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THE PROBLEM OF DEUTERONOMY:
A SYMPOSIUM

A

THE CASE FOR THE EARLY DATE OF DEUTERONOMY

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A truly scientific criticism never stops. No question is ever closed for it. When new facts appear or a new way of understanding old facts is shown, the critic is ready to reexamine, to modify or to overthrow his theory, if it does not account for all the facts in the most satisfactory way. For he is interested in the truth of his theory, and indifferent to the label, old or new; orthodox or heterodox; conservative, liberal or radical, that others may place upon it. There is nothing so exhilarating as the discovery of a fresh way of looking at old problems if it offers a better solution.

Over a century's patient, careful, illumined research had brought us nearer and nearer to the solution of the problem of the Pentateuch until the modern documentary hypothesis had gained almost unanimous assent among critical scholars, at least in its large, fundamental results which Wellhausen formulated and expounded so brilliantly and convincingly. But the work of critical investigation and reexamination has gone on, and in details the hypothesis has been modified. Just now it is not a detail that is challenged, but one of its most important points:

the date and aim of Deuteronomy. The theory had maintained, (1) that in its original form D was composed in the seventh century, whether under Hezekiah or Manasseh or Josiah the critics were not agreed; (2) that it was a reform program in which one of the essential aims, though not the only one, was the centralization of the cult in one sanctuary, the temple at Jerusalem; (3) that it was published in the eighteenth year of King Josiah and that it became the basis of his reformation. Critics who had reexamined D afresh had pointed out that D, as we now have it, is the result of a long literary process in which several older law codes and various editions have a large part. But they had not denied that one of D's principles was the centralization of worship, nor that D was Josiah's lawbook and the basis of his reform. Of late, however, these "assured results of criticism" have been denied and two widely differing theories, one maintaining an earlier and the other a later date for Deuteronomy, have been proposed.

The principal sponsors of the theory, viz., that of an early date, which we are to examine in this paper are Professor Oestreicher in Germany¹ and Professor Welch in Scotland.²

Oestreicher maintained (1) that the story of Josiah's reform in 2 Kings 22f. is interested not in the centralization of the cult in Jerusalem but only in its purification from all heathen and especially Assyrian elements both in Jerusalem and elsewhere, not in *Kulteinheit* but in *Kultreinheit*. The abolition of the high places and the bringing of the priests to Jerusalem were temporary measures to be done away with as soon as conditions permitted. Josiah had begun his reformation on his own initiative, as we learn from 2 Chr. 34 s, several years before the law book, consisting of D and other parts of the Pentateuch, was discovered. Oestreicher further maintained (2) that the original D did not demand an absolute centralization of the cult at Jerusalem but

¹ Th. Oestreicher, *Das deuteronomische Grundgesetz*, 1923. See also W. Staerk, *Das Problem des Deuteronomiums. Ein Beitrag zur neuesten Pentateuchkritik*, 1924.

² Adam C. Welch, *The Code of Deuteronomy. A New Theory of its Origin*, 1924.

only a relative one at several larger sanctuaries. Deut. 12 14, which had always been understood to mean: "take heed to thyself that thou offer not thy burnt offerings in every place thou seest, but in *the* place מִקְדָּשׁ which Yahweh shall choose in *one* of thy tribes בְּאַחַד מִשְׁבְּטֵי יִשְׂרָאֵל," Oestreicher translates: "but in *any* place which Yahweh shall choose in *any one* of thy tribes." According to him D meant exactly the same as Ex. 20 24: "an altar of earth thou shalt make unto me, and shalt sacrifice thereon thy burnt offerings and thy peace offerings, thy sheep and thine oxen: in *every* place where I record my name I will come unto thee and I will bless thee," although here מִקְדָּשׁ(וְ)בְכָל is used.

Welch, in his brilliant and fascinating book, came to the same conclusion, that the original D did not demand absolute centralization of worship—this evidently quite independently of Oestreicher, although he published his book a year later. The scope of his investigation is narrower, he did not treat the story of 2 Kings 22 f., and confined his investigation to the code of D, i. e. chaps. 12–26. His theory was due to a twofold reaction, against the complicated literary hypothesis which operated with several editions of D,³ and against the theory that D was the result of Josiah's reformation, the work of impractical dreamers of the exile who, under the influence of the centralization of the cult by Josiah, elaborated a legal system which was incapable of being put into practice at any time.⁴ Welch felt that the common fallacy in both sets of theories was the assumption that D demanded the centralization of all worship in one place. For when he set

³ C. Steuernagel, *Das Deuteronomium übersetzt und erklärt*, 1, 1898, 2, 1923; A. F. Puukko, *Das Deuteronomium*, 1910; J. Hempel, *Die Schichten des Deuteronomiums*, 1914.

