son."²

That it is not correct to say that the father's power over his daughter was less absolute in the time of the alleged Deuteronomist than in earlier times, or that it was no longer the custom for a Hebrew girl to be bought for a wife, may be seen by reference to 2 Kings iv. 1; Neh. v. 4, 5; and Isa. l. 1. There is no historical

¹ Deut. p. xxxvii. f.

² Deut. p. xxxvii.

evidence in the Old Testament of any development of society necessitating a change in the law on this subject.

"The reference to the door does not prove what Dr. Driver thinks it does. First, it is absurd to suppose that for forty years every slave who would otherwise have been entitled to freedom had to remain in slavery because, if he had desired to do so, no door would have been available. Secondly, nobody who knows how institutions work in practice, will suppose that there can ever have been any difficulty anywhere in finding something that would have been a sufficient door within the meaning of the rule. Thirdly, the camp had in fact gates (Exod. xxxii. 26, 27), and the tents had in fact doors (Exod. xxxiii. 8)."¹

It is reasonable to suppose that the law of bondservants in Exod. xxi. 2-11 was intended to apply to all purchases of women, save those expressly excepted.² Exod xxi. 7-11 is not a law for female slaves as a *'class*; it is a special case added, that of a man selling his own daughter to be a maidservant with a view to her becoming the wife of her master or his son. This case is not mentioned at all in Deuteronomy, and hence cannot be said to have been *modified* to suit a later stage of society.

(2) *Asylum for manslaughter* (Exod. xxi. 13; Deut. xix. 1-3). "In Exod. xxi. 13, the asylum for manslaughter (as the connection with v. 14 appears to show) is the Lord's *altar* (cf. 1 Kings i. 50; ii. 28); in Deuteronomy (xix.) definite cities are set apart for the purpose."³ Exod. xxi., 13, reads, "And if a man lie not in wait, but God deliver him into his hand; then I will appoint thee a *place* (not *altar*) whither he shall flee." Deuteronomy goes further and provides

¹ H. M. Wiener, *Studies in Biblical Law*, pp. 30, 31; also Murray's *Bible Dictionary*, p. 460 f.

² Surely, widows and spinsters were not excluded from the benefits of the "jubilee," because that law applies in terms only to "thy brother"!

³ Driver, *Deut.*, p. xxxvii.

for three cities definitely to be set apart, with other possible three besides these. There is evidently a modification here, but not one that requires centuries to account for it—only a different standpoint, that of Moab instead of Horeb.

(3) The law of *Seduction* (Exod. xxii. 16, 17 ; Deut. xxii. 28, 29). “ In Exod. xxii. 16, 17, he who seduces a virgin is obliged to buy her of her father as his wife, or if the father refuse he is to pay the same dowry as if he had married her a virgin. We have here an example of a state of society well known to students of antiquity. The father has a pecuniary interest in his daughter's virginity, because he expects to receive a dowry or rather purchase price (*mōhar*) from the suitor in exchange for her hand. The seduction frustrates this hope, and the seducer must therefore make good the injury to the father as well as to the damsel. In accordance with this point of view, the law of S¹ stands at the close of a list of cases of pecuniary compensations for injury to property, and not among the laws as to personal injury. In Deut. xxii. 28, we find a parallel law—not among laws of property, but among laws as to purity. The case contemplated is not that of seduction, but of violence to a maiden. It is still provided that the offender shall marry the damsel and pay a sum to her father ; but the expression ‘ *mōhar* of virgins ’ has disappeared, and the compensation is fixed at fifty shekels. Apparently the custom of paying a dowry to the father in every case of marriage is no longer known, and therefore, though the fine is retained, it cannot as in S¹, be estimated by usual practice as to the dowry of virgins, but requires to be fixed by law. When this important change in marriage customs took place we cannot say with precision. In the time of Saul the payment of a *mōhar* was still usual (1 Sam. xviii. 25) ; but the Book of Kings has a technical word for dowry given by the father to his daughter (*shillūchim*, 1 Kings

¹ S = JE.

ix. 16, literally 'dismissal gift') which implies a reversal of the old custom."¹

The fallacy which underlies this objection is the assumption that in no country can the custom of giving dowry co-exist with the custom of paying the father for his daughter. It is, therefore, sufficient to point out that in Babylonia these two customs did so co-exist.² As to the alleged differences between the laws of Exodus and Deuteronomy, it may be said (1) that it is not known how much a *mōhar* was; it may have fluctuated or it may always have been fifty shekels of silver. (2) The *position* of the law in Exodus is not so significant as Robertson-Smith, and Dr. Driver imagine, seeing that it stands not only at the close of a list of cases of injury to property, but also at the beginning of a list of regulations concerning moral purity. (3) The cases contemplated in the two laws are different: in Exod. xxii. 16, 17, it is the case of seduction; in Deut. xxii. 28, it is that of violence to a maiden.

(4) The *Sabbatical Year* (Exod. xxiii. 10, 11; Deut. xv. 1-6). In Exodus the provisions are purely *agricultural*; in Deuteronomy it is thought that these are applied so as to form a check on the power of the creditor.³ But this is by no means evident seeing there is no hint of *land* or *agriculture* in Deut. xv. 1-6. "They are rather, two independent laws, touching the same principle, made under different circumstances, and with different aims, both too Utopian to be very late."⁴ It is difficult to imagine how any one reading the passages compared, can suppose that the Deuteronomic release of *loans* is in any way inconsistent with a regulation for letting land lie fallow.⁵

¹ W. R. Smith, *Additional answer to the Libel*, 56, 57, referred to by Driver, *Deut.* p. xxxvii., xxxviii.

² Kohler und Peiser, *Aus dem Babylonischen Rechtsleben*, I., pp. 7, 8; see also *Studies in Biblical Law*, p. 24.

³ Driver, *Deut.* p. xxxviii.

⁴ Robinson.

⁵ See *Studies in Biblical Law*, pp. 13-16; also Murray's *Illustrated Bible Dictionary*, pp. 460 ff.

These are the chief discrepancies alleged to exist between the laws of JE and Deuteronomy. As proofs of the statement that Deuteronomy is a revision of JE they are neither abundant nor convincing. On the other hand that statement conflicts with the following facts:—

(1) The evidence of the *literary* dependence of Deuteronomy upon JE is much weaker than it must be if Deuteronomy is merely a revised and enlarged Book of the Covenant.¹ The resemblances in *language* are few. They consist of three or four clauses more or less complete, and one or two brief sentences, *e.g.* "Thou shalt not seethe a kid in its mother's milk."

(2) If Deuteronomy is an "enlarged edition" of JE it is strange, to say the least, that the laws common to both (of which there are twenty-one) are not given in the same, or nearly the same order; *e.g.* the first six laws of JE included in Deuteronomy are respectively 1st, 5th, 12th, 14th, 19th, and 16th in the latter.² That is to say, with one exception (the first), the author of Deuteronomy, instead of following the sequence of laws in JE, makes a new and independent order of his own.

(3) *One third* of the laws of JE are not paralleled in the legal "kernel" of Deuteronomy at all. Yet the omitted laws—chiefly concerning compensations for various kinds of injuries; bestiality; cursing God or the ruler; the Sabbatical year, etc.,³ are not less practical and suited to a "later stage of society," than

¹ G. F. Moore.

² Exod. xx. 24-26; Deut. xii. 2-28; Exod. xxi. 2-6, Deut. xv. 12-18; Exod. xxi. 12-14, Deut. xix. 1-13; Exod. xxi. 15, 17, Deut. xxi. 18-21; Exod. xxi. 16, Deut. xxiv. 7; Exod. xxii. 16, 17, Deut. xxii. 28, 29.

³ Injury to one's body Exod. xxi. 18-27; goring ox, xxi. 28-36; digging a pit into which an ox might fall, xxi. 33, 34; theft, xxi. 37-xxii. 4; pasturing in another man's field, xxii. 5; fire set in another's corn, xxii. 6; property in keeping, stolen, dying of itself, or torn to pieces, xxii. 7-13; borrowed property injured, xxii. 14, 15; lying with a beast, xxii. 19; cursing God or the ruler, xxii. 28; the Sabbatical year, xxiii. 10, 11.

those that are included. There seems to be no valid reason why they should have been set aside in an "enlarged edition" of JE, especially when we remember some of the commandments that are included, *e.g.* the injunction to exterminate the Amalekites, and not to set a stranger over them as king,—both quite irrelevant in the days of Josiah. Surely there is no indication here that the author was trying to "adapt JE to the needs of a more developed state of society!"

That there are differences between JE and Deuteronomy may be freely admitted, but they do not amount to "contradictions," nor do they tend to show that Deuteronomy is an "enlarged and revised edition of JE." They furnish no support for the critical hypothesis; and they can be satisfactorily explained in harmony with the traditional view.

(B.) We come now to the second clause, *viz.* that which dates the Priestly Code two centuries later than Deuteronomy. In support of this it is urged that "Deuteronomy knows nothing of P.;" the laws of Deuteronomy and P. are in several instances contradictory; and the discrepancies point to P. as the later code.

Now, even if Dr. Driver's assertion that "Deuteronomy moves on without displaying the smallest concern or regard for the system of P,"¹ could be fully proved, it would not materially strengthen the critical position. It would not be, taken by itself, sufficient evidence of the *priority* of Deuteronomy; for if Deuteronomy's ignorance of P. implies the non-existence of P. in the seventh century, does not P.'s ignorance of Deuteronomy show that the latter was not extant in the fifth century!

But Dr. Driver's assertion is *disproved* by several facts, *e.g.* Deut. xii. implies a previous law on the subject of a central sanctuary such as is found in Lev. xvii. 4-7; Deut. xxiii. 1-44, strongly resembles Lev. xxi. 20; and Deut. xiv. 1-21 is almost identical with Lev. xi. 2-23.

¹ *Deut.*, p. 14.

Probably Lev. xi. 2-23 is the earlier of the two passages, for in Leviticus the clean animals are only defined, in Deuteronomy they are also named. Deut. xxiv. 8, 9, "Take heed in the plague of leprosy, that thou observe diligently and do according to all that the priests the Levites shall teach you; as I commanded them so shall ye observe to do," clearly and definitely presupposes the laws of Lev. xiii., xiv., which are the only enactments on leprosy which have come down to us. The instruction (Deut. xxii. 12) to wear fringes on the four borders of the garment is unintelligible without the statement of its purpose in Num. xv. 38-41. These are only some of many such examples that might be quoted, all of which clearly indicate the existence and authority of P. at the time when Deuteronomy was written.¹

"But," we are told, "the laws of Deuteronomy and P. in several instances contradict each other." Let us see. The following are the principal contradictions alleged, and the replies they have called forth:—

(1) Deut. xv. 12-18, directs that the Hebrew slave is to be released in the seventh year of his servitude. Lev. xxv. 39-43, enjoins that one who through poverty *sells himself* is to be treated, not as a *slave*, but as a *hired servant* and as a "sojourner," and to be dismissed in the year of jubilee. But the law in Leviticus does not affect any case of *de jure* slavery—"thou shalt not make him to serve as a bondservant"—but is intended to control the operation of a well-known ancient result of insolvency, whereby the debtor and members of his family were reduced to *de facto* slavery. Its operation is limited expressly to the case of a Hebrew who had become poor? How could any slave wax poor? The freeman is never regarded as desiring to stay with his purchaser, though the slave is regarded as possibly unwilling to leave his master (Exod. xxi. 6; Deut. xv. 12-18); the former on his release has property, while

¹ See additional note B., p. 119.

the latter has none; and finally the law is placed among land laws and laws intended to benefit poor peasants. Clearly, the law of Leviticus is not a slave law at all. The two laws treat of different and independent cases, and therefore cannot be contradictions.¹

(2) According to Exod. xii. 3-6,² the paschal sacrifice is to be a *lamb*; in Deut. xvi. 2 ("of the flock and of the herd") it may be a sheep or even an ox. "But the word translated 'lamb' in Exodus cannot be restricted. It may mean either a lamb or a young goat, *i.e.* one of the flock or of the herd. Further, in both passages the sheep are described not as pasturing alone, but, in keeping with the Oriental custom even to-day, along with cattle both large and small."³

(3) The laws concerning priests (sons of Aaron) and ordinary Levites.

