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## The So-called J Decalogue

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*Tei* IN 1778 Goethe published a brief article, entitled "*Zwei wichtige, bisher unerörterte Biblische Fragen, zum erstenmal gründlich beantwortet von einem Landgeistlichen in Schwaben.*" Of these two questions the first was, "What stood on the tables of the covenant?" To this the young poet replied: "Not the ten commandments, the first part of our catechism," but ten commandments to be found in Ex. 34 10-28. Nowhere in Exodus, he argued, is it stated that the decalogue of ch. 20 was written on the tables of stone. The first tables are referred to in 24 12, 31 18, and 32 15. 16, but what was written on them is not made known, and they were broken to pieces "before it was even possible to guess at their contents." The second tables, however, are said to have contained the same words as the first (34 1), and what stood on them is perfectly clear from 34 27-28. It was the ten commandments recorded in the preceding verses (10-26). To be sure, Deuteronomy asserts that the decalogue of Ex. 20 was written both on the first and the second tables. But "this book," Goethe held, "was compiled from tradition during the Babylonian captivity." Its testimony on this point, therefore, is unreliable.

The chief basis, however, of his contention lay, not so much in these exegetical and critical considerations, as in his general conception of the Old Testament covenant. That covenant was thoroughly exclusive. That it should, therefore, have been founded upon such universal obligations as those of Ex. 20 is in itself highly improbable. On the other hand, such regulations as those of Ex. 34, which distinguish Israel from all other peoples, furnished a fitting

basis for it. Ex. 20 was simply "the preamble of the law." It contained "doctrines with which God presupposed that his people, as men and as Israelites, were acquainted."

This view, that we have a decalogue in Ex. 34 10-28, is commonly supposed to have originated with Goethe. And it is true that he worked it out independently of any one else, and that his presentation of it has distinctly novel features. But Houbigant in his *Biblia Hebraica*, published in 1758, says that the "ten words" of 34 28 might refer to the preceding precepts, and actually divides them into a decalogue, although not adopting that as his own view. And Nestle<sup>1</sup> has recently directed our attention to the fact that an ancient Greek theologian, the anonymous author of the so-called "Tübingen Theosophy," who lived during the latter part of the fifth century A.D., held "that two decalogues were written by Moses," of which the first was that in Ex. 34, and the second that in Ex. 20. But for neither of these men did the existence of a decalogue in Ex. 34 constitute a significant problem. Goethe, so far as we know, was the first with whom this was the case.

He had discussed the subject in his inaugural disputation in 1771 when he took his degree at Strassburg, and wanted then to publish his dissertation, but the faculty refused permission on the ground that it was a "sacrilegious" production. The publication of his conclusions two years later in the above-mentioned article did not apparently make much of an impression. In a letter, dated March, 1811, Niebuhr, the historian, says that he had had the article in his possession for some time, but not until just then had he learned that Goethe was its author. And not until 1848 have I been able to find any mention of it by any Biblical scholar. About 1830, however, some of the facts cited in it began to awaken special interest. In 1831 both Bleek<sup>2</sup> and Hartmann<sup>3</sup> took up the difficulty connected with Ex. 34 28. The former concluded that the narrator meant to identify the

<sup>1</sup> ZAW, 1904, pp. 134 f.

<sup>2</sup> Th. St. Kr., 1831, p. 518, note.

<sup>3</sup> *Historisch-kritische Forschungen*, pp. 227 f.

“ten commandments” of this verse with the precepts recorded in vss. 11-26; the latter saw in the apparent discrepancy between this verse and vs. 1 of the same chapter evidence of composite authorship. In 1838 Hitzig,<sup>4</sup> taking his cue from Bleek, published a somewhat extended discussion of the “second decalogue,” as he termed it. He divided Ex. 34 12-26 into ten commandments, attempting to justify his division in detail. In his characterization of this new decalogue, as compared with that in Ex. 20, he agreed with Goethe, but with reference to its origin he took a very different view. It was, he held, a mere compilation from the preceding laws of Exodus, made by some late redactor who failed to find in ch. 20-23 the ten commandments said to have been written on the tables of stone, and who consequently sought in this way to reconstruct the original. What we have here then is a mere “idle speculation.”

