The Unity of Deuteronomy.

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In the German translation of *Lex Mosaica* (1898, p. 61) we read: 'About the unity of the fifth book of Moses there is no question; it is generally admitted' (die Einheit des fünften Buches Moses kommt weiter nicht in Frage; sie wird allgemein anerkannt). But it is known that from so early a date as that of the Talmudists this unity has been viewed as only relative. For in the famous passage of the Bab. Talmud (*Baba bathra* fol. 14^b 15^a) the narrative of Moses' death, etc. (Dt 34^{5-12}), is denied to be from Moses' own pen (see translation of the whole passage in my article, 'The History and Method of Pentateuchal Criticism,' in the *Expositor*, 1896, pp. 82 ff.). Again, Carpzov (*Introductio*, p. 137) remarked, 'Pervulgata omnium est confessio caput 34 integrum vel a v. 5 saltem ad finem ab auctore alio fuisse profectum.' Even Rupprecht, in his self-styled *Lösung des Pentateuchräthsels* (1897, ii. 2, p. 229), says that 'probably Joshua added the closing narrative from 32^{48} onwards.' But the unity of Dt on a larger scale has been rightly called in question by others. I do not now purpose, however, to speak of the views that have been proposed, down to the year 1893, regarding the composition of the fifth book of the Pentateuch. An account of these is given in my *Einleitung* (pp. 209–224), where one may find also my own opinion about the tradition that in Dt we inherit a work of Moses, as well as an account of those features in the language and the contents of that book which show that this inheritance has not been preserved all through the centuries without modification.

My present intention is rather to deal with a hypothesis as to the unity of Dt which has been started since 1894, the hypothesis, namely, maintained by Carl Steuernagel in four different writings. These bear the following titles:—*Der Rahmen des Dt* (Inauguraldissertation, Leipzig, 1894); *Biblisch-theologische Untersuchung über die Entstehung des deuteronom. Gesetzes* (Habilitationsschrift, Halle, 1895); *Die Entstehung des deuteronom. Gesetzes* (1896); *Das Deuteronomium übersetzt u. erklärt* (Handkomm. Z.A.T., 1898). The essential points of his hypothesis are as follows:—The middle portion of Dt, *i.e.* 4^{44}-30^{20}, is a combination of two writings, which are differentiated from one another particularly by their use of 'thou' and 'ye' respectively, and which on that account he indicates by the symbols Sg (=Singular) and Pl (=Plural). Sg, according to Steuernagel (*Dt*, 1898, pp. iv. v. viii.), includes $6^{4f. 10-13. 15}$ $7^{1-4a. 6. 9. 12b.-16a. 17-21. 23f.}$ $8^{2-5. 7-14. 17f.}$ $9^{1-4a. 5-7a}$ $10^{12. 14f. 21.(22\,?)}$ $11^{10-12. 14f.}$ $12^{13f. 16-20a. 21. 26f.}$ $14^{22-23a\alpha. 24-27a. 28-29a.}$ $15^{19f.}$ $16^{1f. 5-7. 9-11. 13-15. 18*}$ $17^{8*. 10b.}$ $18^{1-2*. 3f. 6. 8}$ $19^{2. 3b. 4-8a. 9b. 10*. 15-19a*}$ $13^{2-4a. 6-10a\alpha*. 11b. 13f. 16-18}$ $20^{10-17a\alpha. 19f.}$ $22^{1-4. 6-7a. 8}$ $23^{16-17*. 20. 25f.}$ $24^{(6). 10-22}$ (25^4) $15^{1f. 7-15. 18}$ $25^{1-3\ 11-12a}$ $26^{2*. 5-15a}$ $28^{1-8a. 12-13a. 15-20*. 23-25a. 43-46}$ $30^{15. 19b-20}$.

It will not be superfluous, I think, to test this hypothesis, for up till now it has scarcely received any criticism, either in Germany or in England. Even Dr. Driver in his excellent *Commentary on Deuteronomy* (1895) and in the sixth edition of his *Introduction* (1897, p. 70) does nothing more than mention two writings of Steuernagel's, adding the remark, 'Both are attempts to analyze Dt into pre-existing groups of laws.' Besides, a linguistic investigation with which I am occupied at present, puts me in a position to pass judgment on the principal argument of Steuernagel. At the same time I will examine the other grounds upon which (*Dt*, 1898, pp. ii. ff.) he builds his hypothesis.