(a) It is said that "P." (Num. xvi. 10, 35, 40) draws a sharp distinction between them, a distinction which Deuteronomy (xviii. 1-8) simply ignores. But the contradiction is more apparent than real, for (1) Deut. xviii. 6-8 does not invest the Levites with *priestly* but with *Levitical* functions.⁴ (2) Deuteronomy consistently teaches not that all but *only* the tribe of Levi may exercise priestly functions. (3) Deut. xviii. 5, "him and his house for ever" implies a hereditary priesthood which is absolutely inexplicable apart from Leviticus and Numbers; and finally, "there is in Deut. xxvii. 9, 12, 14, a clear discrimination between the Levitical priests (see Josh. viii. 33) as pronouncing the blessings and curses, and their *tribe* which has its position with the others, and with them is to respond to the blessings uttered by the priests."⁵ If, in spite of all this, we gather from the expressions in Deuteronomy that the

¹ For a fuller discussion of this point see Wiener, *Studies in Biblical Law*, pp. 5-11; also Murray's *Bible Dictionary*, p. 703.

² Included in P.

³ Robinson.

⁴ See additional note C., p. 119.

⁵ Curtiss, *The Levitical Priests*, p. 23.

distinction could not have existed when it was written, to be consistent we must conclude that it was also unknown in the time of Malachi (see Mal. ii. 1-8, especially vv. 4 and 8; iii. 3). But criticism allows that the distinction was drawn at any rate since B.C. 536, whereas Malachi cannot be placed earlier than B.C. 500. "What is right for Malachi is permissible in Deuteronomy."

(b) In Deut. xviii. 3, "the shoulder and the cheeks and the maw" of a peace-offering are assigned to the priest; in Lev. vii. 32-34 (*cf.* Num. xviii. 8-19), the "wave breast and the heave shoulder."¹ The actual wording of the passage in Deuteronomy is "from them that sacrifice the sacrifice"; and Prof. Robertson Smith² holds that the Hebrew word here translated "sacrifice" is "a more general word" than the word in Leviticus, which in combination with it is rendered "peace-offering." That the priestly dues in Deuteronomy were not intended to be *instead* of those in Leviticus, but *additional*,³ is confirmed by Deut. xviii. 2, "the Lord is their inheritance as *He hath said unto them*," which implies not only the prior existence of a law on this subject (*cf.* Num. xviii. 20), but also that Israel was *already* acquainted with it.⁴

(c) According to Deut. xii. 6, 17-19; xv. 19, 20, the firstlings of sheep and oxen were to be eaten at the central sanctuary by the owner and his household. But in Num. xviii. 15-18 the flesh of the firstlings is said to be at the disposal of the priests. How could the people eat the firstlings if they must be given to the priests? The contradiction, however, is more apparent than real. "In 'P.' the firstlings are 'holy'; and P.'s rule as to 'holy' things is expressed in Num. v. 9*f.* This passage is very important, because it not merely

¹ Driver, *Deut.*, p. xxxix.

² *Religion of the Semites*, p. 237, *n.*, quoted in *Studies in Biblical Law*.

³ Schultz, *Das Deut.*, p. 59.

⁴ Robinson.

explains the difficulties that have been felt as to firstlings, but clearly proves the large measure of spontaneity and free-will attaching to the sacrificial system. And every *terumah* (E.V. 'heave-offering') of all the holy things of the children of Israel, which they present unto the priest, shall be his. And every man's holy things shall be his: whatsoever any man giveth the priest it shall be his." That is to say, the Israelite consumed such holy things as were brought to the religious capital (e.g. firstlings) at a sacrificial feast. But of them he gave a *terumah* (consisting of such animals or amounts as he might choose) to the priest. The subsequent disposition of this *terumah* it is that is regulated by Num. xviii.¹

(d) Num. xviii. 20-28 appropriates a tithe of all the produce for the support of the Levites, who are to give a tenth of their tithe for the maintenance of the priests. But in Deut. xii. 6, 17 the tithes (evidently from v. 17, the vegetable ones) are reserved for the sacrificial meals at the sanctuary; in xiv. 22 strict levying of this tithe is enjoined, and where the sanctuary is far away it is to be commuted into money to be applied to the same sacrificial feasts; in xiv. 28, 29 the feast is to be held every third year at home, instead of at the sanctuary; and in xxvi. 12 *f* a solemn form of declaration and prayer is prescribed to be rehearsed at the completion of the cycle of tithe obligations in each third year. The regulations of Deuteronomy are obviously different from those of Numbers, but if there was really an interval of two hundred years between the two, it is impossible to understand how the one could ignore the other without any explanation. Such a change could not have taken place without a very strong protest on one side or the other. Either the priests or the people must have felt aggrieved. But if we accept the Mosaic date for both, Deuteronomy simply adds to the general tithe of *all* produce, a second tithe taken on the increase of

¹ Wiener, *Essays in Pentateuchal Criticism*, p. 208.

the field only. This is confirmed by the LXX. which in Deut, xxvi. 12, reads τὸ δεύτερον ἐπιδέκατον. That such an additional tithe was actually made and rendered by the Israelites in Palestine appears to be certain from the testimony of the Talmudists (who distinguish between the first tithe and the second), Josephus,¹ and the Greek text of the Book of Tobit (i. 7). We are therefore justified in regarding the law in Deuteronomy as supplementary to that in Numbers, rather than exclusive of it.

(e) Deut. xviii. 6 represents the Levite as a "sojourner," having no settled residence, whereas in Num. xxxv. 1-8 forty-eight cities are assigned to the tribe of Levi as places of residence. "Deut. xviii. 6 is inconsistent with the institution of Levitical cities prescribed in Num. xxxv: it implies that the Levite has no settled residence, but is a 'sojourner' in one or other of the cities of Israel. The terms of the verse are indeed entirely compatible with the institution of Levitical cities, supposing it to have been imperfectly put in force; but they fall strangely from one who, *ex hypothesi*, had only six months previously assigned to the Levites permanent dwelling-places."² But the very passage (Deut. xviii. 6) which is alleged to be "inconsistent with the institution of Levitical cities," goes on to recognise something very like that institution: "they shall have like portions to eat, beside that which cometh of the sale of *his patrimony*" (v. 8). And the passage in Numbers does not imply that none but Levites should dwell in the forty-eight cities, but only that they should live among their brethren instead of having a separate district of their own. In these cities the Levites were but "sojourners"; the city itself belonged to the tribe in whose territory it lay. Accordingly we read of "a young man out of Bethlehem-Judah, of the family of

¹ *Antiq.* iv. 8, 22.

² Driver, *Deut.* pp. xxxviii., xxxix.; *Introd. to the Lit. of the O.T.*, pp. 82, 83.

Judah, who was a *Levite* ;”¹ and of the Levite *Elkanah*, who was an *Ephraimite*.² So we speak of a German Jew, a Polish Jew, etc. Hence, too, the expression “the Levite within thy gates,”³ which implies “not that the Levite was homeless, but that his home was within the precincts of one of the cities of Israel.”⁴

Such are the alleged “contradictions” between the laws of Deuteronomy and those of P. None of them is incapable of being harmonised ; and all of them put together do not justify the critical assumption of the priority of Deuteronomy. Moreover, there are a number of differences between the two codes which can only be explained on the ground that “P.” was given during the wilderness wanderings, and Deuteronomy shortly before the entrance into Canaan, *e.g.*

(a) According to P. (Exod. xii. 3 f) the paschal offering was to be slain in the houses on the evening of the 14th Nisan (*cf.* Exod. xii. 6 ; Lev. xxiii. 5 ; Num. xxviii. 16). At the same time P. requires an assembly at the holy place on the 15th (Lev. xxiii. 6 f ; Num. xxviii. 17). This enactment was possible and practicable during the journey in the wilderness, and *then only*. After the entrance into Canaan it was impossible for all the people to be at home on the evening of the 14th, and at the central sanctuary, whether Shiloh or Jerusalem, on the 15th. Therefore Deut. xvi. 5, shortly before the immigration, abrogates this earlier regulation, and transfers the Passover also to the sanctuary : “Thou mayest not sacrifice the Passover within any of thy gates . . . but at the place which the Lord thy God shall choose to place His name in.” What possible reason can be advanced why P., if it is post-Deuteronomic, should even entertain the idea of altering this Deuteronomic law and putting in its place another, the impracticability of which was clear from the outset ? As a matter of fact,

¹ *Judges* xvii. 7.

² 1 Sam. i. 1 (R.V.).

³ Deut. xii. 12, 18 ; xiv. 27, etc.

⁴ Alexander, *Deut.*, p. xxvi.

the Feast of the Passover was never celebrated after the return in the form of P., but in that of Deuteronomy.

(b) P. (Lev. xvii. 1-6) expressly enjoins that every killing—whether of ox or lamb or goat—is to take place at the central sanctuary. Such a law was obviously impracticable after the entrance into Canaan; for it means that “every Israelite, no matter where he lived, must go to Jerusalem whenever he wanted a chop or steak for his dinner, taking with him the live animal from which it was to be obtained!” Even after the return most of the Jews were too far from Jerusalem to be able to obey it. “According to this rule all Israel must have been continually on the road!” But transgression was to be punished with *death* (Lev. xvii. 4). How can it be supposed that such a law was introduced for the first time during the exile? Especially when Deut. xii. 15 plainly permits the killing at any place, and only requires the *sacrifices* to be performed at the central sanctuary. Clearly this law must be a regulation for the wilderness when every animal killed in the camp could actually be brought to the tabernacle. And in Deut. xii. 15, on the eve of entering the land, the law of Leviticus is expressly abrogated because in the future it would be manifestly impossible to observe it.

(c) P. requires that the first-born themselves be given to the Lord¹ and strictly forbids their redemption. Deut. xiv. 23 *f* on the other hand, as plainly permits it, “If the way be too long for thee . . . thou shalt turn it into money, etc.” Here also it is true that the law of P. could only be obeyed in the wilderness; for only then was it possible to give to the Lord all the first-born creatures themselves. Deuteronomy, on the other hand, has regard to the circumstances after the immigration.²

Surely, enough has been said to demonstrate the utter feebleness of the second prop of the critical theory. In

¹ Lev. xxvii. 26, 27; Num. xviii. 15-18.

² Moller, *Are the Critics right?* pp. 87 *f*, 189 *f*.

our comparison of the three "codes" we have found no adequate justification of the critical dictum that "D. is dependent upon JE but knows nothing of P." That Deuteronomy is not "an enlarged edition of JE to suit the needs of a more civilised state of society" has been made abundantly clear by a reference to the contents of the book. That "D. knows nothing of P." has been disproved by examination of the two codes. And, finally, it has been plainly shown that the critical theory, so far from solving difficulties, only creates new and insoluble difficulties of its own.

III. The most important claim put forward on behalf of the critical view of the origin of Deuteronomy is that "it is a programme of reform"¹ written "with the avowed purpose of bringing about a drastic reformation."² Three considerations are advanced in support of this claim:—

(1) It is affirmed that Deuteronomy took the first step towards limiting the circle of the priesthood by restricting it to the tribe of Levi—a restriction which was unknown before the seventh century B.C.—and that this was followed up two centuries later by the priestly code which confined the priesthood to the sons of Aaron. The hollowness of the assumption that P. was written two centuries after Deuteronomy has already been sufficiently exposed. It has also been proved that there is no real contradiction between Deuteronomy and P. on the subject of the priesthood; that on the contrary there is in Deuteronomy a discrimination between the Levitical priests and their brethren, and an implied recognition of a hereditary priesthood. The only remaining point is the assertion that the limitation of the priesthood to the tribe of Levi was unknown before 621 B.C. But it is evident from such passages as Judges xvii. 18, 19–21; 1 Sam. vi. 15; 2 Sam. xv. 24; 1 Kings viii. 4, that the sacred character of the tribe of Levi was recognised long before B.C. 621. According

¹ Wellhausen, *Proleg.* 412.

² Kuenen, *Hex.* p. 218.

to 2 Chron. xix. 8-13 (which is allowed by Kuenen¹ and Driver to "deserve credit" as true history) Jehoshaphat appointed "Levites" and "priests" as judges. In 2 Kings xxii. 23 Hilkiah is several times called "high-priest." And the position of Eli (1 Sam. i.-iv.), Ahimelech (1 Sam. xxi. 22), Abiathar (1 Sam. xxii.), and Zadok (2 Sam. viii.) proves indisputably that there was a distinction within the priestly office in very early times.