The next year Hengstenberg<sup>5</sup> replied to this theory. “For thousands of years before the time of Hitzig,” he said, “it never entered any one’s mind to question the fact” that the decalogue of Ex. 20 was written on the tables of the covenant. At the same time he admitted that the commandments in Ex. 34 12-26 undoubtedly seemed to form a group of ten. The following year, 1840, Bertheau<sup>6</sup> published an interesting work, in which he sought to show that there were numerous decalogues in the legislation of the middle books of the Pentateuch. His hope was that in this way an external standard might be established by which it could be decided what laws belonged to the original collection. He agreed with Hitzig that there was a decalogue in Ex. 34, but his reconstruction of it was very different. He found the ten commandments in vss. 18-26, instead of vss. 12-26. He also rejected Hitzig’s view that this decalogue was written on the tables of the covenant. “The ten words” of vs. 28, he argued, referred to Ex. 20, and not to the preceding precepts. An English echo of this discussion appeared

<sup>4</sup> *Ostern und Pfingsten im Zweiten Dekalog*, pp. 40-54.

<sup>5</sup> *Beiträge zur Einleitung ins Alte Testament*, iii. pp. 389 ff.

<sup>6</sup> *Die sieben Gruppen mosaischer Gesetze*.

in 1847 in F. W. Newman's *History of the Hebrew Monarchy*. That we have in Ex. 34 "the genuine Mosaic decalogue," and that Ex. 20 was "a modernized improvement," is here declared to be "a plausible opinion." The author, however, did not commit himself to it. The next year Kurtz<sup>7</sup> took up the discussion again in Germany. Hengstenberg had been quite willing to concede to Hitzig the honor of having been the first to discover "the second decalogue," but Kurtz now deprived him of it by pointing out, what had not heretofore been done by any writer on the subject, that he had been anticipated in his theory at least sixty-five years by Goethe. He himself rejected the theory, and said that it had met with no approval from others. Bachmann<sup>8</sup> ten years later (1858) also stated that it had been shown to be wholly untenable. In 1853, however, Ewald<sup>9</sup> had adopted it in a somewhat modified form. We have, he says, in Ex. 34 12-26, "the original decalogue suitably renewed for later times." This renewal he attributed to the "Fourth Narrator," corresponding to our Jahwist. And later other scholars, such as Graf (1866), Schrader (1869), and Kayser (1874), accepted the idea that Ex. 34 contains a variant version of the decalogue.

But not until Wellhausen<sup>10</sup> became sponsor for the theory did it gain wide currency. He took the subject up first in 1876, and then in 1889 came back to it again. At first he assigned the new decalogue to an independent source, but later made it a part of the J document, by which relationship it has since been known. He held that it was older than the E decalogue, that of Ex. 20, that it represented a divergent tradition in ancient Israel with reference to the Sinaitic legislation, and that consequently both traditions were unreliable. There was nothing new in this view, but it was stated with such definiteness and positiveness, and was related in such a way to the "critical" theory of the devel-

<sup>7</sup> *Geschichte des alten Bundes*, ii. p. 322 f.

<sup>8</sup> *Die Festgesetze des Pentateuchs*.

<sup>9</sup> *Geschichte des Volkes Israel*, ii. p. 217.

<sup>10</sup> *Composition des Hezateuchs*, pp. 83-86, 329-335.

opment of Israelitish religion, that it rapidly commended itself to Old Testament scholars. Kuenen refused his assent, and there is still a respectable element of dissent represented by such men as Kautzsch, König, and Marti. But the prevailing view is undoubtedly that of Wellhausen. Stade endorsed it, and he was followed by Holzinger, Budde, Baentsch, and many others in Germany. In England and this country it was adopted by such men as W. R. Smith, Addis, Harford-Battersby, Briggs, Harper, and Kent.

The chief interest in this theory centers in its bearing on the date of the decalogue of Ex. 20. And it is from this point of view that we now pass to inquire into its basis. In doing so we need to distinguish between two different phases of the problem: (1) Were the laws of Ex. 34 originally ten in number? and (2) Do they represent a variant and contradictory tradition with reference to the basis of the Sinaitic covenant? One might answer either of these questions in the affirmative and yet deny the other. We begin with the former.

