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SOME REFLEXIONS ON DR BURNEY'S VIEW OF THE RELIGION OF ISRAEL.

DR BURNEY'S article¹ will undoubtedly have proved interesting and stimulating to students of very different schools of thought. He raises many points and suggests many reflexions. His main contention—the early origin of Israelitish monotheism—is beyond the reach of criticism by anybody who has troubled to look into the evidence.² But there are other views expressed or implied in his paper which may well give rise to discussion, and I should like to draw attention to some matters which appear to need consideration. I limit myself to two main points—the stay at Kadesh-barnea and the influence of the study of comparative jurisprudence on the testimony of Genesis.

The view that the Israelites stayed some thirty-eight years at Kadesh-barnea is almost universally held by writers of all schools. I venture, however, to think that it is quite irreconcilable with the evidence of the sources on any view of the origin of the Pentateuch. The conservatives who support this theory at once find themselves confronted by the fact that Deuteronomy says plainly that thirty-eight years elapsed between the departure from Kadesh and the crossing of the brook Zered. The only question, therefore, is how the matter stands for those who accept the documentary hypothesis. For this purpose it is necessary to examine the fragments of JE, and here the difficulties emerge.

(1) According to the present narrative, soon after the arrival at Kadesh an incident occurred which led to the direct categorical command 'To-morrow turn ye and get you into the wilderness by the way to the Red Sea' (Num. xiv 25(E)). It is true that the Israelites then made an unsuccessful expedition (J) in direct disobedience to this command; but whatever time may be allowed for this expedition, it cannot have consumed anything remotely resembling thirty-eight years. Nevertheless, nothing further was done until nearly the end of this period. Then Moses sent messengers to the king of Edom asking for permission to cross his land, i.e. to do something which would render

¹ 'A Theory of the Development of Israelite Religion in Early Times,' *Journal of Theological Studies*, April 1908.

² Dr Burney may be interested to know that his conclusion can be reached by entirely different methods from an entirely different point of view. See *Bibliotheca Sacra*, October 1907, pp. 609-637.

it unnecessary to go round by the way to the Red Sea (Num. xx 14-18, 21a (E) 19, 20, 21b (J)). After this had failed Moses apparently decided to leave Kadesh (22a) in compliance with the command of thirty-eight years before, and xxi 4b (E) (which should probably be taken next) represents the Israelites as going round by the way to the Red Sea to compass the land of Edom. Is it really credible that the order of the narrative is correct? Can it be that any Hebrew historian represented Moses as receiving a command of God's, ignoring it for thirty-eight years, then attempting to do something inconsistent with it, and finally complying—all without incurring any Divine remonstrance or rebuke?

(2) The Numbers narrative known to the Deuteronomist told an entirely different story. It used the very phrases we have before us in Numbers, but it placed the narratives in a different order. After recalling the Divine command and the immediate disobedience of the people, Deuteronomy proceeds to relate their subsequent compliance: 'Then we turned, and took our journey into the wilderness by the way to the Red Sea . . . and we compassed mount Seir many days. . . And the days in which we came from Kadesh-barnea, until we were come over the brook Zered, were thirty and eight years' ¹ (Deut. ii 1, 14). Moreover, the compassing is said to have been in direct consequence of the Divine command. It is scarcely conceivable that the Deuteronomist, while following Numbers so slavishly as to use its very phrases, should have flatly contradicted it on such a point. P sides with the Deuteronomist, and knows nothing of the stay at Kadesh. It will be noticed that Num. xxxii 13 ² is clear on the point, and the itinerary in xxxiii, even in its present form, is singularly unfavourable to the idea of a lengthened sojourn at Kadesh. Num. xiv 33 (reading נעים for רעים) tells the same tale. In the sequel it will be made probable that such discrepancies as appear to exist between the sources are due to transpositions of the text.

(3) If now it be asked what evidence there is for the view of the prolonged sojourn at Kadesh, the answer is that it is a mere inference from physical propinquity. At present the departure from Kadesh (Num. xx 22a) is immediately followed by an account of the death of Aaron, which is known to have taken place in the fortieth year. If this episode is misplaced, the whole case falls to the ground. Now Deut. ii 1 distinctly points to Num. xxi 4b as the proper sequel to xx 22a. This gives us 'And they journeyed from Kadesh by the way

¹ i.e. presumably, part of the third year, the fourth to the thirty-ninth years inclusive, and part of the fortieth year.