(2) It is alleged that in 621 B.C. an official attempt was made for the first time to centralise worship at Jerusalem. It is also claimed that this is the leading thought in the mind of the author of Deuteronomy; that, in fact, Deuteronomy was written in order to support the policy of centralisation. This view is based upon the assumption that "Deut. xii. is a polemic against Exod. xx. 24"² which, it is said, recognises the worship of Jehovah in the high-places as lawful. "The law (in Deuteronomy) is never weary of again and again repeating its injunction of local unity of worship. In doing so it is in conscious opposition to "the things that we do here this day," and throughout has a polemical and reforming attitude towards existing usage. It is rightly, therefore, assigned by historical criticism to the period of the attacks made on the Bamoth by the reforming party at Jerusalem. As the Book of the Covenant, and the whole Jehovistic writing in general, reflects the first pre-prophetic period in the history of the cultus, so Deuteronomy is the legal expression of the second period of struggle and transition."³

In reply we shall endeavour to show (1) that what is permitted by Exod. xx. 24 is also permitted by Deuteronomy; (2) that the centralisation of worship called for in Deuteronomy is also prescribed in JE; (3) that the "altar" of Exod. xx. 24 is not the "high-place" denounced in Deut. xii.; (4) that the history

¹ *Hex.* p. 217.

² Driver, *Deut.* p. xlv. n.

³ Wellhausen, *Proleg.* p. 51.

contains unmistakable traces of centralisation of worship long before the reign of Josiah.

The Pentateuch nowhere represents Moses as the inventor of sacrifice.¹ It consistently speaks of sacrifice as an ancient custom—an essential part of Hebrew worship from the earliest times. Such sacrifices—in pre-Mosaic days—were not *statutory* (*i.e.* enjoined by law), but *customary*—the spontaneous acts of individual worshippers. They were offered by laymen on various occasions, upon altars of the rudest description, and were not governed by any restrictions as to time and place. According to the Pentateuch, Moses found this sacrificial custom already in existence, and hallowed by the practice of pious Israelites for many generations. He did not try to abolish it; on the contrary, he practised it himself.² But he realised its perils. He clearly saw how easily it could lend itself to idolatry or apostasy. And he endeavoured to guard against these dangers mainly in two ways. First, by *regulating* while still tolerating lay sacrifices so as to prevent the introduction of idolatrous accessories and corruptions. The rules for lay sacrifices are laid down in Exod. xx. 24–26 and Deut. xvi. 21, 22. The altar must be of earth or unhewn stone, and steps are prohibited for a reason that applied only to laymen, and not to the priests, who were differently garbed. The worshipper is also forbidden to erect a *mazzeba* or plant an *asherah* beside his altar. Second, by the institution of a system of *statutory* sacrifices which were to be performed only in the recognised “House of the Lord,” in strict accordance with an elaborate ritual to be administered by priests set apart for that purpose.³

¹ This is denied by Wellhausen so far as it relates to P. He maintains that P. represents sacrifice as unprescribed and unknown before the days of Moses (*Proleg.* p. 52). For discussion of this point see note at the end of the present chapter.

² Exod. xvii. 15; xxiv. 4.

³ See Wiener, *Studies in Pentateuchal Criticism*; Van Hoonacker, *Le Lieu du Culte dans la Législation rituelle des Hébreux*; also *Le Sacerdoce Levitique*, pp. 5 f; Fries, *Die Zentralisation*.

The Pentateuchal legislation in its present form clearly contemplates the existence, for a time at least, of these two kinds of sacrifice side by side. It represents a time of transition. The elaborate sacrificial system which stood for the Mosaic ideal was established by legal enactment. But if, in addition to the prescribed sacrifices of the sanctuary—or in circumstances which rendered access to the "House of the Lord" impossible—men desired to sacrifice, they were permitted to do so on condition of observing the simple regulations of Exod. xx. 24-26 and Deut. xvi. 21, 22. Even if we adopt (for the sake of argument) the critical division of the Pentateuch into Codes, we find that JE (Exod. xx.) recognises sacrifices that may be offered on an altar of earth or unhewn stone which might be erected anywhere within the territory of Israel,¹ as well as other offerings which must be brought to the "House of the Lord."² And Deuteronomy (xvi. 21, 22)³ provides for the erection of lay altars as well as for the regular worship of the central sanctuary. The simple altar of JE is recognised as lawful by the author of Deuteronomy;⁴ the centralisation of worship demanded

¹ Exod. xx. 24, lit. "in all the place," the reference being to the territory of Israel for the time being (first the Camp and its environment, and afterwards the land of Canaan). See Wiener, *Studies in Pentateuchal Criticism*, p. 186.

² Exod. xxiii. 14-19. Obviously the "House of the Lord," to which the firstfruits were to be brought, and at which all the males of Israel were to appear three times in the year, could not be identical with an altar of earth or unhewn stone.

³ Dr. Driver commenting on this passage says, "As Dillmann observes, it pre-supposes by its wording the law of Exod. xx. 24."

⁴ Not only in Deut. xvi. 21, 22, but also in xxvii. 4-7 (cf. xi. 29), where it is actually *commanded* that an altar of the kind described in Exod. xx. 24-26 shall be built between Ebal and Gerizim, and sacrifices offered thereon to Jehovah. True, Deut. xxvii. is cut out of the original Deuteronomy by criticism, but it is equally impossible to assign such an injunction to any later date than B.C. 621, especially in view of Josh. viii. 30, 31, where it is said that the altar was built "as Moses the servant of the Lord commanded . . . as it is written in the book of the law of Moses."

by Deuteronomy is also implied in JE. If it be urged that the erection of lay altars is incompatible with unity of sanctuary, still, the contradiction does not lie as between Deuteronomy and JE: it is found in both. That there is no *real* contradiction involved is extremely probable even on the critical hypothesis, for if Deuteronomy and JE were written by different authors or companies of authors, it is strange (nay, incredible) that both sets of writers should have fallen headlong into the same pit of inconsistency! It is plain, therefore, that the assertion that "Deut. xii. is a polemic against Exod. xx. 24" is founded on a misinterpretation of one or both of those passages. As a matter of fact, it is based on a misconception of *both*, for—

(a) Exod. xx. 24–26 is not a permission to build "many sanctuaries," but to erect temporary "altars." An altar made of earth or rough stone could hardly be mistaken for a "sanctuary." That a heap of stones or a mound of earth is not a "house" is a matter that need not be laboured.

(b) In Deut. xii. unity of worship is not emphasised as against the lay altar of Exod. xx. 24 and Deut. xvi. 21, 22, but as against the "high-places" of the Canaanites. The "altar of earth" was a very different thing from the elaborate pre-Israelitish high places which have recently been investigated by archaeologists. The latter were surrounded by numerous accessories of idol-worship, all of which are forbidden in Deuteronomy.

(c) The "critical" exposition of the Law of One Sanctuary as strictly prohibiting sacrifice save at the Central Sanctuary, reduces the law to an absurdity. Such a law could *only* have been observed in the desert. At any other period it would have meant that thrice a year the whole country, except the capital, must have been depopulated; or that the great mass of the women and children would never have performed or witnessed any act of worship at all; and that no one save the inhabitants of the capital could have performed any

act of worship except at these three times. During the period of the Judges, owing to the difficulty and danger of travelling, the lack of roads, the jealousies and bickerings of the tribes, and the frequent subjection of large tracts of the country to alien and heathen races, it was simply impossible to obey the law as construed by the "critics." Its observance would have involved people and religion in a common destruction. The inference is irresistible; either the Deuteronomic law is nonsense or the critics have misunderstood the legislator.¹

It only remains for us to examine the historical books to find ample confirmation of the view expressed above. In JE and Deuteronomy lay altars are contemplated as existing side by side with the central "House of the Lord." In the history we find that they did so exist; there was in the earliest times a "House of the Lord" recognised as pre-eminent; and at the same time sacrifices were offered on rude and temporary "altars" (not "sanctuaries") of the kind described in Exod. xx. 24-26.

That temporary altars of earth or rough stone were used by the Israelites is evident from the historical books of Judges, Samuel, and Kings. Such were the "rock" on which Manoah sacrificed, the altar of Gideon at Ophrah, the "stone" of Saul at Michmash, Elijah's altar on Carmel, Naaman's "earth," etc. This is not denied by any Biblical critic.

But side by side with these temporary lay altars we find notices of a "House of the Lord" which represents the Deuteronomic ideal of unity of worship. From Horeb onwards Jehovah's dwelling was before the Ark.

¹ See, on the subjects treated in this section (pp. 70 ff.) Wiener, *Studies in Biblical Law*, and (more fully) *Essays in Pentateuchal criticism*; also Van Hoonacker, and Dr. S. A. Fries. If the critical interpretation of this law is correct, it is impossible to understand how the enlightened reformers of Josiah's time could strive so earnestly to impose such a yoke of bondage on the nation, or how such an achievement could be dignified with the name of "Reformation."

There was only one Ark, and therefore there could be only one Sanctuary. That the tabernacle was set up in Shiloh is declared in Josh. xviii. 1. That it continued to be the centre of worship for Israel may be inferred from Judges xviii. 31, "all the time that the house of God was in Shiloh;" xxi. 19, "there was the feast of the Lord from year to year in Shiloh;" and 1 Sam. i. 3, "this man went up out of his city from year to year to worship and to sacrifice unto the Lord of hosts in Shiloh." The first four chapters of 1 Samuel contain many indications that Shiloh was the recognised centre of Israelitish worship. They speak of "all the Israelites coming thither;"¹ of the presiding priest there being chosen to represent "all the tribes of Israel," and as being "My priest," and "going up unto Mine altar"² in an obviously exclusive sense; the place of worship there is called "the temple of the Lord" and "His habitation" with a significance that clearly contemplates all Israel;³ and the "ark of the covenant of the Lord of hosts,"⁴ which Israel and Philistia alike recognised as the supreme symbol of God's presence,⁵ is established in Shiloh.⁶ This is confirmed also by Jer. vii. 12 *f*, which records a tradition to the effect that, in the time of the Judges, Israel's house of God was in Shiloh.⁷ It appears to be admitted also by Wellhausen himself in the following passage: "An independent and influential priesthood could develop itself only at the larger and more public centres of worship, *but that of Shiloh seems to have been the only one of this class.*"⁸

¹ 1 Sam. ii. 15.

² 1 Sam. ii. 28.

³ 1 Sam. ii. 29; iii. 3, etc.

⁴ 1 Sam. iv. 4.

⁵ 1 Sam. iv. 8.

⁶ 1 Sam. iv. 3.

⁷ The "critics" who repudiate this testimony of Jeremiah are in the extraordinary position of appealing to him as a reliable witness on another point, and quote Jer. vii. 22, with enthusiastic approval; e.g. Wellhausen, *Proleg.* p. 58. Note that the two passages are contained in the same chapter!

⁸ *Proleg.* p. 129. It is only fair to state that Wellhausen writes in a very different strain on p. 19. But perhaps the

In the reign of Solomon the Temple was built by "a levy out of all Israel,"¹ and intended for "the children of Israel;"² it was dedicated in the presence of "all the tribes of Israel,"³ as a centre towards which all Israel might pray,⁴ and as the place where the Lord promised to dwell.⁵ How could it have been more clearly declared that the Temple was established as a central sanctuary for all Israel hundreds of years before Josiah was born? In later times the reformation by Hezekiah⁶ laid stress upon unity of sanctuary, and was quite as successful as that of Josiah; and, as we have seen, the historical evidence for the one is as reliable as for the other. In view of these facts it is simply impossible to maintain that a central sanctuary was unknown before 621 B.C.

(3) But the chief reason alleged why Deuteronomy should be thought a programme of reform is the remarkable way in which the laws of Deut. xii.-xxvi. were executed by Josiah in the course of his attempt at reformation.

From 2 Kings xxii. 2-9, however, we learn that Josiah had begun to repair the temple *before* the "Book of the Law" (conjectured to be the "kernel" of Deuteronomy only) was found by Hilkiah. It is plain, therefore, that the reformation was not *wholly* due to the discovery of that book. It was commenced before that discovery took place. 2 Chron. xxxiv. 8 goes further, and says that it was after Josiah had "purged the land" that the book came to light, "which shows that in the Chronicler's days no special importance was attached to the finding of a law-code as the *ground* of Josiah's reformation."⁷ Neither the king, nor

Prolegomena is a composite production, and the quotation given above the work of a wicked redactor!

¹ 1 Kings v. 13.

² 1 Kings viii. 1.

³ 1 Kings ix 3

⁷ Robinson

² 1 Kings vi. 12, 13.

⁴ 1 Kings viii. 41-43.

