

# Theology on the Web.org.uk

*Making Biblical Scholarship Accessible*

This document was supplied for free educational purposes. Unless it is in the public domain, it may not be sold for profit or hosted on a webserver without the permission of the copyright holder.

If you find it of help to you and would like to support the ministry of Theology on the Web, please consider using the links below:



Buy me a coffee

<https://www.buymeacoffee.com/theology>



PATREON

<https://patreon.com/theologyontheweb>

**PayPal**

<https://paypal.me/robbradshaw>

---

A table of contents for *Journal of the Transactions of the Victoria Institute* can be found here:

[https://biblicalstudies.org.uk/articles\\_jtvi-01.php](https://biblicalstudies.org.uk/articles_jtvi-01.php)

JOURNAL OF  
THE TRANSACTIONS  
OF  
The Victoria Institute,  
OR,  
Philosophical Society of Great Britain.

---

VOL. LVI.



LONDON:

(Published by the Institute, 1, Central Buildings, Westminster, S.W.1.)

---

ALL RIGHTS RESERVED.

1924.

## THE 659TH ORDINARY GENERAL MEETING,

HELD IN COMMITTEE ROOM B, THE CENTRAL HALL,  
WESTMINSTER, S.W., ON MONDAY, JANUARY 7TH, 1924,  
AT 4.30 P.M.

JAMES W. THIRTLE, ESQ., LL.D., M.R.A.S., IN THE CHAIR.

The Minutes of the previous Meeting were read, confirmed, and signed, and the HONORARY SECRETARY announced the following elections:—

Life Associate: W. Wardle Sales, Esq. Associates: Mrs. Maude Stokes, R. G. Lundy, Esq., I.S.O., Miss Ellen Rouse, Rev. Lucy T. Ayres, Rev. Thomas Coyle, Rev. Stanley White, B.D., Rev. C. W. Norwood, B.D., Rev. G. W. Ridout, D.D., F.R.G.S., Rev. Charles Boutflower, M.A., and the Rev. Prof. J. H. Webster, D.D.

The CHAIRMAN then introduced the Rev. President M. G. Kyle, D.D., LL.D., to read his paper on "The Problem of the Pentateuch from the Standpoint of the Archæologist."

---

*THE PROBLEM OF THE PENTATEUCH FROM THE  
STANDPOINT OF THE ARCHÆOLOGIST.* By Presi-  
dent MELVIN GROVE KYLE, D.D., LL.D., Xenia Theological  
Seminary, St. Louis, U.S.A.

ANY adequate consideration of the problem of the Pentateuch must do two things, must define the exact limits of the problem and must present a satisfactory solution of the problem. The old law of rhetoric that the first step in argument is to define the terms has never been abrogated, though it has fallen too much into desuetude. Much waste energy of controversy over the problem of the Pentateuch and other Biblical problems of to-day is due to the fact that the disputants are not disputing about exactly the same things. So, exact definition of the limits of the problem of the Pentateuch is a necessary preliminary to its adequate consideration.

Then, any consideration of the problem of the Pentateuch that falls short of a satisfactory solution of the problem does not get us on very far. Controversial literature has its uses, but they are rather limited in scope; limited defence operations that protect one's own position, and offensive operations that meet the enemy and perhaps vanquish him, but both fall short of any work of reconstruction. A life of controversy, merely

slaying giants, may leave the victor master of the field, but with the original problem over which the conflict was raged still unsolved. The archæologist is a man ever seeking, not simply to discuss problems nor to vanquish opponents, but to solve problems. And so the consideration of the problem of the Pentateuch from the standpoint of the archæologist must find a satisfactory solution of the problem.

### I. DEFINITION OF THE PROBLEM.

The standpoint of the archæologist before a problem is that of the diagnostician; he takes things exactly as he finds them and studies the case as it presents itself to him, especially in all its peculiarities. He analyses and classifies, and then, when the induction and classification is complete, draws his conclusion from the facts and finds no greater value in the conclusion than is shown in the evidence. If there be striking and puzzling peculiarities in the ruin—there a tower, here a pit, and yonder a beautiful decoration—he notes these at the outset, that he may take them especially into account in the induction and classification.

So the problem of the Pentateuch from the standpoint of the archæologist is the problem of the Pentateuch *as it is*, especially the problem presented by its striking and puzzling peculiarities. The Pentateuch is a part of the literary remains of antiquity, and, according to archæological methods, these remains must be viewed, as they now are, in the form in which they have come to us. The archæologist always reverses the historical method: he begins his work at the top of the mound, the surface, and goes down to the bottom; he begins at the present goal which history has reached and traces the history back over the course to its starting-point. Thus, he accepts the Pentateuchal literature as a finished product; analyses and classifies its elements, and from these elements and their inter-relation attempts to learn how the literature came into its present form.

