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THE GENESIS OF DEUTERONOMY.

III.

II.—*The Claims of Criticism Examined.*

THREE important claims are made in substantiation of Deuteronomy's late origin; first, that it is a reformatory law code; second, that it depends upon the composite document called JE, but knows nothing of P; and third, that its literary influence is observable first in the prophecies of Jeremiah.

1. *That Deuteronomy is a reformatory law code.*—According to Wellhausen the kernel of Deuteronomy is “a programme of reform” for the reconstruction of the theocracy,¹ “designed for the reformation by no means of the cultus alone, but at least quite as much of the civil relations of life”;² aiming, not like Isaiah and the other prophets, to purify, simply, the high places, but to abolish them entirely,³ and intended “not to remain a private memorandum, but to obtain public recognition as a book.”⁴ In short the author of Deuteronomy was a reformer prescribing as the people's duty what he saw to be at variance with the people's practice;⁵ the book itself being the crowning work of the prophets,⁶ the legal expression of the second prophetic period of struggle and transition.⁷ These are the opinions of the leader, but none the less of all those who assign Deuteronomy to a late date.

Thus Kuenen makes Deuteronomy “the programme of a drastic reformation,” declaring that “it was not by accident, but in accordance with the writer's deliberate purpose, that it became the foundation and the norm of

¹ *Proleg.*⁴ 1895, p. 412. *Proleg.*¹ Eng. transl. 1885, p. 404.

² *Proleg.*¹ p. 487.

³ *Proleg.*¹ pp. 26, 23.

⁴ *Proleg.*⁴ p. 410.

⁵ *Proleg.*¹ p. 33.

⁶ *Israelitische u. jüdische Geschichte*,² 1895, p. 129.

⁷ *Proleg.*¹ pp. 33, 34.

Josiah's reformation." ¹ J. E. Carpenter says: "The book of Deuteronomy was 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"; also that it was "a programme of religious reform" . . . "cast into the mould of Mosaic legislation"; that "its writers no doubt believed that they were correctly representing the principles of Moses applied to their own time," but that "these principles were in fact the results of a long development—the outgrowth of Mosaic conceptions expanded, transformed and enriched by the experience of centuries"; ² Driver, ³ Duhm, ⁴ Kautzsch, ⁵ D'Eichtal, ⁶ and others, never weary of reiterating the same thesis, claiming that the book of Deuteronomy possesses more than mere latent, dynamic power capable of producing reform; that it was written with the avowed purpose to reform; and that, while it is Mosaic in the sense that Moses would have spoken thus had he been able to address the Israel of later times, yet Deuteronomy is particularly and essentially prophetic.

The fundamental reason for this conclusion is the remarkable manner in which the laws of Deuteronomy 12.–26. were executed by Josiah, King of Judah, in attempting to reform the nation (621 B.C.). The account of Josiah's reformation given in 2 Kings 22. 3 f. fulfils, it is claimed, the requirements of Deuteronomy "Schritt für Schritt." ⁷ And further, for Shaphan to have read the entire Pentateuch twice through in one day would have been impossible, whereas to have read the original book of Deuteronomy

¹ *Hexateuch*, Eng. transl. 1886, p. 218.

² *Modern Review*, iv. 1883, pp. 274, 411, 442.

³ *Deuteronomy*, 1895, pp. li., lii., liii.

⁴ *Die Entstehung des A. Ts.*—Rede zur Rektoratsfeier des Jahres 1897, p. 16.

⁵ *Abriss der Geschichte des alttest. Schrifttums*, 1897, p. 56.

⁶ *Mélanges de Critique Biblique*, 1886, p. 92 f.

⁷ Kautzsch, *Abriss der Gesch.*, etc., p. 55. Driver, *Deuteronomy*, p. xlv.

would not have required more than half an hour.¹ Accordingly the "book of the law" found by Hilkiah in the temple (2 Kings 22. 8) must have been the kernel of Deuteronomy.