⁶ 2 Kings xviii 4.

Hilkiah, nor Shaphan, nor Huldah ever once quotes from this book which (so the critics say) was the cause of the reformation, and was then being published for the first time. The only allusion is by Huldah, who uses (2 Kings xxii. 16) language similar to that of Deut. xxix. 27, but *all* the "advanced" critics are agreed that Deut. xxix. was no part of the original work!

Besides, comparison of Deuteronomy with 2 Kings xxii., xxiii. shows clearly that the most prominent element in Deuteronomy is not mentioned at all in connection with Josiah's reformation. Confessedly, the leading thought in Deuteronomy is the demand for unity of worship. But unity of worship is not mentioned at all in 2 Kings xxii., xxiii. It is found there by criticism, because criticism reads it into the narrative. Josiah's reformation was directed to the abolition of idolatry and the *purification* of worship rather than its centralisation. It is true that Josiah "defiled the high-places where the priests had burned incense."¹ But it was to "idols," not to Jehovah, that the incense was offered.² What so alarmed the king was not that the people had worshipped Jehovah at many places, but that they had forsaken Him altogether, and were worshipping strange gods. There is not a tittle of evidence that the worship of the high-places was given to Jehovah. It is only an astounding lack of appreciation of the true religious condition of Judah that can represent the king as being horrified at mere irregularities of worship, and the main object of his reforms the mere concentration of worship, when the whole land was polluted, and the very Temple in Jerusalem reeking with the foulest abominations of idolatry. The religious abuses of the time appear in the denunciations of such prophets as Jeremiah and Ezekiel. These declare war upon idolatry, as numerous passages prove. But even Jeremiah makes no express

¹ 2 Kings xxii. 8

² 2 Kings xxiii. 17.

demand that Jehovah should be worshipped in Jerusalem only.

Conversely, the most important element in the reformation—the *purification* of worship—appears only as a secondary feature in the book. While Deuteronomy prohibits idolatry, it does so in a comparatively subordinate way. There the abuses which flourished in the days of Josiah are treated as something problematical, and only likely to appear in the future.¹ It does not contemplate a time when the people cannot be trusted to punish the idolators.² Finally, any Israelite found guilty of enticing others to serve strange gods was to be stoned to death.³ Such a law, if carried out in B.C. 621, would have almost depopulated the land!

It is evident, then, from the narrative in 2 Kings xxii., xxiii., that the principal subject in the book of laws had little or nothing to do with Josiah's reformation; and on the other hand, the most important element in the reformation occupies only a secondary place in the book of laws. After this, how can it be said that Deuteronomy was intended to be a "programme of reform?"

To say more on this head may savour somewhat of "slaying the slain," but it may be well to subject the contents of the book to a detailed examination and see whether they exhibit any distinctly "reformatory" tendency.

In the "kernel"⁴ of Deuteronomy there are twenty-five laws which have no parallel in any other book of the Pentateuch. If Deuteronomy was written "with the avowed object of bringing about a drastic reformation," it is reasonable to expect that these "peculiar" laws should be of a distinctly *practical* and *reformatory* character.

The following analysis of the "peculiar" legislation of Deuteronomy is abridged from Professor G. L. Robinson's "Genesis of Deuteronomy."

¹ Deut. xiii.

² Deut. xiii. 1-11.

³ Deut. xiii. ; xvii.

⁴ Deut. xii.-xxvi.

Of the twenty-five laws, seven are admitted by criticism to be of early origin and application, viz. those of the *tribunal*,¹ "the accepted application of a long-established principle;"² of the *prophets*;³ of *military service*,⁴ "which implies a simpler stage of society than the age of the later kings;"⁵ of the *expiation of an untraced murder*,⁶ "which is confessedly archaic;"⁷ of the *treatment of female slaves*;⁸ of the *interchange of garments by the sexes*;⁹ and of *slander against a newly-married maiden*,¹⁰ which is adapted to the customs of "a primitive-minded people."¹¹

Nine others are obviously of early origin, viz. those of the *removal of landmarks*,¹²—the landmarks spoken of are those which have been set up, not by their "fathers," but by "them of old time," i.e. the aboriginals of Palestine; of the *body of one hanged*,¹³—a law which was carried out under Joshua;¹⁴ of *birds' nests*,¹⁵ which is a curious law to have received its present form at the hands of a reformer; of *battlements*,¹⁶ which must surely have been unnecessary after Israel had been settled in Canaan for centuries; of *admission into the theocratic community*,¹⁷—the strong antipathy for the Moabite in v. 3 shows that the author was unfamiliar with the genealogy of David;¹⁸ of *humanity to runaway slaves*;¹⁹ of *regard for a neighbour's crops*;²⁰ of *modesty in women*;²¹ and of the *unmuzzled ox*.²²

Two are based upon patriarchal customs or ideas,

¹ Deut. xvii. 8-13.

² Deut. xviii. 9-22.

³ Driver, *Deut.* p. lxi.

⁴ Driver, *Deut.* p. 241.

⁵ Deut. xxii. 5.

⁶ Driver, *Deut.* p. 255.

⁷ Deut. xxi. 22, 23.

⁸ Joshua viii. 29; x. 27, "both old passages," Kleinert,

Untersuchungen, p. 96.

⁹ Deut. xxii. 6, 7.

¹⁰ Deut. xxiii. 1-8.

¹¹ Deut. xxiii. 15, 16.

¹² Deut. xxv. 11, 12.

² Driver, *Deut.* p. lvi. n.

⁴ Deut. xx. 1-20.

⁶ Deut. xxi. 1-9.

⁸ Deut. xxi. 10-14.

¹⁰ Deut. xxii. 13-21.

¹² Deut. xix. 14.

¹⁶ Deut. xxii. 8.

¹⁸ Cf. Ruth iv. 13-22.

²⁰ Deut. xxiii. 24, 25.

²² Deut. xxv. 4.

viz. those of *primogeniture*,¹ which is obviously founded upon the patriarchal idea that the first-born son inherited inalienable birthrights;² and of *levirate marriage*.³

Three afford internal evidence of Mosaic rather than seventh century origin, viz. concerning *seduction to idolatry*,⁴ which was appropriate to the time of Moses, but far too drastic for the age of Josiah; *moderation in bastinado*,⁵ in which v. 2 rather confirms the belief that the author had the Egyptian mode of punishment in mind; and *thanksgiving at the payment of the triennial tithe*,⁶ in which occurs an unmistakable reference to the Egyptian custom of "offerings to the dead."⁷ Deut. xxiv. 1-4, —a special law in case of divorce, "seems to assume the right of divorce prescribed in Lev. xxi. 7, 14; xxii. 13; Num. xxx. 9."⁸

It cannot be said that the twenty-two laws mentioned above display any marks of "special adaptation to the needs of Josiah's age." In fact, most of them would have been distinctly out of place if then published for the first time. *Three* still remain to be considered, viz.

(1) The law against *religious prostitution*,⁹ which was aimed at the immoral and repulsive custom of the Canaanites prostituting themselves to the gods and goddesses. That this law was enforced by Josiah (2 Kings xxiii. 7), is no proof that it then first became law. There were Sodomites in Rehoboam's time;¹⁰ a little later Asa banished them from the land,¹¹ and those that remained after his apparent enforcement of the law, his son Jehoshaphat removed.¹² This law is undoubtedly reformatory, but there is no proof that it was

¹ Deut. xxi. 15-17.

² Cf. Gen. xxiv. 36; xxv. 5.

³ Deut. xxv. 5-10, Cf. Gen. xxxviii. 8-26.

⁴ Deut. xiii. 1-18

⁵ Deut. xxv. 1-3

⁶ Deut. xxvi. 12-15.

⁷ Driver, *Deut.* p. 292.

⁸ Robinson.

⁹ Deut. xxiii. 17, 18.

¹⁰ 1 Kings xiv. 24.

¹¹ 1 Kings xv. 12.

¹² 1 Kings xxii. 46.

called into existence for the first time in the seventh century. The evidence just cited points to a much earlier date."¹

(2) The law of *individual responsibility*.² Considerable stress is laid upon the "reformatory" character of this law. But if the Decalogue, even in its briefest form, is Mosaic, the idea of individual responsibility can hardly be of late origin. For the Ten Commandments ("Thou shalt," "Thou shalt not,") clearly teach individual responsibility. Nor is there any necessary conflict between the clause "visiting the iniquities of the fathers upon the children unto the third and fourth generation of them that hate me,"³ and the law before us; for in the former the reference is to the providence of God operating in society, whereas here we have a principle of administration in matters of state justice. That Amaziah knew of this law is evident from 2 Kings xiv. 6.⁴

(3) The law of the *kingdom*⁵ is said to be reformatory because intended to "check the moral degeneracy which the monarchy as a fact too often displayed,"⁶ and "to guard against admixture with foreigners and participation in foreign policy."⁷ But a glance at some of its provisions reveals the weakness of such assumptions. Why should Israel in the seventh century be forbidden to set a "stranger" over them as king? There was never in Judah any idea of doing such a thing. Why should the king be forbidden to lead the people to Egypt for the purpose of multiplying horses? No king ever manifested such a desire, but the passage was well-suited to the desert or to Moab, for at Kadesh-Barnea, Israel did actually threaten to return to Egypt.⁸ Why should the people in the seventh century be

¹ Robinson.

² Deut. xxiv. 16.

³ Deut. v. 9.

⁴ See p. 45.

⁵ Deut. xvii. 14-20.

⁶ Driver, *Deut.* p. 210.

⁷ W. R. Smith, *O. T. in Jewish Church*, p. 365.

⁸ Num. xiv. 4; cf. Exod. xiii. 17.

threatened with return to Egyptian slavery? In the days of Josiah, the real danger to Israel was from Assyria and Babylon, but the writer of Deuteronomy makes no mention of these. Kuenen imagines that in the stipulation concerning multiplication of "wives," "silver," and "gold," the author first borrowed his facts from the tradition concerning Solomon, and then warns Israel of the errors into which he fell.¹ True, the passage reminds one of Solomon, but quite as easily of Oriental monarchs in general.² So far as history informs us there was no special need for such a warning in the days of Josiah.³

These, then, are the laws *peculiar* to Deuteronomy. So many of them are confessedly "ancient," and so few adapted to the needs of the seventh century, that it is simply impossible to regard them as *reformatory*. And even those laws which have their parallels in the other books of the Pentateuch are so similar to these in character that we cannot claim for the Deuteronomic legislation more than "an inherent potentiality to reform." "That the newly-discovered Deuteronomy could effect the reformation described in 2 Kings xxii., xxiii., is *possible*, since it actually forbade everything that was then abolished; but it is absolutely impossible that a book of laws specially prepared to bring about this reformation could be composed and presented in this form."⁴

What is true of the laws is also true of their "setting." The exhortations are as important as the laws themselves. But these exhortations are obviously not intended to reform, but to *warn*. They are not such as would tend

¹ *Rel. of Israel*, ii., 33f.; *Hex.* p. 217.

² E.g. Amenhotep III. of Egypt (18th dynasty), took into his harem two wives of the daughters of the king of Babylonia; in consequence of which, through the introduction of new religious ideas by these marriages, his son and successor, Amenhotep IV. attempted to reform the Ancient Egyptian religion. Cf. Dawson, *Mod. Science in Bible Lands*, p. 369.

³ Robinson.

⁴ Moller.

especially to bring about a reformation of the conditions existing in the days of Josiah. In the days of the later monarchy no reformation could be successful which did not begin with the conversion of the *king*. What the nation needed was something to arouse the *court*, but the book of Deuteronomy is confessedly intended for the *people*. It is "the people's book."¹ The basis of appeal also is better adapted to early circumstances and conditions. The author appeals to Israel's personal remembrance of the past (Deut. v. 15 ; xv. 15 ; xvi. 12 ; xxiv. 9, 18, 22 ; xxv. 17)—motives which would hardly have survived five centuries of oral transmission, and been emphasised so strongly by a reformer.²

We have now examined the claims set up on behalf of the "Critical Theory," and found that in every instance they are negatived by the evidence. It has been shown that there are distinct traces of the *literary influence* of Deuteronomy in the prophetic writings of the ninth century B.C., that Deuteronomy is not an "enlarged edition of JE": that the differences between it and P. are not irreconcilable with its Mosaic origin ; and finally, that neither on legal or historical grounds can it reasonably be regarded as a "programme of reform" written for the express purpose of bringing about a drastic reformation of religion in the days of Josiah.