Most of the controversy over the problem of the Pentateuch has been concerning its authorship and the time and method of its composition. These things are very important; it may, perhaps, be conceded that they are most important, but it does not follow from this that the immediate consideration of them is the best way to seek the solution of the problem of the Penta-

teuch. The porch is not the most important part of a house, but it is the most convenient way of approach to enter and examine the house. So, some questions other than of authorship and time of composition may afford us a better, and more convenient, form of approach to enter into a solution of the problem of the Pentateuch. And these other questions are concerning just those puzzling peculiarities of the Pentateuch which stand out when, from the standpoint of the archæologists, we pause before these remains of the literature of antiquity *as it is*.

In the Pentateuch we have an interesting narrative and a most remarkable collection of laws, and, strange to say, the narrative and the laws are mingled together; in fact, the laws are inserted in the narrative in such fashion that they might be entirely lifted out and the story itself would suffer no break. That is a peculiar arrangement; laws and narrative are not usually so mingled together. Then the laws are fragmentary; there are some large groups and many small groups, and little fragments of law turning up most unexpectedly in the midst of the story at any point. Some of the laws, also, are repeated and inserted at different places, both among the laws and in the course of the narrative. Sometimes the repetition is in about the same words, and sometimes it is considerably altered. The laws also themselves seem at times indiscriminately mixed; a law assessing the penalty of criminal conduct comes in the midst of ritual directions for worship, or a rubric is found in the midst of criminal laws. Where else in all literature do we find laws mingled together in such fashion?

The style also is very different in different parts of the Pentateuch. Some have made much of this fact and deduced from it alone the solution of the whole problem, and others have strangely resented the very suggestion of different styles. But certainly no one can read the Ten Commandments and the list of judgments following, so judicial and sententious, then read the most verbose directions for the detection of leprosy and, last of all, the incitement to patriotism in the speeches of Deuteronomy, and say that they are all in the same style! We cannot help exclaiming here that they *ought not to be in the same style*, even though from the same author; but it is the fact only that we need to notice now.

Last of all, there are historical peculiarities, not to say difficulties, that attract attention and demand explanation. It

would not be possible, as it will not be found necessary, in this study to enter upon a detailed discussion of all these peculiarities. But the enumeration of the puzzling peculiarities of the Pentateuch would not be complete at this point without taking note of these historical difficulties.

Now, the problem of the Pentateuch from the standpoint of the archæologist is this Pentateuch *as it is to-day*, with all its puzzling peculiarities. How did it get into this form? The Pentateuchal question is thus not primarily when? or where? or by whom? but why? and how? Approaching this subject with these questions, we shall, perhaps, find at last the answer to when? and where? and by whom?

## II. THE SOLUTION OF THE PROBLEM.

The solution of the problem of the Pentateuch from the standpoint of the archæologist begins, not with theory at all, but with facts found, sorted out, and classified. Then, from the closest scrutiny of these facts we will learn their significance. The result of our investigation will thus be a conclusion drawn from facts. The only theory the archæological method knows is theory which is the result of research, not mere hypothesis, theory that is but the instrument of research.

(1) The solution of the problem of the Pentateuch now to be presented arises from a strict application of this archæological method to the peculiarities of the law as literary remains of antiquity. This solution appeared in the course of an original analysis of the materials of the books of the law for classes in Biblical Theology in Xenia Theological Seminary some years ago. The ultimate result was as unexpected and startling to the author as it may be to anyone who reads it.

A. In the course of the investigation it very soon appeared that there are general terms for law or laws—in fact, any kind of a law—and these are used throughout the books of the law. *Torah*, usually translated “law,” is so used 55 times; *Debarim*, “words,” 32 times; *Aduth*, “testimony,” 34 times; *Mitzoth*, “commandments,” a general term for any kind of a command of God, is so used 46 times. These most obvious facts do not advance the investigation very far; in fact, they do little more than furnish a background and basis of comparison for the discoveries which follow.

B. In marked contrast to these general terms for law of any kind, there were discovered certain technical terms for

specific kinds of laws, and these are clearly shown to be technical terms by their definitive meanings, their clear differentiation, and the exactly discriminating use made of them.

One of these is *Mishpatim*, usually translated "judgments," literally "judgings"—*i.e.*, decisions of judges which have been fixed by precedent and which, approved of God, were written down in the laws of Israel. These are laws concerning matters "one with another," as the Hebrew phrase is—things which were the subject of controversy between one person and another or between a person and the State. Thus, the "judgments" were civil and criminal laws, usually concerning things wrong in themselves, *Mala in se*, and always to be tried in the courts. The citation of a few judgments by name will make clear their distinctive character. Beginning in Exodus xxi, verse 1, we have: 2-6, manumission of servants and their families; 7-11, redemption of a maidservant; 12-14, homicide in different degrees; 15, assault on a parent; 16, kidnapping; 17, cursing of father and mother, etc.—to xxiii, 19. The judgments are invariably of this character. Wherever it is said, "These are the judgments," such laws and no other are found in the lists given.

