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ARTICLE V.

THE SCIENTIFIC STUDY OF THE OLD  
TESTAMENT.

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IN September, 1909, Professor Kittel delivered six lectures to elementary school teachers at the request of the Saxon Ministry of Public Worship and Education.

"The reasons which induced the Government to make such a proposal need hardly be explained. The question of religious instruction in the schools, particularly in the elementary schools, had become a burning one all over Germany. We, in the Kingdom of Saxony, are reorganizing our elementary school system. The almost unanimous demand of the teaching profession for some time past has been, that religious instruction should 'harmonise with the *authentic results* of scientific research.' The Government, to meet this demand, could not do better than to invite the recognised advocates of the scientific research in question to declare the existence and extent of such results. On account of its importance to religious instruction in the elementary schools, Biblical research naturally claimed the first consideration."

So writes Professor Kittel in the preface (dated November, 1909) to the published lectures. These have now been translated into English and appear as a volume of the Crown Theological Library.<sup>1</sup>

<sup>1</sup>The Scientific Study of the Old Testament; Its Principal Results, and their Bearing upon Religious Instruction. By Dr. Rudolf Kittel, Professor at the University of Leipzig, Germany. Translated by J. Caleb Hughes, M.A., Ph.D. London: Williams and Norgate; New York: G. P. Putnam's Sons, 1910.

The official character which the book thus possesses makes it desirable to deal with it at somewhat greater length than would otherwise be necessary.

What is an *authentic* result of Old Testament research? That is the first question that suggests itself, and it is also the first question that the professor seeks to answer. And here attention must be drawn to the fact that he really puts forward two entirely contradictory answers — the theoretical and the practical. When it comes to suggesting an answer to the question Dr. Kittel is at no loss; but when it comes to translating his theories into practice we find that an authentic result becomes one which Dr. Kittel with his limitations happens to believe, and it does not matter to him if other professors of equal authority believe something entirely different. It thus happens that the contents of the book are very mixed. Many portions of it are deserving of high praise, but others are extremely weak, and it cannot be said that it would be safe to put it without grave warning into the hands of those who have no other means of knowledge. To illustrate:—

On pages 32 f. we read: "Further, we can show it to be highly probable that, before and during Moses' time, justice was administered in Canaan upon the basis of the Codex Hammurabi, for how otherwise does the narrator of Abraham's history assume that the patriarch's action is in accordance with a good *Babylonian* principle of justice?"<sup>1</sup> Now the narrator never anywhere assumes anything of the sort. "Babylonian" has simply been read into the narrative by Dr. Kittel. And if it be asked why he has acted so, the answer must be found in the entire ignorance of legal history and institutions which marks his whole discussion of Hammurabi

<sup>1</sup> My italics.

and Israel, and renders it worthless.<sup>1</sup> Another instance occurs on page 35. We read there: "A relic of those primitive times is found in the law pertaining to the altar in Exodus xx. 25, which is closely related to the Book of the Covenant, where it is stated that the stones of the altar might be hewn with a 'sword.' This peculiar expression," etc. The passage to which Dr. Kittel refers, really is to be found in Exodus xx. 25, but with the important addition of a negative context *prohibiting* such hewing. If this be the best that "the recognised advocates of the scientific research in question" can do when they are expounding "the authentic results" of that research, their unfortunate public may well pray to be delivered from such "scientific research." On page 37 we read: "How then do we explain the *origin* of the Book of the Covenant? . . . Like all the codes of ancient Israel, this was probably originally intended to be the law of a definite sanctuary (like Bethel or Siloh)." It is difficult to write patiently of this kind of thing. There is not a word about priests in the book, which is concerned mainly with purely secular matters and an outline of some religious and ritual precepts such as every householder might be expected to know. "Now these are the judgements which thou shalt set before them" (Ex. xxi. 1). Justice in ancient Israel was not administered mainly by the priests. The arrangements in Exodus xviii. are not ecclesiastical in character. The "judges" were mostly secular. In the time of the monarchy the king was the superior judge. Where we meet with allusions to justice in the earlier literature, e.g. in the case of Naboth, it is en-