Note (p. 80). P. and Pre-Mosaic Sacrifice.

According to Wellhausen P. represents sacrifice as unprescribed and unknown before the days of Moses, and the sacrificial ritual as the grandest achievement of the Hebrew Legislator. He says, "it is well known that the Priestly Code makes mention of no sacrificial

¹ Wellhausen, *Die Comp.*, p. 204 ; Kuenen, *Hex.*, p. 217.

² Robinson.

act prior to the time of Moses, neither in Genesis nor in Exodus, although from the time of Noah slaughtering is permitted. The offering of a sacrifice of sheep or oxen as the occasion of the Exodus is omitted, and in place of the sacrifice of the firstlings we have the paschal lamb, which is slaughtered and eaten without altar, without priest, and not in the presence of Jehovah."¹ In reply it may be urged:—

(1) That even if Wellhausen's statement given above were correct, it would be no proof that the author or authors of the Priestly Code regarded or wished others to regard Moses as the inventor of sacrifice, or denied the existence of sacrifice as a custom observed in pre-Mosaic times. This becomes evident as soon as we understand what—according to criticism—the Priestly Code really is. The portions of Genesis and Exodus i.–xxiv., usually assigned by critics to the Priestly writers consist of some 300 verses (out of 1553) in Genesis, and 95½ (out of 663) in Exod. i.–xxiv.² From the Creation down to the time of Abraham they contain only a few verses on the Flood, and a number of genealogies. Of Abraham little is related save the birth and circumcision of Ishmael, and the purchase of the cave of Machpelah. The only record of Isaac is his command to Jacob to go to Laban. Apart from genealogies

¹ *Proleg.* p. 54.

² Gen. i. 1–ii. 4a; v. 1–28, 30–32; vi. 9–22; vii. 11–viii. 5 (except vii. 12, 16c, 17, 22, 23; viii. 2b); viii. 13, 19; ix. 1–17, 28, 29; x. 1–7, 20, 22, 23, 31, 32; xi. 10–28, 30–32; xii. 4b, 5; xiii. 6, 11b, 12; xvi. 3, 15, 16; xvii.; xix. 29; xxi. 2b, 5; xxiii.; xxv. 7–17, 19, 20; xxvi. 34, 35; xxvii. 46–xxviii. 9; xxix. 24, 28b, 29 (?); xxxi. 18 (part); xxxv. 9–15, 22c–29; xxxvi. 6–8, 40–43; xxxvii. 1, 2 (part); xlvi. 6, 7, 8–27 (?); xlvii. 5, 6a, 7–11, 27, 28; xlviii. 3–7; xlix. 28 (?), 29–33; l. 12, 13; Exod. i. 1, 5, 7 (part), 13, 14 (part); ii. 23 (part), 24, 25; vi. 2–vii. 13, 19, 20a, 21c, 22, 23; viii. 1–3, 11b.–15; ix. 8–12; xi. 9, 10 (part); xii. 1–21, 28, 37a, 40, 41, 43–51; xiii. 1, 2, 20; xiv. 1, 2, 4 (part), 8b, 9 (part), 10, 15 (part), 28 (?); xvi. 1–3, 9–13a, 16b–18a, 22–26, 31–34, 35a; xvii. 1 (part); xix. 1, 2a; xxiv. 15b–18a.

about thirty verses are devoted to the history of Jacob. In a history of such modest dimensions it would not be surprising if we found "no mention of any sacrificial act." The absence of any sacrificial references from such a narrative—one which contains but one allusion to an act of worship of any kind—is not a conclusive proof that its authors "denied the existence of sacrifice in pre-Mosaic times." To quote the words of Wellhausen himself (when dealing with another point), "it is seldom that an occasion arises" to describe sacrificial customs. Had there been a denial of sacrifice, or descriptions of worship with no mention of sacrifice, the case would have been far otherwise; but nothing of the kind can be alleged.

(2) But Wellhausen's statement needs only to be compared with the actual text to have its inaccuracy made manifest, *e.g.* "The Priestly Code makes mention of no sacrificial act prior to the time of Moses:" but Gen. xxxv. 14 is, by Wellhausen himself, included in P. It is the only mention of any act of worship in the Priestly history of the patriarchs, and it contains a distinct reference to sacrifice: "Jacob set up a pillar in the place where he spake with him, a pillar of stone; and he poured out a drink-offering thereon, and poured oil thereon." Again, "From the time of Noah slaughtering was permitted." But if the reader will carefully examine the passages in Genesis attributed to P., he will not find a single instance of "slaughtering" or even of the participation of animal food, from Noah down to the death of Joseph. The first and only "slaughtering" recorded in the Priestly Code, from the Flood till the giving of the Law, is the killing of the Paschal lamb in the land of Goshen. "In place of the sacrifice of the firstlings we have the Paschal lamb, etc." But it is in P. that we find the command, "Sanctify to me all the first-born both of man and beast."¹ And it is in the Priestly account of the first

¹ Exod. xiii. 2.

Passover that we meet with directions that the lamb must be without blemish, its blood must be sprinkled, it must be entirely consumed that night, none shall be permitted to eat it save those who are circumcised, only unleavened bread may be used, and the rite is to be continued a feast by an ordinance for ever.¹ If these injunctions do not indicate a sacrifice, how can a sacrifice be distinguished at all?

(3) Besides, the argument *e silentio* here, as elsewhere, proves too much. It would show, *e.g.* that in the view of the Priestly writers, the Seventh day was never sanctified from the Creation to the giving of the Law, for—although the words “God blessed the seventh day and sanctified it,” occur in P.²—not a solitary instance of Sabbath-observance is recorded during the period named: that prayer as an expression of religious homage was unknown during the same period, for there is no reference in P. to prayer, private or united, on the part of any of God’s people; and (unkindest cut of all!) that no slaughtering of animals for food took place from the days of Noah until the Paschal lamb was slain in Goshen.

(4) While the Priestly history affords no adequate support for Wellhausen’s assertion, the Priestly legislation overthrows it completely. The sacrificial legislation of P. is mainly contained in the first seven chapters of Leviticus. It cannot reasonably be inferred from those chapters that sacrifice was an entirely new thing then being promulgated for the first time. The opening words of the Code, “If his offering be a burnt-sacrifice,”³ imply that all concerned were acquainted with the meaning and purpose of a burnt-offering. They are followed by a number of directions for its proper performance which were henceforth to be strictly observed. So in the second chapter (“And when any will offer a meal-offering unto the Lord”),⁴ and in the third

¹ Exod. xii. 1-21, 43-51.

³ Lev. i. 3.

² Gen. ii. 3.

⁴ Lev. ii. 1.

("If his oblation be a sacrifice of peace-offering"), we have expressions which are only intelligible on the understanding that those to whom they were addressed possessed some knowledge as to how the burnt-offering and the meal-offering, and the peace-offering were distinguished from each other. These chapters, then, do not describe the institution of newly-invented sacrifices, but prescribe new regulations for an old custom. Wellhausen himself seems to admit this on p. 61, where he says, "*Nowhere in the Old Testament is the significance (of sacrificial ritual) formally explained; this is treated as, on the whole, self-evident and familiar to everyone.*" "*Nowhere in the Old Testament,*" not even in the Priestly Code which, according to the critic, treats of sacrifice as something unheard of "prior to the time of Moses?" Truly, there is no such "formal explanation" of the significance of sacrifice in Lev. i.-iii. And the absence of any definition of the *kinds* of offerings, or the occasions when they were to be made, shows that the author (or authors) regarded many things connected with these sacrifices as "self-evident and familiar" to the Israelites in the wilderness. But this is wholly inconsistent with the supposition that he (or they) intended to represent sacrifice as an invention by Moses.

This is confirmed by the contents of Lev. iv.-vi., which deal with sin-offering and trespass-offerings. Here a different course is pursued, and detailed rules are laid down not only as to *how* these offerings were to be made, but also as to the different *persons* by whom they were to be brought, and the various *circumstances* which rendered them necessary. This change of procedure appears to indicate the introduction of *new* matter which requires minuter prescription than the other sacrifices which had been all along "self-evident and familiar to everyone." The most reasonable conclusion to be derived from the study of these chapters

¹ Lev. iii. 1.

(Lev. i.–vi.) is that sacrifice had long been practised, but that new regulations were now being associated with it to meet the new position of a peculiar people. Certainly, we cannot find a single verse in the whole of P. which implies a denial of pre-Mosaic sacrifice.¹

V.—THE CRITICAL THEORY: ITS DIFFICULTIES

(1) If Deuteronomy is not Mosaic, when and by whom was it composed? Modern critics cannot agree on an answer; and their lack of agreement on a point so vital, undoubtedly tells heavily against the cause they represent. Two solutions are suggested.²

(a) It was written by members or a member of the prophetic party in the reign of Manasseh, and was accidentally found, long afterwards by Hilkiyah in the Temple. This is the explanation favoured by Ewald, Riehm, Bleek, Kittel, W. R. Smith, Valetton, Kautzsch, Ryle, Montet, Wildboer, Driver, and others. But this reply, while it exonerates Hilkiyah and his associates from the charge of wilful and deliberate fraud, is open to what Kuenen terms the "fatal objection," that it makes the reformers of Josiah's time, mere blind tools in the hands of some unknown writer—one who, moreover, had been so little in earnest, that he had left the issue

¹ Adapted and condensed from Baxter's *Sanctuary and Sacrifice*, and Orr's *Problem of the Old Testament*.

² See p. 51. The chief exceptions among advocates of the critical theory are Oettli, Westphal, and Bunsen who assign it to the reign of Hezekiah; Konig who places it shortly after B.C. 722; Delitzsch, just before Isaiah; Schlatter, in the time of Jehoshaphat; Vater, in the time of David and Solomon; Kleinert, in the time of Samuel; Stahelin, in the period of the Judges. On the other hand Vatke and Horst make Deuteronomy the *result* rather than the cause of Josiah's reformation; and Vernes and D'Eichthal place it after the exile in the Persian period.

of his work to chance.¹ Further, it may be pertinently asked, how did everyone around Josiah, acting in good faith (for this is what is gained by this suggestion) suppose that the discovered roll was ancient, since Manasseh had only been dead about twenty years? Surely in those days people were able to make a fair guess at the age of a manuscript. If it be answered that they did not take it to be a book by Moses, but only the message of some prophet, there is no hint of this in the story.² But even so, how came they to attach greater importance to it, than to the words of prophets known to them whose inspiration and authority were undoubted? It is plain that this proposed explanation only vindicates the character of Hilkiyah and his friends at the expense of their intelligence. But above all, if Deuteronomy was written by a prophet, why did he not appear openly, instead of assuming the Mosaic mask, especially since in Deut. xviii. 15, 18, the author holds out the prospect for all future time, of a line of prophets invested with Mosaic authority? It is unnecessary to pursue this further, seeing that in rejecting this solution we are supported not only by all the "conservative" critics, but also by such stalwarts as Wellhausen,³ Kuenen,⁴ and Cheyne.⁵

(b) Equally uncomfortable is the other horn of the critical dilemma. To say that Deuteronomy was written in the time of Josiah, and that Hilkiyah and the priests were parties to its production (which is the view advocated by De Wette, Knobel, Graf, Schrader, Reuss, Kayser, Kuenen, Dillmann, Cheyne, Stade, Wellhausen, Cornill, Holzinger, and others) is to cast a serious imputation upon the moral character of these men. For the narrative expressly states that Hilkiyah recognized the book as an ancient and authoritative law-book.

¹ Kuenen, *Hex.*, pp. 219, 220.

² *Proleg.* p. 9.

³ *Founders of O.T. Crit.*, p. 268.

⁴ 2 Kings xxii.

⁵ *Rel. of Israel*, II., 19.

He said, "I have found *the* book of the law,"¹ and in the Hebrew the definite article is emphatic. If Hilkiab was not deceived, he was himself guilty of a gross deception; for, led by him, king and people accepted the book as an ancient code which had been disobeyed by their *fathers*.² Here, quite a number of awkward questions immediately rise up to confound the critics. Why should the law of central sanctuary be invented at a time when almost all the rival sanctuaries had gone down in the ruin of the Northern kingdom?³ Why should the priests be so eager to foist upon the nation a code which certainly did not promote their interests, and in one particular—the law of Deut. xviii. 6 *f.*—was distinctly detrimental to them?⁴ And how did it come to pass that people, priests, and prophets recognized as Mosaic, legislation which (according to criticism) was so opposed on many important points to all that up to that time had been regarded as such?