*Khuqquim*, usually translated "statutes," denote a very different kind of laws. The word means "directions," from the gesture of throwing out the hand to give guidance to some one. The laws called "statutes" are exactly of this character: they are "directions" about things not right or wrong in themselves, *mala in se*, but only so because of the statutes, *mala prohibita*; not matters of controversy "one with another," but matters of mere direction by the statute, and that especially in the functions of religion. So these statutes were administered, not by the magistrates, but by the priests. A few of these may be cited also, to indicate clearly their character. Exodus, chapters xxv to xl, describe the tabernacle and give directions for its construction. In Leviticus i, 3-17, the Law of the Burned Offering; ii, 1-3, the Law of the Meat Offering; ii, 4-16, the Law of Oblations; iii, 1-17, Oblation of the Sacrifice of the Peace Offering; iv, 1-12, Law of Sin Offering of Ignorance, of the individual; iv, 13-21, Law of Sin Offering, of the whole congregation, etc., etc. Wherever this title "statutes" is given to a group of laws, such laws and no other are invariably found in that group.

C. A third technical term, *Mitzoth*, "Commandments," is used. In addition to its general use for any kind of command

of God, this word is also used in a technical sense to denote specifically the Decalogue. Its use in this technical sense is not very frequent, its general use for any kind of a law is very frequent. Thus, the technical use of the word is not so easily distinguished from the general use, and yet, upon a careful examination, this use is perfectly clear. When used in connection with "judgments" and "statutes" as titles for groups of laws, it is found to refer to the laws of the Decalogue. Thus, when so used as a title there will always be found some of these commandments in the list of laws so entitled. It is to be noted that absolute uniformity in use is not necessary in order that a term may be a technical term. There is only needed its prevailing use and its use in such connections as call for technical terms. Many of the technical terms of science and law to-day have also a common use, and so are not invariably used technically. Thus, the argument here from technical terms only requires that it be shown that these words have prevailingly a technical use, and not that there are no exceptions. It is, then, only the more interesting, not to say surprising, to find that there do not seem to be any exceptions whatever in the use of these technical terms, aside from what has been already noted, that *Mitsoth* has also a frequent use as a general term. Wherever it is said these are the "judgments" or "statutes," only "judgments" or "statutes" will be found in that list, and such will always be found in that list, but no commandments will be found there. If it is said these are the "judgments" and "commandments," or the "statutes" and "commandments," or "judgments and statutes and commandments," then in every case just those kinds of laws mentioned and no other will be found in that list. To such extremes of exactness is this use carried that certain circumlocutions are devised in order to designate peculiar laws. A special law concerning the establishment of some new "judgment," as in the case of the inheritance of Zelophehad's daughters, and in the arrangement for the Cities of Refuge, is given a special name. Since these laws were "judgments," because they concern matters "one with another," and yet were also not "judgings," decisions of judges, but were new laws and thus of the nature of "statutes" or directions, they were specifically called "statutes of judgment" — a most exact discrimination in accordance with the technical meaning of the two words.

A later investigation into the use of these words throughout



the whole extent of the Hebrew Bible shows that this discriminating use of the technical terms continued throughout the period of the Judges and was carried into the time of David and Solomon, but fell into complete disregard in the times of corruption and apostacy and then, at the reformation and the return from exile, was revived again.

C. The next discovery of the archæologist in pursuit of his method of dealing with the problem of the Pentateuch as literary remains of antiquity is that these various kinds of laws were put to quite different uses according to their character, and that these various uses to which the various kinds of laws were to be put naturally and necessarily resulted in quite different literary forms of expression.

Some laws were intended to be memorized; indeed their proper use required that they be memorized. The Decalogue was to be taught to the children, as, indeed, it is taught to all Bible-taught children to this day. The "judgments" also must be kept constantly in mind by magistrates so as to render judgment promptly without consulting written laws, as is still expected of the ordinary magistrate in the administration of law. The commandments and the judgments are, in fact, in mnemonic form; they are short, terse, and explicit, expressed in verbs and nouns with almost no adverbs and adjectives, and, like many common laws, are in something approaching poetic form. There is rhythm and parallelism of a kind that is easily observable even in the English translation of these lists:—

“ And he that killeth any man,  
Shall surely be put to death.