⁴ G. Hölscher, "Komposition und Ursprung des Deuteronomiums," *Zeitschr. für alttest. Wissenschaft*, 1923, S. 161–255; "Das Buch der Könige, seine Quellen und seine Redaktion" in Gunkel's *Eucharisterion*, 1923, S. 158. How strongly Welch felt the force of Hölscher's arguments is seen, e. g., from this passage: "in spite of its abounding difficulties, it seems to be the conclusion to which we are driven if we retain the view that by the sanctuary where Jahweh elects to locate His name, Deuteronomy means the temple of Jerusalem" (p. 196).

out to discover the controlling principles of the legislators and in particular whether their aim was to enforce centralization of worship or, if it was not theirs, whether it was that of a reviser, he found that neither the original nor the revised laws (if indeed they were revised) had anything to do with centralization, that there was in the whole code only one passage, Deut. 12 1-7, that taught centralization and this was clearly an addition which a later writer had inserted at the beginning of the code in order that the whole law should be read in its light. And this has actually been done ever since. Omit this section and read the rest of the law without the idea of centralization, translating the phrase "the place which Yahweh shall choose" ("in *one* of thy tribes" 12 14) by "any place which Yahweh shall choose (in *any one* of thy tribes") and interpreting it of any legitimate Yahweh sanctuary,—and you are rid of all the difficulties that face you as long as you think that these laws are intended for a single central sanctuary, and they become quite practical. Then you do not have, e. g., the incredible command that the whole population of the country shall go to Jerusalem at the time of the harvest when an absence of everybody from home would be impossible; then they all had to go simply to the near-by Yahweh sanctuary. The dominating motive behind the code was not the unity but the purity of the cult, or in Oestreicher's phrase, not *Kulteinheit* but *Kultreinheit*. D's whole emphasis was on the character, not the number of the places of worship, for its burden was Yahwism against Baalism, and it was opposed to the indiscriminate use of heathen sanctuaries by the people of Yahweh as well as to casual private sanctuaries like Micah's.

As soon as this is recognized the time in which these laws originated can be definitely determined, for they were addressed to the conditions that prevailed in the early monarchy. "The Deuteronomic code is the outcome and one expression of that religious and national movement which rose in Benjamin and Ephraim, and which in its beginning is associated with the personality of Samuel" (p. 206). It has its "closest relation to the life of Ephraim and may be the 'use' of Bethel, or one of

the larger sanctuaries in Ephraim" (p. 191). The law which was framed for this one particular period succeeded in preventing "the people from using indiscriminately the heathen sanctuaries. They never adopted as their own any of the Canaanite shrines" (p. 211). But when "that period with its conditions came to an end . . . the legislation drafted to meet them . . . fell aside as a working system since its purpose was served . . . , (it) was not capable of being adapted to serve a new age" and that is the reason why "it is so singularly free from glosses, explanations and additions" (p. 205, cf. also p. 192). The complicated theories of several editions are therefore quite uncalled for; and on this view the laws of D are, just as we should expect laws to be, altogether practical and well fitted "to form a guide for the actual life of the community" (p. 195) and not the unworkable dream of impracticable dreamers of the exile.

We will consider Welch's form of the theory somewhat carefully. If it is tenable it will have an important bearing on our view of the history of Israel's religion.

