JE in the Middle Books of the Pentateuch.

IV. *Sinai-Horeb:*

Analysis of Exodus xviii.–xxxiv.[1]

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THE narratives of J and E, whose scene is the sacred mountain of Arabia, form a very distinct group, the keynote of which is the origin of Israel's national and religious institutions. In these most complicated chapters of the entire Pentateuch there is as usual but little difficulty in extricating the priestly element, which we will once for all set by itself in accord with the judgment of critics generally, viz. xix. 2^{a*}, 1; xx. 11 (?); xxiv. 15–18^{a}; xxv. 1–xxxi. 18^{a}; xxxii. 15; xxxiv. 29–Num. x. 28. In the above, xx. 11 is regarded (against Budde, Cornill, and others) as a fragment of the "Testimony" of P^{2} (*cf.* xxv. 16), which would perhaps come after xxxii. 15; the latter verse (against other critics) is given to P^{2} entire, instead of in part only. No distinction is made between the earlier and later strata of P.

The JE material remaining is extremely confused, and is generally regarded as so mutilated as to give us mere fragments of the original J and E; while at the same time there is so much for which it seems difficult to find a place in these documents that many critics, notably Wellhausen and Bruston, have been driven to the assumption of a fourth source, others (Kuenen and Cornill) to the theory of secondary additions, E^{2}, J^{2}.

In the following pages the effort is made to accomplish for JE in Ex. xviii.–xxxiv. what has been done for the preceding chapters, viz. to effect an analysis which recovers the prophetic documents in a fairly complete state, without the assumption of additional sources or extensive editorial changes either in the way of addition or transposition. We do not in this way prejudge the question of the existence

[1] See JOURNAL, Vol. IX. 161–200; X. 107–130; XI. 177–200.

of an E^2 or J^2, but hold it in reserve until J as a unit and E as a unit have been extricated. On account of the great complexity of the subject, and the extent of ground to be covered, it will be necessary to assume that the reader is sufficiently familiar, from the preceding articles, with the methods employed, and prepared to verify independently many of the details of the analysis.

The difficulties in the analysis of the section in question arise not so much from the lack of criteria to determine whether passages are derived from J or E, as in the almost total destruction of the connection. This is generally recognized by critics. Even Prof. W. H. Green acknowledges it to be true, in a sense, of the first passage to be discussed, ch. xviii., in which he assumes a prolepsis on Moses' part.[2] As the scene of ch. xviii. is the camp "at the mount of God" (vs. 5), it is plain that its true position must at least be later than xix. 1 f., which describe the arrival there and pitching of this camp. We can for the present only fix its proper position approximately by observing 1. that in xxiv. 12–14 neither "statutes of God" nor "judges" are yet known, although the former have been communicated to Moses in xviii. 16 and the latter are appointed in xviii. 25 f.; 2. that the departure of the people "to their own place" is impending in vs. 23, and should naturally follow after Jethro's leave-taking; 3. that the sacrificial feast of xviii. 12, "before God," implies the previous erection of some kind of sanctuary, at least to the extent of xxiv. 4. It follows that ch. xviii. must have stood originally after Moses' descent from the mount with the statutes and judgments; later, consequently, than the apostasy; in fact, among the last of the Horeb scenes, at the point where J introduces Hobab, Num. x. 29 ff.

The Elohistic character of the chapter, "the mount of God" as the scene, and Jethro as the principal character, put its derivation as a whole beyond dispute. The only question we need consider is, What parts may belong to some other hand than E? It is clear in fact from the presence of Hobab in Num. x. 29 ff. that J also related the coming of Moses' father-in-law, and independently we are struck by the remarkable change from Elohistic to Yahwistic usage in vs. 7–10. This change, moreover, is accompanied by a marked redundancy in the style (*cf.* vs. 8^b, 9^b, 10^a, 10^b), and an apparently poetic structure. Verse 7, also, in both the Authorized and Revised versions, is, strictly speaking, incompatible with vs. 6, in which Jethro is already speaking to Moses. (Socin avoids the difficulty by translating "*liess sagen.*")

[2] *Hebraica*, VIII. 36. — "A slight departure from chronological exactness."

I prefer to leave the extrication of possible fragments of J to the reader, suggesting a comparison of Gen. xviii. 2, xix. 1, xxix. 13, xliii. 27 (J) with vs. 7, and of Num. xx. 14 (E) with vs. 8. Verses 1–4 are recognized by all critics as interpolated by Rje, the original substance of the narrative being given substantially in vs. 5. The material of vs. 3 f. is taken from E after ii. 22^{b}, where a part of it is still retained (נכר, according to Budde, belongs to the distinctive vocabulary of E), but כהן מדין, vs. 1, we have seen reason to suspect, and the Yahwistic explanatory clause, 1^{b}, and the harmonistic addition "after he had sent her away," vs. 2, are certainly redactional (see JOURNAL, X. 112). This leaves little besides 1^{a} and 5 as the original material of E in this position, and we have further to eliminate, as probably Deuteronomic, vs. 20 in whole or in part.

With ch. xix. we reach the true beginning of the Sinai-Horeb narratives. Verse 1 (P^{2}) joins directly with xvii. 1^{a}; only the clause ויחנו במדבר סין has been displaced from between, probably for the sake of effecting a better combination with the J elements of vs. 2, which include the rest of the verse. There is no reason to suppose that anything originally intervened between xvii. 7 (J) and xix. 2, nor between xvii. 6 (E) and xix. 3^{a} (E). On the contrary, the theophany at Sinai follows most appropriately upon the demand of the people in xvii. 7, and the water procured by the smiting of the rock "in Horeb" (xvii. 6) may well be the same as that of xxxii. 20, which Dt. ix. 21 tells us was "the brook that descended out of the mount."

We need scarcely pause to demonstrate that ch. xix. is composite, including elements derived from both J and E as well as redactional material. Neglecting the repeated ascents and descents of the mountain, and the conflicting conceptions of the disposition of the people, now needing to be induced to come near in spite of their terror, now to be barred away to resist their curiosity, we observe that with vs. 20 an entirely new beginning is made. After the preparations are all complete and the theophany actually begun (vs. 19), Moses is summoned again to the summit and receives instructions to prepare for the theophany. Verse 23 sounds very strange, but is the answer which the present form of the chapter would require Moses to make, — "All this has already been attended to," whereupon he descends again, and the theophany proceeds. This curious interruption of vs. 20–25 is not lacking in other contrasts to the rest of the narrative. Here we have everywhere Yahweh; in the rest, generally Elohim. Here the people are to be kept away and their curiosity

repressed; elsewhere their terror must be overcome to bring them near. Here "the priests which come near to Yahweh" are to sanctify themselves: it is the first we have heard of "priests" anywhere, and in vs. 14 "all the people" had already sanctified themselves. Here the mount is known uniformly as Sinai; in E we have Horeb. Here Moses and Aaron and the priests[3] ascend the mount; in the narrative elsewhere Moses and Joshua. Throughout the paragraph words and expressions peculiar to the style and vocabulary of J appear: ירד of Yahweh, סיני, פרץ *bis*, ראש ההר *bis*. All these characteristics are shared by vs. 11b–13, 18, but appear nowhere else in the whole story of the theophany, where, on the contrary, the linguistic marks of E appear. In vs. 11b–13, 18 we have the same disposition toward the people, the same barriers, and the same exception in favor of certain individuals who are to "come up into the mount" (vs. 13, המה cannot refer to "the people"), but whom, in the present context, we have no means of identifying. We have the same contrast in linguistic usage with the rest of the chapter, Yahweh, ירד of Yahweh, סיני of the mount, and in addition a further list of unmistakable J expressions, בְּהֵמָה, יֹבֵל (for שֹׁפָר elsewhere), "smoke ascending as the smoke of a furnace"; *cf.* Gen. xv. 17; xix. 28. In the rest of the chapter the theophany is emphatically addressed to *the people*, who are to be "sanctified" and brought near "to meet Elohim." In vs. 11–13, 18, 20–25 they may look on at a distance (11b), but in vs. 9 the very purpose of the theophany is to speak to them; the ear, not the eye, is addressed. Clean garments (vs. 10, 14) are part of their preparation; *cf.* Gen. xxxv. 2 (E); a "thick cloud" (vs. 9, 16; xx. 21) takes the place of the "fire and smoke" (*cf.* xiv. 20a; xxxiii. 9; Num. xi. 25; xii. 5; Dt. xxxi. 15; E), and "the voice of a trumpet exceeding loud" (16, 19; xx. 18) that of the prolonged blast of the יֹבֵל.