And he that killeth a beast,  
Shall make it good: beast for beast.

And if a man cause a blemish in his neighbour;  
As he hath done, so shall it be done to him.”

The statutes were new directions given, or, in the case of ritual forms, freed from all idolatrous characteristics and given a new spiritual content. Moreover, they were not for the immediate instruction of all the people, but were to be administered by the priests, the educated class, ministering constantly at the altar and directing the people in the service. Description was necessary to the proper understanding in these statutes, and thus a descriptive style was inevitable, no matter who might

be the author. The statutes are quite markedly in this descriptive style, filled with adjectives and adverbs and prolix explanations and repetitions. These characteristics are very noticeable in the directions given for the building of the tabernacle, or for the making of the vestments, and especially for the detection of leprosy.

Then, again, the demands which the necessity for popular persuasion lay upon a speaker inevitably bring out a hortatory style, and this, also, regardless of the person of the author. The same person would naturally give decision from the bench in a pungent style suited to the occasion, and would make an address on the same subject to a class in a law school in the appropriate descriptive and explanatory language, and would certainly be expected to deliver an oration on some national holiday in impassioned language suited to that occasion. So, the speeches of Moses in Deuteronomy treating of the same laws so pungently and simply spoken from the mount or written down in the books of the law, present now similar subject-matter in all the fervour of the impassioned orator. Such change in expression of laws as are often attributed to different authors is thus naturally demanded by the different circumstances of the utterance.

D. A detailed analysis and classification having now been finished, examination and comparison is now in order. Certain narrative portions naturally and properly belong as introduction or comment to the various groups of laws; likewise also to various uses of laws: for example, the narrative introduction to the Decalogue and to the description of the tabernacle, and to the speeches of Deuteronomy. It is to be noted also that the commandments and the judgments are in the same style, and so in any consideration of style they may be grouped together.

If now we collect together the various groups of commandments and judgments with the narrative portions properly belonging to them, and the various groups of statutes with the narrative portions belonging to them, and note that the speeches of Moses in Deuteronomy with their subjoined narrative portions make another distinct portion, we have thus three natural segments of the law books from Exodus to Deuteronomy. If then we note the mnemonic laws and the narrative portions naturally belonging to them, and the descriptive laws with their narrative portions, with Deuteronomy again a complete whole by itself, we have thus also again a threefold division of the

law books of the Pentateuch. But since the mnemonic laws are the commandments and judgments, and the descriptive laws are the statutes, and Deuteronomy is always Deuteronomy, it appears at once that these two separate divisions of the law books into three portions are identical.

E. Recalling now that the Documentary Theory of the Pentateuch makes also three general divisions, comparison is at once suggested between divisions according to *kinds* and *uses* of laws and the divisions according to the Documentary Theory. Here the surprise of the investigation awaits us. The mnemonic laws, the commandments and the judgments, with the narrative belonging to them, are discovered to be identical with the J-E Document (with the fragments of J and E still pointed out) of the Documentary Theory; the descriptive laws, the statutes, with the narrative portions belonging to them, are exactly the same as the P Document; and Deuteronomy, of course, is Deuteronomy in each case. This identification is not merely in a general way accurate, but is startlingly exact, with no more variation than the slight margin of phrases and verses occasionally found to be difficult of assignment by either system of partition.

Thus, the kinds and uses of laws discovered account for most of the peculiarities of the Pentateuch, the puzzling things that attract the attention of one who scrutinizes the Pentateuch as it is, and this it does without the adventitious supposition of unknown authors and unmentioned documents. The laws of the introduction of evidence require that suppositions shall not be admitted when not necessary—that is, when the whole case is explained by the known and observed facts. As these facts of the Pentateuch itself account for these peculiar phenomena, a theory that explains them by a supposition of unknown persons and things is ruled out by the laws of evidence.

### III. THE METHOD OF COMPOSITION.

One question yet remains: the method of composition of the Pentateuch, and with that is linked the time and place and probable author. The composition of the Pentateuch from the standpoint of the archæologist is logically and inevitably from the standpoint of the historical imagination. The archæologist, after collecting and classifying the facts found, becomes, then, the historian to reconstruct out of these materials, as far as it may be possible to do so, the history of the times represented by

the things discovered, the order of events exactly as they appeared at the time. The special problem presented to the archæologist here is that, when he has collected and classified the facts as we have done, he is confronted with the Pentateuch *as it is*, with its various elements arranged in a most peculiar way, presenting all the puzzling peculiarities which we have pointed out, the fragmentariness of the codes, the repetition of the laws, and the distribution of all throughout a running narrative. To reconstruct aright the historical events which brought about these strange results is the real problem of the Pentateuch. Did it grow into this form in a journalistic way throughout the extent of the history represented in the Pentateuch, or was it constructed in this form by persons not connected with the events ?