The basis on which the whole theory rests is the translation of the words **הַמָּקוֹם אֲשֶׁר יִבְחַר יְהוָה בְּאַחַד שְׁבַטֶיךָ** Deut. 12 14.⁵ The natural rendering is the one that has always been given to it, "the place which Yahweh shall choose in *one* of thy tribes." How else could this thought be expressed in Hebrew, unless one were to circumscribe it? If the author wanted to say just this in the most direct way without circumlocution he would have to write thus if everybody were to understand his meaning at once. But if he wanted to say "*any* place which Yahweh shall choose in *any* of thy tribes," would he be understood as meaning this and

⁵ It is not necessary to refute again in detail Oestreicher's and Welch's translation, since this has been done effectively, e. g., by König, "Stimmen Ex. 20 24 und Dtn. 12 13f. zusammen?" *ZATW*, 1924, pp. 337-346; "Der generelle Artikel im Hebräischen," *ibid.*, 1926, pp. 172-175; Budde, "Das Deuteronomium und die Reform Josias," *ibid.*, 1926, pp. 177-224; Battersby Harford, "Since Wellhausen," *Expositor*, 1925, pp. 323-349; W. C. Graham, "The Modern Controversy about Deuteronomy," *Journ. of Rel.*, 1927, pp. 396-418.

not the other, if he wrote **הַמְּקוֹם וְנָר**? Welch says, yes, and refers to Deut. 19 5 and 23 17, maintaining⁶ that while the fugitive manslayer or slave could choose only one of the places of refuge, Yahweh could choose several where he would locate his name. The latter may be true, but if the writer wanted to express in Hebrew "any place in any of thy tribes," he would write **בְּכָל־מְקוֹם** as in Ex. 20 24 and **בְּכָל־שִׁבְטְךָ**, for else he would be misunderstood. D wrote **בְּמְקוֹם . . . בְּאַחַד שִׁבְטְךָ** and as a matter of fact has been understood from the time of Josiah on as meaning just what he wrote: one particular place in one particular tribe.—Of course, if there are cogent reasons for believing that the original author intended to say, "any place" etc., we may assume that in every case where the phrase occurs the text has been changed (by the author of the interpolation Deut. 12 1-7?) from an original **בְּכָל־מְקוֹם** "any place" or **בְּמְקוֹמוֹת** "the places," and in 12 14 **בְּכָל־שִׁבְטְךָ** "in any of thy tribes" or **בְּשִׁבְטְךָ** "in thy tribes." But this is only justifiable if it can be shown that the laws are actually impractical or even impossible for a single central sanctuary. That is just what Welch believes and why he interprets (without textual emendation) the phrase as referring to any number of legitimate Yahweh sanctuaries in order to make the laws reasonable and practicable.

The contrast is for Welch between legitimate Yahweh and illegitimate heathen sanctuaries, not between illegitimate local Yahweh sanctuaries⁷ and the one legitimate Yahweh temple at Jerusalem. Now it is noteworthy that in the entire code the contrast, *when expressed*, is always between "the place which Yahweh shall choose" etc. and either "thy gates" (= homesteads or home towns) or "every place which thou seest"; never between "the place which Yahweh shall choose" and heathen sanctuaries, *except* in Deut. 12 1-7 which Welch regards as a later interpolation and where he also agrees that "the place" is the one central

⁶ In an article on "The Two Descriptions of the Sanctuary in Deuteronomy," *Expos. Times*, 1926, pp. 215-219.

⁷ Private shrines such as Micah's may be disregarded at this point.

sanctuary at Jerusalem: Thus according to 16 5 the Passover, and according to 12 17 the tithes and firstlings must now be eaten at the sanctuary, no longer at home, where the tithes of the third year (14 28; 26 12), blemished firstlings (15 22) and non-sacrificial meat (12 15, 21) are still to be consumed. There is no indication in these laws that the Israelites were in the habit of going with their passover, tithes and firstlings to heathen sanctuaries against which they must be warned. Of course, they celebrated the great annual festivals of unleavened bread, weeks, and tabernacles at their sanctuaries, not at home, and in the reformulation of the ancient law of Ex. 23 17; 34 23: "Three times in a year shall all thy males appear before Yahweh thy God," D adds "in the place which he shall choose." What is the implied contrast here? Had it ever been the custom of the Israelites to appear *before Yahweh* at a Baal or Astarte sanctuary, where Baal and Astarte priests functioned, in the naïve belief that they appeared there actually *before Yahweh*? That seems to me credible only if the sanctuaries and the priestly functions at them had been taken over by Israel and their own Yahweh priests.