But to this oft-repeated inference several considerations are seriously opposed: (1) The fact that the book found was recognised as an *ancient* code which had been *disobeyed by the fathers* (2 Kings 22. 13), shows that in the seventh century there was already a tradition to the effect that long prior to that date a written law had been in existence which had been neglected. (2) According to 2 Kings 22. 2-9 (and criticism assumes the historicity of this and the following chapter), Josiah had begun to repair the temple *before* the book of the law was found. From which it is evident that the reformation of Josiah was not wholly due to the discovery of the temple law code; indeed that it was begun *prior* to its discovery. The Chronicler goes further, and states that it was after Josiah "had purged the land" of idolatry that the book of the law was found (2 Chron. 34. 8), which shows that in the Chronicler's days no special importance was attached to the finding of a law code as the *ground* for Josiah's reformation.² (3) 2 Kings 23. 9, on the critical hypothesis, was a direct violation of Deuteronomy 18. 6-8. According to criticism, in Deuteronomy 18. 6-8, the *priests* of the high places (whom the Deuteronomist calls "Levites") are allowed to come up to Jerusalem and minister in the name of the Lord, and also receive like portions to eat with their brethren. But in 2 Kings 23. 9, the historian declares that "the priests of the high places came *not* up to the altar of the Lord in Jerusalem, but they did eat of the unleavened bread among their breth-

¹ Kautzsch, *idem*, p. 56. Cf. Kittel, *History of the Hebrews*, i. 1895, Eng. transl. p. 59.

² Ewald, *History of Israel*, Eng. transl. vol. iv. p. 233, speaks of the discovery of Deuteronomy as the event which gave "the final impulse" to Josiah's reformation—a view similar to Keil's.

ren." Here is a flagrant violation, on Josiah's part, of the very law code which criticism claims so wonderfully moved the king to reform the cult of Jerusalem. Deuteronomy 18. 6-8 was confessedly never carried out.¹ On the new theory it is impossible to explain this anomaly. On the old, however, there is no disharmony, because Deuteronomy 18. 6-8, instead of being reformatory of the worship in the high places, simply prescribes what a sojourning *Levite* is privileged to do. The new theory creates thus a new difficulty which it is unable to explain. (4) The new hypothesis creates a still greater difficulty. For, if we hold, with Kautzsch,² that Hilkiyah was also himself surprised at his discovery (which would, of course, relieve him from being a party to the programme), then we lay ourselves open to the great and, in Kuenen's opinion,³ "fatal objection that it makes the actual reformation the work of those who had not planned it, but were blind tools in the service of the unknown projector." On the other hand, if, with Kuenen,⁴ we assume that Hilkiyah, or Jeremiah, or Shaphan, or any one else of the pious people of Josiah's age, planned the reformation and deliberately used this illicit method of deceiving the king into reform, then a much graver question arises as to the moral character of these men. (5) The new theory confuses the "finding" of the book of the law with the "publishing" of it. That it was published in 621 B.C., in the sense that it received the stamp of kingly authority, there is no question. But that it was published for the *first* time in Josiah's eighteenth year is quite a different question. The account in 2 Kings 23. 1 ff. records the "finding" of the book of the law and describes explicitly how the king bound himself and his

¹ So Wellhausen. *Isr. u. jüd. Gesch.*² 1895, p. 132; and Driver, *Deuteronomy*, p. xlv. n.

² *Abriss*, etc., p. 57.

³ *Hexateuch*, Eng. transl. pp. 219, 220.

⁴ *Idem*, p. 202.

people by oath to observe its commandments, but nowhere is there an intimation that it was then being published for the *first* time. That is an inference only. It is not even an implication. Just as Kittel's idea¹ that Shaphan read the entire book twice through in *one* day is only an inference. The account nowhere states that he read *the whole of it*, neither does it say that he read it *twice on the same day*. "Three or four leaves" may have sufficed to enable him to determine the character and importance of the roll, as in the case when Jehudi read Jeremiah's scroll to Jehoiakim (Jer. 36. 23).² Only on the theory that it was a *new* book is one justified in supposing that the entire scroll was read. (6) And further, it should be observed that neither Hilkiyah, nor Shaphan, nor Huldah the prophetess, nor even the king himself, in the account given in 2 Kings 22. and 23., ever once makes a quotation from the book which criticism alleges was the cause of so great a reformation, and which was then being published for the first time. The only passage alluded to in the account is by Huldah, who, in giving the king advice as to what policy he should pursue (2 Kings 22. 16), uses language similar to that contained in Deuteronomy 29. 27: but then Deuteronomy 29. is denied on all sides to have belonged to the original book of Deuteronomy.

Two important reasons remain for thinking that the book of Deuteronomy was written in order to reform, the first of which is *the centralization of the cultus in Jerusalem*. The claim is made that in 621 B.C., for the *first* time in the history of Israel's religion, an official attempt was made to centralize the worship of the nation at Jerusalem. This is *the thesis par excellence* of the new hypothesis. Wellhausen recurs over and over again to it as the chief tenant in his

¹ *History of the Hebrews*, i. pp. 58, 59.