The method of the archæologist requires us, then, to visualize exactly what is required by each of these views of the method of composition, and so judge which is most in accord with the facts as they are before us in the Pentateuch as it is. According to the Documentary Theory the final Redactor—or Redactors, as many prefer to think of them—have in hand three great documents. There was the J-E Document, containing narrative and civil and criminal laws and constituting a complete and harmonious and self-consistent document ; there was also the P Document, containing also much narrative and another code of laws or directions of a totally different character from the laws of the J-E Document, being religious ritual and ceremonial laws and directions concerning the construction of a building in the wilderness for religious purposes. These laws were not civil and criminal laws, but ecclesiastical laws, also quite harmonious and self-consistent as a code. There was also before the Redactors a D Document, containing a very little narrative as binding material and four addresses on laws of both ecclesiastical and civil and criminal kind, though chiefly of civil and criminal laws.

The Redactors, with all these various documents before them, took the civil and criminal code of laws out of the J-E Document and broke them up into fragments, a few large fragments and many smaller ones. They took also the ecclesiastical laws out of the P Document and likewise broke them up into fragments, a few large fragments and many smaller ones. They then mixed these fragments of various kinds of laws, self-consistent and harmonious in themselves, all together indiscriminately ; they even put occasionally one or two civil and criminal laws

into the midst of a group of ecclesiastical laws, and here and there one or two ecclesiastical laws into the midst of a group of civil or criminal laws. Still the Redactors were not satisfied: they took some of the individual laws, repeated them two or three times and inserted them at different places among the various fragments of the codes of laws. The narrative portions of both the J-E and the P Document were then broken up, and the fragments, some from each, pieced together so as to make a continuous narrative. And yet this strange proceeding is not complete; this continuous story is now spread out and the fragments of laws inserted in the openings, the narrative being adapted, or a few words written in by the Redactor, to make the narrative at times introduce the fragments of laws. There was thus produced a long portion of the Pentateuch which is now called Genesis, Exodus, Leviticus, and Numbers; the D Document was then appended to the end as Deuteronomy and, presto, the work was finished!

It is, indeed, said that all this was not done in a day or at a sitting, but that it was a work that progressed over some considerable time; but however little or much time the work may be made to cover, the various steps of the progress are here correctly given and the actual process correctly described. If the whole process, when thus set out, seems absurd, it is so because the various steps in it are absurd, however much they may have been spread out over a long time and among many succeeding persons.

Now it may be frankly admitted that the Pentateuch might have been written in this way. It is physically quite possible to break up literary documents and piece them together in such fashion. Children may often be seen doing this at their play; it is questionable if anyone has ever seen a serious proceeding of this kind. In fact, it seems simply impossible to believe that any person, or any number of persons, would ever make law books in this fashion. If any lawyer to-day should be found at such a work, his friends would tap their foreheads meaningly and consult about the advisability of getting a nurse for him.

Let us now endeavour to visualize what the facts of the wilderness journey disclose. It appears at once that Moses was, first of all, a speaking prophet; the well-known formula is, "God spake unto Moses, saying, Speak unto the people saying." This is exactly what the wilderness journey requires. Though

writing was well known and doubtless many could both write and read, writing materials in the wilderness among the refuges and writing facilities for producing sufficient books for the instruction of the people would be impossible. Also, no very considerable number of the people could be addressed at one time in such oral instruction in the laws, and, besides, the children of Israel were "Shepherds in the Wilderness." The nature of that region as a pasture-land requires that the flocks must be scattered far and wide, and so the shepherds scattered with them. Only representatives from each tribe were kept about the tabernacle as a guard, and doubtless changed from time to time. In any case, Moses' audience must have been very different at different times.

Some laws also needed reiteration. Even a modern preacher has been known to preach on the same subject more than once, especially such subjects as Sabbath-keeping and the treatment of servants; these needed then, as now, frequently to be pressed upon the conscience of the people. It is hardly necessary to point out that it is exactly such laws as these that are repeated in the Pentateuchal codes.

It is to be noted again that Moses was also a writing prophet; he is expressly directed in one place to write these things in a book (Ex. xvii, 14). Eight times at least in the Pentateuch writing is attributed to Moses. One patent fact of the Pentateuch *as it is*, from Exodus on, is that it is journalistic in form. Such expressions as "They journey from here," "After these things," "On the morrow," are quite frequent; they are the passing notices of a journey.