But Welch denies that Israel ever adopted a Canaanite shrine. If he is right, the differentiation between Israelite and Canaanite sanctuaries must be pronounced. Why then did D not bring out this contrast by saying, "not at any Baal sanctuary"? Was this so self-evident that it needed not to be expressed? One could say this only if Israel had actually celebrated, or were in danger of celebrating, their Yahweh festivals at Baal sanctuaries where Baal priests functioned, so that they understood the implied contrast at once, or if D belonged to the time of the invasion of Canaan when the opposition to the sanctuaries of the hostile Canaanites was universal, that is to a time still earlier than Welch assumes. But neither the one nor the other is at all likely. The early sharp differentiation between Yahweh and Baal places gave way where the Canaanites were dispossessed. Their sanctuaries were used by Israel, they were no longer Baal places but Yahweh's property, for he was now the Baal of the land, and his own people, not Baal priests, officiated there. Where the Canaanites

were not driven out the Baal sanctuaries remained in their possession and there was no Yahweh worship at them. The Yahweh places were distinct from them and in opposition to them. Quite early, however, the Yahweh priests took over from the Canaanites rites which belonged to the agricultural festivals which they adopted from them when they changed from a nomadic to an agricultural mode of life and which they celebrated in honor of Yahweh who as God of the land had become also the giver of agricultural blessings. When the assimilation between Israel and the Canaanites became more complete and Yahweh became the God of the Canaanites too, the Baal sanctuaries with their Baal ritual were appropriated and adapted to Yahweh worship by the Israelite priests and people. This is the syncretistic worship which Hosea and Jeremiah attacked and which, according to the prevailing critical theory, D tried to abolish by centralizing all worship in one place. To them it was not Yahweh but heathen worship, but not to the people who replied, e. g., to the charge of Baalism made by Jeremiah: "I am not defiled, I have not gone after the Baalim" (Jer. 2 23). When they sacrificed "in every place they saw" as D phrases it, or "upon every high hill and under every spreading tree" as Jeremiah says (2 20f., also 2 26; 3 2, 6-13; 11 13; 17 2f.), they meant to honor Yahweh whom they called their Baal (Hos. 2 16). If Welch believes that Israel "never adopted as their own any of the Canaanite shrines" (p. 211) and that "not one of their leading shrines can be proved to have a Canaanite origin" (p. 213), he has not only the analogy from other religions but also the Old Testament prophets and historians against him. For in these latter also there has been retained the memory that some of the later Israelite sanctuaries were already sacred places in the Canaanite period, in spite of the fact that it was in the interest of later writers to eliminate these traces. Thus J tells, "And Abram passed through the land unto the sanctuary of Shechem"⁸ (Gen. 12 6); E narrates, "And Abraham . . .

⁸ מִקְדָּשׁ שֵׁכֶם is here not simply "the place of Shechem" but, as Welch translates מִקְדָּשׁ in Deuteronomy, "the sanctuary of Shechem," compare v. 7.

went to *the sanctuary* מִקְדָּשׁ of which God had told him . . . and saw *the sanctuary* afar off and said, . . . I and the lad will go yonder: *and we will worship*" (Gen. 22 3-5), and also "and Jacob . . . lighted upon the *sanctuary* מִקְדָּשׁ" (Gen. 28 11). Shechem, Moriah, Bethel were already sanctuaries in pre-Israelite times. So late a writer as Gen. 14 18 says, "And Melchizedek, king of Salem . . . was priest of *El 'elyōn*." And one wonders whether it is at all likely that Dan, at one of the sources of the Jordan with all its suggestion of a dwelling of a divine being, had no sanctuary before the Danites took it (Judg. 18 27-31). Welch's assertion that Israel never adopted Canaanite shrines is therefore untenable and, as a result, the contrast between "the place which Yahweh chooses" and the heathen sanctuaries, which he assumes, would have had to be expressed if it was meant. The old interpretation which sees here a contrast between the many local Yahweh sanctuaries and the one legitimate central sanctuary is still the most natural; and it is in line with the known facts of the history of the eighth and seventh centuries.