² Cf. Sime, *Deuteronomy, the People's Book*, 1877, p. 19.

reconstruction of Old Testament history.¹ It is also claimed that this was the chief thought in the mind of the author of Deuteronomy. For example, he insists that Israel shall sacrifice only at the one place which God shall choose (cf. Deut. 12. 5, 11, 14, 18, 21, 26; 14. 23-25; 15. 20; 16. 2, 6, 7, 11, 15, 16; 17. 8, 10; 18. 6; 26. 2; 31. 11), which, in the words of Kautzsch, "was, of course, the temple in Jerusalem."²

On the contrary, several objections stubbornly oppose this view: (1) The whole theory is based upon the hypothesis that "Deut. 12 is a polemic against Exod. 20. 24."³ It is claimed that Exodus 20. 24 teaches a plurality of sanctuaries in the sense that it recognises the worship of Jehovah in the high places as legitimate. But this interpretation is doubtful on the ground both of exegesis and history. (a) *Exegetically*, Exodus 20. 24 belongs to a section of law (Exod. 20. 24; 23. 33), called "the book of the Covenant" (Exod. 24. 7), in which section the nation is addressed as an *individual* (note the 2 pers. sing.); and the command given to Israel is to build not "altars" in the sense of synchronous places of worship (for to worship at different places at the same time would have been quite as impossible for Israel as an *individual* nation, as for Israel as a single individual), but an "altar," so reads the text; and only "in all places where I record my name," a clause which is equivalent to, and synonymous with, the Deuteronomic expression "in the place which the Lord shall choose." This interpretation is the only one consistent with the book of the Covenant itself; for, in Exodus 23. 17, 19, all males in Israel are required, thrice every year, to

¹ *Der Ort des Gottesdienstes*, or, "The Place of Worship," is the heading of the first chapter of his *Proleg.* upon which he places the greatest emphasis.

² *Abriiss*, p. 55. So Dillmann, iii. pp. 295, 612; cf. Wellhausen, *Proleg.*¹ p. 22, *Isr. u. jüd. Gesch.*² 1895, p. 31; and Driver, *Deuteronomy*, p. xliv. n., and many others.

³ Wellhausen, *Die Composition des Hexateuchs*,² 1839, p. 205.

appear before the Lord, and bring with them the firstfruits of the land "unto the house of the Lord thy God." This demands a definite centre, not a multiplicity of shrines.

(b) *Historically.* The tabernacle, as the home of the ark of the covenant, represented unity of sanctuary and worship in Israel from Horeb on. There could be but one sanctuary at any one time, for Jehovah's dwelling was before the ark in the most holy place. There was but one ark. The doctrine of Jehovah's omnipresence dates from a much later period. In Joshua 18. 1 it is declared that the tabernacle was set up at Shiloh; and we are already familiar with the incident recorded in Joshua 22. 11-34 (cf. 1. 8; 3. 3). During the period of the Judges Shiloh remained the centre of Israel's worship, as may be inferred from Judges 18. 31, and 21. 19; moreover, in a passage in the book of Jeremiah (7. 12; cf. 26. 6 and Ps. 78. 56-66), almost as old, according to criticism, as the kernel of Deuteronomy, there is the record of a tradition to the effect that in the time of the Judges, Israel's "house of God" was in Shiloh. We further learn that the temple of Solomon was built by a levy "out of all Israel" (1 Kings 5. 13), and intended for "the children of Israel" (1 Kings 6. 12, 13): dedicated in the presence of "all the tribes of Israel" (8. 1), as a centre towards which all Israel might pray (8. 41-43), and as the place where the Lord promised to abide (9. 3).¹ "No king after Solomon is left uncensured for having tolerated the high places."² The prophets of the eighth century *assumed*, as we have also already seen, that Jerusalem was the only legitimate place of worship. And as for Hezekiah's reformation (2 Kings 18. 4 ff.), it was quite as complete, and quite as permanent in its effects, as was that of Josiah; and the historical evidence for the one is, in the writer's judgment, as good as that for the other.³

¹ Cf. Baxter, *Sanctuary and Sacrifice*, 1896, pp. 5, 6.

² Wellhausen, *Proleg.*¹ p. 19.