With these facts before us it is easy to visualize what was taking place during the wilderness journey. The cloud rested and the tents were pitched; they tarried for a time, and certain events took place. All these things were written down in order. Then Moses "spake unto the people saying," and what he said was, in its substance, written down in this place; sometimes he spake on civil and criminal laws and sometimes on ecclesiastical laws, and sometimes upon both kinds. Sometimes the laws mentioned were very few in number, and sometimes a long list of laws was expounded or even promulgated. In all cases they were written down in order in their place. Sometimes, as on the occasion of a feast or some other public occasion, when the wandering shepherds came in, repetition of important laws already announced was made. All these things, both laws and

events, were written down in order as they occurred. Thus time went on, and the journey went on, and the book grew, until at last they came to the plains of Moab, and there Moses gathered the host for a great national assembly for the stirring of patriotism. He delivered four great addresses, each of which was written down, together with the intervening events. Moses died, and this also was noted by the scribe, quite in accord with the Egyptian literary biographical method of the time, which even allowed a man to speak in the first person on his tombstone. So the journey was finished and the book was finished. Thus, in the most natural, simple way, in exact accord with the conditions of the wilderness life and journey, are all the peculiarities of the composition of the Pentateuch accounted for, and that without any supposition.

The history preceding the books of the law, now known under the name of Genesis, the "beginning," was prepared probably in part from documents, for there are sufficient library marks in it, and certainly partly by revelation, for no man was present at creation to leave a record. This book was added as a preface to the books of the law. It is to be noted that according to the Documentary Theory the style of Genesis is largely that of the P Document, *i.e.*, the descriptive style, and indeed is distinctively so designated (Kautzsch, *Lit. O.T.*, p. 109). This is exactly what the style ought to be, for it represents the style of the author of the descriptive portions of the books of the law. The judgments, being well-known decisions of judges, were not in the style of the author, but in the conventional style of usage. The commandments were given of God. Only the narrative and the statutes represent immediately the style of the author of the Pentateuch, and thus it is descriptive style that we should expect to find in Genesis, and do find there.

The divine names also, in their discriminative use, are in exact harmony with this explanation of the problem of the Pentateuch drawn from the *kinds* and *uses* of laws. In a court of law to-day we hear the general name for the Deity, God, or the Almighty, very frequently, but seldom the covenant names, Redeemer, Saviour, or Christ. But in an ecclesiastical court, while we may sometimes hear the name God, or the Almighty, the covenant names, Redeemer and Saviour and Christ, are used much more frequently. In like manner exactly, we find *Elohim* used almost exclusively in the civil and criminal law portions of the Pentateuch, the so-called J-E Document, and the name

Jehovah used almost exclusively in the statute portions, the P Document ; though in either case, in modern courts or in these ancient documents, these various words may be used interchangeably.

The limits of this paper will not permit examination in detail of all the historical and other difficulties ; for discussion of them I must refer to the complete publication of all the evidence, passing in review every verse of the books of the law from the beginning of the law to the close of Deuteronomy, published under the title *The Problem of the Pentateuch ; a New Solution by Archæological Facts and Methods.*

The sum of the evidence goes to show that the facts of the Pentateuch itself and the correlated facts of the wilderness journey clearly account for all the peculiarities of the problem of the Pentateuch and point to the wilderness journey as the time of composition and Moses, either in person or—more probably—through the use of scribes, as the responsible author.

#### DISCUSSION.

In moving that the thanks of the meeting be given to President Kyle, the CHAIRMAN observed that the Paper as read answered quite admirably to the claims made by its author. On the basis of facts that were beyond dispute, the Paper presented a case which stood in no need of speculative theorising. Dr. Kyle had shown himself to be a sound Biblical scholar, with the equipment of a lawyer, and a keen scent for journalistic proprieties as they might be understood to find representation in Israel in ancient times. To those who had lost confidence in the Documentary Theory, he commended the conclusion of Dr. Kyle, that the peculiarities of the Pentateuch, so far as they related to its composition, were explained by the wilderness life and journeyings of the children of Israel. The issue was a vindication of the Five Books as the work of Moses the Lawgiver, and the process of proof was at once scientific and convincing.

Lieut.-Col. G. MACKINLAY said: Dr. Kyle has referred to the elaborate directions for the construction of the tabernacle. The same elaboration and full numerical exactness are devoted in the Book of Numbers to describing the position of the tribes around the ark, so that it has been easy to construct drawings and models of both the camp and the tabernacle. Do not these facts point to the truth of the long received ancient dates ? Is it likely that a



writer, long afterwards, would mention so many figures? If a more recent writer had edited the record of the number of soldiers in each tribe, would he not, most probably, have edited the account with something more attractive than the present somewhat dull account of the exact numbers of fighting men? On the other hand, the unedited roll calls of the Jewish hosts were necessary at the time, and point to the survival of the true records.