² If this verse be JE it only increases the difficulties of accepting the long stay at Kadesh as historical.

to the Red Sea to compass the land of Edom' as the original narrative. In other words, it is only necessary to suppose that xx 22b-xxi 4a was inserted in its present position by mistake, in order to get rid of the thirty-eight years' sojourn. That, of course, does not remove all the difficulties of the present narrative, for (as will shortly appear) xxi 1-3 is clearly out of place, and we are still left with the message to the king of Edom after the command to compass his land; but it shews how the difficulty may have arisen. In that case it becomes easy to follow the thought which led to the present arrangement. The death of Aaron took place by the border of the land of Edom (Num. xx 23; xxxiii 37) in the fortieth year. The border in question was in point of fact the *Easterh* (or south-eastern) border (Deut. ii 4), which was passed on the journey north from Ezion-geber; but it would seem that this was not appreciated by the person or persons responsible for the present arrangement, and the narrative appears to owe its position to the fact that xx 14 ff deals with negotiations that were conducted by Moses when the Israelites were on the frontier of Edom—but in this instance the *Western* frontier. It is true that at present Num. xxxiii 35-41 appears to favour the existing arrangement of the text, but here I would draw attention to certain textual considerations which I have not seen raised anywhere.

(a) xxxiii 40 looks uncommonly like a gloss. It runs as follows: 'And the Canaanite, the king of Arad, which dwelt in the South in the land of Canaan, heard of the coming of the children of Israel.' This leads to nothing; we are not told here that the intelligence led him to take any action. By itself the verse cannot stand. Its only justification is as a reminiscence of xxi 1, of which it is an inaccurate quotation. It seems to me that it is most naturally explained as a note scribbled down by somebody who meant to say, 'It was at this juncture that the Arad campaign occurred.' I am confirmed in this view by the fact that de Lagarde omits the verse from his text of the Lucianic recension of the Septuagint on the ground that it is missing in three out of the four MSS on which his edition is based.¹

(b) The only other difficulty presented by this chapter is due to the presence of 36b-37a after Ezion-geber. If this be inserted either immediately or soon after Hazeroth in 18a, the account agrees with all the other sources. It is easy to understand that a transposition may have taken place to bring the chapter into accord with the present arrangement of Num. xx f. It will be noticed that if this change be

¹ Some years ago I was led to express the view that there were two places of the name of Kadesh (*Churchman*, June 1906). Had I known of the evidence for regarding this verse as a late gloss, I should not have done so, and I no longer adhere to that view.

adopted we get the following points of agreement: (i) According to all the sources the Israelites now arrive at Kadesh-barnea at an early stage of the wanderings (i. e. the first month of the third year), leave it before the end of the third year, and spend the whole of the subsequent period till some date in the fortieth year in wandering. (ii) All the sources now send the Israelites round by the Red Sea during this period of wandering.

(4) It has been recognized by many that the Arad incident in Num. xxi 1-3 is misplaced, but no satisfactory solution has yet been propounded. Why, it is very pertinently asked, should the Israelites have evacuated the Negeb if they had won an important victory there? The answer seems to be that on the very scene of their victory they subsequently suffered a crushing defeat (Num. xiv 45; Deut. i 44). And this answer kills three birds with one stone. First, as already suggested, it gives a satisfactory reason for a retreat that would otherwise be unintelligible; secondly, it removes the anomaly by which the explanation of the name Hormah (Num. xxi 3) is made to follow its first use (xiv 45); thirdly, it gets rid of the impossible geography by which this victory at a place north of Kadesh is made to follow a *southward* movement thence.