The presence of a decalogue in Ex. 34 10-26 was first suggested by the connection of the passage with vs. 23, but, as we have seen from the foregoing historical survey, it has also been admitted and even maintained by some who denied that connection. The results, however, of the different attempts to define or restore the original "ten words" have not been such as to awaken much confidence in the theory. They have been remarkably diverse. This is illustrated by the affixed table,\* which is, so far as I have been able to ascertain, exhaustive up to the time of Wellhausen. We have here fifteen different reconstructions of the original decalogue, and to these several others might be added.

The present situation with reference to the analysis of this passage (vss. 10-26) may be thus summarized. It is commonly agreed that vss. 12-13, 15-16 and 24 were later Deuteronomic additions. To these some would add vss. 10b and 11. But after having made these eliminations there still remain at least fourteen distinct commands. And no scientific principle has yet been proposed by which they may be

reduced to ten. That reduction has in every case been more or less arbitrary. Of the fourteen, the regulation with reference to the redemption of the first-born in vs. 20c is commonly thought to be a secondary addition to vs. 19 a, which declares that every firstling belongs to Jahwe. And the same view is taken by some of the provision in vs. 20 d, that none appear before Jahwe empty. Others, however, would eliminate this command on the ground that it is out of place, that it ought to follow a statement with reference to attendance upon the feasts as in Ex. 23 15, while still others regard it as a part of the original decalogue. Wellhausen in his discussion of the subject disregards both of these injunctions, saying that we have in the chapter only twelve commands. There are then but two to be eliminated. This he accomplishes by excising the Sabbath law in vs. 21, because it intrudes in a disturbing way between the annual feasts, and vs. 23, because it is a superfluous repetition of the preceding special commands. Stade, however, declares that the Sabbath law cannot have been lacking in the original decalogue. He, therefore, cuts out vs. 19 a on the ground that it lacks the form of a command. Others eliminate vs. 18 a on the theory that the feast of unleavened bread had

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	Houbgast 1758	Goethe 1773	Hildg 1888	Bertheau 1840	Kerwan 1847	Ewald 1858	Kayser 1874	Wellhausen 1876 1889		Stade 1886 1905		Bertholet 1899	Holzinger 1900	Baentzh 1908	Budde 1906	
	vs.															
1	19-18	14 a	13-16	18	14	12-16	11-16	14 a	14 a	14 a	14 a	14 a	14 a	14 a	14 a	14 a
2	14-17	18 a	17	19-20	17	17	17	17	17	17	17	17	17	17	17	17
3	18	19	18	21	18-20	18	18	18 a	18 a	18 a	21 a	19 a	18 a	19 a	19 a	19 a
4	19-20	21	19-20	22 a	21	19-20 a	19-20	19 a	19 a	19 a	18 a	20 b	22 a	21 a	21 a	21 a
5	21	22	21	23 b	22	20 b	21	21 a	22 a	21 a	22 a	22 a	23 b	22 a	22 a	18 a
6	22 a	23	22	23-24	23	21	22	22	22 b	22	22 b	22 b	19 a	22 b	22	22
7	22 b	25 a	23-24	25 a	25 a	22	23-24	25 a	25 a	25 a	25 a	25 a	25 a	25 a	25 a	25 a
8	23-24	25 b	25	25 b	25 b	23-24	25	25 b	25 b	25 b	25 b	25 b	25 b	25 b	25 b	25 b
9	25 a	26 a	26 a	26 a	26 a	25	26 a	26 a	26 a	26 a	26 a	26 a	26 a	26 a	26 a	26 a
10	26 b	26 b	26 b	26 b	26 b	26	26 b	26 b	26 b	26 b	26 b	26 b	26 b	26 b	26 b	26 b

no place in J, but was introduced from E; and still others unite the feast of weeks and that of ingathering into one command (vs. 22).