From vs. 9 on we may separate the two elements with confidence as J and E respectively. The narrative of E appears to be complete and characteristic; vs. 9–11a, directions to Moses to prepare the people for the theophany; vs. 14–17, fulfilment of the above, and beginning of the theophany "on the third day"; vs. 19, beginning of the words of Elohim. Only one slight difficulty appears: in vs. 9

[3] With Kuenen, *Theol. Tijdschrift*, XV. 177, and against the accents only, translate in vs. 24 . . . "come up, thou, and Aaron with thee, *and the priests; but let not the people*," etc. *Cf.* vs. 22, "the priests who come near," and the general attitude of the paragraph toward the people; see also xxiv. 1 f. and xxxiv. 3.

we have twice "Yahweh." But in 9^b the clause is clearly a mere dittograph of 8^b, and in 9^a we shall see reason to think that in the original the subject was understood, Rd inserting Yahweh. That of J is not really less complete or characteristic than E's, only it is plain that vs. 11^b–13, instead of preceding the charge to Moses in vs. 20–22, really form the continuation of these directions. The singular interruption, 23, 24^a ("and Yahweh said unto him"), which nullifies the sense of the interview, appears thus in its true light as a redactional interpolation to explain the repetition. Replace vs. 11^b–13 after vs. 24, and we not only restore J's entire account of the preliminaries to the theophany, but obtain the missing antecedent to the emphatic הֵמָּה of 13^b. "These," who are to "come up to the mount," are "Moses, and Aaron with thee, and the priests" of vs. 24. To these verses we have only to add the JE elements of vs. 2, which must be J's since in E (xvii. 6) the people are already at Horeb. We have then J's account as follows: Arrival at Sinai and encampment before the mount, appearance of the mount under the divine presence, 2 in part, 18; Yahweh summons Moses to the "top" and directs the preparations for a theophany, barring away the people but summoning Moses, Aaron, and the priests, after they have sanctified themselves, into his presence, 20–22, 24 (except the first clause), 11^b–13; Moses returns to the people and says to them . . . 25 (the sentence is unfinished). The sequel does not appear till later.

Verses 3–8 remain to be considered. With the exception of the first clause of vs. 3, which is of course the beginning of E's story of the theophany, vs. 3–8 are generally assigned to Rd, and the phrases of vs. 4–6^a are indeed of an unmistakably Deuteronomic character, especially עַם סְגֻלָּה, 6^a; moreover vs. 5 is introduced again by LXX. after xxiii. 20. But we are at a loss for a motive to explain the interpolation. Verses 3^b–6^a might possibly be regarded as inserted from didactic interest, though no particular reason could be given for an interpolation at just this point; but why add vs. 6^b–8? These verses refer to certain words of Yahweh to which obedience is promised by the people; the words accordingly should have preceded, but do not appear. In vs. 7 Moses "comes" to the people, but does not "descend," as in the other cases where the place whence he comes is the mount. The fact related is not easy to account for as a pure invention of Rd; a motive is lacking. On the other hand we find a complete parallel to it in E, xxiv. 3, and it is worth noting that in LXX. the passage is Elohistic. A more probable conclusion than that which

assigns the whole passage to Rd, would be to regard vs. 6^b–8 as E material, which, in view of the reference to the words as preceding and of Moses as "coming" to the people, can have stood originally in no other place than immediately after xx. 21, where Dt. v. 28 ff. in fact indicate that something originally stood which is now missing. When transposed from their original position to that of an introduction to the scene of the theophany, the verses required before them something like 3^b–6^a to be intelligible. This would seem from the style to have been the work of Rd. Into the motive of the removal we shall enquire hereafter.

In chapters xx.–xxiii. the only source which appears is E. Professor Driver's singular adoption[4] of Wellhausen's former ascription of the so-called Book of the Covenant to J, — a theory since abandoned by its author, — would seem to be rather the result of accident or oversight than of Professor Driver's usual judgment. Budde has shown[5] how unavoidable is the assignment of chapters xx.–xxiii. as a whole to E.

With regard to xx. 1–17 there is practically no difference of opinion. Budde and Cornill regard vs. 11 as an addition of J^2; other critics generally as a surviving fragment of P^2's "Testimony" (xxv. 16). The Ten Words, like all the other legal elements of JE without exception, have been largely interpolated by Rd. (*Cf.* "house of bondage," vs. 1, with Dt. *passim*, and Josh. xxiv. 17, LXX.; "thy stranger that is within thy gates," vs. 10; "that thy days may be long upon the land which Yahweh thy God giveth thee," vs. 12). The object was doubtless mainly assimilation to Dt. v.; but even in E some addition had probably been made to the original laconic brevity of the "Words." What proportion to assign to E we leave to others. (See Driver, *Introduction, in loc.*)

Verses 18–21 have been regarded by most critics since Jülicher and Kuenen as displaced from after xix. 19 for the purpose of a better introduction to the following. The proof which Kuenen would derive from Dt. v. 5 is not there. The verse is simply proleptic like vs. 22^b. On the contrary, Dt. v. 23–27 establishes to a certainty that D had this passage just where we have it. Prof. W. H. Green here comes to our assistance with the suggestion (*Hebraica*, VIII. 45) that before xx. 1 the people have no reason to apprehend that Yahweh intends to speak to them. To say the least, the evidence for the removal of these verses must be regarded as inconclusive.

[4] *Introduction to the Literature of the O. T.*, p. 29. [5] *ZATW.*, XI. 215 ff.

Chapters xx. 22–xxiii. 33, with the inseparable ratification of the covenant, xxiv. 3–8, are commonly regarded as a unit, generally referred to as the "Book of the Covenant" (xxiv. 7), and believed to be misplaced, from the fact that they interrupt the necessary sequence of xxiv. 12–14 upon xx. 1–21 (*cf.* Dt. v. 23, 30 f.). Kuenen suggests that this "Book of the Covenant" has been removed by Rd from the position now occupied by our Deuteronomy, "the words of the covenant which Yahweh commanded Moses to make with the children of Israel in the land of Moab, beside the covenant which he made with them in Horeb" (Dt. xxviii. 69). The displacement of xx. 21–xxiii. 33; xxiv. 3–8 can be certainly established; the other two opinions are only partially to be accepted.