The truth and inspiration of all parts of scripture are well worth demonstrating and insisting upon. The Pentateuch is specially valuable, as it contains many early prophecies and foregleams of the coming of the Lord Jesus Christ, and much of it has been quoted by Him and so is specially precious.

Mr. THEODORE ROBERTS congratulated the audience with having so distinguished an American to read a paper, who though unknown by face, was known to him by his writings, which he had read with interest and profit, instancing "Moses and the monuments."

He thought the lecturer's theory that the Pentateuch to a large extent was compiled journalistically of great importance as showing it must be a truthful witness. He believed the real reason for the Higher Critics' denial of the Mosaic authorship was that that authorship being that of an eye-witness involved the admission of the miraculous in the events recorded.

With reference to Mr. Heath's communication, he would suggest that the reason for the disregard in the Hebrew Bible of discrimination in the use of technical terms in the times of corruption and apostasy was the desire to make the divine communication intelligible to the hearers.

He recalled the intentional *reductio ad absurdum* of an essay which appeared some years ago, splitting up Paul's Epistle to the Romans (which no one questioned was a monograph) into different authors in accordance with the different names used of Christ. The essay showed that a different aspect of our salvation was connected with each name, as the Higher Critics pointed out the different names of the Deity corresponded with a differing treatment of the story. No doubt in both cases the names were varied of purpose.

If Professor Naville's suggestion held good, that the Pentateuch was written under Moses' direction in Babylonian cuneiform and translated by Ezra into the present Hebrew text, the whole basis

of the critic's theory of distinguishing the authors by their language vanished into thin air.

Mr. SIDNEY COLLETT referred to the argument for the Mosaic authorship of the Pentateuch deducible from the following facts.

Jerusalem is never mentioned. There is no mention of sacred song. The expression "Lord of Hosts" is never used.

Mr. W. E. LESLIE said the paper is valuable because it attempts an explanation of the complicated phenomena of the Pentateuch instead of simply criticising the "results" of the destructive school. It is too often forgotten that these phenomena exist and must be faced by all honest and competent students.

The extension of Dr. Kyle's analysis to the narratives suggests a difficulty. Does it not, in so far as it coincides with that of the destructive school, lie open to the very damaging criticism to which the latter has been subjected from the conservative side?

Adverting to a statement by Mr. Roberts, the Chairman explained that the volume in which the Epistle to the Romans was subjected to analysis was entitled *Romans Dissected*. It was published over thirty years ago, both in the English and German languages, being the work of an American scholar, Dr. Charles Marsh Mead. It was, in reality, a *jeu d'esprit*, designed to discredit the method of the Higher Criticism; and the motive of the author was well indicated by the fact that he gave his book to the world under the pseudonym of E. D. McRealsham, a striking anagram of his own name.

GEORGE ANDREW HEATH, Esq., writes: "In calling attention to the scrupulously exact use of words in the Hebrew Bible, Dr. Kyle mentions on page 27 that this accuracy continued into the time of David and Solomon, but lapsed during the period of 'corruption and apostasy, and then on the Reformation and return from Exile, was revived again.'

"At first sight, to those who hold that the very *Words* of Scripture are inspired, this would seem to suggest that the 'Holy Men of God' who prophesied through the times of 'corruption and apostasy' were less inspired than those during the Mosaic and Revival periods.

"This, however, need not be the deduction formed from this peculiarity, for may we not assume that the language used in the times of apostasy, with its apparent disregard for discrimination in the use of the technical terms referred to, was chosen to reflect

the state of 'corruption and apostasy' during which these men spoke, and forms in itself an indictment against this period; and thus those who would *carefully* study the God-sent messages of their time would understand how they had fallen from the pure standards set up in the Pentateuch, by the very use of the *words* themselves."

Dr. A. T. SCHOFIELD writes: "For many years the clearness of the Americans has much impressed me. At Harley Street, if I had an American patient I got an intelligible and orderly statement of symptoms, quite different from any English sufferer. To what to attribute this valuable characteristic, so marked in the able paper to-day, I know not. Whether it is due to the clarity of the atmosphere, producing a corresponding clearness of mental vision, or whether it springs from some more recondite source, I know not. Of its charm and value there is happily no doubt."

"It will be remembered that Our Lord in His temptation used the Book of Deuteronomy. Three times over did the 'It is written' refer to this book, and to this book alone, written by Moses as a coherent whole on the Plains of Moab."

"It is delightful to find as I do week by week the most valuable and quite new testimony coming from America on Bible subjects of the first importance, and proving by quiet argument the authenticity and accuracy of Holy Writ, in refreshing contrast to the *ex parte* and unbalanced statements subversive of Scripture, heard here in such unwearied repetition."