<sup>1</sup>On the whole question of the comparative originality and uniqueness of Israel's law, including of course the relations of Hammurabi and the law of the patriarchal and Mosaic ages, reference may be made to the article "Law in Old Testament" in Murray's Illustrated Bible Dictionary.

tirely secular, while the frequent references to the gate as the seat of judgment tell the same tale. All the evidence internal and external is against this allegation as to the Book of the Covenant. What is meant by "all the codes of ancient Israel" I cannot pretend to know. Presumably Deuteronomy is one. If ever there was a national lawbook, Deuteronomy is one. "Judges and officers shalt thou make thee in all thy gates" (Deut. xvi. 18). It cannot be pretended that this is "the law of a definite sanctuary." "All thy gates" is far too wide a phrase for that. Dr. Kittel's sentence would be unwarrantable if delivered to any audience: it is doubly so in the particular circumstances of these lectures. Again, on page 39, after having very properly warned his public that Exodus xxxiv. 11-26 has never been a Decalogue, and does not claim to be such, Dr. Kittel permits himself to write of it as follows: "Secondly, it is quite certain that the passage is nothing other than a parallel to the Book of the Covenant itself, or is a part of such a work. If one belonged to one sanctuary, perhaps Siloh or Bethel, then the other belonged to another, such as Mispah or Ramah." It cannot be contended that a man who puts forward such views in such a tone has the slightest realization of the difference between fact and fancy. But at the same time although this section is mostly as bad as it can be, the ultimate summary of conclusions on page 40 is happily considerably better than the reasoning that leads to it.

It is in the light of the facts that we have been considering that Dr. Kittel's profession on page 7 must be read: "In these lectures I shall regard it as my special task to distinguish between abiding facts and the conclusions and suppositions deduced from them; also between what is accepted by the majority of scholars and my own personal opinions."

It will be seen that he has failed to make good his promise, and the book must be judged accordingly.

When we come to the second main division of the book, which is entitled "Results Based upon Literary Criticism," the faults are accentuated. Here is his statement of the documentary theory of the Pentateuch:—

"But the hypothesis or assumption which we shall make use of is one which is based upon such well-founded observations, and which serves to elucidate so many problems which without it are difficult to interpret, that we may ascribe to it a high degree of probability, and claim it as an authentic result of Biblical research, in so far as any hypothesis which has survived the test of many decades may be regarded as an authentic result. If contrary to our expectation, we meet facts which refute our hypothesis, we must, of course, consider them.

"Among the authentic results of Pentateuch criticism the most important is the existence of several records, historical and legislative, from which the present Pentateuch has been compiled; further, that the chief sources of antediluvian as well as patriarchal and Mosaic histories are J, E, and P, and that J and E represent an older tradition than P—a conclusion which I had formed after studying Graf's exposition, long before it was proposed by Wellhausen. Of the legal writings, as we have already heard, the Book of the Covenant forms the oldest part and belongs to a very early period; then comes the book of Deuteronomy (D) and the Law of Holiness (H); whilst P, at least, taken as a whole, represents the latest addition to this class of literature. As another authentic conclusion, I maintain that J and E, in respect of their authorship, at least as regards their real authors, belong to the ninth and eighth centuries B.C. respectively" (pp. 77 f.).