1. In the first place, he says: 'The book has a double superscription, 4^{44} and 4^{45}. Nor is it of any avail to strike out either v.^{44} or v.^{45}, for in either case it would remain inexplicable how a redactor should have added the second superscription.' But this is an incorrect statement of the position. Let us look at the four ways in which it has been sought to remove the above difficulty. (*a*) Both verses have been attributed to one and the same author (so Dillm., *Numeri, Deut. u. Josua*, 1886, *ad loc.*). In that case we have here one of the traces, not a few in number, of that pleonastic mode of expression which is not infrequent in Dt (cf. 'all the commandments and the statutes and the judgments,' 5^{28} [Eng. 5^{31}], 7^{11}; cf. 8^{11} 11^1 30^{16}, or 'with all thy heart,' etc., 6^5, etc.). —(*b*) It is possible that only the words 'and this is the law,' etc. (4^{44}), are original, and that the words 'these are the testimonies,' etc. (4^{45}), may have been added because in other portions of Dt

there is mention of 'the testimonies and the statutes and the judgments' (6^{20}), or at least of 'the statutes and the judgments' ($4^{1.\ 5.\ 8.\ 14}$ $5^{1.\ 28}$ 11^{32} 12^{1} 26^{16}).—(*c*) A third view is that the original introduction to chaps. 5 ff. is contained in $4^{45\ (46\text{-}49)}$, and that 4^{44} is interpolated. In that case the words 'this is the law,' etc. (4^{44}), might serve two purposes. They might form a connecting link between the introductory part 1^{1}–$4^{40\ (41\text{-}43)}$ and $4^{45ff.}$ (cf. my *Einleitung*, p. 212 f.), and they might supplement the notion of the *Torah* (the law) which stands in the foreground of chaps. 5 ff. Who will deny with certainty that some one of these three views is possible?—(*d*) Yet Steuernagel denies it in the words above cited, and in his opinion (*Dt*, 1898, p. 20) the words 'and this is the law,' etc. (4^{44}), formed the introduction to the document Sg, whereas the document Pl began with the words 'these are the testimonies,' etc. (4^{45}). In this way then Steuernagel himself admits that at least the redactor of Sg and Pl regarded it as possible that the two statements, 4^{44} and 4^{45}, should stand side by side. Further, Steuernagel himself calls attention to the fact that the notion 'set before' is expressed in Sg by נָתַן לִפְנֵי ($30^{15\ (19)}$), yet in 4^{44} we have שִׂים לִפְנֵי. Consequently, this view of $4^{44f.}$ is neither the only possible nor the most probable one.

2. Steuernagel, in *Rahmen des Dt* (1894, p. 26 f.) and in *Dt* (1898, p. ii. iv. 21. 39) posits a contradiction between 5^{3} $11^{2ff.}$ and 8^{2}. He asserts that according to the first two of these passages the speaker addressed the generation which was assembled at Horeb and was on the point of marching thence, whereas according to 8^{2} he spoke to the next generation which was on the point of crossing the Jordan. But—

(*a*) 5^{3} does not at all imply that the address of Moses was delivered at Horeb. Steuernagel has overlooked the local circumstances contained in $5^{2f.}$. For in 5^{2} it is said, 'Jahweh our God made a covenant with us in Horeb.' If the audience had been still assembled at Horeb, this mode of expression would be unnatural. Moreover, upon this supposition, we should not expect a 'here' (פֹּה, 5^{3}) to be added to the expression 'in Horeb' (5^{2}). Further, the text 5^{3b} does not contain the word 'stehen' as does Steuernagel's translation, 'Die wir hier heute alle lebend *stehen*.'

(*b*) The generation which was upon the point of crossing the Jordan, consisted in part of persons who had actually stood at Horeb. Let one recall, for instance, Moses himself, Caleb and Joshua, Eleasar and others. Hence in characterizing the individuals to whom, according to the narrative of Dt, Moses delivered his last addresses, the emphasis might fall in two different directions. On the one hand, it might be emphasized that they along with Moses had witnessed the deliverance from Egypt (5^{3} 11^{2}); on the other hand, prominence might be given to the fact that they had experienced the dangers of the wilderness wanderings (8^{2}).

(*c*) After all, the expressions employed in 5^{3b} contain a difficulty which I will attempt to remove. For 5^{3b} reads literally, 'but with *us*, these (namely) who are here alive to-day.' The words 'these,' etc., form an apposition (Driver, *ad loc.*). Steuernagel, to be sure, renders, 'But us who are all here alive to day' (sondern uns, die wir hier heute am Leben sind). He thus simply passes by the word 'these.' The same course is followed in Kautzsch's *Uebersetzung des A.T.*, where 5^{3b} receives the pretty arbitrary rendering, 'But with us the living, with us all who are here to-day' (sondern mit uns den Lebenden, mit uns allen, die wir heute hier sind). Other exegetes (Dillmann, Oettli) translate the word 'these': Dillmann's rendering being 'Diesen da, die wir hier heute alle lebend sind.' But they seem to me to have equally failed to appreciate the sense of this apposition. The addition 'these,' etc., is (α) most likely due to the circumstance that the preceding 'us' did not include the whole body of persons with whom Jahweh had spoken at Horeb. This 'us' had to be explained or rather limited in its application by an apposition. It is meant to convey the sense 'with these (at least) who,' etc., *i.e.* 'in so far as we,' etc. Or (β) was it the intention of the speaker to widen the application of 'us' by this apposition? Did he mean to say that the 'us' also included such persons as had not stood with Moses and others at Horeb? This is possible, but scarcely so probable. For in that case we should have expected the כֹּל ('all') at the beginning of the apposition, so that the latter would have read, 'all these who,' etc. Or (γ) was 'these' of 5^{3b} intended to express the sense 'none of us has died' (Steuernagel, *Dt*, 1898, p. 21)? But it would have least of all occurred to the speaker to emphasize this if, as Steuernagel thinks, the address that follows 5^{3} was delivered at Horeb.