Dillmann (*Exodus und Leviticus*, p. 225) makes it clear that the phrase, Book of the Covenant, xxiv. 7, cannot include chapters xxi f. The section above described is not a unit; for ch. xxi. not only comes in with a new title, but the character of this little code of case-law is quite different from that of the precepts which precede and follow it, it is adapted to a different purpose, and is quite foreign to the idea of the *people's* pledge of fidelity to Yahweh. The *Mishpatim* of chapters xxi., xxii., as they are most appropriately called, are the directions which the *judges* of xviii. 21 ff. will require for the decision of causes. It is what Moses is instructed in in xxiv. 12, that he may teach it; what we find him putting in practice in xviii. 16; what we expect from xxiv. 12 that he will at his death, if not sooner, transmit as the authoritative common-law of Israel; what we have a right to infer with Kuenen, from the allusions of Dt. v. 31, vi. 1, was regarded in D's time as the final legacy of Moses in the land of Moab; what we may, finally, regard as the subject with which the remarkable Elohistic fragments in Dt. xxvii. were originally concerned. But we have no right with Kuenen to take along with the *Mishpatim*, *i.e.* chapters xxi. 1–xxiii. 9, the Book of the Covenant, into which (perhaps to preserve to it the covenant character belonging to it in connection with Dt. xxvii.) it has been somewhat violently intercalated. Much less have we the right to uproot the "altar *under the mount*, and twelve *maççeboth* for the twelve tribes of Israel" (xxiv. 4) and try to replant them in the plain of Shittim. The result of this would be that we should have *no* covenant in Horeb and *two* in Moab or Shechem, Ex. xxiv. 3–8 and Dt. xxvii. 1–8*, 11–13 (both from E). It is generally recognized by critics that the Book of Judgments has been interpolated by Rd, especially at the end, xxii. 21–xxiii. 9. In xxi. 13^b we should read, as appears from vs. 14, "he shall flee to

mine altar"; in xxii. 11 אלהים with LXX. for יהוה. The interpolations in xxii. 21b–24, 27, xxiii. 9, are of a Deuteronomic character (see Driver, *Introduction*, p. 33); xxiii. 8 is a proverb, perhaps inserted by E (*cf.* 1 Sam. xii. 3); xxii. 31 comes from an early period, but is foreign to the Code, which is not ritual and does not employ the second person plural; xxii. 29 f. is merely displaced from the Book of the Covenant after xxiii. 13 (see Budde, *ZATW.*, XI. 216 ff.). Kuenen's suggestion is really untenable if we include with the Book of Judgments the Book of the Covenant referred to in xxiv. 7; but as regards the Book of Judgments it is most illuminating, and, in addition to Kuenen's arguments, admits of more corroboration from Deuteronomy itself than we can here adduce.

The Book of the Covenant which remains after the removal of the *Mishpatim* in xx. 22–26, xxxiii. 10–33, with its sequel, xxiv. 3–8, is exactly what its name implies, a *covenant* between Yahweh and Israel. The laws pertain to the people's relation to Yahweh, that is, concern religious worship, and are followed by promises on Yahweh's part. They are accordingly something very different from "judgments"; we should almost call them priestly, except that they define the religious duties of the *people*. In fact, the ratification of the Covenant is something with which the priests (if there are any) have nothing to do. Moses erects an altar under the mount, as prescribed in xx. 22 ff., and thereon young men of the children of Israel offer burnt offerings and sacrifice peace offerings (*cf.* xx. 24; xxxii. 6; Dt. xxvii. 6 f.), while the people "with one voice" solemnly undertake to abide by this agreement with Yahweh (xxiv. 7; *cf.* xix. 7 f.; Dt. xxvii. 11 ff.; Jos. xxiv. 1–27; 1 Sam. xi. 14–xii. 25). The ספר הברית is of course not a "book" as we understand the term, but simply the "written terms" of the agreement (*cf.* Ex. xvii. 14; Dt. xxvii. 1–8; Jos. xxiv. 26; 1 Sam. x. 25). But there is a very significant resemblance between this name for the fundamental religious duties of the people, as given in xx. 22–26, xxiii. 10–19, and the title which we find applied to another version of the same little code in Ex. xxxiv. 28. There we have, after a synopsis of the religious duties of the people, in large part even verbally identical with Ex. xx. 22–26, xxiii. 10–19, the direction from Yahweh to Moses, "Write thou these words: for after the tenor of these words I have made a covenant with thee and with Israel . . . So he wrote upon the tables the Words of the Covenant, the Ten Words." As all critics are now in full accord in attributing the Words of the Covenant, Ex. xxxiv. 10–27, to J, we may anticipate our own analysis of that chapter so

far as to point out the noteworthy fact that in the single brief code of a few verses which J and E both agree in regarding as the autograph of Moses, which, in fact, is the only writing of Moses known to J at all, we have simultaneously the only prose passage where these documents are in verbal agreement.

It is needless to add further proofs of the Elohistic character of the Book of the Covenant, though abundant evidence is at hand. We need only concern ourselves with its connection. As already pointed out it now separates xxiv. 12 ff. from the necessary connection of these verses with xx. 1–21, xix. 6b–8. We may add here that xxiv. 12 bears upon its face the evidence of alteration to admit the insertion of xx. 22–xxiii. 33, xxiv. 3–8 before it. Verse 12b should read, as Kuenen has pointed out,[6] with convincing force, and as, indeed, is manifest from common sense, "I will give thee the tables of stone which I have written, and the *torah* and commandment that thou mayest teach them."[7] The terms of the sentence are now inverted, "the tables of stone and the torah and commandment which I have written." Why this perversion of the sense, save that without it the תורה and מצוה are still to come, as is indeed the original writer's idea of the 40 days' sojourn in Horeb; whereas, by a transposition independently demonstrable, this תורה and מצוה have come to occupy a position preceding vs. 12?

What position does the Book of the Covenant claim for itself on internal evidence? The case is perfectly clear. In xxiii. 20 ff. the people are all ready to set out on the journey away from Horeb as soon as the covenant shall have been ratified. The angel has been appointed to go before them (vs. 20, "Behold I am sending an angel before thee") as promised in xxxii. 34. The blessings promised are blessings of the journey, the conquest, and of the land to which they are going. Aaron is conspicuous by his absence from the story of the ratification of the covenant, xxiv. 3–8; but that is quite natural after ch. xxxii. Finally, the covenant itself is not the ideal ethical standard of ch. xx., but the actual existent praxis of the writer's day. On all these accounts it is a practical certainty that the Book of the Covenant belongs after the apostasy (ch. xxxii.) and is hence to be taken as a *second* covenant, or rather the renewal of that of xx. 1–21, xix. 6b–8, which had been broken by the apostasy of the people even before it was ratified. As we shall see, the case with the Words of the Covenant (ch. xxxiv.) is just the reverse of this, and the two

[6] *Theol. Tijdschrift*, XV. 194.

[7] Or "and will teach thee the *torah* and commandment?"

have very nearly to exchange places. How the transposition came about we shall enquire hereafter.

Time and space will not permit the extended comparison we should be glad to make of the *Book* of the Covenant with its counterpart in J, the *Words* of the Covenant. We may, however, refer to Budde's article above quoted for an ample demonstration of the facts, *a*. that portions of the code in E have been brought over to ch. xxiii. from ch. xxxiv.; *b*. that in spite of this process of assimilation a large part of the original stock of E remains. The original contents of the two must have been very similar, otherwise the further process of assimilation would not have taken place. The textual history of the Lord's Prayer offers an instructive parallel.