This diversity of opinion concerning the contents of the original decalogue in Ex. 34 10-26 does not disprove its existence, but it does raise a well-grounded doubt with reference to it, — a doubt that is not removed by being told that people are not agreed as to the division of Ex. 20 1-17 into ten commands. In the latter case there is practically no difference of opinion among modern scholars, and the differences handed down from the past are very slight. Still this initial doubt with regard to the J decalogue would probably vanish, if it were clear that the "ten words" of vs. 28 referred to the preceding laws. That this is the case is declared by many to be self-evident. But vs. 28 is not so simple and plain as it may seem at first sight. The juxtaposition of "the words of the covenant" and "the ten words," on reflection, awakens suspicion. Either two statements, it would seem, have been combined, or one of the expressions is a gloss. If we adopt the latter view and connect this sentence with the preceding verse, it is probable that the "ten words" were the gloss. They might very naturally have been added by a Deuteronomic redactor, who had been accustomed to think of the decalogue of Ex. 20 as the sole basis of the Sinaitic covenant. Wellhausen's objection, that we thus hold a redactor, who by his very nature ought to be a harmonist, responsible for "the most serious internal contradiction found in the Old Testament," is hardly to be taken seriously. And the same is to be said of his statement, that the absence in the Hebrew of the sign of the accusative before "the ten words" in vs. 28, points to their being older than the preceding expression. This sign appears with the corresponding words in vs. 27. Its absence then before "the ten words," if anything, indicates that these words were a later addition. Their position at the end of the verse also points in the same direction. Further, it may be noted that they come in unexpectedly. There is nothing in the preceding verse to prepare us for them. In



order to retain them Wellhausen is ready to eliminate from the original context all reference to the formation of a covenant, although that reference is explicitly made in vss. 10. 27 and 28, and seems essential to the narrative.

It is, however, by no means certain that vs. 28 b was originally a continuation of vs. 27. Not only do "the ten words" come in unexpectedly, but so does also the reference to "the tables." Furthermore, in its present context the sentence contradicts in the most glaring way vs. 1. There it is Jahwe who is to write the decalogue; here it is Moses. It has indeed been held—and this was the common view until recent times—that in vs. 28 b we have a change of subject. It was not Moses, as one would expect from vs. 27, but Jahwe who wrote the words of the covenant. This is not grammatically impossible, but it certainly is improbable. It would seem then that originally vs. 28 b stood in a different connection. It may have been a continuation of vss. 1 and 4 (from E). And this is the view taken by many scholars. In this case there would not be the same reasons for regarding "the ten words" as a gloss. Indeed, it might be held that "the words of the covenant" had been added later in order to fit the sentence into its present context.

But there is a third view possible. We may have in vs. 28 b the fusion of two sentences. The first (from J) may have read, "And he wrote the words of the covenant," and the second (from E), "And Jahwe wrote on the tables the ten words." Both of these statements are called for by the preceding narrative. Vs. 27 requires the first, and vs. 1 the second. The text in its present form is incomplete. If vs. 28 b is regarded as a continuation of vs. 27, vs. 1 is left suspended in the air; and *vice versa*. It would then give a new unity to the chapter, if the text were emended as indicated. And that such a fusion might have taken place is evident from the fact that יהוה was occasionally abbreviated by the scribe into a mere ך. "And Jahweh wrote" (וַיִּכְתֹּב) would thus have in the Hebrew the same consonantal form as "and he wrote" (וַיִּכְתֹּב). Thinking then the former a repetition of the latter, a copyist might naturally omit it, and

thus by a simple rearrangement of the words the text in its present form would arise.

The mere statement of these three views is sufficient to show not only that it is unnecessary to refer "the ten words" of vs. 28 b to the preceding laws, but that this interpretation is extremely improbable. However these words may have gotten into their present context, there can hardly be a doubt that they were understood by the Deuteronomist and the later redactors to refer to the decalogue of Ex. 20. The testimony of the Deuteronomist on this point is especially important. He asserts in the most explicit way that the words written on the second tables were the same as on the first. To this Wellhausen replies by saying, "*Über den Dekalog in Ex. 34 müsste er wol oder übel stillschweigen.*" But this is not a sufficient response. Such an impeachment of the Deuteronomist is wholly gratuitous. For whatever may be said with reference to his free handling of his sources, there is no adequate ground for calling in question his plain statement of fact in such a case as this. We conclude, then, that vs. 28 b furnishes no basis for seeking for "ten words" in the preceding laws. And with this vanishes all substantial ground for the existence of a J decalogue. The Old Testament as a whole knows of but one decalogue, and that the one in Ex. 20 and Dt. 5.

