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Hence to act for God's Glory is to act from unselfish motives. To glorify God is the opposite of self-glorification. And Dr. Abrahams points out that the temptation to glorify oneself is never far from the very churches or parties which claim most loudly to be aching for the glory of God Himself. "All sects are inclined to take God's name in vain, presuming and boasting to be working for His glory when they are scheming for their own. 'In hoc signo' may camouflage a worldly ambition."

### SINCE WELLHAUSEN.

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## Article 4. DEUTERONOMY.

IN the preceding Articles we have followed Prof. Welch's lead (EXPOSITOR, May, 1923) and concentrated our attention on the literary analysis of the Pentateuch, with special reference to Gen. 1-Ex. 6<sup>2</sup>. We left on one side the collateral question as to the dates of the three documents, J, E and P. If we are still to follow the same lead, we must now to some extent reverse this procedure and, in regard to Deuteronomy, give large attention to the question of the date of publication. According to Welch, "the second main position of 'the regnant hypothesis' is that the book of Deuteronomy, if not in its present, at least in its original, form, was first brought to light in 621 under King Josiah, when it was used as the basis for an effort at reform in the national religion. As such, it marked a new departure in the religious life of Judah, especially in connection with the concentration of worship at the Temple at Jerusalem. Certain of its main contentions were therefore wholly novel in the Kingdom." This position, Welch says, has been "seriously shaken." Exception must be taken to the last sentence of this statement.\* I have, however, at this stage only one criticism to make, but it is a far-reaching one, viz. that this statement singles out the question of the date of publication and treats that as though it were the main issue, whereas the really fundamental position is that Deuteronomy stands, so to speak, midway between JE and P. This position has been arrived at as the result of a laborious comparison of D with JE and P in respect of (a) narratives and (b) laws and is untouched

\* See Driver on Deut., p. lvi.

by any of the attempts which have been made of late to cast doubt upon the exact nature of the relation of Deuteronomy to the Reform under Josiah.

How intricate is the problem raised by Deuteronomy may be seen in the fact that intelligent men have put forward the most diverse solutions. The book has been regarded as belonging to the time of (1) Moses, (2) the early Kings, (3) King Josiah, (4) the Exile or after. Only by setting aside presuppositions, distinguishing what we have good evidence for from speculative inferences, and seeking to do justice to all the data, can we hope to arrive at a true solution. In this spirit let us take up the study of Deuteronomy once more and see how far the different theories explain the phenomena we find therein.

At the outset let us clear our minds as to what we mean by Deuteronomy. The only legitimate meaning is the whole book as we now have it. The moment that we accept this we are faced by the fact that there are portions of the book, which on all hands are recognized as late. Prof. Orr writes in the interests of Mosaic authorship, but he says: "It is not disputed that, in the form in which we have it, the book shows signs of editorial redaction. The discourses are put together with introductory and connecting notes (which however differ little in style from the rest of the work) and the last part of the work with its account of Moses' death and in one or two places what seem unmistakable indications of JE and P hands (in chapters 31, 32 and 34) point clearly to such redaction." \* If Orr had remembered that "Deuteronomy" meant the whole book would he have characterized as "remarkable" and "paradoxical" Dr. Driver's statement that "Deuteronomy does not claim to have been written by Moses"? The man who writes consistently about Moses in the third

\* *Problem of the Old Testament*, p. 251.

person \* is the man who alone can be called 'the author.' The material he uses may or may not be Mosaic, but the book itself (apart from small P additions) is by him and not by Moses. Moreover, if it proves to be true that the Priestly document is post-exilic, then "unmistakable indications of the Priestly hand" bring Deuteronomy, as we now have it, down to a date later than the Exile.

Not only is Deuteronomy, as we now have it, admittedly late, but its style and phraseology are generally recognized as marking it off from the rest of the Pentateuch. "There are," writes Orr, "marked differences between the Deuteronomic and the JE and P styles.† He quotes with approval Driver's remark that "particular words and phrases recur with extraordinary frequency, giving a distinctive colouring to every part of the work."‡ The fact that this "distinctive colouring" runs through practically the whole book points to the conclusion that the speeches, as well as the narratives, are the composition of the author (or authors). This would be in accordance with the literary usage of the Hebrew historians.§ Orr does not agree with this inference, but he says justly: "the composition of a book of exhortation or instruction in the form of addresses by Moses—provided this is only a literary dress—is not *a priori* to be ruled out as inadmissible or incompatible with just views of Scripture." || It is when we come to the question of the dates of compilation and 'publication' that we find acute controversy raging to-day.

\* See 1<sup>s</sup>, 4<sup>1-49</sup>, 5<sup>1</sup>, 27<sup>1, 9, 11</sup>, 29<sup>1, 2</sup>, 31<sup>1-30</sup>. † Orr, *Problem*, p. 253.

‡ Driver, *Commentary on Deuteronomy*, p. lxxvii. and see list of seventy of the more noticeable words or phrases, pp. lxxviii.-lxxxiv. Note also Orr, as quoted above, the "introductory and connecting notes . . . differ little in style from the rest of the work."

§ See Driver, *Introduction to the Old Testament*, p. 90.

|| *The Problem*, p. 249. He adds a footnote: "Ecclesiastes, e.g., put into the mouth of Solomon, is generally admitted, even by conservative critics, to be a work of this kind."

The competitive theories are four in number.