But, indeed, that such a colossal fraud could have been carried out successfully is simply incredible. The *extent* of the alleged deception is truly marvellous. The whole nation with lamb-like innocence allowed themselves to be imposed upon. The priests of Jerusalem—to whom, as Kautzsch says, the book must have been intensely disagreeable: the priests of the high-places, whom it threw out of employment: the king, whose ancestors it pilloried; and the people on whose cherished religious customs it poured the fiercest denunciations; all were completely deceived. Even Jeremiah who

¹ 2 Kings xxii. 8.

² 2 Kings xxii. 13.

³ Kuenen (*Hex.* p. 218) argues that what he calls "the intrinsically monstrous and unnatural demand" that the worship of Yahwe should be confined to the Temple at Jerusalem, was justified by Isaiah's preaching of the inviolability of Jerusalem, and its ratification by the deliverance under Hezekiah. But would that deliverance not be more probably regarded as a sign of Divine approval of the existing conditions?

⁴ See Kautzsch, *Lit of the O.T.*, pp. 64, 65, where this argument is very forcibly stated.

exposed unhesitatingly the false prophecies of his own contemporaries,¹ publicly defended Deuteronomy as the legislation of Moses.² This amazing fraud was successful—so we are to believe—in spite of the hostility which must have been provoked by a work which assailed so many interests, and in spite too, of the searching inquiries to which such hostility would infallibly give rise. According to criticism, the book contains many important modifications and contradictions of the laws previously accepted as Mosaic—discrepancies clearly evident to eminent scholars of the nineteenth and twentieth centuries, yet these astonishing Jews of the seventh century B.C., though they disliked it, and after a brief period of alarm, disregarded it, never questioned its genuineness. Many persons must have been concerned in its production, but no hint of the secret ever leaked out. Even in the time of apostasy which followed Josiah's reformation, neither kings, priests, nor people ever tried to justify their relapse by impugning the Mosaic authority of the book.³ Marvellous indeed was this deception, so ably planned, so carefully carried out, so perfect in every detail. But far more wonderful are those lynx-eyed critics who, after the lapse of twenty-four centuries, are able to expose this ingenious fraud which the Jews of Josiah's age—though they had every opportunity and incentive to do so—could not penetrate!

(2) But on whichever horn of the dilemma the critic may choose to impale himself—whether Hilkiyah was a deluded and unconscious tool, or an arch-deceiver—in either case Deuteronomy is a deliberate forgery. It is not an adequate reply to say airily that when the author assumed the Mosaic mask, he only “made use of an acknowledged literary device,” and that men in

¹ Jer. xxixf

² Jer. xi.

³ Jer. xxxiv. 8 f. Jeremiah denounces their transgression of Deut. xv. 12, but apparently they do not plead in defence the non-Mosaic character of the book.

those days "perpetrated such fictions without a qualm of conscience."¹ It is necessary that at least one undoubted instance should be quoted in evidence. But this the critics invariably omit to do. If fictions of this kind were common in the seventh century B.C., surely it is possible to mention one such. If none can be cited, how do the critics know that the practice was common? The cases of Thucydides, Shakespeare, Livy, etc., are not parallel. These authors make no attempt to mislead their readers. Thucydides frankly explains the principles on which he composed the speeches which he put into the mouths of his characters. The case of Deuteronomy is very different. Here, if the critical theory be true, there was a manifest intention to deceive. The author adopted the Mosaic disguise for that very purpose,—that he might impose upon the nation, in the name of Moses, laws which otherwise would never have been accepted.² That many of the provisions of the book were unpopular is generally admitted. Kuenen says of the law of central sanctuary, that it was so completely at variance with the actual condition of affairs, "that its introduction amounted to a revolution."³ There is no analogy between the work, say of the author of Ecclesiastes who puts his philosophical observations into the mouth of King Solomon, and the (supposed) author of Deuteronomy who deliberately makes use of the name and authority of Moses in order to promote a "revolution," and to establish a code of laws, many of which were in sharp contradiction to that which had been up to that time regarded as Mosaic. If this seventh century author had no "qualms of conscience," why so much secrecy? If he was only doing what his

¹ Kuenen, *Rel. of Israel*, II 19.

² "Deuteronomy—not in all its commands, but in the one central principle, and everything that flows from it—expressed the conviction of a minority; and whether we call it "Mosaic party," or anything else, the essential fact remains that it was a minority."—Kuenen, *Hex.* p. 220.

³ *Ibid.*

contemporaries regarded as lawful, why all this concealment? Why not have taken, at any rate, the pious Josiah into his confidence?

But there is not a shred of evidence that such "literary practices" were common or considered justifiable in the age of Josiah or at any earlier time. Galen, a very competent witness, assures us that it was not till the age of the Ptolemies, when kings were rivalling each other in collecting libraries, that the "roguery" (so this unenlightened heathen regarded it) of forging writings and titles began.¹ It is evident from this that the practice was not looked upon as lawful, even among the heathen. How then can we reconcile such "roguery" with the lofty religious and moral principles enunciated so fervently in the book of Deuteronomy? The so-called discrepancies between Deuteronomy and the other codes, which the critics parade with such pomp, fade into nothingness when compared with the astounding contradiction between the spiritual tone of the book, and the fraud which gave it birth. "Do men gather grapes of thorns, or figs of thistles?"

Besides, if Deuteronomy is a forgery, the author himself is an insoluble psychological problem. (We say "author," because the substantial unity of the work is conceded by criticism).² For consider what manner of man this forger must have been. He boldly assumes the Mosaic character and maintains it without making a single slip.³ The contents of the book are in all respects consistent with the Mosaic origin that it claims for itself. The writer's evident acquaintance with the Egypt of the Exodus, and the wilderness of the wanderings

¹ *Comment. II. in Hip. de Nat. Hom.* See also Dr. Candlish, "On the moral value of Pseudonymous Books," *Expositor*, vol. xxxiv. p. 94.

² The theory that it was composed by a "School" only increases the difficulty.

³ "The Mosaic dress must have been such a masterly success in form, appearance, and substance, that not even the smallest doubt could arise as to its genuineness."—Moller, p. 21.

has been already demonstrated.¹ But such knowledge—in the age of Josiah—could only be acquired by painstaking research, extending over a long time, and necessitating a careful survey of the ground. When we reflect how difficult it is, even to-day, to reproduce with exactness the scenery and circumstances of the past, we must recognize in this nameless forger an antiquarian of the first rank. Further, he not only adopts with conspicuous success the Mosaic garb: he embodies the Mosaic spirit. He speaks in the tone, and from the standpoint of the great Leader. He has caught and reproduced the emotions and desires, the confident optimism and happy hopefulness of Moses on the eve of the immigration. It is one of the greatest triumphs of the human imagination. So completely has he transported himself into the Mosaic age that he is absolutely unconscious of his own environment. The intervening centuries with all their doleful history of backsliding and persecution, of disaster and defeat, are utterly ignored. He is happily oblivious of the great Schism, and the fall of the Northern kingdom. He knows nothing of the woeful plight of Judah. His references to Edom are couched in a friendly spirit which is in striking contrast to the tone of his prophetic contemporaries. He invents a law of central sanctuary when the Temple at Jerusalem has practically no rivals. He promises a line of Heaven-sent prophets, and proposes a test of their inspiration which would have branded as false, nearly all the genuine prophets of the eighth and seventh centuries. He lays down regulations for the conduct of warfare which were applicable to the invasion under Joshua, but entirely unsuited to the circumstances of Judah in the seventh century B.C. He proclaims a war of extermination against the Canaanites as though they had not been destroyed long before. He calmly makes arrangements for the time when Israel shall have increased so much as to make

¹ See p. 21 f.

observance of the old regulations impossible,¹ in blissful ignorance of the fact that the Ten tribes were in exile, and that Josiah reigned only over a remnant of the Hebrew race. In a word he never, even for a moment, drops the Mosaic mask.

Moreover, he has diligently studied the Hebrew literature, both history and prophecy, extant in his time; and has carefully collated his own work with the histories of Joshua, Judges, and Samuel, and the prophecies of Isaiah, Micah, Amos, and Hosea, so that passages in those books may serve to attest the antiquity of his. All this he has accomplished with unparalleled cleverness, and signal success. He must have been a man of quite extraordinary genius, possessed of inexhaustible patience, profound antiquarian knowledge, vivid imagination, remarkable power of concentration, and literary gifts of the highest order. That such a man could exist even in the seventh century B.C., and be unknown to his literary contemporaries is almost incredible. That his gifts could be recognized and his association with Hilkiah known, and yet his authorship of the new Book of the Law never be suspected is past belief.

But assuming such a man existed, that he carried on his work in the utmost secrecy, and that his labours were crowned with success; we are fronted with a double contradiction. For (*a*) here is a man of commanding intellectual gifts, of remarkable spiritual insight and lofty ethical ideals, who devotes himself to the task of bringing about a drastic religious reformation. Actuated by no base motive of greed or ambition, he desires no recognition of his work or gifts. He is content to forego the admiration of his contemporaries and the plaudits of posterity. He suppresses his own personality so skilfully that no one dreams of connecting him with the newly-published code. He does this because he is filled with intense zeal for truth and righteousness,

¹ Deut. xii. 20; xiv. 8, 24.

and a genuine desire to recall his nation to the service of Jehovah. Yet he perpetrates a fraud, the matchless ingenuity of which can never palliate its glaring dishonesty—a fraud which, if known, would have been condemned by his literary contemporaries—a fraud which *he himself denounces in the severest terms!*¹

(b) He is a man of exceptional ability and unmistakable earnestness. His aim is to bring about a religious reformation. He writes a book which bears the impress of his genius and capacity on every page. Yet the book itself though a conspicuous success as a literary *forgery*, is a miserable failure as a programme of reform. Detailed examination of its contents has clearly shown how unsuited it was to be a reformatory code for the age of Josiah. The very features of the work which stamp it as one of the most ingenious literary frauds of all time, render it hopelessly ineffective as an instrument of reform. Here, again, is a startling contradiction: the greatest literary artist of his day (which he must have been) occupied with the dominant purpose of his life, commits errors worthy of the veriest tiro. He proposes to write a manifesto of reform; he only succeeds in producing a *literary hoax!*²

We may fairly claim that whether we consider the literary influence of Deuteronomy, its relation to the other Pentateuchal books, the character of its contents, or the problem of its origin and authorship; on every point the critical theory breaks down completely. Our examination of its claims in the light of the available evidence has only served to demonstrate their falsity, and to show that no date and no authorship fit the Book of Deuteronomy save those which it distinctly claims for itself.

¹ Deut. xviii. 20;

² Naville (*Discovery, etc.*) finds an analogy to 2 Kings xxii. 8 in the discovery of Ch. 64 of the Book of the Dead in an Egyptian Temple in the time of the 4th Dynasty. See additional note D, p. 120.

VI.—THE HISTORICAL TRUTH OF DEUTERONOMY.

In the preceding sections of this essay it has been proved that the contents of Deuteronomy are in all respects consistent with its claim to be regarded as a genuine work of Moses; that Hebrew literature and history furnish clear and unimpeachable evidence of its antiquity: and that the modern "critical" theory of its origin is not sustained by the known facts, but breaks down at every point where it is possible to test it. Henceforth we are justified in treating this book not as a romance of the seventh century B.C. descriptive of a long-past age, nor as a mere compilation of vague traditions transmitted orally from generation to generation over a period of six or seven hundred years; but as a contemporary record written by Moses himself or by some person or persons acting under his direction.

We have here a firm foundation on which to rest our belief in the authenticity of the book. For (1) *the writer was in a position to know the facts.* The one outstanding character in the book is Moses himself. The whole narrative revolves around him as its centre. The "introductions" (i. 1-5; iv. 44-49) simply detail the time, place, and circumstances of the delivery of the Mosaic orations. The other narrative portions of the work, including the historical allusions which occur in the discourses, all relate to events in which Moses played a prominent part. No one was so well-placed as he to know the truth of the incidents he describes, and certainly no one was better qualified to give an account of them.

And (2) no reason can be suggested *why he should falsify or invent* the history or any part of it.

(a) The picture of Israel which he presents to his audience is by no means a flattering one, or calculated

to feed their national vanity. The wonderful deliverances wrought on their behalf by Jehovah are uniformly attributed to the Divine love and forbearance, rather than to any merit on their part. No attempt is made to conceal or even palliate their manifold wickedness. Their sins of presumption, rebellion, ingratitude, and unbelief are described and denounced in the severest terms. Such allusions to past transgressions must have been intensely disagreeable to those who heard them. Had there been any error or exaggeration in these accusations of perversity and disobedience, it would certainly have aroused vehement protest, and received speedy and triumphant refutation.