³ There seems to be little real evidence to the contrary. There surely is no

So much for exegesis and history. Turning to the book of Deuteronomy itself, it is easy to show that the actual teaching of the author concerning the unity of sanctuary has been exaggerated. Deuteronomy does not teach the unity of worship as *opposed* to the then existing high places of *Israel*; the teaching of the book is rather this: Three times in a year Israel shall come up, not to the high places of the *Canaanites*, but to the place which God *shall* choose, and there shall they "rejoice" before the Lord (cf. 12. 7, 12, 18; 14. 26; 16. 11, 14, 16). The command, however, is expressly conditioned in 12. 10 by the Lord's first giving them rest from all their enemies round about. This fact, accordingly, may account for Samuel's having followed the law of *successive* altars in Exodus 20. 24 during the period of ark-captivity; and, on the other hand, for David's desire (2 Sam. 7. 1) to build God a house, "seeing the Lord had given him rest round about from all his enemies." There is nothing novel in the Deuteronomic code.¹ It does not insist any more than the other laws of the Pentateuch upon *all worship* being rendered at the central sanctuary; only that all burnt offerings, etc. (12. 5-13), shall be brought thither.² The stringency of the law is relieved in 12. 15, 16, according to which Israel are allowed to kill and eat flesh in all their gates. But most remarkable of all is Deuteronomy 27. 4-7 (cf. 11. 29), where it is actually *enjoined* that an altar shall be built between Ebal and Gerizim, and sacrifices offered thereon to Jehovah. This section, to be sure, is cut out of the original Deuteronomic kernel by criticism, but it is equally impossible to assign such an injunction to any period subsequent to 621 B.C.; for, as Vos correctly observes, "Deuter-

good historical reason for accepting 2 Kings 22. and 23. and discounting 2 Kings 18. 4 ff.

¹ Cf. Douglas, *Lex Mosaica*, 1894, p. 84.

² Cf. Kleinert, *Untersuchungen*, 1872, p. 86.

onomy emphasizes as much the permanence of the once established sanctuary as its unity.”¹

The remaining reason for thinking that Deuteronomy is a reformatory code is the alleged *restriction of the priesthood to the tribe of Levi*. According to criticism, prior to 621 B.C. any one could act as priest; in Deuteronomy the priesthood is restricted to the tribe of Levi; in Ezekiel to the sons of Zadok; in the Priestly document, after the exile, to the sons of Aaron. The classical passage in Deuteronomy on this point, on the basis of which criticism attempts to show that the code is reformatory, is chap. 18. 1-8. On the contrary, note, however, (1) that the author speaks of *some one* whom the Lord has chosen out of all the tribes to minister before Him, “him and his sons for ever” (v. 5); (2) that Jehovah’s choice of the tribe of Levi is already recorded in Exodus 32. 26-29, Numbers 8. 14 ff.; (3) that prior to the consecration of the Levites all the first-born in Israel had apparently acted in the priestly capacity (Num. 3. 12, 13); (4) that the Levites were appointed to serve in place of the firstborn (Num. 8. 18, 19); (5) that Korah and his company rebelled against the limitation of the priesthood to Levites (Num. 16. 1 ff.); (6) that the author of Deuteronomy apparently recognises that a tendency still exists in Israel for some to place themselves on a level with the priesthood, and accordingly for this reason restricts membership to that office to the tribe of Levi (Deut. 10. 8, 9). Further, that the book of Deuteronomy is not altogether silent as to the distinction between Levites and Levitical priests. “It is not true that the Deuteronomist teaches that every male member of the tribe of Levi is, by virtue of his birth, eligible to the priesthood. Not to speak of the Levites, who are often mentioned in a seemingly private capacity, there is in Deuteronomy 27. 9, 14, 12, a clear discrimination between

¹ Vos, *The Mosaic Origin of the Pentateuchal Codes*, 1886, p. 91.

the Levitical priests (cf. Josh. 8. 33), as pronouncing the blessings and the curses, and their tribe, which has its position with Simeon, Judah, Issachar, Joseph, and Benjamin, and which, with them, are to respond to the blessings spoken by their brethren. The representation here, then, is that the mass of the tribe of Levi are standing upon Mount Gerizim, while some of their brethren are acting as priests."¹ In other words, the book of Deuteronomy assumes that all priests must belong to the tribe of Levi, but it does not, explicitly or necessarily, teach that all Levites can be priests. As shown above, the true teaching of Deuteronomy seems rather to be this: not *all* but *only* the tribe of Levi shall be allowed to perform the priestly office. If the opposite is true, then the expression "unto this day" in Deuteronomy 10. 8, along with what stands in the same verse, is, on the part of the Deuteronomist, an historical anachronism.²

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¹ Quoted from Curtis, *The Levitical Priests*, 1877, p. 23. Cf. Hommel, *Ancient Hebrew Tradition*, 1897, p. 286; Alexander, *Pulpit Commentary*, Deuteronomy, p. xxv.

² On the entire subject of the Priesthood cf. Baudissen, *Die Gesch. des A.T.'s Priesterthums*, 1889, espec. pp. 78 ff.