The point where the issue between the common critical theory and Welch's is most clearly joined is in connection with the yearly festivals and especially the passover. According to the common view the passover was transferred from the homes to *the central sanctuary* because all sacrifices should be brought nowhere else but there.⁹ According to Welch it was transferred to *any Yahweh sanctuary* in order to withdraw it "from all danger of contamination by heathen practices" and to make sure that it was "observed after strict Israelite ritual" (p. 66). Just in how far "the celebration at home was threatening its peculiar Yahweh characteristics" (p. 69) is not clear; if it means that "the flesh of the paschal lamb" was "treated negligently," that danger was not avoided at the sanctuary either; the later P would not insist so strongly

⁹ The centralization of worship in Jerusalem was not an end in itself according to the prevailing theory but a means to an end. The end was the establishment of true and pure Yahweh worship; in other words, *Kultreinheit* was a means to *Kultreinheit*.

on its careful treatment, if there were no need for it even at that time. What the heathen practices of a similar character were, to which the celebration at home was "threatening to assimilate it," Welch does not tell, and into the question whether the Maṣṣoṥh festival was originally a Canaanite spring festival which was (as is commonly believed) taken over by Israel, he does not go, although he argues strongly for the originality of the maṣṣoṥh verses, Deut. 16 ^{3a}β ^{3a}β ^{3a}β ^{3a}β. Was there less danger of adopting Canaanite rites at the sanctuary? Did the presence of Yahweh priests who knew the Yahweh ritual guarantee absolute purity of ritual there? Does not what we know of the cult at the Yahweh sanctuary at Jerusalem, e. g., forbid such an assumption; and do we not have 1 Sam. 2 ¹²-¹⁷ for Shiloh, and Hosea 4 ^{6ff.} for the character of the priests in general? Moreover, if the reason for the transfer of the passover to the sanctuary was really the guarding of its distinctive Yahweh ritual, it is surprising that nothing is said of the particular feature which had been characteristic of its celebration hitherto: the application of the blood to the lintel and the door-posts of the houses. True enough, after the removal to the sanctuary this became impossible. And yet it had been the most significant feature of the festival and its name *pesaḥ* is explained both by JE (Ex. 12 ²¹-²⁷) and P (Ex. 12 ⁷, ¹³) as due to Yahweh's "passing over" when he saw the blood. Its complete disregard by one to whom the preservation of the ancient Yahweh ritual was the main motive for the transfer of the passover to the sanctuary, is all the more striking when we find Ezekiel insisting on it, with the modifications, of course, that were necessitated by the altered conditions. Here is one who was deeply interested in the ritual, and he describes a rite which is altogether singular and clearly fashioned after the ancient rite of the passover: on the first day of the first month (= Abib) the priest is to take the blood of a young bullock without blemish and apply it to the door-posts of Yahweh's house and to the posts of the gate of the inner court as well as to the four corners of the ledge of the altar (Ezek. 45 ¹⁹). Was this Ezekiel's own contribution to the ritual of the passover in the temple? Or may we assume

that it had already been the practice in the days of Josiah? In any case, why did D, if his main concern was the preservation of the distinctive Yahweh ritual, say nothing about it?

Welch believes that the one feature of the passover ritual that is emphasized by D, the duration of the festival of a single night and "the command to return at daybreak are precisely the characteristics of the Deuteronomic *pesach* which must have made it peculiarly difficult or even impossible to observe, when the cult was centralized at Jerusalem" (p. 66). He thinks, with Hölischer, that such a command "never could have been enforced at the temple" (p. 72). Why this was impossible, he does not say. D's interest was, as Welch himself clearly shows, in this, that the celebration should take place in a single night, there was to be no continuation on the next morning, not a scrap of meat was to be left over.¹⁰ D is here simply insisting on the ancient practice, the passover had always been a nocturnal festival which must come to an end before daybreak. That the words, "and thou shalt turn in the morning, and go unto thy tents" (167) must be taken as a peremptory command, which could not be enforced at the central sanctuary, rather than as a permission, "thou mayest", is not so certain as Welch makes it to appear. The intention of the law was to insist that at daybreak the festival was at an end. There was nothing more to be done

¹⁰ Welch suggests that the reason for this was the danger of corruption. Was this really so great with boiled meat in the early spring? That this idea was indeed associated with other sacrifices by P we may deduce from Lev. 7 16-18; 19 5-8. D says nothing of it. Originally the "hasty" eating of the paschal lamb which P emphasizes may have been connected with the idea that only while it was still warm its life-power, its *mana*, might be eaten with it. In P (Ex. 12 9) there is a reference to the earliest rite of eating it raw. When Welch says that according to D the observation of the passover must be "hasty" (p. 74), he appears to interpret the sentence, "for thou camest forth out of the land of Egypt in haste" as implying a hasty eating of the passover, whereas it is merely an explanation of why the bread was unleavened. There had been no time to prepare leavened bread, as JE had already explained (Ex. 12 39) when he substituted the historical reason for the one that connected it with nature.