Dr. ANDERSON-BERRY writes: "President Kyle's paper is instructive, thought-inspiring and worthy of all praise. I consider it has perfectly explained many points. I have always considered Astruc's divisions of the sacred text as childish. By me I have a book of prayers by one whom I knew. Take one of them, in it he addresses the Great Being, to whom he prays as 'Almighty God,' 'Heavenly Father,' 'Holy Father' and 'Lord.' Are we to consider that this is a composite prayer made by different authors? Surely not, for it clearly appears that as the epithets vary, so do the petitions and expressions that follow vary also. In fact, the names he uses are keynotes to the thoughts that follow. We need never again be troubled by the destructive criticism based on Jean Astruc's childish so-called discovery."

The Rev. A. H. FINN writes : " In Exod. xxi to xxiii, 19, there is a group of laws of which it is explicitly stated ' these are the judgments (*Mishpatim*). ' Most of these clearly deal with matters of controversy which would come before a judge, though there are a few (xxii, 28-31 : xxiii, 10-19) of a different nature. Also in Leviticus the phrase ' This is the law (*Torah*) ' occurs several times, but there is no well-marked group defined by ' These are the *Toroth*, ' nor are there groups of ' statutes (*Chukkim*) ' or of ' commandments (*Mitzvoth*). ' For determining the significance of these words we are largely dependent on their etymology.

" *Mishpatim* (from *shaphat*, to judge) undoubtedly means judgments, judicial decisions, but what authority is there for saying that they were ' fixed by precedent ' p. 25) ? There does not appear to have been any judicial system in Israel until Jethro suggested it to Moses (Exod. xviii), and that would not leave much room for precedent before the *Mishpatim* of chapter xxi. Inasmuch as it was the Lord who said (Exod. xx, 22) unto Moses, " These are the judgments which thou shalt set before them, ' it is more in accordance with the Biblical account to regard these as decisions of the Supreme ' Judge of all the earth, ' given to be the precedents for human judges to follow.

" *Chukkim*, the definition ' directions, from the gesture of throwing out the hand to give guidance to someone ' (p. 25) belongs to *Toroth* (from *Yarah*, to point out, and hence to teach) and not to *Chukkim*. It is usual to connect this word with *Chakak*, to decree (hence *Mechokek* ruler, Gen. xlix, 10), but a deeper meaning is suggested by the cognate Arabic *Hhak*, Right, Truth. Among Arabs it is usual to assent to a statement in the phrase ' *Hhak ma'ak*, ' the truth is with thee. According to this *Chok* would mean a precept laying down that which is right and true in itself, not relating to matters of controversy ; such a precept as ' Thou shalt love the Lord thy God. ' The special term ' a statute of judgment ' (*Chukkath Mishpat*, Num. xxvii, 11 : xxxv, 29) is applied to the laws of female inheritance and the provision of refuge cities because these involve principles of essential justice on which the judicial *Mishpat* should be based.

" *Mitzvoth*, commandments (from *Tsavah*, to command) in a general sense applies to all God's injunctions. As distinguished from other words it may fairly be taken to refer to regulations about matters

more or less indifferent in themselves (*i.e.* not essentially right and true, nor matters of judicial right and wrong) but made obligatory by direct Divine commands. Under this heading may be classed the instructions about the Tabernacle and the high-priestly robes.

“*Torah*, the general word for law, is applied in a narrower sense to matters in which guidance was needed. Thus it is definitely used for the laws relating to offerings in Lev. vi, 9, 14 (Heb. ii, 7) and vii, 37 : for the law of leprosy, Lev. xiv, 57, and the law of uncleanness, Lev. xv., 33.

“*Debarim*, ‘words,’ may include promises, threatenings, or doctrinal statements (such as, ‘The Lord our God is one Lord’) as well as injunctions or prohibitions. It (and not *Mitzvoth*) is specially applied to the Decalogue, ‘the ten words,’ in Exod. xxxiv, 28, Deut. iv, 13, and by the Jews in general at the present day, because of that it is said ‘God spake all these words.’

“The assertion (p. 27) that ‘The commandments and judgments are, in fact, in mnemonic form : they are short, terse, and explicit’ is questionable. Some of the judgments, like the three actually quoted, are no doubt in this form, but by no means all. Some of them run to several verses, *e.g.*, manumission of servants, Exod. xxi, 2-6 ; redemption of maid-servant, xxi, 7-11 ; dangerous ox, xxi, 28-32 ; things left in trust, xxii, 7-13.

“Although it appears to me that the classification of the laws in this paper is open to question, the general trend of the argument is forcible, and especially the argument (pp. 30-33) that the present arrangement of laws and history in the Pentateuch is such as no sane ‘Redactors’ would have produced, while it does fit exactly with what the circumstances in the Wilderness would require.”