(b) Nor does Moses seek to glorify himself. He ever appears with a humble sense of his own shortcomings. Throughout the book he is still true to his description as the meekest of men. A notable instance of this occurs in Deut. xviii. 15, 18, "The Lord thy God will raise up unto thee a prophet from the midst of thee, of thy brethren, like unto me; . . . I will raise them up a prophet from among their brethren like unto thee." Compare these words with the eulogy on Moses in Deut. xxxiv. (which is undoubtedly post-Mosaic), especially with v. 10, "There arose not a prophet since in Israel like unto Moses," and the modesty of the former is at once apparent.

(c) The avowed aim of the book is inconsistent with the idea of any intentional deception on the part of the author. The aim of Moses in these discourses is to impress upon the people the importance of keeping inviolate the covenant of the Lord, so that they might enjoy His blessing and escape the awful punishments denounced against disobedience. With this in view he selects those passages in their history, the remembrance of which was best fitted to preserve them in their dependence upon and allegiance to Jehovah. It is clear that such an appeal, to be successful, must be based upon facts commonly known among those to whom it was

addressed. Exhortations, however earnest and eloquent, that were founded upon obvious perversions of the truth would have been powerless to produce the desired impression. Fidelity to truth was essential to the attainment of the speaker's purpose.

We need not elaborate these points. It is obvious that the Mosaic authorship of Deuteronomy is a sufficient guarantee of its general historical reliability. The alleged "discrepancies" between this book and the other Pentateuchal narratives have already been dealt with.¹ It cannot be said that they tend to impugn the trustworthiness of Deuteronomy. The apparent contradictions are chiefly due to the hortatory character of the book which treats the history, not after the manner of the annalist writing for the *information* of his readers, but from the standpoint of the orator dealing with incidents familiar to his hearers, and too intent upon his object to enter into unimportant details, the introduction of which would only have lessened the cogency of his argument, and weakened the force of his appeal.

Deuteronomy, then, is a trustworthy account of the words and deeds of Moses. The glowing eulogies of the narrative pronounced by many of the "advanced" critics can be justified on far surer grounds than any that "advanced" criticism affords. For the representation here given of the aged Leader of Israel on the eve of the Invasion, straining every nerve to prepare his people for their Divinely-appointed task, is no mere creation of imaginative genius, but a veritable history which comes down to us bearing the *imprimatur* of the chief figure in the story, and accredited by the acquiescence of his contemporaries. Moses himself stands before us a living reality. Here we may recognise his marvellous power, his prophetic foresight, his dauntless courage, unswerving fidelity and conspicuous unselfishness, his firm faith in God, and his constant

¹ See p. 31 f.

solicitude and unwavering hope for the future of the nation that he loved so well. It is a vivid picture which explains the commanding position occupied by Moses as the great outstanding personality of Hebrew history, and fully justifies the verdict of the unknown author of chap. xxxiv.: "There arose not a prophet since in Israel like unto Moses."

VII.—THE DIVINE AUTHORITY OF DEUTERONOMY

THE evidence already set forth fully entitles us to treat Deuteronomy as a genuine work of Moses, and a trustworthy record of actual events. But the book professes to be much more than that. It demands recognition as a revelation of the Will of God promulgated by Divine Authority. "These are the commandments, the statutes, and the judgments, which the Lord your God commanded to teach you."¹ "And the Lord commanded us to do all these statutes . . . and it shall be our righteousness, if we observe to do all these commandments before the Lord our God as He hath commanded us."² "Beware that thou forget not the Lord thy God in not keeping His commandments, and His judgments, and His statutes, which I command thee this day."³ Such passages, together with many others of like import that might be quoted, plainly show that Moses represented himself to be the messenger of Jehovah, and claimed for the laws which he enunciated a Divine origin.

That in all this Moses was perfectly sincere is not seriously questioned. There is not the slightest reason to suppose that he deliberately set himself to mislead the people as to his true position. Indeed, his sincerity is apparent in the very nature of his claim. For in

¹ Deut. vi. 1.

² Deut. vi. 24, 25;

³ Deut. viii. 11.

these discourses we discern no traces of self-seeking or personal ambition.¹ He asks nothing for himself. He assumes no kingly state, takes no titles of honour, claims no privilege or precedence for his sons, either in his own lifetime or afterwards, and contentedly assigns the succession to Joshua, a member of another tribe. He seeks no exemption from the obligation of obedience; on the contrary, he distinctly identifies himself with the people in their subjection to the Law.¹ An ambitious man occupying his position would have founded a dynasty. Moses gave his tribe a certain pre-eminence (which was counter-balanced, however, by their surrender of their share of the land), but asked nothing for his descendants. Throughout he speaks not as a king giving laws to his subjects according to his own good pleasure, or as a lawgiver justifying his legislation by argument, but as the herald of Jehovah—a merely passive instrument of the Divine Will.

Not only did Moses firmly believe that he was the Divinely-chosen intermediary between Jehovah and Israel; the people also believed it. And the ground of this conviction was the same in both cases, viz. the extraordinary manifestations of Divine power which had attended his leadership and vindicated his authority. In the Deuteronomic addresses there are numerous allusions to such notable proofs of his Divine commission, *e.g.* the miraculous deliverance of Israel out of Egyptian bondage. This is invariably represented as the act of God.² Moses claims no credit for himself. It was not his diplomacy, or courage, or generalship, that had rescued the nation from the cruel oppression under which they had languished so long. It was the direct interposition of God, and Moses was only an instrument in his hand.

Frequently he reminds the people of the circumstances under which the law was first proclaimed at Horeb; how

¹ Deut. vi. 24, 25.

² Deut. iv. 20, 34, 37; v. 15; vi. 21-23; vii. 8, 18, etc.

the Lord spake unto them out of the midst of the fire.¹ Jehovah was not visible, but they heard His voice:² there He made a covenant with them, and Moses himself "stood between the Lord and the people at that time."³ Especially he recalls the important fact that the Divine revelation on Sinai was not vouchsafed to himself only, but to the whole congregation, so that all Israel were witnesses of its reality.⁴

Several times he refers to the terrible punishments inflicted by Jehovah upon the unbelieving and disobedient; upon the rebellious Reubenites, Dathan and Abiram, whom the earth swallowed up bodily;⁵ upon those who murmured at Taberah⁶ and were consumed by the fire of the Lord; and upon those who tempted God at Kibroth-Hattaavah,⁷ who were smitten with a very sore plague. In all these, as well as in the deliverances, he traces the mighty operation of the power of God.⁸

It is not to be supposed that in thus alluding to the past, Moses was defending his title to be regarded as the accredited representative of Jehovah. That was no longer in question. Throughout the book he tacitly assumes that the people were fully convinced of his genuine inspiration. And it was only reasonable that he should do so, seeing he had been their acknowledged leader for forty years. It is true that some had rebelled, but in every such case the consequences had been so disastrous to the offenders that the position of Moses was only strengthened, and his authority more firmly established. Those whom he now addressed in the land of Moab undoubtedly accepted his words as the expression of the Divine Will. This is proved by the fact that they so carefully preserved the record of his utterances, and that after his death the legislation he

¹ Deut. iv. 12, 36.

² Deut. v. 5.

³ Deut. xi. 6.

⁷ Deut. ix. 22.

² Deut. iv. 12.

⁴ Deut. iv. 10-12; v. 4.

⁶ Deut. ix. 22

⁸ Deut. xi. 7.

initiated was observed and taught and handed down from one generation to another for many centuries.

But if his contemporaries acknowledged the absolute obligation of the law which Moses imposed upon them, the evidence of its divinity must have been overwhelming. It is plain from the history that they were not a credulous people, easily led and amenable to discipline. On the contrary, they were a stubborn and "stiff-necked" race,¹ who would never have accepted any merely human legislation or regarded themselves as bound by it a moment longer than suited their own convenience. No ordinary evidence would have sufficed to convince them. That they *were* convinced implies that the highest possible sanction was given to the Mosaic Law, and given in the most impressive manner. It is true that these Divine manifestations were "miraculous," and on that ground alone may be discredited by some; but if ever miracle was justified by results it was so here. Assuming—what indeed is evident from Deuteronomy itself—that the object was to create a "peculiar people," marked out from the rest of the world by a special system of laws and customs, then the means adopted must be pronounced at once absolutely effectual, and probably the only means by which that result could have been attained.

That Moses and the Israelites of his time were justified in regarding the Deuteronomic discourses as a Divine revelation is further confirmed to us by—

(1) The nature of the *Teaching* which they contain. Here, as elsewhere, Scripture is its own best witness. The essential spirituality of Deuteronomy is clearly recognised, and even eulogised, by many who deny its historical character. And whatever may be thought of the mental process by which they arrive at such a result, their estimate of the book is amply borne out by the study of its contents. The teaching of Deuteronomy

¹ Deut. ix. 13.

may be analysed under three heads, viz. (a) God, (b) Israel, (c) God and Israel.

(a) In its doctrine of God, Deuteronomy is emphatically Monotheistic. Jehovah is not simply the national God of the Hebrews, or the chief among a number of contending deities. He is the only God. There is none else.¹ He is "God of gods, and Lord of lords;"² the "living God;"³ whose being is spiritual,⁴ whose name is "Rock,"⁵ to whom belong the heavens and the earth.⁶ He rules the nations,⁷ and leads His people through the desert.⁸ He is a faithful God who keepeth covenant,⁹ whose relation to His people is personal,¹⁰ and expressed by Fatherhood;¹¹ who, being righteous, hateth sin in every form;¹² whose being is terrible;¹³ whose character is jealousy;¹⁴ who hates other gods.¹⁵ Hence idolatry must be rooted out, the idolatrous Canaanites utterly destroyed,¹⁶ and all their places of worship overthrown,¹⁷ for the Lord Jehovah He is the only God.¹⁸

(b) The new generation of Israel, through the covenant made in the land of Moab,¹⁹ are made partakers of the covenant made at Horeb,²⁰ and thus become heirs of the promises made to the patriarchs.²¹ They are unto

¹ Deut. iv. 35, 39.

² Deut. x. 17.

³ Deut. v. 26

⁴ Deut. iv. 12, 15.

⁵ Deut. xxxii. 4, 15, 18, 30, 31, 37.

⁶ Deut. x. 14.

⁷ Deut. vii. 19.

⁸ Deut. xxxii. 10, 12.

⁹ Deut. vii. 9.

¹⁰ Deut. xxviii. 58.

¹¹ Deut. xxxii. 6.

¹² Deut. vii. 25, 26; xii. 31; xviii. 12; xx. 18; xxii. 5; xxiv. 4; xxv. 16; xxvii. 15.

¹³ Deut. v. 24, 25; x. 21; xi. 2-7; xxvi. 8.

¹⁴ Deut. iv. 24; v. 9; vi. 15.

¹⁵ Deut. vii. 4; xii. 31; xviii. 20; xxvii. 15, etc.

¹⁶ Deut. vii. 2-5; vii. 16; xx. 16-18.

¹⁷ Deut. xii. 2 *f.*

¹⁸ Deut. iv. 35.

¹⁹ Deut. xxvi. 16-19; xxvii. 9; xxix. 1.

²⁰ Deut. iv. 13, 23; v. 2, 3.

²¹ Deut. iv. 31; vii. 8, 12; viii. 18; xxix. 13.

Jehovah a holy and peculiar people,¹ chosen specially for Himself,² especially beloved to Jehovah,³ yet disciplined for their good;⁴ to be established as a people;⁵ to become His lot and inheritance;⁶ and to stand near unto Jehovah as no other people.⁷

(c) The heathen nations bowed down before their gods in abject fear; Israel were to *fear* God,⁸ but they were also to *love* Him,⁹ and to *cleave* unto Him.¹⁰ Notable privileges were theirs as members of a theocracy from which others were excluded except by special permission.¹¹ Should they at any time in the future desire a king to reign over them, he must be appointed by Jehovah.¹² A promise is given that a prophet shall arise among them who will succeed Moses as the messenger and representative of God.¹³ A sharp distinction is to be drawn between Israel and "strangers"¹⁴; and at all times the Israelites are to remember that they stand in covenant relationship to God as His chosen and peculiar people.¹⁵

Concerning this teaching as a whole, it may be confidently affirmed:—

(a) That it represents a conception of the Divine nature far in advance of anything to be found in the Pagan religions of antiquity. It sets forth the personality of God, His spirituality, His essential holiness, His intense hatred of sin, His profound love for His people, His yearning for their love, His mercy and faith-

¹ Deut. vii. 6; xiv. 2, 21; xxvi. 18, 19; xxvii. 9; xxviii. 9; xxxix. 13.