I. There are those who still stand valiantly for the Mosaic authorship in all essential respects, whilst admitting that there has been subsequent editorial revision and annotation.\* In the short space available, the utmost I can do is to set forth just two points as specimens of the phenomena which to my mind rule out the hypothesis that Moses wrote the addresses and laws practically as we now have them.

i. Numb. 26-36 professes to give us judgments and instructions delivered by Moses in the plains of Moab in the fortieth year after the Exodus in and after the sixth month.† Deut. professes to give us "the words which Moses spake unto all Israel beyond Jordan . . . in the fortieth year in the eleventh month . . . in the land of Moab" (1<sup>1-5</sup>). When we compare these two groups of discourses, professedly delivered by the same man within six months of one another, we cannot fail to be struck by the extraordinary difference in vocabulary,‡ in outlook and situation § and in legislation.|| It seems impossible to accept the view that both come from the same man.

ii. This by itself does not necessarily prove that Deuteronomy is not Mosaic in its main contents, because it may be Numbers which is the later document (as in fact "the

\* See, e.g., James Orr, *The Problem of the Old Testament* (Nisbet, 1905); a smaller book on Deuteronomy alone by J. S. Griffiths, *The Problem of Deuteronomy* (S.P.C.K., 1911); H. M. Wiener, *The Main Problem of Deuteronomy* (Elliot Stock, 1920, reprinted from the *Bibliotheca Sacra*); etc.

† See Nu. 20<sup>1, 22</sup> with 33<sup>36-38</sup>, 22<sup>1</sup>, 26<sup>3, 68</sup>, 33<sup>50</sup>, 36<sup>12</sup>.

‡ E.g., 'congregation,' mättēh (tribe), and 'princes of the congregation' (prince 61 times in the Hebrew) in Numbers become in Deuteronomy 'assembly,' shēvēt (tribe), 'heads' (of tribes) and 'elders.'

§ E.g., the position of Levites (Nu. 35<sup>1-8</sup>, Deut. 12<sup>12, 18-19</sup>, 18<sup>1-2, 6</sup>) and Priests (Ex. 28-30, Nu. 3 and 8, and Deut. 18<sup>1-6</sup>); cp. the story of the Spies (Deut. 1<sup>22-46</sup>, agreeing with JE and not with P in Nu. 13).

|| E.g., the cities of refuge (Nu. 35<sup>9-34</sup>, Deut. 19<sup>1-13</sup>), etc.

regnant hypothesis" believes it to be), but if now we examine the Deuteronomic code itself (chaps. 12-26), we find it very different from what we should expect, if it were a code drawn up in advance by Moses in anticipation of their entrance into the promised land. (a) It shews few traces of any attempt to treat subjects for legislation in any intelligible order. This is the portion of the book which Welch has examined afresh in *The Code of Deuteronomy*, and we may cordially accept his demonstration of the heterogeneous assortment of much of the material.\* (b) Many of its regulations seem clearly to deal with problems which could only have arisen after settlement in the land.† If we had received this code or compilation of laws by itself and had to decide its nature from internal evidence, I believe that we should come unanimously to the conclusion that it was not the original work of a single mind and elaborated at one time, but rather a compilation of laws due originally to various minds, dealing with the various heterogeneous problems which cropped up through a considerable period of time.‡

II. From the time of De Wette onwards scholars have with general agreement identified the original form of Deuteronomy with "the book of the law" found by Hilkiah in the house of the LORD in the days of King Josiah. "There is no reason to doubt," wrote Orr, "that the book which called forth this reformation embraced, if it did not entirely consist of, the Book of Deuteronomy.§ Undoubtedly the writer of 2 Kings 22-23 regards Deuter-

\* *Code of Deuteronomy*, pp. 12, 23, 136, 185 ('The code has no order'), 189.

† E.g., how to deal with a dead body discovered in open country (Deut. 21<sup>1-9</sup>, see *Code of Deuteronomy*, p. 144).

‡ For fuller discussion, see, e.g., A. H. McNeile, *Deuteronomy, its Place in Revelation* (Longman, 1912), and D. C. Simpson, *Pentateuchal Criticism*, Chap. V (2nd Edition, Oxf. Univ. Press, 1924).

§ *Problem of the Old Testament*, p. 257.

onomy (in whole or in part) as the book which was read before Josiah. A long list of parallels can be drawn up, shewing the close connection between the two.\*

Based upon this identification with "the book of the law" and upon the internal evidence of the Book itself, the regnant hypothesis has taught that the *compiling* of the regulations in Deut. 12-26 probably took place at some time in the reign of Manasseh, Amon or Josiah. Dr. Welch writes as if the fact "that the book of Deuteronomy as a whole has a history, and that inside the book the groups of laws, even the individual laws, have a history," were a novel idea only now coming to light. "The application of this fact," he says, "will have a far-reaching influence on the attitude which must be taken up to the reform under Josiah." † But this fact has been a commonplace of criticism for many years. "Criticism," wrote Bishop Ryle in 1898, "has clearly revealed and strenuously reiterated that Dt. contains and expounds laws of very much greater antiquity than its own compilation." ‡ Twenty-five years ago Carpenter and Harford put it thus. After speaking (1) of the "pervading unity of thought and style," they said: "(2) the unity thus implied includes beneath it great diversity both of contents and expression . . . (3) the probability that the Deuteronomic legislation contains elements from various sources is increased by the evidence of the co-existence of different forms of the same law side by side, and the occasional blending of separate regulations into one. . . . It is probably to the derivation of the laws from various shorter collections that the occasional separation of precepts on related subjects is to be ascribed."

\* For such a list see Driver, *Commentary on Deuteronomy*, p. xlv.

† Article in EXPOSITOR, May, 1923, p. 356. The use of italics is mine, not Prof. Welch's.

‡ Article on Deuteronomy in Hastings' *Dictionary of the Bible*, vol. i, p. 603.



Finally under (4) the authors shew that among the "different sources" must be reckoned "the collections of both Judah and Ephraim" (for "many laws are plainly related to regulations in JE and Ph"), "very ancient usage and custom" and "some corpus of priestly law." \* Driver expressed similar views.†

Welch has admirably brought out the antiquity of many laws, such as "the expiation of undiscovered murder," but in so doing he has merely dotted the 'i's' and crossed the 't's' of previous scholars. And these same scholars have long ago pointed out the legitimate applications of these facts. They would cordially accept as their own almost every word of Welch's statement in his EXPOSITOR Article (p. 357): "Deuteronomy only gathered into one code and submitted to one aim what had slowly been forming itself in Israel as the true way of worshipping Yahweh and of living under His control. . . . Much of what took place under Josiah may have been the selection and arrangement of the best law in the past and its issue under the authority of the national leaders." The only difference between Welch, as he now stands, and the men whom he criticizes is as to the nature of the "one aim" and how it was proposed that it should be carried out. Let us see what the difference is. The view of the exponents of the regnant hypothesis could not be better expressed than by Welch in his earlier book, *The Religion of Israel under the Kingdom*. "Deuteronomy insists upon two special reforms . . . really corollaries from its fundamental principle and the means of making this dominate the actual life of the people. The first was the *nationalisation* of worship; the

\* *Oxford Hexateuch*, vol. ii, pp. 267-8. The whole note on Deut. 12<sup>1</sup> should be carefully read.