But while there is no adequate ground for holding that the laws of Ex. 34 were originally ten in number, it is still a question whether they do not represent a parallel version to that of Ex. 20 with reference to the basis of the Sinaitic covenant. Biblical tradition in its present form affords no support for this view. It was evidently the opinion of the final redactor of Ex. 19-34, that just as the first promulgation of the decalogue was accompanied by the book of the covenant (Ex. 20 22-23 19), so the renewal of the tables was accompanied by "the words of the covenant." Both of these collections of laws were written by Moses; the decalogue on the other hand was written by God twice on tables of stone. The code of Ex. 34 is thus represented as in a sense parallel to that of 20 22-23 19. And the fact that the former is

almost completely paralleled by laws in the latter makes this a very natural view. Deuteronomy says nothing about either of these codes. So far as the Sinaitic legislation is concerned, it seems to know nothing but the decalogue. Indeed, there is one statement that seems to exclude any other laws. After the promulgation of the decalogue we are told that "he added no more" (Dt. 5 22). This might be interpreted as simply an exaggerated way of saying that the decalogue alone was announced directly to the people by God Himself. But it suggests at least the view that the Deuteronomist found in his sources no other laws connected with Sinai than those of Ex. 20. That he knew the other two codes is evident from the generally admitted fact that they lay at the basis of the Deuteronomic legislation. And hence it is held by many that they originally occupied another place in his sources. But, however that may be, it is certain that he did not look upon Ex. 34 10-26 as in any sense a parallel to Ex. 20.

The question now, however, arises as to whether Biblical tradition on this point is sustained by an analysis of the Sinaitic pericope (Ex. 19-34) into its original sources. This section of the Pentateuch, as is well known, is especially difficult of analysis. W. R. Smith calls it the *locus desperatus* of criticism. Scholars are practically agreed in assigning 19 1-2 a, 24 15-18 a, 25 1-31 18 a, and 34 29-35 to P. But how the remaining portions should be distributed among J and E and the various redactors, is still a matter of wide difference of opinion. And after the analysis is effected it is still a question how far J and E had undergone revision before they were united together, and how far they were affected by subsequent stages of redaction. For instance, did the decalogue belong to E<sup>1</sup> or E<sup>2</sup>? Or was it written by one of the authors of Deuteronomy and inserted in Exodus by Rd? Did E originally represent the Sinaitic covenant as consisting simply in the institution of the sacred ark, in which were placed two stone fetiches? And was this representation later superseded by the story of the tent of meeting, and still later by an account of the giving of cer-

tain ceremonial laws now found in the code of the covenant? Or was the Horeb-covenant according to E<sup>1</sup> based on unknown laws, inscribed on tables of stone and handed to Moses? Was the book of the covenant found in E, or was it added by Rje? If in E, did it occupy its present place? Or was it assigned to Kadesh, or to the plains of Moab, or did it perhaps have its place after Joshua 24 24? Or was only a part of it, the judgments in Ex. 21 1-22 17, originally put elsewhere, while the ceremonial laws occupied the place of the present decalogue? Did 24 3-8 originally connect with the decalogue, or with the code of the covenant, or with the so-called "words" of E? Or have we in these verses the original conclusion of the J narrative of Ex. 34? Is 24 1-2. 9-11 to be assigned to J or E, or perhaps to some otherwise unknown source? Have we in 24 12-14 the continuation of vs. 11 or of vs. 8? Or does this passage connect directly with the decalogue of ch. 20? Was the story of the golden calf in ch. 32 derived wholly from E, or did it belong to both J and E? Is the renewal of the tables of stone in 34 1.4 to be ascribed to E, or to the redactor who combined J and E? Did the laws of 34 10-26 belong to J; or did the earliest stratum of J agree with E in making the sacred ark the one important element in the Sinaitic covenant, and were these laws then added later as a result of the moralizing influence of the prophets? Or were they inserted in their present place by a late redactor, so that they had no place whatsoever in J? Every one of these questions represents the view or views of some scholar or scholars of distinction. And only the more important points of difference are here alluded to.