Like all the legislative parts of JE, both versions of this little code have suffered copious interpolation and modification by Rd. Of this even the LXX. furnishes unmistakable evidence. In this version the process of assimilation in xxiii. 14–19 is carried to the extent of introducing after vs. 17 the distinctly Deuteronomic interpolation xxxiv. 24^{a}. The equally characteristic Deuteronomic verses xix. 5 f. are repeated by LXX. a second time in xxiii. 22. On the other hand, the LXX. preserves the more original "Amorite" in vs. 28, where אנרשנו of vs. 29, 30 (*cf.* Jos. xxiv. 12) proves the list of peoples to be redactional. The same redactor (Rd) is doubtless responsible for vs. $23–25^{a\,a}$ (for "and he shall," read "and I will"), 27 and 31–33. To 12^{a} he attached the Deuteronomic motive 12^{b}, and perhaps added a few words in xx. 21 to connect the code with the preceding (*cf.* xix. 4 and Dt. iv. 3, 15 etc.). In the process of admixture of elements from J's version, xxii. 29 f. (29–31?) was displaced and xxiii. 13, which ought to bring the code to a conclusion, brought in a few verses too early. Verse 15^{b} (= xxxiv. 18, 20^{c}; observe reference to xiii. 4–7, J), 17 (= vs. 14 and xxxiv. 23; observe אֲדֹן יהוה, and זכור), and 19^{a} (= xxii. 19 and xxxiv. 26; observe בית יהוה אלהיך, *cf.* xxi. 6, xxii. 8 f.) are very obviously taken from ch. xxxiv.; the rest of the code as manifestly belongs to the Elohistic version (see Budde, *l.c.* p. 216 *sq.*).

The story of the ratification of the covenant in ch. xxiv. is comparatively untouched; only the hand which introduced the Book of Judgments (Rd) makes room for it in vs. 3 by the addition, "and all the judgments" (*cf.* vs. 12); vs. 3^{b}, 4 ignore this interpolation. The same editor (Rd) removed xix. $6^{b}–8$ from after xx. 21, providing them with some expansion from his own pen (vs. $3^{b}–6^{a}$) and transforming them from a sequel to the Ten Words, similar in char-

acter to xxiv. 3–8 relatively to the Book of the Covenant, into an introduction. By this transposition he connected the Book of the Covenant with the Ten Words, forming thus of chapters xx.–xxiii. a single legislative whole, to which the people formally pledge themselves in xxiv. 3–8.

In ch. xxiv. we have already nearly covered the ground. Verses 3–8, as we have just seen, are E's, and belong with the Book of the Covenant after ch. xxxii. Verses 12–14 are also E's, with the transposition already spoken of in vs. 12 and reading עם for זקנים in vs. 14, of which we are about to speak. These necessarily follow upon xx. 1–21, xix. 6^{b}–8 (*cf.* Dt. v. 23). Verse 18$^{a\beta\,b}$ belongs with 12–14, as appears from Dt. ix. 11. To demonstrate the Elohistic origin of this passage (Aaron and Hur; Joshua, Moses' "minister"; the "mount of God"; בעל דברים; administration of justice Moses' occupation with the people) is quite superfluous. It is also universally admitted to connect immediately with ch. xxxii., where we again find Joshua and Moses in the mount, returning with the tables of stone. Verses 15–18$^{a\,a}$ are, of course, from P^{2}.

Only verses 1 f., 9–11 appear strangely out of place, wholly unrelated to the context, and in a different vein. They form indeed the admitted *crux* of the Sinai-Horeb chapters. Verses 1 f. interrupt the necessary connection of 3–8 with ch. xxiii. as violently as vs. 3–8 in their turn interrupt the equally necessary connection of vs. 1 f. with 9 f. But we have seen reason to remove xx. 22–xxiii. 33 and xxiv. 3–8 to another connection. Moreover ch. xx. (E) has been found to connect with xxiv. 12. There remains xix. 20–25 (J). True xxiv. 1 f. cannot be said to join *directly* upon xix. 25, for xix. 25 ends with an interrupted sentence, and xxiv. 1 begins in an equally fragmentary way . . . "but unto Moses he said." But aside from a few words describing how on the morrow ("third day" in xix. 11 is more like E than J and may be harmonistic) the יְבֵל sounded long, and Yahweh warned the people away from his "descent," the passage xxiv. 1 f., 9–11 might join directly upon the J narrative of ch. xix. We have here the same attitude toward the mass of the people (*cf.* vs. 2 with xix. 12 f., 24, xxxiv. 3), the same anthropomorphic conceptions of J (xxiv. 10 in E is inconceivable); most striking and important of all, we have here the explanation of "the priests who come near to Yahweh" of ch. xix. For what else entitles Aaron, Nadab and Abihu to come up with Moses, unless that Aaron and his sons are priests, *i.e.* Levites in J's sense (*cf.* iv. 14)? The "elders of Israel" are, as we have already seen (iii. 16, 18), by no means

peculiar to E, and the very fact that we have in an unmistakable E passage, Num. xi. 16 f., 24–30, a different version of the appointment of the seventy elders, inclines the scale very much toward J. One feature of the passage, we may admit, favors E, but it is by no means conclusive. Verse 11 has האלהים where in J we might perhaps expect יהוה.[8] But it should be remembered that J also employs אלהים where appropriate — or we may better say *retains* אלהים, and so doubtless האלהים, from his source ; *cf.* Gen. iii. 1 ff., iv. 25, etc. In the present case יהוה would give sense, and so it would in Gen. iii. 1 ff. and iv. 25 ; but אלהים or האלהים would give a much *better* sense ; and in fact if we accept Wellhausen's emendation of Gen. xvi. 13 (אלהים for הלם, inserting ואחי before אחרי) we have there a precisely parallel case in J. Moreover the statement itself ויחזו את האלהים seems contrary to the whole doctrinal standpoint of E (*cf.* Num. xii. 6–8). But even if vs. 11 must be assigned to E, it is very doubtful if it has anything to do with vs. 9 f. The A. V. and R. V. follow LXX. in rendering אצילי "nobles," understanding it to refer to the seventy elders and perhaps regarding אצילים as equivalent to פנות, Jud. xx. 2. But there is no evidence that it can be so used. The Vulgate has "super eos qui procul recesserant de filiis Israel," apparently referring to xx. 18. More probably if we connect with vs. 9 f. some form of אצל should be read with the sense "those set apart," as in the name Azaliah (set apart to Yahweh). In the absence of any trustworthy meaning it is impossible to connect vs. 11 anywhere with positiveness, and if left in its present connection the reasons for deriving it from J are at least as strong as those against this origin.

The lack of connection of vs. 9–11 with what follows is as striking as its incongruity with the preceding. In vs. 11 Moses, the priests, and the elders are already in the mount in Yahweh's presence. In vs. 12 Yahweh says to Moses, "Come up to me into the mount and abide." This extraordinary collocation is what alone can explain the substitution of וקנים for עם in vs. 14. We have to translate or understand וקנים as if it were עם in order to obtain sense ; for the seventy elders cannot be supposed to have causes to litigate while Moses and Joshua are in the mount, and moreover Aaron and Hur were not "with them," but the former only ; nor was Joshua with Moses in vs. 9–11 ; but as the connection of vs. 9–11 with 12–14 made it impossible for Moses to speak to the *people*, who were below, Rje or some later editor was compelled to substitute "elders."

[8] But see Dillmann, *Exodus u. Leviticus*, in loc.