It is surely lamentable that a man in Dr. Kittel's position should speak thus to such a public. "If, contrary to our expectation, we meet facts which refute our hypothesis, we must, of course, consider them." What must his hearers have thought? Surely that there were no facts to refute the hypothesis or else that he had considered them: yet I look in vain for any sign that he has done so. After all that has been written in recent years it would be very difficult for a theo-

logical professor of any standing to plead entire ignorance of the textual facts: for the editor of the "Biblia Hebraica" it is impossible. And here is all that he has to say on this head: "His [Astruc's] clever conclusion is now almost universally accepted, in spite of all that has justly or unjustly been brought against it" (p. 71). Who would infer from this that it is being attacked or abandoned by one prominent critic after another, and that in spite of repeated challenges not one of Astruc's disciples has dared to put forward any honest defense to the facts and arguments that have been adduced? Indeed, I am happy to be able to call attention to the fact that among the more honest and open-minded critics even of the Wellhausen School the conviction is growing that the "settled results" of which we have heard so much have become highly unsettled. Of Professors Toy and Steuernagel I have spoken in previous articles. Professor Henry Preserved Smith, whose candid devotion to criticism will be questioned by none, writes very frankly on the subject. "We are learning," he says, "that art is long; each year we have the necessity forced upon us to learn something new and to unlearn some of the things we had supposed settled." I should greatly like to see this sentence inscribed in letters of gold over the portals of every higher critical establishment. In illustration of it Professor Smith cites the works of Eerdmans, Schlögl, and the present writer. In his view, "the only answer that can be made to such assertions is the careful reëxamination of the whole field of textual and historical criticism."<sup>1</sup> That is neither more nor less than the conservative view. There is an overwhelming case for the scrapping of all the supposed settled results of the critical schools and the careful reëxami-

<sup>1</sup> *Journal of Biblical Literature*, vol. xxix. (1910) p. 19.

nation of the whole field of textual and historical criticism without prejudice or impatience.

I pass to a more delicate subject. There are a number of remarks about religious matters in various parts of the book. As I am not a member of the same religion as Dr. Kittel I do not propose to comment on these; but my silence must not be construed as approval of either the intellectual or the critical or the religious side of his observations.

On the other hand the following portions of the book may be singled out for commendation. The sketch of Canaanitish civilization in the Mosaic age (pp. 50 ff.) is excellent. So are some of the remarks about the psalms (pp. 128 ff., 147 f., 277-281). Some of his refutations of more advanced critical ideas are also worthy of praise, so that the book is likely to be useful to those who have an independent knowledge of the subject and can command a variety of other literature. But for its own special public it is more likely to prove pernicious than valuable.

I propose now to deal more in detail with certain portions of the historical discussion of the period covered by the Pentateuch. Dr. Kittel considers the question whether the patriarchs were originally gods, and comes to a negative conclusion. The following passage is well worth quoting:—

“ . . . The whole theory is a very improbable one. Nowhere in Israelitic history do we find even the slightest intimation that Abraham, Isaac, and Jacob were ever worshipped, or that a temple was dedicated to one of them, or a sanctuary erected to their honour, or again that they performed supernatural acts, miracles, and the like. There is no mention made that they accomplished such mighty deeds as those ascribed to Samson, Hercules, and others. The only fact that might be brought forward in favour of this theory is that the *tombs* of these patriarchs were held sacred in antiquity, and, to some extent, in these days as well. But this is anything but a proof, for Moses, Jonah, and others, whom no one

thinks of regarding as gods, share this honour in common with the patriarchs" (pp. 151 f.).

After some further discussion of this theory, Dr. Kittel deals with the interpretation which converts the patriarchs into personified tribes. His conclusion here is as follows:—

"Even though such an interpretation of the patriarchs is not in principle excluded, it is nevertheless *in reality* improbable, and in a sense impossible. We can maintain with certainty, in the case of Abraham, that his name never occurs as the name of a tribe. We never find any mention made of either a nation or a tribe called Abraham. But we can prove that Abraham in its older and shorter form, Abram or Abiram, was in general use as a personal name both among the Israelites and the Assyrians. Even in an Egyptian inscription belonging to the tenth century B.C. we find the expression 'field of Abram,' which again points to the use of this name as designating a person. The same may be said of the names Isaac and Jacob. It is true that these names are occasionally used to designate the nation, as parallel names to Israel. But it is well to notice that the name Isaac, with this signification, is only found in Amos vii. 9, 16, and the name Jacob almost exclusively in prophetic and poetical writings, *i.e.* in places where the writer consciously substitutes it for the more usual name Israel. In support of this is the fact that the name Jacob is often used from the very earliest times, in nations other than Israel, as a person's name" (pp. 156 f.).