Relying on these considerations, and using the help of Deuteronomy, I suggest that the true history of the last thirty-eight years in the desert was in outline as follows: At the beginning of the third year the Israelites arrived at Kadesh and settled down there for a sojourn of some months. Two courses lay open to them. They could either cut across the land of Edom and invade from the East, or they could invade through the Negeb. Both courses were tried in turn, and both failed. The Edomites refused a passage, and this rendered a rapid invasion from the East impossible. In the Negeb a campaign was fought with varying fortunes. The king of Arad was defeated, and at first all seemed to be going well. Indeed, after the failure of the negotiations with Edom the spies were sent out.¹ Next come the report of the spies, the discouragement of the people, and the unsuccessful invasion. Perhaps it is to this that Merenptah's inscription relates. (The language of Dathan and Abiram in xvi 14 certainly gains in vividness if we place that episode immediately after a defeat which put an end once for all to the hopes of successful invasion from the south.) And then at last the

¹ I would draw attention to the notes of time. The Israelites arrive in the first month (xx. 1), i. e. in the early spring. Yet the spies are in Canaan at the time of the first-ripe grapes (xiii 20), i. e. apparently about July. This means that they were not sent out at once, and the interval is probably to be explained (at any rate partly) by the negotiations with Edom. These must have failed before the command to go round by the Red Sea (xiv 25) could have been given.

people set out to do the only thing that remains open to them—to compass Edom by the way of the Red Sea, and attempt the invasion from the East when a new generation of fighting-men had grown up. It is true that it then becomes impossible to treat Judges i 16 ff as a doublet of Num. xxi 1-3; but in any case there seems to me an insuperable geographical objection to Dr Burney's view. In Judges the expedition starts from Jericho, not Kadesh.¹ On the other hand, if I am right in thinking that the victory recorded in Numbers was followed by a defeat, the second conquest later on becomes easily intelligible.

Thus it appears that historically a very intelligible narrative (though altogether different from the view generally held) may be extracted from the sources. It provides us at all points with an account that is geographically possible, and it harmonizes all the available information. Moreover, it is significant that the old chronological difficulties that beset the concluding chapters of Numbers disappear altogether if this order be adopted and the reading 'first' (preserved by the Syriac) be substituted for the 'fifth' of the Massoretic text in Num. xxxiii 38. But two textual questions remain: (a) What is the original order of the narrative in Numbers? and (b) how did the present arrangement come about?

With regard to the second question, I think the clue is to be found in the points we have already considered. The narrative of Aaron's death appears to owe its present position to (erroneous) geographical considerations, while on the other hand the position of xxi 1-3 seems to be due to accident. Thus the conjecture lies near at hand that the narrative got disarranged by some accident in the first instance, and was subsequently rearranged (but unfortunately on erroneous principles) by some person or persons who thought to remedy the confusion, and followed the wrong clue. It would seem that the Wilderness of Paran in xiii 3 is responsible for the present position of the story of the spies immediately after the pitching in that wilderness

¹ There is no possible combination which will divide these three mentions of Hormah between two documents in such a way as to make the present order tenable. The two explanatory passages, Judges i and Num. xxi, must be given to different documents, and then to whichever of the two Num. xiv be assigned the mention of the name will *precede* its explanation. Further, if Num. xiv is to be attributed to the Jericho document, it is necessary to explain how the expedition from Jericho by some tribes can be made to precede the expedition from Kadesh by the main body. At what pre-Kadesh period of the wanderings were the Israelites or any of them at Jericho? An additional objection to the view that some of the tribes settled in Canaan as the result of a successful invasion in the South lies in the fact that this would make a portion of the Israelites victorious where the whole body had already suffered a crushing defeat.

(xii 16), that xx 1 is placed too late because it speaks of the Wilderness of Zin, and that the narratives of verses 1-21 owe their juxtaposition to the fact that the scene is throughout at Kadesh, and that 21b appeared to lead up to the departure from Kadesh. To determine the original order is more difficult. Num. xx 14-21, certainly, and xxi 1-3, probably, must have preceded the narrative of the spies originally, but it is not easy to say which of these two should come before the other. On the whole the following order may be tentatively suggested: Num. xii, xx 1, 14-21, xxi 1-3, xiii, xiv, xvi-xviii, xx 2-13, 22 a, xxi 4 b-9, then a lacuna to which xx 22b-29 and xxi 4a belong. There are no indications as to the correct position of xv and xix. From Deut. ii and Num. xxxiii it may be inferred that the missing verses brought the Israelites down to Ezion-geber and Elath, and then told of their northward journey (embodying the account of the death of Aaron) until the narrative brought them to the station preceding Oboth (Num. xxi 10).