† *Introduction to the Old Testament*, pp. 90 and 93 (6th Edition) and *Commentary on Deuteronomy*, pp. lvi.-lxii.

second was its *centralisation* at Jerusalem. What I mean by the nationalisation of the worship is that a deliberate effort was made to suppress the *local* sacrifices of clan and family and with this end in view it was determined that private sacrifices should only be permitted at the *central* sanctuary. But it does more than merely forbid. It provides the great Festivals . . . with motives taken from the history of Yahweh's dealings with His people. The people when they come together to worship their God are to come to a shrine which has associations with their national worship and with that alone." The aim of Deuteronomy was "a truly national worship"; the means was "the centralisation of the cult." This centralisation "was at first a piece of *practical* legislation."\*

In *The Code of Deuteronomy* the second part of this position is abandoned, and abandoned by reason of the formulation of a new view of Deuteronomy as having been first compiled during the Exile.

III. The theory that Deuteronomy was compiled during the Exile has been championed by Prof. Hölscher of Marburg and Prof. Kennett of Cambridge, working on quite independent lines.

1. Prof. Hölscher published a long article in the *Z.A.W.*, 1921,† in which he set himself to prove that Deuteronomy was not the programme of the reform in 621 B.C., but its product. He argues that many of the laws—about the tithe, about the harvest-festivals, about the firstlings—lay down regulations which no man could obey, when Jerusalem was made the sole legitimate shrine. But sane men, face to face with the conditions of their own time, would not

\* *The Religion of Israel under the Kingdom* (T. & T. Clark, 1912), pp. 207–212. Certain words in the above quotations are italicized by me in order to bring out the points at issue.

† See also *The Code of Deuteronomy*, pp. 16–18 and *passim* (see Index).

demand impossibilities. Therefore these laws are not the work of legislators in Josiah's time; they are the dreams of exilic priests, obsessed with the idea that centralization was the way to religious health for the nation. They never stopped to ask themselves whether these laws were practicable. The laws about the king and about war were equally impracticable.

Welch rejects the conclusion, but he accepts the premiss. Whereas in 1912 he spoke of centralisation as "a piece of practical legislation," he now bases his own theory about Deuteronomy upon the same conviction that the requirement that firstfruits and tithes must be brought to, and festivals and sacrifices kept at, Jerusalem was quite impracticable. But is this so? Take, for example, Welch's argument in connection with the Passover law in chap. 16<sup>1-3</sup> that the regulation that the flesh of the Passover must be cooked and eaten in the evening and that at sunrise the worshippers must return home "must have made it peculiarly difficult and even impossible to observe, when the cult was centralised at Jerusalem." \* Why 'impossible'? Because of the distance from their own homes? In the first place the difference was not great in Josiah's time. As Welch says: "In the period of Josiah Israel had practically become the city of Jerusalem with its dependent towns." † The great majority of the people probably lived within one, or at the outside two, days' journey from Jerusalem. In the second place, however far distant the home was, there could be no difficulty in sacrificing and eating on the appointed evening and turning homeward the next morning. The law doesn't say that

\* *The Code*, pp. 66-67, and cp. p. 72.

† *The Code*, p. 147. Cp. Kennett (*Camb. Biblical Essays*, p. 103) in reference to the earlier reformation: "The law of the One Sanctuary had been possible in the very small kingdom which Sennacherib had left to Josiah's great-grandfather Hezekiah."

they must all reach home the day they started back. But if not, where is the difficulty? Is it not purely imaginary. The same ignoring of the restricted area of the Southern Kingdom in Josiah's time leads Hölischer to declare it impossible for the entire household to come to Jerusalem for the feast of harvest. Akin to this is the same writer's argument that it was quite impracticable to legislate that the entire population (which he puts at 120,000) should come up to Jerusalem at one time. But Deuteronomy lays down no fixed dates for the Festivals and if, as Welch has well insisted we should do,\* we avoid 'reading into the Deuteronomic laws' what is only laid down in later laws, the difficulty disappears. It is quite gratuitous to lay down that "centralisation . . . inevitably led to the appointment of one common date for the day." † It seems in fact only to require common sense to solve the various impracticabilities, which both Hölischer and Welch see in the laws, as soon as they are read as demanding attendance at Jerusalem. ‡

2. Prof. Kennett for the last twenty years has put forward, in a succession of Articles, § a similar theory as to the late date of Deuteronomy, but has based it on quite other grounds.

i. He objects, e.g., to a date in or before 621 B.C. on such grounds as (a) that this does not account for the fact that the Law of Holiness (Lev. 17) makes far less concession in respect of the slaying of animals for food than does Deut. 12, or for the fact that Jeremiah seventeen years after 621 B.C. declared that the Mosaic Law was not concerned with burnt-

\* *The Code of Deuteronomy*, pp. 77-82, 37, 61-4.

† *The Code of Deuteronomy*, p. 81. Surely here Welch transgresses his own dictum.

‡ See the 'Conclusion' of this Article.

§ Articles in *J.T.S.*, Jan., 1905, and July, 1906; and in *Camb. Bibl. Essays*, pp. 99-135; and *Deuteronomy and the Decalogue* (Camb. Univ. Press, 1920).

offering and sacrifice ; and (b) that it does not provide any suitable occasion for the combination of North Israelite (E) and Judæan (J) legend and law. He suggests that the actual compilation of J may be traced to the reactionary prophetic party after the reformation of Josiah.

