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A table of contents for *The Expositor* can be found here:

https://biblicalstudies.org.uk/articles_expositor-series-1.php

*THE BOOK OF THE COVENANT AND THE
DECALOGUE.*

III.

EXODUS xxxiv. contains the narrative of the second pair of tables of stone. Verses 27–28*a* say that verses 11–26 were written by Moses upon these tables. At the same time verse 28*b* informs us that the contents of the tables existed in “ten commandments.” Now verses 11–26 in their present form are by no means ten commandments. Consequently critics have attempted to extract this second decalogue from these verses. The difficulty was that every enumeration of the separate precepts gave more than ten commandments.

If we compare verses 11–26 to the Book of the Covenant, we see that the text of Exodus xxxiv. must be the younger one and is dependent upon Exodus xxiii. The critical analysis generally holds the contrary view, that Exodus xxxiv. contains the older text. This cannot be right for the following reasons :—

Exodus xxiii. 15, 16 contains the list of feasts, “Thou shalt keep the feast of the unleavened bread, etc.”; verse 16 does not contain a verb. The two feasts of this verse are the objects of “Thou shalt keep” in verse 15. This is only possible if verse 16 is the immediate continuation of the first words of verse 15. The rest of this verse (“during seven days thou shalt eat unleavened bread, as I commanded thee at the time appointed in the month Abib, for in it thou camest out from Egypt; none shall appear before me empty”) breaks the connexion between verse 15*a* and verse 16. The words “none shall appear before me empty” do not suit the context at all. Their only possible meaning is that every time the Israelite appears before Jahve he must

offer some gift. There is no reason why this general rule should be connected with the feast of the unleavened bread only. Its proper place is at the end of the list of feasts. We actually find the words there (Deuteronomy xvi. 16). Evidently the words are a gloss in Exodus xxiii. The intention of the glossator was to read them after verse 17. From the margin they got into the text at the wrong place. The author of Exodus xxxiv. 20 copied xxiii. 15. He inserted at the same time precepts about the firstborn, which he copied from Exodus xiii., but felt himself bound to the text of xxiii. 20, as is shown by the fact that he placed the precepts about the firstborn between the date of the feast and the words, "none shall appear, etc."

The precepts of Exodus xxiii., after enumerating the feasts, gave three general rules for the offerings at these feasts. It was forbidden to offer the blood of a sacrifice with leavened bread. The fat of "my feast" (that is, of a sacrifice at one of my feasts) should not remain till the next day. A kid (that was sacrificed) should not be boiled in its mother's milk. Evidently these three precepts are mutually connected. The blood and the fat of a sacrifice is offered to the Deity, the meat is eaten by the offerer. It is apparent that "my feast" does not mean a special feast; for "the blood of my offer" shows that the terms "my offer" and "my feast" have a general bearing.

Verse 19 breaks the connexion between these precepts. "Thou shalt bring the firstfruits of thy ground into the house of Jahve" has nothing to do with these sacrifices, and the expression "house of Jahve" is never used in the Book of the Covenant, for the good reason that no "house of Jahve" existed when the legislation was given. Here again Exodus xxxiv. simply copies Exodus xxiii. in its modified form. Verse 19 must be an addition of the priests of later ages, that got also into the text at a wrong place.

The later origin of Exodus xxxiv. 25 is obvious. Instead of "the fat of my feast" it reads "the sacrifice of the feast of the passover." In the post-exilic period all sacrifices were offered in the temple. The fat was immediately burned by the priest on the altar. Before the existence of the temple, however, every man might bring his sacrifices, where it was convenient to him, even without the assistance of a priest, every head of a family being able to sacrifice. So he had to know that it was forbidden to eat the meat one day and offer the fat on the next day. This precept seemed to be senseless in the time of the author of Exodus xxxiv. 25. He therefore altered the text and put instead "of the fat of my feast" the words "the sacrifice of the passover," this sacrifice in his time being the only one of which nothing was to remain until the next day.