I pass now to my other point, the bearing of comparative jurisprudence on such investigations as Dr Burney's. Genesis is full of stories that contain legal material, though this is not easily appreciated until the book is read in the light of the work of modern schools of jurists. When this is done, considerations emerge which must do much to modify current views. It appears, in the first place, that on the whole the law of the Hebrews was extraordinarily unlike the law of the Babylonians, and that Babylonian influence on this department of the national life can at most have been very restricted. Again, any estimate of the age or historical character of some of the narratives would probably be erroneous if it failed to account for the legal features. The jurist who reads Gen. ix will note that it contains a law of homicide which does not discriminate between different forms of bloodshed. The comparative material teaches him that this belongs to an earlier stage of civilization than distinctions between murder and manslaughter.¹ When he finds the account of Abimelech's conduct in Gen. xx, he knows that as a picture of early law—or perhaps it would be more accurate to say of the *Vorgeschichte* of law—the chapter finds corroboration in the legal history of every early community. Now this line of thought appears to affect Dr Burney's enquiry in two different ways. It corroborates much of what he says by tending to throw back the age of the Hebrew traditions generally. It is not possible legally to regard the story of Cain or Gen. ix or xxxi 32 or many other passages that might be cited as more recent than the laws of Exodus or Numbers.² On the other hand, it is distinctly unfavourable to the tribal theory of

¹ See an article in the *Churchman* for January 1908 for a number of instances of the kind.

² That Dr. Burney may find other support for the early dating of the first com-

the patriarchs. If Cain was a tribe, it is at any rate odd that we should have recorded of him a punishment for murder, which under the various names *sacratio capitis*, *Friedloslegung*, outlawry, &c., is familiar to all students of early law. And the doubt so raised is increased by every fresh instance. It would be easy to go through the legal passages of Genesis one by one, examining them from this point of view; but as I have recently drawn attention to some of the more important of these elsewhere, I need not now linger on them. But such investigations make it very difficult to believe that the instance of rape and the resulting private war chronicled in Gen. xxxiv are in fact symbolical. If they were, it is improbable that they would find parallels from all over the world.

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ST LUKE XXII 15, 16.

I AM glad to see that Professor Burkitt's authority is now enlisted on the side of the non-paschal implications of St Luke xxii 15, 16. Both Professor Burkitt and Mr Brooke are, apparently, unaware that I proposed this interpretation of the passage more than five years ago in a review of Berning's *Die Einsetzung der heiligen Eucharistie in ihrer ursprünglichen Form, nach den Berichten des neuen Testaments kritisch untersucht* (see the *Critical Review*, Jan. 1903, pp. 32-38).

Perhaps I may be allowed to recall the passage from the review in question which contains the suggestion. It runs as follows:

'It is also remarkable how slight (apart from the introductory narrative-setting) are the indications of the alleged paschal character of the meal described in the Synoptists, while they are altogether absent from the parallel narrative in John (xiii). It is especially significant that none of the accounts contains any mention of the paschal lamb, unless Luke xxii 15 be an exception, which is hardly probable. It must be admitted that the latter passage at first sight seems to demonstrate the paschal character of the meal; but on examination this becomes less certain. In Westcott and Hort's text the verse runs as follows: *ἐπιθυμία ἐπεθύμησα τοῦτο τὸ πάσχα φαγεῖν μεθ' ὑμῶν πρὸ τοῦ με παθεῖν. λέγω γὰρ ὑμῖν ὅτι οὐ μὴ φάγω αὐτὸ ἕως ὅτου πληρωθῆ ἐν τῇ βασιλείᾳ τοῦ θεοῦ.* The saying—which bears the stamp of genuineness—is peculiar to Luke. It is noteworthy that the state-

position of certain narratives appears clearly from Gen. x 19, where a border is fixed by reference to places that were destroyed in the age of Abraham, and that are spoken of in this passage as being still in existence.