“Jeremiah’s emphatic denial (7<sup>22</sup>) that the law given to Israel at the Exodus was concerned with burnt-offering or sacrifice ” would be “ inexplicable, if J had been generally accepted as canonical for any length of time.” In fact Kennett would understand “ a lying pen of scribes had wrought falsely ” (Jer. 8<sup>8</sup>) as directed against J\* with its stories of the patriarch’s building altars in various places. A similar process was carried out by the priests of Bethel, ‘ a revised code of law being compiled with a body of traditions concerning the fathers of the race ’ (E). After the carrying away of all the priests and Levites from Jerusalem (597–586 B.C.), probably Jerusalem and Bethel joined forces, the Aaronite priests from Bethel came to Jerusalem and the two documents J and E were combined into one. “ But the document so ingeniously put together was nevertheless inadequate. It contained no explicit statement of the law of the One Sanctuary and indeed made reference to a plurality of altars.” A new effort was therefore made “ to provide a basis of reunion for all Israel,” and the result was Deuteronomy. Deuteronomy was clearly intended to supersede JE and therefore must be distinctly later. It was probably completed before the rebuilding of the temple under Zerubbabel (520–515 B.C.). Chapters 1–11 are the production of disciples of Jeremiah, who effected a compromise between Jeremiah’s denunciation of all sacrifice and the reformed sacrifices of the Deuteronomic party.

\* Marti and others regard it as directed against Deuteronomy, but Skinner, as against both, points out that it is more probably directed, not against the law itself, but against scribal developments, which falsified the true inwardness of the law (*Prophecy and Religion*, pp. 103–5).

2 Kings 22-23 cannot in his opinion be quoted against him, because the author, if 23<sup>25-27</sup> comes from his pen, wrote after the Captivity had begun, i.e. at least thirty-five years after the events of 621 B.C., probably much later, and therefore the details of his account may be based not upon actual personal knowledge or even upon actual documents, but upon a belief that Josiah must have acted upon Deuteronomic law. N.B.—If Deuteronomy was not completed until near the days of Zerubbabel, this brings 2 Kings down to at least one hundred years after Josiah.

ii. The argument is extremely ingenious and needs to be read as a whole to be fully appreciated. It consists of a large number of subtle inferences and assumptions and my feeling is that in many cases they rest upon very slender foundations. Take for example his initial argument in *Deuteronomy and the Decalogue*, pp. 4 and 5. "If," he says, "Deuteronomy was the book found in the Temple—assuming that a book of tôrâ was actually found there—either it had just been written with a view to the existing situation, or it had been composed some time before, but events had made it impossible to put it into practice. Both these hypotheses are however excluded by what we know of the history of Judah and Israel; for, whereas Deuteronomy is clearly addressed to 'all Israel' (1<sup>1</sup>, etc.), Josiah had jurisdiction only over Judah, and neither he nor any other Judæan of his time could have legislated for Samaria. . . . A like difficulty precludes the alternative supposition that Deuteronomy was written at an earlier date . . . for . . . the circumstances of Hezekiah's reign were not favourable to legislation for all Israel." For the same reason Kennett goes on (pp. 5-7) to urge that "a mere enumeration of the outstanding features of the Deuteronomic law is sufficient to disprove the idea that it could have arisen in the days of Manasseh or Hezekiah or at an

earlier date." The argument here assumes that the Deuteronomic writer (or writers) was himself seeking to address, or legislate for, 'all Israel,' but it is surely obvious that, as he is professing to tell what Moses said to the assembled tribes in the plains of Moab, 'all Israel' is appropriate to that situation and that therefore the phrase cannot be relied on as evidencing who were the body of people whom the Deuteronomist was aiming at reaching in his own day. He may reasonably be regarded as having in view the actual people who were then in close touch with Jerusalem.

iii. The relation of Jeremiah to Deuteronomy was regarded as clear twenty-five years ago. "Jeremiah," wrote Driver, "is the earliest prophet who can be demonstrated to have been acquainted with Deuteronomy."\* But Kennett devotes six pages of one of his articles † to the consideration of this subject and claims that he has at least demonstrated the possibility that Deuteronomy draws many phrases from the prophet and not *vice versa*. Welch makes a similar effort in the opposite direction, trying to shew that Deuteronomy (esp. 26<sup>1-11</sup>) may have preceded Hosea (chap. 2). ‡ It is impossible in this Article to go into the arguments. I must content myself with saying that I think that the verdict of most scholars will be that the true order is Hosea, Deuteronomy and Jeremiah (as contemporaries the one of the other in the prophet's earliest days), the earlier form of the Law of Holiness and Ezekiel, the Priestly Code.§ The only way in which Hölscher can evade the argument for the priority of Deuteronomy to Ezekiel is by cutting down the genuine prophecies of

\* *Commentary on Deuteronomy*, p. lxiii., and for specimen parallels and diversities see pp. xciii.-iv.

† "The Date of Deuteronomy," *J.T.S.*, July, 1906, pp. 481-6.

‡ *The Code of Deuteronomy*, pp. 31-34, and cp. Driver, *Deuteronomy*, p. lxiii.

§ See Dr. Skinner's *Prophecy and Religion*, chap. 6, "Jeremiah and Deuteronomy."

Ezekiel to a minimum and assigning the mass of our Book to later pseudonymous writers.\*

Prof. Kennett justifies the process by which he has reconstructed history by the analogy of the work of "the anatomist, who from a few scattered bones reconstructs a whole skeleton." We must however remember that, in order to bring about this reconstruction, he has had to pull to pieces a previous construction of the history by one who may have been living at the time and whom Dr. Skinner characterizes as "an honest, fair-minded and reliable historian." Kennett quotes 2 Kings 23<sup>23-25</sup> as shewing that the writer must have been writing after the Fall of Jerusalem, but Skinner gives good reasons for thinking that this particular passage is due to a later Editor and that the principal writer wrote before that event.† By Kennett's magic wand "what was once considered a barren period of history in a wasted land" ‡ is made to "rejoice and blossom as the rose," but one has an uneasy feeling that it may be the magic of the conjuror rather than the vision of the sober historian, and that the Deuteronomic rose has been transplanted from an earlier period, when the Temple at Jerusalem was still in being.