Another instance of the later origin of Exodus xxxiv. 11 sqq. is the date of the feast of the ingathering (=the feast of the tabernacles). Exodus xxiii. 16 says that this feast is to be celebrated "at the end of the year." xxxiv. 20 says at the "Tekuphah of the year." Tekuphah means "turning-point." The two main Tekuphoth of the year are the aequinoctes in spring and harvest. Of smaller importance for the kalendar are the tekuphoth in summer and winter (the solstices in June and December). Now in the pre-exilic period [the year] began in the harvest, and it could be rightly said that the feast of the tabernacles was celebrated (as the grapes were ripe) in the end of the year. In the post-exilic period, however, the year began in the spring. Consequently, the expression "in the end of the year" was to be altered into "at the turning-point of the year." This designation was quite sufficient, there being only the turning-point of the harvest that could be connected with the ingathering of the grapes.

In the light of these differences it is not without signifi-

cance that Pentecost is called (Exod. xxiii. 16) the feast of harvest, and xxxiv. 22 the feast of weeks, this being the name of this feast in Deuteronomy xvi. 9. In the post-exilic period the feast was called the feast of weeks (2 Chron. viii. 13 ; Tob. ii. 1, *ἀγία ἑπτὰ ἑβδομάδων*).

Exodus xxxiv. 17 forbids to make "molten gods." We remember that xx. 23 said, "Thou shalt not make gods of silver nor gods of gold] *with me*." This *with me* is dropped in xxxiv. 17. This cannot be pure accident. xx. 23 did not forbid all images, as we have seen above (p. 28). In the post-exilic period, however, every image was forbidden. Consequently xxxiv. 17 omits the "with me" or "before me" of xx. 3, 23.

So everything points in the same direction. Critics have been misled by the theory of the Jahvistic and Elohist sources.

If the commandments of Exodus xxxiv. are to be assigned to the post-exilic period, they cannot belong to the original form of the narrative, for this certainly is older. Deuteronomy x. refers to it, so it must be of pre-exilic origin. Deuteronomy x. 4 states that Jahve Himself "wrote on the tables, according to the first writing." This agrees with Exodus xxxiv 1, but differs from Exodus xxxiv. 28, where Moses wrote the words of the covenant. We understand the difference between verse 1 and verse 28 if we assume that verse 28 is a later insertion.

The key to the mystery of Exodus xxxiv. is verse 10. Jahve refused to go with the Israelites in Exodus xxxiii. As Moses went up to the mount he asked Jahve once more to go in the midst of the Israelites. Jahve does not answer either in the affirmative or in the negative, but says: Behold, I make a covenant: before all thy people I will do marvels such as have not been wrought in all the earth, nor in any nation. All the people among whom thou art shall see the

work of Jahve, for it is a terrible thing *that I do with thee*. "With thee" of course refers to Moses, and the question arises, what is Jahve going to do with Moses? The common answer is, Jahve will do these wonders through Moses. This interpretation, however, is false. The Hebrew expression עָשָׂה עִי (do with) does not mean to do something through anybody, but "do something unto somebody" (Gen. xx. 9; xxi. 23; xxiv. 12, etc.). Moses must be the object of the wonder and not the medium.

The right interpretation was hidden by the critical analysis. The great wonder that Jahve did unto Moses actually is related at the end of this same chapter. As Moses came down from Mount Sinai his face shone and the people were afraid to come near him. So Moses had to wear a veil for the rest of his life. These verses, however, are supposed to belong to the Priestly code, and verse 10 is assigned to the Jahvist or to an editor, and so the difficulty was put aside by a false interpretation.

Moreover, the words "I make a covenant" were explained in their literal sense, and Jahve was supposed to make a new covenant. It is to be observed that there is no mention of the people or persons with whom Jahve will make the covenant. This has been overlooked but is not merely incidental. For there has not been the least allusion to the fact that the covenant of Exodus xxiv. was broken by Jahve. On the contrary, Jahve promised, Exodus xxxiii. 14 (also assigned to J), that "his face" would go with the Israelites. The expression "make a covenant" means also "to promise" (2 Chron. vii. 18; xxi. 7; cf. Genesis ix. 11, 19; xvii. 7, 39). This meaning suits the context exceedingly well. Jahve promises Moses that He will help His people.

Of course this expression could be easily misunderstood, and we really owe the present text to a wrong interpretation of those words.