This diversity of view shows how uncertain the analysis of these chapters into their original elements is; and raises a well-grounded doubt with regard to the correctness of any of the analyses that have been proposed. So far as Ex. 34 is concerned, it is generally admitted that the institution of a covenant is here introduced as something new. There is no reference to the covenant already made. If, then, the preceding covenant belonged to E, as is commonly held, it is natural to refer this one to J. But whether there was

any mention in J of the tables of stone cannot be determined ; and so also it is uncertain where according to J this covenant was made. But more important than either of these points is the question as to the relation of the laws here given to the similar ones in the code of the covenant (hereafter to be designated as CC). Have we here a case of dependence of one group upon the other? And if so, is Ex. 34 dependent upon CC, or CC upon Ex. 34? Or are the two groups mutually independent, dating perhaps from the same period and derived from a common original? Something can be said for each of these views.

Several facts seem to stamp the laws of Ex. 34 as secondary. The prescriptions, for instance, with reference to the first-born in vs. 19f. are more detailed than the corresponding regulations in 22 29f. The latter simply lay down the general law that the first-born of men and of cattle and sheep belong to God, while the former distinguish the firstlings of cow and sheep from those of the ass on the one hand and from the first-born of men on the other. The two last-named, it is stated, are to be redeemed. We do, it is true, have in 22 30 a specification that does not appear in ch. 34. The firstling, we are told, is to be given to God on the eighth day after its birth. But this regulation may have been omitted by the author or redactor of ch. 34, because here the presentation of the firstlings is connected with the feast of unleavened bread. Anyhow this annual presentation is certainly a later custom than that of Ex. 22 30. Then again, the expression, "the sacrifice of the feast of the passover," in 34 23, is evidently a later modification of the briefer and more specific expression in 23 18, "the fat of my feast." It is also clear that the words, "the God of Israel," in 34 23, not found in 23 17, are a later addition. Sven Herner<sup>11</sup> further argues that "the feast of the harvest" in 23 18 is an older name for Pentecost than "the feast of weeks" in 34 22, and that the restriction of the offerings at this feast to the first-fruits of the wheat-harvest implies a later and more highly developed conception than that found in 23 18, where the offerings are

<sup>11</sup> *Ist der zweite Dekalog älter als das Bundesbuch?* pp. 17 ff.

designated as the first-fruits of the field in general. This latter contention is probably not well founded. But, however that may be, the preceding facts seem to indicate that the laws of Ex. 34 are younger than the parallel ones in CC. Accepting, then, this conclusion, we might account for it by one of two theories. We might hold, as some do, that J was younger than E. Or we might adopt such a view as that proposed by Kautzsch. "If the Jahwist," he says, "had essentially the same decalogue as the Elohist, the redactor could not possibly, after it had been given in Ex. 20, have introduced it once more in Ex. 34, and so he filled up the consequent gap with ceremonial prescriptions which can be recognized at the first glance as parallels to the laws of the book of the covenant."

Other facts, however, seem to prove that Ex. 23 15-19 was added to CC from 34 18-26. Observe first that the two laws in 34 18-26, not found in 23 15-19, appear earlier in CC. 34 19 *l.* has its parallel in 22 29 *l.*, and 34 21 in 23 12. Again, note that two of the regulations in 23 15-19 are repetitions of preceding laws. V<sub>g</sub> 17 is a repetition of vs. 14, and vs. 19 *a* of 22 29 *a*. This would hardly have occurred if 23 15-19 had been an original part of CC. The name Jahwe, also, in vs. 17 and 19, while it might have occurred in E, naturally points to J; and the expression, "as I commanded thee," in vs. 15, is characteristic of J. Budde<sup>12</sup> further argues that the regulation, that none should appear before Jahwe empty, has its original place in 34 20, after the law concerning the redemption of the first-born, while in 23 15 it is manifestly out of connection. But this is by no means clear. The regulation applies more naturally to men in general than simply to the first-born. Its place would, therefore, properly be after the mention of one of the feasts, as in 23 15. But, regardless of this point, it is maintained by many that the preceding facts are decisive in favor of the priority of the laws of Ex. 34. In harmony with this conclusion, it is then argued that these laws were the original Sinaitic legislation of J. Since this legislation conflicted with that of E in Ex. 20, the redactor, when these

<sup>12</sup> ZAW, 1891, pp. 193 ff.

documents were combined, incorporated as far as possible the laws of J into CC. Later some one, who regarded Ex. 34 as too valuable to be lost, inserted it in its present place, adjusting it to Ex. 20 by making it refer to the restored tables of stone. The fact that it had already been utilized in ch. 23 was either overlooked or not regarded as adequate. The idea of the restoration of the tables of stone may have been taken from E or may have been simply a device of the editor. This view requires us to hold that some redactor meant to identify the laws of Ex. 34 with those of Ex. 20, although they are almost totally different.