IV. Prof. Welch, as we have seen, is not satisfied with any of the above hypotheses and he propounds another.

1. We have all been wrong, he says, in thinking that the Deuteronomic code demands centralisation. From the days of the Exile everyone has understood "the place which Yahweh thy God shall choose" as meaning one central sanctuary, but this was a mistake. The phrase really meant any local sanctuary which was a genuine shrine for the worship of Yahweh alone and had never had

\* "Hesekiel der Dichter und das Buch," *Z.A.W.*, Beiheft 39. See account of Hölsoher's article in Box's article in *Ch. Quart. Rev.*, July, 1925.

† *The Century Bible, 1 and 2 Kings*, pp. 18-23.

‡ *J.T.S.*, July, 1906, p. 500.



associations with Canaanite worship. Once grant this interpretation and the legislation becomes intelligible as the product of the religious revival under the earlier prophets from Samuel onwards.\*

i. We cordially grant that Welch has admirably brought out the fact that much of the legislation reflects primitive and simple social and political conditions.† At the same time we need to bear in mind Dr. S. A. Cook's caveat that these simple conditions are not necessarily criteria of antiquity and may have reproduced themselves in Palestine in exilic and post-exilic times.‡

ii. We agree also with his proposition that, apart from the particular phrase in dispute, the main concern of many of the laws is "the distinctive, divinely authorised character of Israel's worship" and that this must be offered at Yahweh's altar in accordance with the rites which Yahweh has laid down. A very large proportion of Welch's book is devoted to the elucidation of these two points, and in this respect could not be bettered.

2. But from this point we must part company.

\* *Code of Deuteronomy*, pp. 30-31, 197, etc.

† See, e.g., *Code of Deuteronomy*, pp. 25-29 on the law of the First-fruits in 26<sup>1-11</sup>. In the EXPOSITOR article, pp. 353-5, Welch refers to this as "an archaic ritual about the harvest-thanksgiving which the legislators did not themselves follow." He says that it was "already so old and primitive as to have passed out of use in the period of Josiah. No one has ever suggested that the feast of harvest-thanksgiving, which was carried out under Josiah and which was so prominent a feature of the reform, followed the simple rubric, which is laid down in 26<sup>1-7</sup>." It would be interesting to hear from Welch where we can read about this feast of harvest-thanksgiving in Josiah's reign. Was he thinking of Neh. 8<sup>13-17</sup>? And how does he know that the ritual of Deut. 26<sup>1-7</sup> had "already passed out of use" by 621 B.C.? This is only one of several curious slips, e.g., the citation (on p. 114 of *The Code of Deuteronomy*) of Amos 9<sup>7</sup> as saying that Yahweh brought the *Canaanites* from Kir.

‡ S. A. Cook, "Some Tendencies in Old Testament Criticism," *J.T.S.*, Jan., 1925, pp. 156-173. Cp. Welch's own note (p. 154 of his book) on the conjunction of elders and judges in Deut. 21<sup>8</sup> and Ezra 10<sup>14</sup>, in which he says: "Was there a revival of primitive custom after the Exile . . . ?" Note also his own explanation on p. 188 of the absence of technical terms which he comments on in an earlier passage (p. 163).

i. We cannot accept Welch's view of the crucial phrase, describing the legitimate place of worship, which in one form or other occurs 21 times in Deut. 12-31.\* This has for over two thousand years been regarded as clearly laying down the sole legitimacy of the central sanctuary. But, says Dr. Welch, "from the purely linguistic point of view the phrase is tolerant of the other interpretation, according to which the Israelites are commanded to confine their worship to sanctuaries which belong to their own faith." and, when so read, the command "loses at once all appearance of an impracticable dream." I must confess to grave doubts as to the legitimacy of construing the above-mentioned phrase, even in its simplest form, as meaning 'a place which Yahweh shall choose which is near your home, or which is within the borders of your own tribe.' No doubt in Hebrew the definite article is sometimes used where we should use the indefinite. I give some instances in a footnote,† but it will be noted that in all these cases the noun is not otherwise defined, whereas in the phrase "the place which the LORD (thy God) shall choose . . ." the noun is defined by the following relative clause. Welch ‡ agrees with König against Oestreicher that the definite article, prefixed to 'place,' cannot by itself be regarded as distributive and taken as meaning 'any place,' but he seems to think that the further definition afforded by the relative

\* 12<sup>a</sup>, 11, 14, 18, 21, 26, 14<sup>23</sup>, 24, 25, 15<sup>20</sup>, 16<sup>3</sup>, 4, 7, 11, 14, 16, 17<sup>3</sup>, 10, 18<sup>3</sup>, 26<sup>3</sup>, 31<sup>11</sup>. Op. Josh. 9<sup>27</sup>, 1 Kings 9<sup>3</sup>, 11<sup>3</sup>, 2 Kings 21<sup>4, 7</sup>.

† "It is a peculiarity of Hebrew thought to conceive an object as defined by its being taken for a particular purpose and . . . to prefix the article to the noun denoting it": e.g., 1 Sam. 10<sup>1</sup>, Heb. *the* cruse of oil, 10<sup>25</sup> *the* book (see R.V.m.), etc. "Nouns which are not definite in themselves acquire definiteness from the context or from the manner in which they are introduced": e.g., Josh. 8<sup>11</sup> and Sam. 17<sup>3</sup> *the* valley. The article is also used "with nouns that denote objects or classes of objects that are known to all": e.g., Deut. 8<sup>3</sup> *the* bread, and, "prefixed to generic nouns (in the sing.), it designates the class, i.e. it imparts to the noun a collective force": e.g., Nu. 21<sup>7</sup> Heb. *the* serpent, E.V. the serpents. (See the *Oxford Lexicon*, pp. 207-8.)