Chapter xxxii. in general relates the story of the apostasy. Our starting-point in this very dislocated and self-contradictory chapter must be the verses universally recognized as E's, vs. 16–19[a]. Here the characters, scene, phraseology and all, indicate unmistakably the connection of the passage with xxiv. 12–14, 18[b]. Moreover a part of xxxi. 18[b], which the reference in Dt. ix. 10 f. shows to be older than the priestly context with which it is combined, and perhaps a part of xxxii. 15 is assignable to E. In the latter verse, however, I see nothing distinctive of E; whereas לֻחֹת הָעֵדוּת is certainly distinctive of P[2], both here and in xxxi. 18. Verse 15[c], moreover, agrees better with the later and fuller form of the Ten Words presupposed by P[2] than the briefer and simpler form of E. On the whole, it seems better to claim for E no more than vs. 16 ff. and xxxi. 18[b] (from לֻחֹת אֲבָנִים), and, as the connection of the narrative is better if we do not take up the fortunes of Moses and Joshua until we have first heard of what has occurred in their absence in the camp, we may conjecture that xxxi. 18[b] originally stood *after* vs. 1–6. When vs. 7–14 were introduced, xxxi. 18[b] would require to be removed to its present position. But Dillmann's attempt to sever vs. 15–19[a] from 19[b]–24 is inadmissible. Unless we are to be informed, or have already been informed, of the festivities in the camp, what is the sense of the conversation, in which Joshua comments on the sounds rising from below, and Moses shows his greater penetration by recognizing the (responsive) song? Unless we are to be told of the irreparable loss of the shattered tables of stone (vs. 19[b]), why the extended description in vs. 16? In place of the present perfectly natural sequence of vs. 16–24 Dillmann would make an arbitrary division in 19[a] after הַמַּחֲנֶה, and take vs. 25–29 as the real sequel to 16 ff., pointing out at the same time, what is entirely true, that vs. 25–29 describe a condition of mutiny or rebellion rather than of irreligion. This very fact is fatal to his division, for if it be assumed, Joshua was right in saying he heard the sound of war, and Moses' attempt to give a more correct interpretation of the sounds was mistaken! No: vs. 25–29 are indeed of a different connection from vs. 19–24 (*cf.* vs. 26, Moses just arriving at the gate of the camp in time to quell the mutiny with vs. 19 where he has already arrived and vs. 20 ff. in which his authority is completely restored and vindicated); but it is with their present connection alone, vs. 19–24, that vs. 16–18 can be made to agree; whereas vs. 25–29 agree much better with the epithet "stiff-necked," vs. 9, xxxiii. 3, xxxiv. 9, by which, in J, the evil disposition of the people is characterized. In vs. 16–24 (E) vs. 1–6

are presupposed and even quoted at length. Independently, the latter are not devoid of internal marks of E, for וישבימו ממחרת is certainly characteristic of E, and we may further compare with vs. 1, xxiv. 18; with vs. 2, Jud. viii. 24–27 and Gen. xxxv. 4, where the earrings (amulets) are regarded as themselves of an idolatrous character; with 6ª compare xx. 24, xxiv. 5, Dt. xxvii. 6 f.

Verses 30–34 are shown to belong to this same connection by the reference in vs. 31. Here again the מלאך אלהים is a positive indication of E; moreover, the conception of a kind of divine implacability is one which appears repeatedly in E (*cf.* Ex. xxiii. 21; Num. xxiii. 19; Jos. xxiv. 19), but is in strongest possible contrast with J's idea (xxxiv. 7ª; Num. xiv. 17–20). In the passages above enumerated, xxxii. 1–6, xxxi. 18ᵇ, xxxii. 16–24, 30–34, we have not merely the complete Elohistic narrative of the apostasy, but we have all the E material which is contained in the chapter. The other portions are incompatible with the context to which they are attached.

We have already seen that this is true of vs. 25–29, and it is true in still higher degree of vs. 7–14. After the intercession of Moses has here secured Yahweh's "repentance of the evil which he said he would do unto his people," the double punishment of vs. 20 and 27 f. (understood as punishment by the traditional theory) is unnatural; but still more incongruous is Moses' offer of intercession and pleading with Yahweh in vs. 30 ff., as if nothing of the kind had already taken place. But the conclusive evidence that vs. 7–14 and 15 ff. are of independent origin is the conversation between Moses and Joshua, vs. 17 f., in which it is extremely unnatural to suppose that Moses is concealing from Joshua the knowledge of the true state of the case he had obtained according to vs. 7 f. Equally unnatural is it to interpret the sudden indignation of Moses in vs. 19, which impels him to dash in pieces the stone tables he has hitherto carefully carried from the summit, as if he had experienced nothing but solicitude for the forgiveness of the people when first told of their sin, and afterward, when the information received was corroborated by the witness of his own eyes, was all at once transported with indignation. Accordingly vs. 7–14 are usually attributed to Rje or Rd. But I find it less easy to appeal so readily to interpolation in view of the careful abstinence we certainly discover in all redactional work from the insertion of new matter of fact. Didactic comments, harmonistic adjustments, explanations, and supplementary expansion are common; but the *motif* is always in the text. Why then should an interpolator ruin the effect of the succeeding story by prefixing another story of

intercession *before* vs. 15–20, when he could expand *ad libitum* that of vs. 30 ff.? No: vs. 7–14 and 30–34 are parallels; and the presumption must be that here, as in other cases, we have the parallel sources J and E before us. Verses 30–34 are E's (see above, p. 36); vs. 7–14 accordingly must be presumed to be J's. This conclusion is not lacking in independent internal support; *cf.* vs. 10 and 12 with Num. xiv. 12 and 15 (J); "corrupted," vs. 7, with Gen. vi. 11 f.; "repent," vs. 12, 14, with Gen. vi. 6, *cf.* Num. xxiii. 19; "consume," vs. 10, 12, with xxxiii. 3, Num. xi. 1, 3, and the conception of J in Ex. xix. Of "stiff-necked," found only in vs. 9, xxxiii. 3, 5, xxxiv. 9 (J) and Dt. ix. 6, 13, we have spoken in connection with vs. 25–29.

On the other hand, vs. 7–14 have certainly been interpolated harmonistically in vs. 7^b, 8 to bring them into relation with vs. 1–6 (*cf.* vs. 1–4 and observe the resumption of vs. 7^a in 9^a); and in the Deuteronomic sense in vs. 13 (reference to Gen. xxii. 16, Rd).

Verses 25–29 follow after 7^a, 9–12, 14, though not immediately, the statement of Moses' descent being missing. Here the aetiological interest (explanation of the priesthood of Levi) is characteristic of J. Conclusive linguistic evidence is wanting, but the use of ברכה for "gift," vs. 29, should be compared with Gen. xxxiii. 11 (E?); Jos. xv. 19; Jud. i. 15 (J). The decisive reason for attributing vs. 25–29 to J is their incompatibility with vs. 19–24 (E) and agreement with J in vs. 9, xxxiii. 3, xxxiv. 9. As Dt. xxxiii. 9 is attributed to E I cannot appeal to that reference, though I expect to show that the "Blessing of Moses" belongs to the J document.[9] Verse 25^b is a clumsy redactional addition, intended to connect 25 ff. with the context. The writer (Rje) apparently understands 25^a as in the A. V., "naked." Otherwise the "whispering" of Israel's enemies is inappropriate.

Verse 35, which is irreconcilable with the preceding verses (punishment deferred), must also be derived from J. The latter part of the verse, which its own awkwardness betrays, is therefore redactional; for there is no reason to suppose that J's story of the mutiny had any reference to the calf or to Aaron.