by the worshipper at the sanctuary in the morning. He might therefore go home. The only important matter for him to observe in the morning was that he should not eat any meat that was left over.¹¹ If he guarded that point there would be no compelling necessity for his return home on that day.¹²

Welch has another argument. "If the law in Deuteronomy is regarded as having ordered the transference of pesach to the temple, both it and the celebration described under Josiah entirely disagree with the legislation which governed the later practice of the returned exiles" (p. 71). What was the later practice? According to the Chronicler (2 Chs. 30 1-27; 35 1-19; Ezr. 6 19-22), Jubilees (49 1 ff.), Josephus (*Ant.*, II 14 6; 15 1, III 10 5; IX 13 2 f.; XI 4 8; *Bell. jud.* VI 9 3), the New Testament, and Pesachim the passover was celebrated at Jerusalem as it had been at Josiah's reformation, and not in the houses of all Israelites, not, as D would say, "within any of thy gates." That is, the practice *did* conform to the law of D in the principal demand which centralized worship in Jerusalem.¹³ But how can this practice be reconciled with Ex. 12 1-14 (P), i. e., "the legislation which governed the later practice of the returned exiles?" In point of fact P gives here a description of the first celebration of the passover in Egypt which corresponds with the ancient, pre-Deuteronomic practice,

¹¹ That there always was the temptation to use any part that had not been eaten is easily intelligible with people who ate meat rarely and to whom it was a delicacy. The law in P insists therefore on a large enough party to dispose of all of it, and if even then something was left, it must be burnt.

¹² The later law understood it so too, cf. Ex. 12 10-18; Lev. 23 6, and accordingly "thy tents" was understood literally, as meaning the tents which they had put up at or near Jerusalem for the festival.

¹³ Also in the New Testament the celebration takes place only in Jerusalem. That the paschal lamb was eaten in the houses rather than in the temple was a compromise, due to the enormous number of worshippers. But here too D's demand of centralization is carried out. Compare the fine articles by H. Guthe, "Zum Passah der jüdischen Religionsgemeinde," *Theol. Stud. u. Krit.*, 1925, pp. 144-171, and "Das Passahfest nach Dtn. 16," in *Graf Baudissin Festschrift*, pp. 217-232.

differing only in the demand that the lamb must be roasted (with fire), not eaten raw or boiled. For P this celebration in Egypt was not a sacrificial festival, for according to him there was no legitimate altar in Egypt and the killing of the lamb could not be a sacrifice nor the meal a sacrificial meal. In describing the first passover in Egypt P does not give the ritual which is to govern post-exilic practice, for according to Ex. 12¹⁴ the passover is not to be celebrated in the homes but at the sanctuary; the fourteenth day of the first month is the "memorial" day "and ye shall keep it as a *hag* to Yahweh." That excludes the application of the blood to the door-posts and lintels of the homes of the Israelites which P describes as an important element of the Egyptian celebration. P does not give, therefore, the ritual at the sanctuary which is to govern post-exilic practice here (Ex. 12¹⁻¹⁴). And yet this passage became the official cult legend for the passover which was to be read at the celebration; as it is still read by the Samaritans at their celebration, although the ritual they follow is not that of P but that of D, except in the matter of roasting; for it is celebrated on Mount Gerizim, the place of their ancient sanctuary, with the modifications necessitated by the altered conditions: they now have no sanctuary or altar, the lambs are slaughtered in a ditch. Quite similarly do Christians read the story of the institution when they celebrate the Lord's Supper and believe that it is not only a memorial of the first Communion but a repetition of it, although even the Protestant rite varies considerably from it, e. g., often wafers or cut bread instead of broken bread, grapejuice instead of wine, not one cup but more, even one for each, are used. The Jewish rabbis were quite justified when they differentiated the first passover as the Egyptian passover פסח מצרים from the later passover פסח חזות. Thus in saying that D's law "entirely disagrees with the legislation which governed the later practice of the returned exiles, for according to it Pesach was definitely prescribed as a household ritual at which even a priest is not required to be present," Welch is really arguing against the view of those who believe that P in Ex. 12 gives the ritual of the passover for the later prac-

tice.¹⁴ And so understood there is force in his argument, but it has no force when the real facts of history are recognized. For then it is seen that D did influence the later development profoundly, and especially the centralization of the cult which became an accepted fact after the exile. Far from falling aside as a working system after its time was ended, it really continued in force all along, as the Deuteronomic historians and editors, post-exilic prophets like Malachi, and the later prayers witness.