But there are still other facts that leave the impression that we have in Ex. 23 and 34 two independent groups of laws. There may have been some adjustment of one to the other. Some of the expressions and regulations in ch. 34 may have been transferred to ch. 23, and some in the latter may have been carried over into ch. 34. But the fact that the two groups are not completely parallel, and that even in the parallel laws there are some marked differences of expression, favors, it is claimed, the view that originally and for the most part they were independent of each other. This theory, since the publication of Meissner's dissertation on the decalogue in 1893, has been growing in favor. It is coupled with the view that in the ceremonial regulations of CC we have the original Horeb-*debarim* of E, while in Ex. 34 we have the Sinai-*debarim* of J. These two groups may have originally formed decalogues, though that is not a necessary part of the view. Whether they were originally said to have been written by Moses on tables of stone is also a point on which advocates of the theory are disagreed. The two groups, it is held, were so similar in content that when J and E were united it was possible for the redactor to represent the J group as a renewal of the other after the breaking of the covenant. The judgments, which form the larger part of CC (21 1-22 17), it is thought, were transferred to their present position by some late editor. In the original E narrative they may have occupied the place of the present book of Deuteronomy. This view also requires that the

decatalogue of Ex. 20 was a later addition to the text. It was probably either added by E<sup>2</sup>, or was written in the time of Deuteronomy and was then transferred to its present place by Rd.

That this theory has some plausible features is not to be denied. It avoids the absurdity of supposing, as does Wellhausen, that an editor identified the laws of Ex. 34 with those of Ex. 20. Such identification in the case of chs. 23 and 34 would have been natural enough. But the view itself has no adequate textual basis. It may be admitted that the reference to the "judgments" in 24 3 was added later in order to adjust the passage to the introduction of CC. But that may also have been true of 24 4 a and 7. There is then no reason why we should not see in 24 3-8 the conclusion of the covenant on the basis of the decatalogue of ch. 20, which is later said to have been written on the tables of stone (24 12; 31 18; 32 15 f.). McNeile's statement,<sup>13</sup> that "no room can be found for the decatalogue in the original narratives of J and E," grows wholly out of the fancy that 24 3-8 must refer to the Horeb-*debarim* of E, now incorporated in CC, when, as a matter of fact, the very existence of these Horeb-*debarim* as a separate group of laws is a mere conjecture.

The conclusion, then, to which we come is that the literary analysis of Ex. 19-34 leaves the question open as to whether we have in Ex. 34 a variant and contradictory version with reference to the basis of the Sinaitic covenant. Even if this question should be answered in the affirmative, the version of Ex. 20 would not necessarily thereby be discredited; for much could be said in favor of its greater trustworthiness.<sup>14</sup> But there is nothing that requires us to regard the laws of Ex. 34 as parallel to those of Ex. 20. On the contrary, so far as both form and content are concerned, they are manifestly parallel to the ritual laws of CC. There is also no adequate warrant for holding that the decatalogue belongs to a

<sup>13</sup> "The Book of Exodus," in *Westminster Commentaries*.

<sup>14</sup> See Procksch, *Das Nordhebräische Sagenbuch: die Elohimquelle*, pp. 225 ff., 252, 257, 307 f.



later stratum of E or was interpolated from D and displaced an earlier group of ritual laws. So far as mere literary analysis goes, there is nothing that justifies us in rejecting the Deuteronomic tradition on this point as unreliable. That tradition was clearly accepted by the later redactors of the Pentateuch, and cannot by a sound scholarship be regarded as a mere figment of the imagination. The consistent and uniform representation of the Old Testament, that the ten commandments of Ex. 20 and they only were written on tables of stone by the finger of God, must have had some substantial basis in the earliest traditions of Israel as embodied in J and E. If a divergent and contradictory tradition appeared in J or in both J and E, it is certainly probable that some reflection of it would be found in Deuteronomy.