‡ *Expository Times*, July, 1925.

clause following gives to the phrase, the force of 'such a sanctuary as Yahweh has chosen.' This seems to me more than doubtful. I can find no adequate parallel case in which a noun with the article, followed by a defining relative clause of this type, can be treated as standing for one of a class.\*

The words added to the phrase in 12<sup>14</sup> "in one of thy tribes" increase the difficulty of such an interpretation. Welch says that this means "in any one of thy tribes" and compares it with 19<sup>5</sup> "the manslayer shall flee unto one of these cities and live," and 23<sup>17</sup> (R.V. 16) "a servant which is escaped . . . shall dwell . . . in the place he shall choose in one of thy gates, where it liketh him best." † But this does not help him. It is true that the manslayer and the refugee slave had a choice of cities or gates in which he might dwell, but he could only choose one of them and in that one he had to abide. In like manner Yahweh had a choice of any one of twelve tribes in which His place of worship might be located, but, having chosen "the place in one of" them, that one place was His only legitimate sanctuary. ‡ Welch (*Expository Times*, July, 1925) answers that a human being can only choose one place to dwell in, but that Yahweh can choose, and dwell at, any number. He quotes in this connection Ex. 20<sup>24</sup>, but the phrases are not equivalent. Ex. 20<sup>1</sup> plainly says: "in every place where I record my name," Deut. 12 does not (see König †). Welch has a second

\* Cp. Gen. 22<sup>3</sup> "the place of which God had told him"; Deut. 1<sup>8</sup> etc. "the land which Yahweh swore unto your fathers to give unto them"; 8<sup>3</sup> "the way which Yahweh thy God hath led thee." Note Deut. 26<sup>1-3</sup> "the land which the LORD thy God giveth thee . . . the place which the LORD thy God shall choose to cause His name to dwell there . . . the land which the LORD swore unto our fathers to give us." How can we take the phrases about the land as signifying one land and take the exactly similar phrase in the same context as referring to a multiplicity of places? The writer of 31<sup>9-13</sup> clearly means that 'all Israel' is to assemble at the central sanctuary and the law is to be taken out of the ark and read in their hearing.

† *The Code of Deuteronomy*, pp. 48-9.

‡ I see that König (*Z.A.W.*, 1925) and Sellin (in his *History*) take the same line.

answer (in reply to Gressmann on 16<sup>3-8</sup>), viz. that the Passover law was addressed to 'the people of Ephraim' only. The writer "did not need to use the plural, for to those for whom it was meant there was only one Yahweh sanctuary, viz. their tribal shrine. It is a local law." This seems to be an acknowledgment that if the law was intended for more than one tribe, the plural would be needed. And does Welch contend that the whole Code was for one tribe only? If not, how does he know that 'the passover law' was for Ephraim only? This argument does not square with that which he has hitherto elaborated. Finally when Welch comes in his argument to 12<sup>5</sup>, "the place which Yahweh your God shall choose *out of all your tribes* to set his name there," he recognises that the section in which it occurs "definitely and uncompromisingly orders the centralisation of the cult." Every kind of offering is to be brought to the one central place. How then does he deal with it? He 'cuts the Gordian knot' by repudiating it as a late addition to the Code proper. The legitimacy of this we must now consider.

ii. It has long been recognised that 12<sup>1-28</sup> is not a Unity. Carpenter and Harford state this explicitly\*: "the question," they say, "has been asked by a long succession of critics . . . whether this law is throughout from the same hand. In outward form it falls at once into two sections <sup>2-12</sup> and <sup>13-28</sup>, marked respectively by the prevailing use of the plural and the singular address. . . . But further each section contains its own repetitions." Accordingly these editors, like Welch twenty-four years later, divide the passage into 4 sections, <sup>13-19</sup> and <sup>20-27</sup> being recognised as earlier and <sup>2-7</sup> and <sup>8-12</sup> as later. So far Welch merely follows his predecessors. Where he differs from them is as to the date of 12<sup>1-7</sup>. Whereas earlier scholars have regarded 12<sup>1-7</sup> as an integral part of "the book of

\* *Oxford Hexateuch*, vol. ii, pp. 268-9 on 12<sup>3</sup>, and vol. i, p. 278.

the law " which, according to 2 Kings 22, brought about the reformation under Josiah, Welch cuts it out as a late " addition to the original Code, inserted with the intention of laying down a general caveat as to the principle in the light of which all the rest must be read." \* He nowhere definitely says when this addition was made, but he seems to hold that it was made from one to two hundred years after Josiah with the object of bringing the Deuteronomic Code into line with the later Priestly legislation. Thus, although he professes to disagree with Hölcher, he really agrees with him that the Code, as we now have it, is exilic or post-exilic, and does demand impracticabilities (p. 197). The main ground given for regarding this section as so late is " a radically different historical view of the conquest, as seen in " the last revision of the book of Joshua " (pp. 57-8). This appears to be a reference to such passages as Joshua 10<sup>28-43</sup>, 11<sup>2-3, 10-23</sup>, 12<sup>1-24</sup>, 23, but these are due to a Deuteronomic writer, whereas " the last revision " was made by a Priestly writer (the greater part of chapters 15-22). On the same grounds he must cut out Deut. 7<sup>2-5</sup>, 19<sup>1</sup>, 20<sup>16-18</sup> (and, in Exodus, 34<sup>12-16</sup>), for they speak of extermination and destruction in the very same way. The other grounds adduced seem to me to be equally inconclusive, but space forbids comment upon them. The curious thing is that in the same book (pp. 205-6) Welch says that Deuteronomy was too different from the Priestly ideals to be adapted by revision ; it was therefore left as it stood, and new laws made for new conditions. But, if 12<sup>1-7</sup> was added, definitely insisting on an " impracticable " centralisation, was it left as it stood ?

iii. By making 12<sup>1-7</sup> post-Josianic, Welch comes face to face with the statement in 2 Kings 22-23. † As we saw in

\* *The Code of Deuteronomy*, pp. 194-7 and 57-61.