Unfortunately, Welch does not treat the relation of D to the story of Josiah's reform in 2 Kings 22f., but simply makes the strange statement that the significant points of D's law "are ignored in the account of Josiah's passover, and what is emphasized as present at Josiah's passover is absent from Deuteronomy" (p. 74). Now the only thing that is emphasized as present at Josiah's passover, the new element in this celebration, is that it was celebrated "at Jerusalem." And that is precisely what has been maintained by the ordinary critical theory as the new and important element in D's law! If D was "the book of the law" which caused the reform, the passover was, of course, kept at the king's order, "as it is written in the book of the covenant" (2 Kings 23 21), i. e., in Deut. 16 1ff., and the statement that "there was not kept such a passover since the days of the judges" etc., is in accord with the view that D demanded the centralization of worship at Jerusalem, where now again all the people were gathered together as they had been under Joshua before they settled in their several territories. Now Welch does believe that "in the Josianic reform it was decreed that one form of cult at one holy place through one official priesthood was alone legitimate" (p. 220, cf. also p. 10). Was this due to the book of the law that had been found by Hilkiah? If so, what other book could it be but D? For that is the one book of the law that fights for this. If it was D, did not Josiah and his advisers understand D's phrase "the place which Yahweh shall choose" etc., as demanding the

¹⁴ Compare his article, "On the Method of Celebrating Passover," *ZATW*, 1927, pp. 24-29.

centralization of worship? And was not then, on Welch's own interpretation of the phrase, Deut. 12 1-7 already incorporated in D before 621 B. C.? Well, but then we are back, in the main, upon the old position, that D taught the centralization of worship and that it influenced Josiah in this sense.¹⁵

Let us be quite clear on this point. It is a fact that after the exile there was only one legitimate sanctuary: at Jerusalem. The reform of Josiah had decreed this. The tradition in 2 Kings 23f. asserts that this had been done on the authority of the just discovered book of the law. There is only one book of the law that fights for this: Deuteronomy. The Deuteronomic author of the books of Kings understood it to mean just this, and the principle of the centralization of worship was operative all through the later history till 70 A.D.; and far from regarding the centralization laws as impracticable, the Jews did actually practice them all the time.

This is as true of the feasts of weeks and of tabernacles as of the passover and of unleavened bread.¹⁶ Welch is much impressed by Hölischer's argument that the demand that everybody should go up to Jerusalem for the three yearly festivals is the impossible idea of impractical dreamers and not of practical legislators who would know that the little children and the domestic animals

¹⁵ In a later article, "When was the worship of Israel centralized at the temple?", *ZATW*, 1925, pp. 250-255, Welch shows that the idea of centralization was earlier than the Judean exile both in the Books of Kings and in Deut. 12 1-7 and maintains afresh that Josiah had something to do with this profound change in the Jewish religion.

¹⁶ We need not go into the question whether the verses, Deut. 16 3a, 7, b, 4a, which deal with *massoth* are an original part of the law or not. That the two festivals were originally separate is admitted. That the use of unleavened bread at both may have been one reason for combining them may be granted. Whether D or somebody else combined them, it is clear that the one who did it made attendance at the sanctuary for the passover celebration obligatory under the ancient rule that all males must appear three times every year at the sanctuary, for the passover became now the introductory day of *massoth*.—By the way, Steuernagel does not retain in the second edition of his commentary "the whole of verse 3, where Israel is ordered to eat *matzoth* during seven days at this period" (p. 67) but only v 3a, "eat no leavened bread with it."