The breaking of the tables of stone, as recorded in Ex. 32, has recently been interpreted as meaning that "a formulated law of Moses was unknown" (Holzinger) and as betraying a consciousness that the decalogue of Ex. 20 was not old (Matthes). But a more natural interpretation of that narrative, if legendary, would be that Israel was not willing to live according to the moral-religious law of Ex. 20, and that, therefore, the ritual laws of Ex. 34 were given (Wildeboer). This would clearly be more in harmony with the teaching of the prophets with regard to the Mosaic age. There is then nothing in the text as such of the Sinaitic pericope, nor of the Old Testament as a whole for that matter, that conflicts with the Mosaicity of the decalogue in its primitive form.

But the real grounds for holding that Ex. 20 could not have formed the basis of the Sinaitic covenant are not specifically textual. They are more general in character. That was the case with Goethe, and it is also true of Wellhausen. If the literary prophets were the creators of ethical monotheism, as the latter contends, and if the decalogue in its original form taught ethical monotheism, it is perfectly clear that we must regard the decalogue as a deposit of prophetic teaching, and as, therefore, not earlier than the beginning of the seventh century B.C. But both of these conditional clauses are open to serious question.

There is a growing conviction that the preprophetic religion has in recent years been painted in altogether too dark colors. In seeking to establish the current view with reference to it, the argument from silence has been greatly overworked. There are good reasons for believing that from the time of Moses down there was a higher and purer element in the religion of Israel than one might be led to conclude from the fragmentary historical notices that have come down to us from that early period. The later outcome points to that. Then, too, it is not necessary to hold that the decalogue in its primitive form implied a developed ethical monotheism. Indeed, there is nothing in it that requires monotheism at all. It does imply the union of religion and morality, but even that may not have been originally conceived so definitely as at present. It is then quite possible that the decalogue in a simpler and briefer form may date from the time of Moses.

It is commonly held that the laws of Ex. 34 must be older than those of Ex. 20. Moore<sup>15</sup> says that they "are the earliest attempt with which we are acquainted to embody in a series of brief injunctions formulated as divine commands the essential observances of the religion of Jahwe." The chief reason for this conclusion is that they are exclusively ritualistic. Such regulations, it is held, as those of vs. 25-26, which forbid the seething of a kid in its mother's milk and the keeping of a part of the sacrifice till morning, presuppose a very primitive state of religion. But whether that be the case or not depends upon the conditions under which they were formulated. Assuming that the laws of Ex. 34 formed originally an independent collection — which as we have seen is open to question — it is not impossible that Budde<sup>16</sup> may be right in holding that they were intended for Canaanites who attached themselves to Israel during the period of the Judges and the early years of the monarchy. And in that case they would not necessarily represent the "essential observances of the religion of Jahwe," but simply such practices as needed at that time to be enforced upon his Canaanitic

<sup>15</sup> *Encyclopædia Biblica*, col. 1446.

<sup>16</sup> *Geschichte der althebräischen Litteratur*, p. 96.

worshippers. That would be especially true of the regulations above referred to in vs. 25-26. What we have then in the laws of Ex. 34 would be, in part at least, a parallel to such prohibitions as those said to have been imposed upon Gentile converts by the so-called Apostolic Council (Acts 15 2st.). These prohibitions do not contradict the ethical character of Christianity; and no more do the laws of Ex. 34 contradict the ethical character of the contemporary religion of Jahwe. Wellhausen's statement, that the E decalogue sustains the same relation to the one ascribed to J as Amos did to his contemporaries, is false in the sense in which he intended it. There is nothing in the laws of Ex. 34 that is necessarily antagonistic to the decalogue. Both may have emanated from the same period in Israel's history. The stress on ritual in the one and on the ethical demands of Jahwe in the other may have been due to the different purposes which they were designed to serve. And, if they came from different periods, it is by no means certain that the laws of Ex. 34 are the older. Their ritualistic character may have been due to Canaanitic influence, while the decalogue in its primitive form with its single ceremonial requirement may point to the simpler and purer faith of the desert. This is the view adopted by Holzinger. In spite of that he rejects the Mosaic authorship of the decalogue. But, surely, if the ten commandments came from the nomadic age, there is no reason why they should not be credited to Moses himself, to whom a perfectly uniform tradition ascribes them.