Chapters xxxiii., xxxiv. contain three very distinct elements. Chapter xxxiii. 1–3, 12–23 and xxxiv. 6–9 are concerned with Moses' great intercession for Israel after Yahweh's dismissal of the people and refusal to go in their midst. It has throughout the unmistakable characteristics of J, of which only the following need be mentioned: 1^b, 3^a (*cf.* iii. 8, 16 f., xiii. 5; Num. xiv. 8); 3^b "stiff-

[9] See my *Triple Tradition of the Exodus*, now in press.

necked," "consume"; "find grace in the eyes of," 12, 13 *bis*, 16, 17; xxxiv. 9, 14, Yahweh's "presence," for Israel's conductor, in contrast with the מלאך אלהים of E (vs. 2, where the "angel" appears in connection with a stereotyped interpolation of Rd, is certainly redactional in view of Moses' positive declaration in $12^{a\beta}$); and the use of נוח for "abiding-place," "inheritance" (*cf.* Gen. xlix. 15); 15 "presence"; 16 "face of the ground" (אדמה); 19, xxiv. 6 f., the gracious and forgiving nature of Yahweh (*cf.* xxiii. 21, xxxii. 34; Jos. xxiv. 19; 1 Sam. viii. 18, E).

It is apparent also that this element, relating to Moses' intercession for Yahweh's accompanying "presence," is in its proper position; for in the climax reached in xxxiv. 9, although the final consent of Yahweh does not appear, the story being broken off before completion, it is apparent that Yahweh is on the point of yielding consent to Moses, that his "Presence" shall in reality accompany the people, and of completely revoking the sentence of xxxiii. 3. We only wait to know how the objection raised in xxxiii. 3^{b} is to be met. When provision has been made for a reëstablishment of relations between Yahweh and the people without the danger that their "stiff-neckedness" shall provoke him immediately to "consume" them, there remains nothing further but to tell how the march from Sinai was resumed, Yahweh accompanying the people to give them the promised "abiding-place" (vs. 14) in the "land flowing with milk and honey." These portions, xxxiii. 1–3, 12–23; xxxiv. 6–9 constitute an inseparable unit, interrelated in all its parts, and forming the backbone of chapters xxxiii., xxxiv.; it stands properly at the very close of the narrative of what occurred at Sinai-Horeb, and is properly followed by the passage where J next unmistakably reappears, Num. x. 29 f., where Israel is breaking camp from the mount of Yahweh, and Moses is persuading his father-in-law Hobab to go with them: "forasmuch as (כי על כן) thou knowest how we are to encamp in the wilderness, and thou shalt be to us instead of eyes." All that we miss after xxxiv. 9 is the preparation, by Yahweh's direction, of a sanctuary *without the camp* (*cf.* xxxiii. 3; Num. x. 33 ff., xi. 1) where the Levites of xxxii. 25–29 shall officiate, the ark of Yahweh of the subsequent J narrative, with the other paraphernalia of worship, and perhaps prescriptions for it; then some few words accounting for the sudden appearance of Hobab, such as we seem to have traces of in ch. xviii. (see above p. 24).

But between xxxiii. 3 and 12 something is also missing, for we

have no account of what 12[b] refers to. Now this missing material is not contained in vs. 4–6, 7–11, nor anything connected with them, or removed from between them; for they have to do with a totally different occasion and subject. Verse 12 refers to vs. 1–3 in such a way ("see, thou art saying unto me") as to preclude the supposition of an interruption of the interview by a whole series of unrelated data presenting Moses among the people, engaged with Joshua, in his regular duties, such as vs. 7–11. Verses 12 ff. belong, we may be quite certain, in the same interview as vs. 1–3. But — strange as it may seem until the reason for the transposition is explained — we have in Num. xi. 10[c], 11 f., 14 f., another indispensable part of this same interview. The verses are sadly out of place where they stand, for they have nothing whatever to do with the quail-story of Kibroth-hattaawah, and though they are not unskilfully interwoven with the narrative of the appointment of the seventy elders by the gift of prophecy (Moses' spirit, vs. 17, 25) in vs. 16 f., 24–30, these latter verses are manifestly Elohistic, whereas 11 f., 14 f. ("evil-entreated," 11, "found grace in thy sight" 11, 15) are quite as distinctly Yahwistic. In Num. xi. 10 Moses hears the people weeping for flesh to eat [and cries unto Yahweh as in vs. 13], "and the anger of Yahweh was kindled greatly." After this we read, — instead of the directions, 18–23 and the sequel, 31–34, which ought to follow, — "And Moses was displeased, and Moses said unto Yahweh, Wherefore hast thou evil-entreated thy servant, and wherefore have I not found favor in thy sight that thou art laying the burden of all this people upon me? Have I conceived all this people? have I brought them forth [*cf.* Ex. xxxiii. 1, "Depart thou and the people which thou hast brought up"], that thou shouldest be saying unto me, Carry them in thy bosom, as a nursing-father carrieth the sucking-child, unto the land which thou swarest unto their fathers? I am not able to bear all this people alone, because it is too heavy for me. And if thou deal thus with me, kill me, I pray thee, out of hand, and let me not see my wretchedness." What connection have these verses with Israel's murmuring for flesh? There is only one possible connection for them, and that is *immediately* after the passage in which Yahweh actually does put this very burden upon Moses, viz. Ex. xxxiii. 1–3. When the intervening chapters of P are removed the distance to which Num. xi. 10 ff. have been transported is not great, and we shall see that there was an excellent reason for it.

With the insertion after Ex. xxxiii. 1–3 of these verses from Num. xi., bringing the reassurance required by the story and presupposed by

Ex. xxxiii. 12, that Moses personally ("by name") has "found grace in Yahweh's eyes," we have the first element of Ex. xxxiii. f. practically complete, and find in it one of the most sublime passages in the entire document of J. The eloquence is worthy of the author of Gen. xviii. 23–33, Ex. x. 24–29, xi. 4–8, and Num. xiv. 11–24. In the last-named passage it is referred to and quoted at length; in the first-named the same character of progressive argumentative pleading with Yahweh is employed. The intercession in E, ch. xxxii. 30–34 is also sublime, and, in a measure, parallel to this; though as the concession of a suspension of punishment and of angelic guidance (the מלאך אלהים) is there accepted as final, no such climax is reached. Moreover E's conceptions of the divine nature do not permit of these prolonged arguments, "smoothing the face" of Yahweh.

In xxxiii. 14 we must translate the verse, with Kautzsch (*Das Alte Testament*), as interrogatory; "What if my Presence go, and I myself bring thee to the place of rest?" Otherwise it will be necessary, with Dillmann (*Exodus u. Leviticus*), to suppose the verse displaced from after xxxiv. 9.

The second element of chapters xxxiii., xxxiv. has mainly to do with the Tent of Meeting, and includes vs. 4–6, 7–11. As to vs. 6, 7–11, it is almost needless to add to the weight of critical evidence on which they are uniformly assigned to E. "Horeb" in vs. 6, "the young man, Joshua the son of Nun, Moses' minister" in vs. 11, are really conclusive. But it is worth while to observe how intimately vs. 7–11 are related to the other Elohistic passages where the Tent of Meeting and Yahweh's self-manifestation there are alluded to, Num. xi. 16 f., 24–30, and Dt. xxxi. 14 f., 23. Compare also the description here of the mode of Moses' intercourse with Yahweh at the Tent-door with the typical Elohistic chapter, Num. xii. That vs. 7–11 are a unit, that they are derived from E, and stand in their original position (their very incongruity with the J context goes to show it, together with the impossibility of inserting them at any earlier point), may be regarded as positively established. But their lack of relation to the preceding verse, or verses, of E (6, or 4–6), is so conspicuous as to demand explanation.