² Deut. iv. 37; vii. 7; x. 15; xiv. 2.

³ Deut. vii. 8.

⁴ Deut. viii. 2, 3, 5, 16.

⁵ Deut. xxviii. 9; xxix. 13; xxxii. 6.

⁶ Deut. ix. 26; xxxii. 9.

⁷ Deut. iv. 7; xxxii. 43.

⁸ Deut. iv. 10; v. 29; vi. 2; viii. 6; x. 12, 20; xiii. 4, 24; xiv. 23; xvii. 19; xxviii. 58; xxxi. 12, 13.

⁹ Deut. vi. 5; x. 12; xi. 1, 13, 22; xiii. 3; xix. 9; xxx. 6.

¹⁰ Deut. x. 20; xi. 22; xiii. 4; xxx. 20.

¹¹ Deut. xxiii. 1-8.

¹² Deut. xvii. 15.

¹³ Deut. xviii. 15, 18.

¹⁴ Deut. xiv. 21. xxiii. 3-6, 20.

¹⁵ Deut. xxvi. 18; xxvii. 9.

fulness. We have here the elements of a noble and inspiring doctrine of God.

(b) It is pervaded by the spirit of Love. The essence of the religious relation between Jehovah and Israel is love. It is not a national and indissoluble relation such as might exist between a tribal deity and his people. It is a moral relation which has its origin in Jehovah's choice of Israel to be His peculiar people. The service which He claims from them is not that of mere outward observance, but that which springs from the heart, and is prompted by responsive love. Even in the legislation, in spite of such enactments as those sanctioning slavery and urging the extermination of the Canaanites—laws which appear to us harsh and even cruel,—there is discernible a singular tenderness. There is tenderness to slaves, whom in some ways it sheltered from oppression;¹ to the accidental homicide, for whom it provided the cities of refuge;² to the poor, whom it protected from cruel usury;³ to the destitute, in whose interests it forbade the hard stripping of the fields, the mean exhaustion of the vineyards, or the niggardly beating of the topmost olive boughs;⁴ to dumb animals, in the injunctions that the mother bird is not to be taken from the nest as well as her callow young,⁵ that the oxen are not to be muzzled when treading out the corn,⁶ and that the ox and the ass are not to be yoked together at the plough, lest the burden should fall on the smaller and weaker beast. Speaking generally, the moral code of Deuteronomy may be summed up in the apostolic phrase, "Love is the fulfilling of the law."

The Divine origin of Deuteronomy is thus attested by its character. It is so immeasurably superior to the religious doctrines of the ancient heathen races that

¹ Deut. v. 14, 15; xii. 19, etc.

² Deut. iv. 41, 43; xix. 1-10.

³ Deut. xxiii. 19; xxiv. 6, etc.

⁴ Deut. xxiv. 20.

⁵ Deut. xxv 4.

⁶ Deut. xxii. 6.

⁷ Deut. xxii. 10.

many eminent scholars contend that it must have been produced in a far more enlightened age than that of Moses. Of course, as against the Mosaic authorship such reasoning cannot have much weight with those who believe in the necessity and possibility of a supernatural self-revelation of God. But it is a striking testimony to the moral and spiritual excellence of the book itself.

(2) The Divine authority of Deuteronomy is further vouched for by the *inspired writers of the Old Testament*. The references to and quotations from Deuteronomy which are traceable in the writings of the Hebrew prophets, and of which several instances have been given in Chap. II. of this essay, not only prove the existence of the book in their day, but also imply that its sacred character was known to them. They do not regard it merely as an ordinary history, or as a collection of moral maxims, but as an inspired and authoritative declaration of the Will of God. It is one, at any rate, of those historical and legislative standards to which they appeal in support of their own teaching. In the Psalms also, as well as in the prophetic books, the position of Moses as the accredited representative of Jehovah is fully recognised.

Now, the inspiration of Isaiah, Jeremiah, etc., is undeniable. The loftiness of tone, purity of thought, spirituality of devotion, and genuine moral earnestness characteristic of their writings, confirm the saying of St. Peter that they "spake as they were moved by the Holy Spirit." It is only reasonable to believe that their inspiration included the ability to pronounce upon the inspiration of others. The prophet Jeremiah, *e.g.* certainly claimed to possess and exercise this power,¹ and in the case of Hananiah, his judgment was signally vindicated by the event.² That such men should with one accord acknowledge the right of Moses to speak and legislate in the name of God, and should regard

¹ Jer. viii. 8; xxviii. 15; xxix. 8, 9.

² Jer. xxviii. 15-17.

him as the human founder of the Hebrew theocracy, is a powerful argument for the Divine Authority of the Book of Deuteronomy.

(3) *Our Lord Jesus Christ* expressly confirms the verdict of the prophets. He treated and used and vindicated the legislation of the Pentateuch in all its parts, as proceeding from God. He recognised the installation of Moses as the deliverer of Israel, and the medium of Divine communication to them. He spoke of Moses as a pre-Christian messenger of God,¹ to whom God had manifested Himself in a special manner,² and whose law was in its entire scope and internal structure the eternally authoritative Word of God.³ By His references to the Mosaic Law, our Lord plainly indicates His acknowledgment of its Divine origin and character. He draws a clear distinction between the Law, which is "the commandment of God," and the great mass of Rabbinical traditions by which, in His time, it was overlaid.⁴ Frequently He cites it as the Divine rule of human conduct,⁵ and He quotes from it in His own temptation.⁶ He emphasises the essential harmony of the Law and the Prophets,⁷ and describes it as His mission to introduce everywhere the obedience and fulfilment of both.⁸ Thus He recognised the Law as an integral part of the Divine plan of Salvation. It was a prophecy of Him,⁹ and a Divinely-ordained preparation of Israel for His coming.

Our Lord's estimate of the Mosaic Law, covers of course, the Book of Deuteronomy. On several occasions He quoted from it;¹⁰ and the passages with which

¹ S. John vii. 19.

² S. Matt. xxii. 23-33.

³ S. Matt. v. 17-19.

⁴ S. Matt. xv. 3, 4, 9.

⁵ S. Matt. vii. 12; xv. 3, 4; xix. 17; xxii. 37, 38.

⁶ S. Matt. iv. 4, 7, 10.

⁷ S. Matt. vii. 12; xi. 13; S. Luke xxiv. 27, 44.

⁸ S. Matt. v. 17.

⁹ S. John v. 39; S. Luke xxiv. 27, 44.

¹⁰ S. Matt. v. 31, Deut. xxiv. 1; S. Matt. xxii. 37, Deut. vi. 5, x. 12; S. Mark xii. 29, Deut. vi. 4.

He confounded the Tempter in the wilderness were all taken from this book,¹ and they were all introduced with the formula, "It is written" indicating that they were from the sacred Canon. Christ Himself, therefore, may be cited as a witness to the Divine authority of Deuteronomy. To all who believe in the Incarnation, and who see and recognise in Jesus Christ the absolute possessor of the Spirit of God, His judgment of the ethical and spiritual value of the Old Testament writings must be final, and, as we have seen, that judgment includes the recognition of Deuteronomy as an authoritative revelation of God.

"Moses wrote of Me."² To assert that Deuteronomy is Divine is not to affirm its finality as a revelation of God. It shows a wonderful advance on the old patriarchal religion, but it only marks a stage in that continuous development of the knowledge of God which may be traced throughout the Old Testament, and which culminated in the perfect manifestation of the glory of God in the Person of our Lord Jesus Christ. The Law was a prophecy of Christ, and a preparation for Him. In His teaching we see in all their fulness those constant elements which all religion strives to express; and in His Person and Work the Divine fulfilment of that unquenchable Messianic hope which is the very heart and essence of the Old Dispensation. So He stands at the centre of all history as the fulfilment of all the yearnings of the past, the justification of all the hopes of the future. It is He "Who being the holiest among the mighty, the mightiest among the holy, lifted with His pierced hand empires off their hinges, turned the stream of centuries out of its channel, and still governs the ages."³

¹ S. Matt. iv. 4, 7, 10. Cf. Deut. viii. 3; vi. 16; vi. 13.

² S. John, v. 46.

³ Richter.

ADDITIONAL NOTES

A (p. 54). It is highly improbable that a zealous monotheist like Elijah would uphold or even tolerate the calf-worship which every other prophet of that age condemned (*e.g.* Ahijah, 1 Kings xiv. 7 ff; the prophet from Judah, 1 Kings xiii. 2; Jehu, son of Hanani, 1 Kings xvi. 1, 2). That no protest on his part against the "calves" is recorded may be accounted for by the fact that he was engaged in a strenuous conflict of quite another kind—that between Jehovah and the Tyrian Baal. It is more to the point to notice that there is no indication in the history that he ever recognised or participated in the worship at Dan or Bethel. And when he laments the overthrow of Jehovah's altars (1 Kings xix. 10), he could not have included those of Dan and Bethel, for they were still standing and frequented by crowds of worshippers.

B (p. 71). Many able critics are of opinion that the Deuteronomic legislation presupposes acquaintance with the laws of P; *e.g.* Riehm, *Einleit.* i. p. 218; Dillmann, *Num.-Jos.* p. 605; Oettli, *Deut.*, *Introd.* p. 14; Baudissin, *Dict. of Bible*, iv. p. 82; and Driver (!), *Introd.* pp. 137, 138 (1st ed.).

C (p. 72). Dr. Driver (*Deut.* p. 83 n.) says: "The terms used in *Deut.* xviii. 7 to describe the Levite services are those used regularly of *priestly* duties. To minister in the name as xviii. 5 (of the priest; cf. xvii. 12; xxi. 5); to stand before—*i.e.* to wait on (see, *e.g.*, 1 Kings, x. 8)—*Jehovah*, as Ezekiel xliv. 15; Judg. xx. 28; cf. *Deut.* xvii. 12; xviii. 5." That these terms are used of priestly duties is not denied; but the question is, Are they *always* and *only* so used outside Deuteronomy? The phrase "minister in the name" is found only in *Deut.* xviii. 5, 7; but the verb "to minister" (*sharēth*) is used constantly in P and in Chronicles (alleged by criticism to represent the standpoint of P) of *Levitical* as well as priestly service (*Num.* i. 50; iii. 6, 31; iv. 9, 12, 14; viii. 26; xviii. 2; 1 Chron. xv. 2; xvi. 4, 37). And the note in the Oxford *Hexateuch* (i. 216) on the use of *sharēth* in P is: "Of priests in the sanctuary, or of Levites attending on the priests." The expression "to stand before Jehovah" is—outside the passage quoted—used in Deuteronomy *once* of the tribe of Levi (x. 8), and *once* of the Levitical priest (xvii. 12). In P

it does not occur at all—(striking testimony to its *regular* use!)—while in Chronicles (1 Chron. xxiii. 30; 2 Chron. xxix. 11), and in Nehemiah (xii. 44) it is used of *Levites* as well as priests. These facts appear to justify the statement that “ Deut. xviii. 6-8 does not invest the Levites with *priestly* but with *Levitical* functions.’

D (p. 105). Prof. E. Naville, the eminent Egyptologist, in his recently published work “ The Discovery of the Book of the Law ” (S.P.C.K.), has shown that as a result of the close relations existing between Egypt and Canaan, the inhabitants of Palestine must have adopted many Egyptian customs; and that one such custom, viz. that of depositing sacred books in the walls or foundations of temples, throws valuable light upon the incident recorded in 2 Kings xxii. 8. As a parallel case he instances the 64th chapter of the Book of the Dead, copies of which were found (a) in a temple at Hermopolis in the reign of Mycerinus (IVth Dynasty); and (b) in the foundations of Ami Hunnu in the time of Usaphais (Ist Dynasty). He refutes the theory of Maspero (*Dawn of Civilization*) that these documents were “ forgeries; ” and shows that there is strong evidence pointing to the conclusion that the Book of the Law found by Hilkiah was a genuine ancient Law-book deposited in the Temple (in accordance with Egyptian and Babylonian custom) at the time of its erection in the reign of Solomon.

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