In the original narrative Jahve promised to write upon the tables the same words again. It was not told in full that this happened, nor was all mentioned that Jahve spoke unto Moses. All the attention was at once drawn to the wonder that the face of Moses shone as he came down from the mount, carrying the two tables of the 'Eduth. A learned scribe interpreted the expression "I make a covenant" as a renewal of the first covenant, and inserted a second edition of the words of the covenant. When he did so, the present text of Exodus did not yet exist. Otherwise he would not have repeated exactly those words, that (according to our suggestion) really were the words of the covenant mentioned in Exodus xxiv. By his mistake the contents of the tables, however, became a different one from the original tradition of Exodus. For in Exodus xxiv. 4 the words of the covenant were written by Moses in a book and had not to be rewritten on the tables of stone. If he had known our present text he doubtless would have inserted the Decalogue. So the Decalogue must be a relatively late insertion into the text of Exodus, which was demanded by Deuteronomy.

It is the fault of the present critical analysis, that it trusts in Deuteronomy. This book asserts that the Decalogue was written upon the tables of stone, but it does so in order to reconstruct the history of the legislation in Israel. Everybody admits that the aim of Deuteronomy is a reformation of the cultus of Jahve. Therefore it is reasonable to be careful in trusting the historical statements of this book. According to it, no other laws were given to Israel at Mount Sinai but the Decalogue. All the other commandments, which Moses received from Jahve when Israel had returned to its tents, are contained in Deuteronomy and are communicated by Moses to his people in the fields of Moab (Deut. v. 30-33). It is generally admitted that the book is a mono

theistic edition of older laws, enlarged by a number of new commandments. It pretends, however, to be an old legislation, dating from the Mosaic period. Consequently, all the former laws had to be put aside. This could be easily done because the knowledge of the written legislation and tradition was confined to a small class of men. Nevertheless, the reformers were not able to extinguish the memory of former legislations. Otherwise, we would not possess the Book of the Covenant at all. In the place of the legislation at Mount Sinai Deuteronomy put the Decalogue. It took the Decalogue from the legislative literature of the monarchical period, which has not been completely delivered to us. We possess only a small part of the traditions and the literature that once existed in old Israel. We have shown that the original text of the Decalogue was a shorter one than is now preserved in Deuteronomy. Consequently the Decalogue must have existed before it was inserted into Deuteronomy. Hosea, e.g., knew a tradition about the struggle of Jacob with God at Beth-El, which has not been preserved in the Old Testament. Ezekiel xx. 25 refers to unknown statutes and "mishpatim" that were given by Jahve, that were not good and wherein they should not live. So it is not surprising to find that we do not know the source from which the Decalogue was derived by Deuteronomy. Perhaps it existed a long time without being written; for its contents chiefly consists of the most natural principles of morality, which, as Addis rightly remarks, must have descended from a prehistoric antiquity and which can have been by no means the particular feature of the legislation of Moses.

One point remains to be discussed, viz., the last words of Exodus xxiv. 28, "the ten commandments." If they belong to the insertion verses 10-28, we necessarily must extract ten precepts from these verses. This, however, is hopeless,

if we will not act on the method of selecting some words merely because they suit our purpose. Wellhausen did so (*die Comp. d. Hex.*, p. 331). He chose from the verses 12-14 "Do not make a covenant with the inhabitants of the land . . . but break down their altars . . . for thou shalt worship no foreign god, etc.," the words, "Thou shalt worship no foreign god" and supposed them to be the first of the commandments. He simply omits (without giving any argument), "Thou shalt not appear before me empty," removes the commandment about the sabbath from the text, and declares verse 23 (the precept that every *male* shall appear before Jahve) to be superfluous. In this way he gets ten commandments. It is not surprising that Professor Driver (*Introd.*, p. 39) is very cautious and does not give a decisive opinion. Other attempts are of the same character. There is no sufficient evidence in the text of xxxiv. 11-26 for the theory that these verses are an enlargement of an original decalogue. If this is to be admitted, the only possible explanation of the two last words of verse 28 is that they are a gloss. Bäntsch (*Ex.-Lev.-Num.*, p. 285) has rightly suggested that they do not belong to the original text of verse 28. After "and he wrote upon the tables the words of the covenant" they are superfluous.

Originally verse 29 continued verse 10. Then verses 11-28 were interpolated by the misunderstanding of the expression "I make a covenant" in verse 10, and finally the words "the ten commandments," being a gloss of a reader who knew Deuteronomy, were inserted into the text.

So the critical inquiry into the narrative about the events at mount Sinai seems to me to prove that also the common interpretation of this part of the early history of Israel is to be revised and that the original form of the Decalogue and the Book of the Covenant are to be assigned to the Mosaic period.

B. D. EERDMANS.