Verse 6 is manifestly inseparable from vs. 4, both referring to the "ornaments" of the people, presumably the "spoil" of Egypt (iii. 21 f., xi. 1–3, xii. 35 f., E). Moreover, the "mourning" of the people is a characteristic trait in E; *cf.* Num. xiv. 39; 1 Sam. vii. 2 ff. The difficulty with this passage is caused solely by the *apparent*

attachment of vs. 4 to vs. 3, and by a failure to perceive the true character of vs. 5. Verse 4 attaches very well to vs. 3, but as its E origin can be positively established, and the J origin of vs. 3 quite as positively, we should look to the next preceding passage of E, xxxii. 30–34, which relates Moses' ascent to make atonement for the people, and how he came back to report that Yahweh dismisses them in displeasure, with the assurance that he will accept no vicarious victim, but will blot out of his book whosoever has sinned against him, his last words being, "In the day when I visit, I will visit their sin upon them." Certainly the statement of how the people "mourned when they heard these evil tidings" can follow at least as well upon xxxii. 34, as upon xxxiii. 3, and there is no other E passage on which it can follow. What then shall we do with vs. 5, which attaches vs. 4 and 6 to vs. 1–3, employing the very language of both 3 and 4?—There is no room for a critical doubt. Verse 5 uses the *language* of vs. 3 and 4, in fact is made up of the two extracts, but it presents a totally different idea. Instead of the stripping off of the ornaments being a spontaneous manifestation of grief on the people's part, as E intends in vs. 4, looking forward no doubt, as critics have shrewdly conjectured, to the employment of these "fruits of repentance" in the construction of the Tent of Meeting, the act is now made the result of an *ex post facto* command of Yahweh. Verse 5 is the very type and model of that kind of redactional work which aims to unite broken ends of narrative with a solder mainly composed of the adjacent material (*cf.* Gen. xiii. 1–4 with xii. 8 f.; Ex. vi. 10–13 with 28–30; xv. 26 after 25^b). Its object here is to relieve the abruptness of the break after vs. 6; for what the result of the people's repentance was does not now appear.

From both sides, as we approach the division between vs. 6 and 7, we become aware of a yawning chasm. The gap here which all critics recognize, is considerable; but we are not yet convinced that the attempt to bridge it is hopeless. On the contrary we have four distinct lines of evidence which will indicate what originally occupied this space: 1, the analogy of J, from whose narrative we have learned that the sequence of events after the apostasy was as follows, *a*, Yahweh dismisses Moses and the people, refusing to go in the midst of them, xxxiii. 1, 3; *b*, Moses expostulates first on the ground of personal injustice to himself, then advances, by taking advantage of Yahweh's acknowledgment of personal favor toward him, to a final concession from Yahweh of pardon for the people. *Some* response to the prayer, "Let the Lord, I pray, go in the midst of us; for it *is*

a stiff-necked people; and pardon our iniquity and our sin, and take us for thine inheritance" undoubtedly followed; Num. xi. 10c, 11 f., 14 f. . . . Ex. xxxiii. 12–23; xxxiv. 6–9. . . . What this response was can easily be gathered from the hints of xxxii. 29, xxxiii. 3 and the subsequent narrative of J, Num. x. 33 ff. etc. [Yahweh would not wholly withdraw his refusal of xxxiii. 3, to go *in the midst* of Israel, but he would precede them *without the camp* (the relative position of the local sanctuary—*bamah*—to the village or town) though his cloud would be over them as a token of his Presence. It would be needful, however, to dedicate a sanctuary where the ark of shittim wood (Dt. x. 1) which Moses should make would be deposited, and the Levites (Ex. xxxii. 29; Dt. x. 8) placed in charge.] All this Rp would of course have to strike out to make room for P^2. After this followed the visit of Hobab and departure from the "Mount of Yahweh"; Ex. xviii. 7 ff. (traces); Num. x. 29–36. In addition to the analogy of J, to which E always corresponds in general outline, we have 2, the indications of the preceding narrative of E, which point forward to a certain conclusion; 3, the much more reliable references *back* of the subsequent E narrative, *e.g.* the "Ark of God," which from this point on plays so important a part in E's story, to which we may add a cautious use of D and P^2, where these seem clearly to be dependent on E; 4, the general scheme of E's work, in which apostasy, repentance, and renewal of the divine favor appear in regular sequence. Finally we might add the *a priori* argument of what E's conception of Yahweh's relation to Israel must have led him to relate.

All these lines of evidence converge to a single conclusion. E certainly did not relate that Israel departed from Horeb under the weight of the divine displeasure described in xxxii. 34. Neither did the repentance of the people, xxxiii. 4, 6, remain without result. Israel leaves the Mount of God in covenant relations with Yahweh, and equipped with the Tent of Meeting and the Ark of God. Moreover, while E doubtless regarded the forms of worship of his own time as less lofty and absolute than the moral code uttered audibly from Horeb, ch. xx., he certainly regarded them as divinely appointed, hence appointed at the time after the relations between God and the people were broken off by the apostasy, ch. xxxii. Now the Book of the Covenant, Ex. xx. 22–26, xxiii. 10–33, xxiv. 3–8, is precisely what meets every requirement of the case, so far as prescriptions of worship and religious duties of the people are concerned, together with the needful ratification of the compact.

The Book of the Covenant moreover demands just this position for itself, and no other (see above, p. 31, and *cf.* xxiii. 20 with xxxii. 34). This Book of the Covenant, which Moses wrote (*cf.* xxxiv. 27, J, of the Words of the Covenant), and sprinkled with the covenant blood, was deposited in the Ark of God (of the Covenant? *cf.* Dt. xxxi. 26), for the preparation of which, as well as of the Tent of Meeting, from the "ornaments" of the people, he must also have received directions in the same interview. Then, after the Covenant has been ratified, xxiv. 3–8, and the "Book" deposited in the Ark, the great story of the giving of the Law at the Mount of God is complete. There is room now for the account of the origins of Israel's secular institutions, which also, of course, were connected with Horeb. These latter E attaches to the visit of Jethro, a story whose place, as we saw above (p. 24), is necessarily at the close of the Horeb incidents (relations with God reëstablished, even a sanctuary constructed, vs. 12). In placing ch. xviii. at this point we simply follow the analogy of J, where Hobab appears only at the very end of the Sinai period, Num. x. 29 ff., and the requirement of Dt. 16–18.

From vs. 13 on, ch. xviii. is wholly concerned with the problem of civil administration. What Aaron and Hur could attend to when Moses and Joshua went up into the mount, xxiv. 12–14, now manifestly requires a further organization. Accordingly "judges and officers" are appointed by Moses; but the passage (vs. 23, "if God command thee" etc.) looks forward to something further in political organization. Here in fact is the point where E introduces his account of the appointment of the seventy elders, prototypes of the Sanhedrin (*cf.* xxiv. 1 f., 9–11, J). Here also is the point where we form direct connection with the other brink of the chasm in Ex. xxxiii. 7. For Ex. xxxiii. 7–11 is nothing more nor less than the introduction to the story of the seventy elders in Num. xi. 16 f., 24–30.