could not be left alone and that the fruit of the harvest needed to be guarded against robbers. But strangely enough this impractical command was actually kept all through post-exilic times. What was possible then, cannot have been incredible and impossible before the exile. Welch's insistence on this argument is all the more surprising, as he believes that Deut. 16 16 is genuine, "three times in a year shall *all thy males* appear before Yahweh thy God in the place which he shall choose." In the light of this the other members of the household may attend, but are not under obligation to do so. Budde¹⁷ has finely shown that such laws are in practice always interpreted in accordance with the physical possibilities.—Welch finds another indication for his theory that D did not demand the centralization of worship in the lack of a fixed date for the festivals. "There is no fixed date because there is no central sanctuary" (p. 80). He is far closer to the facts when he says, "it was centralization that led to the appointment of one common date for the haj." (p. 81). It is quite true that a later time found this necessary. Ezekiel felt the need of a fixed day for the passover¹⁸ and for the feast of tabernacles

¹⁷ *L. c.*, pp. 180ff.

¹⁸ D had insisted on its celebration during the month of Abib, but had left the day open, so that it might apparently be celebrated at any time during that month. Ezekiel interpreted the phrase אֶת־חַדְשׁוֹ־הַבִּיב, ordinarily translated "the month of Abib," as "the new-moon of Abib." It does not seem to me likely that D meant this, for it did not fix definite dates for the other festivals either. But it is linguistically quite possible and Elhorst ("Die deuteronomischen Jahresfeste," *ZATW*, 1924, pp. 136–145) thinks it should be translated thus in Deut. 16 1. Be that as it may, Ezekiel understood it thus and fixed it on the first day of the first month (= Abib); the supplementary celebration for those who had without their fault been unable to keep it on the first he put on the seventh day of the first month. When later the date for the passover was fixed on the fourteenth day (Nu. 9 3P), a corrector put that date into Ezek. 45 21, thereby causing much confusion in the whole passage. The supplementary festival was put a month later by P (Nu. 9 1–14). Ezek. 45 21 read originally simply: "the passover shall be to you a *haj*," without the date. MT connects חַג with the following שִׁבְעַת־עֻזֹת which it points שִׁבְעַת־עֻזֹת "feast of weeks," since it missed that festival in the list. The following shows that it must be read שִׁבְעַת־עֻזֹת "seven days shall unleavened bread be eaten."

(Ezek. 45 18, 25). And so did P who, however, fixed the date of the passover differently.¹⁹ But that does not involve that the Deuteronomic reformers should have drawn that conclusion in their program when they demanded the centralization of the cult. The need of it developed after the centralization had been introduced. The lack of fixed dates can therefore not be used as an argument against centralization in D.

The arguments for the early date of D cannot be sustained at the most significant points, and the whole theory breaks down therewith. We cannot go into a careful examination of the rest of the argument. But even if Welch should succeed in proving an early historical background for some of the laws, that would not affect the matter, because it has long been recognized that D contains older material; this may be even older than had been thought heretofore. The ordinary critical theory has not been destroyed²⁰: its foundation appears to be still sound and strong.²¹

The stress Ezekiel lays on the *hag* in connection with the passover, as does P likewise (Ex. 12 14), suggests that the *hag* was not something that could be taken for granted, as something that had been practiced from olden times. Again, the strong insistence of P, under threat of the severest penalty, on the fourteenth day as the day of celebration suggests that this was an innovation which was not observed by all "at the appointed time" (Nu. 9 13).

Welch maintains (cf. *ZATW*, 1927, pp. 24-29) that D's passover law originated in Northern Israel where it was celebrated as a *hag*, and that Josiah extended the North Israelite practice over the whole kingdom, so that in his day *pesach* was made part of the *hag* of *massoth* and celebrated at the temple for the first time in the history of the nation. But he has adduced no cogent reason for believing that the *hag* celebration of *pesach* was a northern practice. If the present text in Ex. 34 25 is not due to a later interpolator, it is the *Judean* code that speaks of it as a *hag*, while the *Ephraimitic* code does not mention it at all in its parallel law, Ex. 23 18.

¹⁹ On the full moon instead of on the new moon of the first month (= Abib), Lev. 23 5; Nu. 28 16.

²⁰ This is my conviction also with reference to the attack upon it by Hölsoher *et al.*

²¹ Welch's book is extremely stimulating and contains many valuable suggestions which will doubtless bear fruit, although his main thesis is not established.