† In a footnote on p. 73 he acknowledges this, " but," he says, " the

section II (above), these chapters unmistakably assert that the reformation of Josiah was carried through on the lines of Deuteronomy and especially of 12<sup>1-7</sup>. These seven verses demand just the kind of action which the king took. If they were not in 'the book of the covenant' and if, as Welch says, the rest of the book does not demand centralization or make the same sweeping attack upon idolatrous sanctuaries and altars, it is impossible to see how that book came to produce so tremendous a revolution. It seems to me that, although he nowhere explicitly says so, Welch is compelled by the exigencies of his theory to range himself with Kennett and to throw overboard the trustworthiness of the account in Kings. Yet on his very last page he writes: "in the Josianic reform it was decreed that one form of cult at one holy place through one official priesthood was alone legitimate." If king and high-priest and entourage regarded it as practicable to act as they did, why should 12<sup>1-7</sup> be rejected on the ground that centralization was impracticable? There is a cryptic remark at the end of the section on Deuteronomy in the EXPOSITOR article as to "the need to define more clearly than has yet been done what was the new element which came into the life of Israel at the time of Josiah." Deuteronomy, as he truly says, when emasculated by the cutting out of 12<sup>1-7</sup> and interpreted on his lines, does not supply anything revolutionary. "The new factor must be in the conclusion drawn from . . . the older body of law. Precisely what this was demands definition." Certainly, if we accept Welch's theory, it does demand it. And I think Welch ought to have given it. Until he does, it would seem much simpler to say that Josiah's book of the covenant did contain 12<sup>1-7</sup> and that this book, backed by the resolute critical examination of the account of Josiah's reform cannot find room here." I think that, in the interests of his argument, he should have at least indicated the solution at which he has arrived.

effort of the body of reformers, is a sufficient explanation of the action taken by the king.

3. Let us take two passages of Deuteronomy and see how the theory works out.

i. As an illustration of the way in which Welch has treated the account in 2 Kings, let us take his comparison between the Deuteronomic Code and 2 Kings in the matter of the Passover.\* He tells us that, if we understand "the place which Yahweh shall choose" (16<sup>3-7</sup>) as he proposes, the Passover law becomes practicable. It puts into the foreground "three things: (1) Pesach (i.e. Passover) is to fall in Abib and so be linked with the historic past; (2) it is to be celebrated at a purely Yahweh sanctuary; (3) it is to be celebrated in haste, one night only to be spent at the sanctuary and none of the flesh to remain until the morning. He goes on: "These things are ignored in the account of Josiah's passover and what is emphasized as present at Josiah's passover is absent from Deuteronomy." This is an extraordinarily misleading statement. (a) One would imagine from its wording that there was a full account of Josiah's passover in 2 Kings. But, as soon as the passage is turned to, it is seen that there is no account at all in Kings of how the passover was kept. 23<sup>21-23</sup> merely states that (1) "the king commanded all the people, saying, Keep the passover unto Yahweh your God, as it is written in this book of the Covenant"; (2) no such passover had hitherto been kept; "but (3) in the eighteenth year of King Josiah was this passover kept to Yahweh at Jerusalem." That is all! † (b) What does Welch mean by saying:

\* Deut. 16<sup>1-7</sup>, 2 Kings 23<sup>21-23</sup>. *The Code of Deuteronomy*, pp. 62-78, especially 74.

† The account of the passover in 2 Chron. 35 is so obviously expressed in the language and according to the ideals of the post-exilic writer that it cannot be appealed to as a witness to what actually historically took place.

“these things are ignored,” when with one exception no details at all are given? For the way in which the feast was kept the writer refers his readers to “this book of the Covenant.” If the Code of Deuteronomy was the whole, or a part, of “this book,” we may infer that (1) and (3) were observed; and, as regards (2) we *are* told that it was kept unto Yahweh in Jerusalem.” Was not this a celebration at a purely Yahweh sanctuary? It may not be Welch’s understanding of “the place which Yahweh shall choose,” but it seems to have been the way in which King Josiah understood it and we cannot be surprised that he did so understand it. (c) What again is meant by “what is emphasized at present at Josiah’s passover is absent from Deuteronomy”? If the words “in Jerusalem” (2 Kings 23<sup>23</sup>) are referred to, it is true that these actual words are “absent from Deuteronomy,” but (1) they could not be put into the mouth of Moses; (2) in Deuteronomy, as it stands, the *thing* is there—in 12<sup>5-7</sup>, by Welch’s own admission \* and in 16<sup>2-7</sup> twice, according to the natural meaning of the words in Josiah’s day—and to say that it is not there is to beg the question which is under discussion; (3) no special emphasis is laid upon the words “in Jerusalem.” In fact the statement is as unemphatic as possible. Verse <sup>22</sup> says: “Surely there was not kept such a passover from the days of the judges . . .” but it does not state that its novel character consisted solely in the particular that it was kept at Jerusalem.

One word more. Welch says †: “Passover had never before been celebrated at the central sanctuary, and it was never so celebrated again.” How does he know? Does he rule out Ezra 6<sup>19-22</sup> as unhistorical? Do not 2 Chron. 30 and 35 point to a contemporary usage familiar to the Chronicler on which he based his account of the earlier

\* *The Code of Deuteronomy*, p. 58.