It is not for nothing that the relations of the sanctuary to the camp are described in vs. 7–11. It is *à propos* of something that Moses' practise with the Tent of Meeting, Yahweh's mode of communication there, Joshua's separation from the affairs of the camp by being continually engaged at the Tent outside the camp, are related. We simply strike out the intervening material of J and P in Ex. xxxiii. 12–Num. xi. 15, in which not a single trace of E appears, and allow the mutually requisite parts to come together. We shall realize at once the connection. Moreover, the very next passage of E, the

complaint of Miriam and Aaron against Moses "because he had married a Cushite," Num. xii., becomes intelligible from the fact that we are still in the cycle of the Jethro incidents. The journey postponed in vs. 15, however, is the journey from Horeb.

We need make but a brief delay with the third element of Ex. xxxiii., xxxiv. Chapter xxxiv., except vs. 6–9, is already coming to be recognized by all critics as originally not a story of the *renewal*, but of the *giving* of the covenant. After Wellhausen's treatment of the subject (*Composition des Hexateuchs*,[2] p. 327 ff.) it is needless to demonstrate at length that vs. 1–5, 10–28 stand by themselves, completely independent of vs. 6–9, yet by the same hand; and that 1[b] and כראשנים in vs. 1 and 4 are redactional. Only Budde (*Z. A. T. W.* XI., 230 ff.) whose suggestions on the entire Sinai-Horeb section are everywhere illuminating, and add strength to the now general conclusion of the character and position of ch. xxxiv., takes, as it seems to me, a step backward in wishing (with Kuenen) to find traces of E in the chapter. With Wellhausen, I think vs. 28 inseparable from vs. 27, since the occasion for the forty days' stay on the mount would not otherwise appear, and parallel to xxiv., 18[b]. Budde's objection to vs. 4[a] (p. 232) is valid. Wellhausen should not have said "eliminate vs. 1 from כראשנים on, and כראשנים in vs. 4[a]"; but, "vs. 1 from כראשנים on, and vs. 4[a] to בבקר." The objections raised then disappear. The reason for the insertion becomes clear when we look at Dt. x. 1 ff. and observe how xxxiv. 1–5 has been abbreviated by Rp.

We need only add that ch. xxxiv. falls into its natural position immediately after xxiv. 1 f., 9–11, and thus closes the only considerable gap in J; for after xxxiv. 28, we continue in xxxii. 7[a], 9–12, 14 almost without a break. The correspondence of the author's attitude toward the people in ch. xxxiv., with that observed in J in chapters xix. and xxiv., is striking; "Sinai" vs. 2, 4[b], ראש ההר, vs. 2, "flocks and herds" vs. 3, and the necessity for restraining the curiosity of the people, vs. 3, all correspond with the features of J already noted in connection with xix. 12 f., 20–25. The Deuteronomic interpolations in the code, viz. vs. 10 from אעשה on, 11 from הנני on, 12 f., 15 f., 24, have been treated exhaustively by other critics, and verify themselves.

In the above essay the attempt has been made to carry through a complete and unprejudiced analysis of the most difficult section of the Hexateuch, without the assumption of any other source than J, E, and P, but with the expectation that a painstaking examination

of the material would result, as heretofore, in a great reduction or the element assigned by critics generally to the redaction, and in a corresponding gain in the completeness of the sources. The result has more than justified our expectation. By the aid of a few transpositions, justified by the text itself, we have secured a practically complete story of all the Sinai-Horeb period in each of the documents. Whoever will read consecutively the following passages attributed respectively to J and E will scarcely deny that the result, in this respect at least, is satisfactory.

J = xix. 2 in part, 18, 20–24*, 11–13, 25 . . . xxiv. 1 f., 9–11; xxxiv. 1–5*, 10–28*; xxxii. 7–14*, 25*–29, 35*; xxxiii. 1–3*; Num. xi. 10c, 11 f., 14 f.; . . . Ex. xxxiii. 12–23; xxxiv. 6–9 . . . Ex. xviii. 7–11 in part, Num. x. 29–36*.

E = xix. 3*, 9 f., 14–17, 19; xx. 1–21*; xix. 6b–8; xxiv. 12–14*, 18b; xxxii. 1–6; xxxi. 18b; xxxii. 16–24, 30–34; xxxiii. 4, 6 . . . xx. 22*–26; xxiii. 10–33* (add xxii. 29–31); xxiv. 3–8; xviii. 1–27*; xxxiii. 7–11; Num. xi. 16 f., 24–30; xii. 1–15. The Battle with Amalek, xvii. 8–16, and the Book of Judgments, xxi. 1–xxiii. 9 come later still.

Our task, however, will not be complete till some hypothesis has been suggested, to explain the remarkable dislocations in chapters xxxiii., xxxiv.

Both the position and character of ch. xxxiv. go to show that Cornill and Budde are right in considering it to have formed no part of JE until reincorporated by Rd. In other words it forms one of those "survivals" which Kuenen, in criticising Budde's *Urgeschichte* (*Theol. Tijdschrift*, XVIII. 170), pronounces so improbable; but which on the contrary are of not infrequent occurrence. It is in fact inevitable that when, in the revision of a current work such as JE, a portion is stricken out as unsuitable or superfluous, a number of copies will still continue to circulate from which the passage has not been elided. The tendency toward accumulation will then exert a constant pressure toward the reincorporation of this material in the revised work, until the unrevised manuscripts have ceased to circulate. A New Testament example is the story of John vii. 53–viii. 11, an unquestionable "survival." A Pentateuchal instance is found in the LXX. in Gen. xlvii. 5, which after a "survival" of over 2000 years in LXX. is now about to find its way back into critical texts of Genesis.

As we might gather from the unmistakable traces of his work in all the displaced sections, the dislocation of parts of E and J from between Ex. xxxiii. 6 and 7 is mainly the work of Rd. To accom-

pany the E narrative of the 70 to Num. xi., the J verses, 10[c], 11 f., 14 f., must have been already combined with the E material, 16 f., 24–30, to which they are really pretty well adapted. Moreover, there are strong indications in Dt. i. 9–17, of a time when both these elements from Num. xi. together with Ex. xviii. still stood between Ex. xxxiii. 6 and 7, at the point immediately after the command of Yahweh to depart (cf. Dt. i. 6–9). Rje must certainly have left the Book of the Covenant also here, because he would have no motive for removing it from the position it so manifestly demands to occupy; and, moreover, it was just what he required, to describe how, after the apostasy, relations with Yahweh were renewed. He could not count it a great loss to reject the Words of the Covenant (J) if he kept the almost identical Book of the Covenant (E). But when Rd undertook to rescue the Words of the Covenant, by introducing them in the form of a renewal of relations with Yahweh, the existent Book of the Covenant had of course to take its place *before* the apostasy, it and the Ten Words (see above p. 32 f.) being made together the broken law; since *two* consecutive stories of the renewal of the covenant in practically identical terms were of course impossible. At the same time the group of Jethro narratives from the same connection had also to find new points of attachment, in order that chapters xxxiii., xxxiv. might acquire a sort of unity in the form of a story of the Intercession of Moses and Renewal of the Covenant. The passage relating to the Tent, xxxiii. 4, 6 . . . 7–11, was not removed, because there was no other possible place for it; moreover, it prepared the way for the directions as to the Ark and tables of stone which Dt. x. 1 ff. shows to have stood in ch. xxxiv. before Rp's work began. Rd is therefore responsible for the principal displacements, the reincorporation of ch. xxxiv. furnishing the principal occasion.

The work of Rp was of course to strike out from after xxxiii. 6 and xxxiv. 9, and elsewhere in xxxiv. 1 ff., the directions in relation to the Tent and paraphernalia of worship, which came in conflict with the more elaborate account of P[2]. His hand is no doubt to be recognized in xxxiii. 5 and perhaps in xxxiv. 4[a].