Besides, the form of the apposition '(with) these who here this day are all alive' would be unnatural, if the speaker desired to express the idea 'with us, of whom no one has died up to this day.' And, finally, to emphasize this would have been to suggest the thought that the covenant was not made also with the following generations.

3. A third support for his new partition of Dt is discovered by Steuernagel (*Dt*, 1898, p. ii. f. 42) in the disordered condition of Dt 12–26. He says (p. ii), 'In the law we miss any plan according to which its prescriptions are arranged.' But—

(*a*) The correctness of this view-point is itself uncertain. The judgment whether the presentation of a subject follows a plan or not, is always to a certain extent an individual judgment. But in addition to this I would point out that Steuernagel, in speaking even of the code of laws which he attributes to Pl (12^{1*} (?) $^{8.\ 9.*\ 10f.\ 12*}$ 16^{21}–17^{7}, etc.), says, 'Ein das Ganze beherrschender Plan fehlt.' And yet he ascribes this questionable code to *one* author, his Pl. Consequently, he has deprived himself of the right to contest the unity of Dt 12–26 upon the ground that in this part of Dt a plan is wanting.

(*b*) Again, even the particular phenomena in which Steuernagel discovers a want of arrangement in the laws, are not all quite certain. Let us examine his principal examples. He specially emphasizes the circumstance that $13^{2\text{-}18}$ and $17^{2\text{-}7}$ are separated from each other. But the contents of these two sections are not identical, the first dealing with the *temptation to* idolatry, the second describing the *act of* idolatry. The leading aim of $13^{2ff.}$ is to stir up opposition to a temptation, that of $17^{2\text{-}7}$ is to prescribe the judicial procedure to be adopted against such persons as have actually been denounced as worshippers of the sun, moon, and stars. Precisely from this point of view the latter section might well be placed in the context of $16^{18ff.}$. Further, Steuernagel points out how a certain duty which had to be discharged every *third* year ($14^{28f.}$) has an observance attached to it which concerns every *seventh* year ($15^{1ff.}$). But $24^{10\text{-}13}$ might have been taken into a series of sections whose main idea is humanity. Finally, repetitions like $12^{5\text{-}7.\ 11f.}$ are a feature of the pleonastic character of the diction of Dt, and the speaker might repeat an exhortation several times in order to make a greater impression.

4. Likewise the variety as regards the use of the *third* and the *second* person has given Steuernagel occasion to doubt the unity of Dt. Regarding $23^{18f.}$ he says, 'These two verses proceed from different sources; for while in v.[18] Israel is spoken of in the third person, in v.[19] it is addressed directly' (*Dt*, 1898, p. 86). But, in the first place, the correctness of this argumentation is rendered doubtful by Steuernagel himself. For he derives 23^{19} from the same source as 22^{5}, and yet in 22^{5} it is the third person, while in 23^{19} it is the second person that is used. Secondly, Steuernagel has not observed that elsewhere also in the legislative portions of the O.T., immediately after commands which apply to a third person, there come commands in which the direct address is employed: Ex (cf. $21^{13b.\ 14b}$) ^{23b} $22^{17.\ 20}$, Lv 20^{19a} stand in exactly the same relation to their preceding context as does Dt 23^{19}. Thirdly, in other passages of the O.T. as well we find in immediate succession one and the same object spoken of as a third person or addressed as a second person. This is the case in Gn 49^{25a}, Dt $32^{15a\beta.\ 17b\beta}$, Is 1^{5} 3^{25}, and in many other passages, which will be noticed in another *Untersuchung* which I intend to publish. This evidence further throws light on a remark made by Steuernagel on Dt 33^{3}, 'The transition to direct address is strange'; and when he adds, 'Lucian, judging from his αὐτοῦ, must rather have read יָדָיו,' this notion that every element in a version reproduces the original text is as ill founded as it is widely prevalent.

(*To be concluded.*)