† On page 71.



celebrations under Hezekiah and Josiah? Later Judaism certainly kept it at Jerusalem (see Talmud [Pesachim], Josephus, Bk. of Jubilees, N.T.).

ii. Kennett and Welch both draw attention to the remarkable passage, Deut. 27<sup>1-8</sup>. \* According to Kennett, the instruction to set up the stones and to build the altar on Mount Ebal "can only mean that at least on one occasion, in spite of the centralisation of worship at Jerusalem, sacrifice was allowed at Shechem. . . . The venerable stones of Shechem were . . . made to witness to the new law [i.e. Deuteronomy] and on the altar of Shechem a solemn sacrifice was offered, perhaps for the last time, by which the Shechemite population entered into a compact to keep the law with the rest of Israel." This is a fine effort of the imagination, but I think few will agree that the injunction "can only mean" that after the Exile and after centralisation a sacrifice was allowed on one occasion at Shechem. Welch also gives somewhat free rein to his imagination. After pointing out various perplexing features of the passage, he appeals to the one unambiguous point. "The author of this section did not believe in centralisation." "He represents Moses as commanding Joshua † to erect an altar on Mount Ebal, to sacrifice on it, and to celebrate a Yahweh festival." This is next expanded into "Moses commanded his successor to institute a local sanctuary." "He [i.e. Moses] carefully provides for the religious needs of his people. They are equipped from the beginning with their own place of worship. Further, the men who wrote this account evidently regarded the sanctuary at Ebal as being the first which was erected in Palestine." Thus

\* Kennett, *Deuteronomy and the Decalogue*, pp. 24-25; "The Date of Deuteronomy" (*J.T.S.*, July, 1906, pp. 493-8); Welch, *The Code of Deuteronomy*, pp. 178-185.

† So Welch three times (pp. 179, 181, 184), but the context clearly shows that 'thou' is the nation, not an individual.

“ we are carried to Northern Israel and to one of its leading sanctuaries.” Yet, if anyone reads the passage in Deuteronomy carefully, he cannot but see that nothing is said about forming a permanent sanctuary for Israel. And he will search the Old Testament in vain to find even a hint that sacrifice was ever offered again on Mount Ebal. The ‘ great stones ’ remind Hölcher of Josh. 4<sup>4a</sup>; the altar is connected by Sellin with Josh. 8<sup>30a</sup>; Kennett regards Deut. 27<sup>2-3</sup> as probably combining two laws, referring respectively to Gilgal and Ebal. But, whatever be the exact relationship of Josh. 8<sup>30a</sup> to the passage in Deuteronomy, it is clear that the writer represents Joshua and all Israel as carrying out the command once for all soon after their entrance into the land and that he has no idea that Israel was thus “ equipped with their own place of worship.” Welch no doubt, like Kennett, is thinking of Shechem, but in the first place mountain and valley are not the same thing, and in the second place, if Shechem was one of the leading northern sanctuaries, it is curious that never again after Josh. 24<sup>26</sup> is Shechem mentioned as a sanctuary of Yahweh at all.\*

#### Conclusion.

Is it possible from these conflicting arguments to construct a theory which will cover all the facts? May we not say that

1. In Deuteronomy we have a compilation of laws and groups of laws, probably laid down at different times, at different centres and by different authorities. Welch happily compares most of them to “ the decisions of an ecclesiastical synod in the mediæval period ” (p. 189). The laws about firstfruits, tithes and sacrifices may have

\* In Judges 9<sup>4, 46</sup>, cf. 8<sup>33</sup> we read of a house of Baal-berith or El-berith at Shechem. Shechem was an important political centre in the days of Rehoboam and Jeroboam, but lost its significance when first Tirah and then Samaria become the northern capital.

originally required only that they should be offered at a local sanctuary.

2. But, if so, experience proved the difficulty of controlling the ritual and customs of these local shrines. A certain school, composed both of priests and prophets, deemed therefore that purity of worship could only be obtained by centralisation. They took the original laws, breathed into them their own ideal, expressed in their own phraseology, altered the phrase which pointed to the local Yahweh sanctuaries into their own characteristic phrase (shaped in various forms) and prefixed a new section, definitely ordering centralisation. Chapters 1-11 may also have been added partly then and partly later. This would account, at once, for those more primitive features to which Welch points, for the actual reformation in the days of Josiah, and for the understanding of the whole book as demanding centralisation, which obtained universally at least from the Exile onwards. Similar views as to the process by which Leviticus 17<sup>1-9</sup> took its present form are expressed by Driver,\* Kittel, Dillmann and others.

We may readily grant to Hölcher and Welch that the men who introduced the ideal of the one central sanctuary may not have fully thought out all its implications, if rigidly enforced. But there was no question of imposing them by force. The appeal is rather to the voluntary obedience of the community.† We may well believe that the Deuteronomic reformers were reasonable men, that they would not demand impossibilities and that distance,

\* *Commentary on Deuteronomy*, p. 138. "The most probable opinion is that, as originally formulated (as part of the 'Law of Holiness'), Lev. 17<sup>1-9</sup> had no reference to a central sanctuary, but presupposed a plurality of legitimate sanctuaries, and was only accommodated to the single sanctuary by a modification of its phraseology, when it was incorporated in P," etc.

† See *The Code of Deuteronomy*, pp. 186-7.

infirmities, the hostility of neighbours, etc., etc., would be recognised as conditioning actual observance. We owe a great debt of gratitude to Kennett, Hölscher and Welch for their fresh treatment of the problem of Deuteronomy, but, in spite of all that they have said, we shall, it seems to me, do well to trust in the main the account given to us in 2 Kings 22 and 23 and to believe that "the book of the Covenant," which is said to have led to the reformation under Josiah, was at least the main part of the present Book of Deuteronomy.

J. BATTERSBY HARFORD.

### *JESUS AND ART.*

OF this power of imagination by which a man not only takes his stand beside another, but puts himself in his place, Jesus was possessed to a degree that is but seldom realized. It is like the emergence of a new thing in the life of humanity, as though it were a new organ added to the stock, or one long hidden brought to light! In any case it stood as far above the range of sympathy as genius stands above that of talent, or as creative art above that of common sight and sense. And it was this great power that operated in his looking out for, or in his welcome to, sinners, and in his mission to the publicans, and in his self-identification with the "least" and with the "lost" among man. In a deeper sense, it would seem, than St. Matthew takes the saying to mean, "Himself took our infirmities and bare our sicknesses."

"Behold, an Israelite indeed, in whom is no guile!" was the enthusiastic greeting with which he received Nathanael, a greeting born of his insight both into "the man in every man," and the struggle in this man while under the fig tree, in which he had overcome the lower by the higher self, the Jacob by the Israel. And when the wonder of