Accordingly Dr. Kittel comes to the conclusion that the patriarchs were real individuals, and expects to find a historical nucleus in the narratives of Genesis. He points to such marks of veracity as the representation of the patriarchs as strangers in the land, and the frank admission of their moral shortcomings (pp. 158 f.). His constructive conclusions are, however, less satisfactory, nor does he do justice to certain other features which may be alleged in support of the history. More will be said of this hereafter: for the present I quote the concluding paragraphs of this section of the book:—

"It follows from what we have heard that our *sources of information* concerning primitive times are not such that we can claim them to be historical in every detail. I have no doubts in my own

mind but that the sources at our disposal are in the main much older than the documents J and E, and that we, in these sources, are less removed from the events themselves than if we did not possess them. But they are not 'records' in the truest sense, and therefore they ought not to be accepted as historical, if we want to keep within the limits of truth and certainty.

"They are not records, because, for the most part, if not altogether, they are founded upon traditions which were verbally current among the Israelites, i.e. upon popular legends, which should never be used as historical sources without being thoroughly confirmed by other sources. Another argument against their being accepted as sources is that we often find, even in J and E, duplicate traditions, differing from each other in details, of the same events. When this occurs, naturally, in accordance with every logical and historical principle, only one of the two accounts can be assumed to be giving the true course of events. Which gives us the true account, we are generally not in a position to decide. We cannot repudiate this conclusion, nor have we any right to hide it from intelligent adults and mature school-children who are capable of grasping it" (pp. 162 f.).

The section on Moses and the Israelites in Egypt is even less satisfactory. The last paragraph of it runs as follows:—

"What, then, are we to conclude with respect to the sojourn in Egypt? What are our grounds for believing that any Israelitic tribes were at one time settled in Egypt? I shall mention two principal reasons:—*Firstly*, the tradition is not confined to any one part or time, but represents a continuous, abiding Israelitic belief. It is mentioned by all the chief chroniclers of the book of Exodus and by all the prophets from Amos down. Such a confident and uniform tradition deserves every attention, and should not be ignored unless we have excellent reasons for doing so. *Secondly*, it would be difficult to find a nation which is so self-reliant as the Jewish. If, then, the Jewish tradition introduces their history by referring to so great a humiliation as the subjugation of the nation by the Egyptians, the sojourn in the 'house of bondage,' as it is often called, it would be very strange if the Jews merely invented this story. If they only desired to make a beginning to their history, they would certainly have adopted different means. How easy it would have been for the fictitious legend to spare Israel this black blot in their past! This is a strong proof that the sojourn of Israelitic tribes in Egypt is a historical fact" (pp. 169 f.).

Having said so much about Dr. Kittel's views, I turn to consider a number of matters that he has overlooked.

There is one great preliminary precaution that must always be taken by those who would use the Pentateuch to any good historical purpose, viz. the ascertainment so far as may be of the true text. It is quite futile to proclaim that the number of the Israelites given in the book of Exodus is the extravagant representation of a later period, and that consequently we have no history of the Mosaic period, if the number has suffered in transmission. It is useless to say that "a certain line of thought is taken up, which is suddenly discontinued and replaced by another, to be afterwards renewed in another place" (pp. 165 f.), if, in fact, the evidence shows that the narrative has undergone dislocation. The first duty of the historical investigator must be to discover what the author wrote. It is only after this has been done that he can begin the task of interpreting it. Dr. Kittel's failure in this respect would alone be sufficient to brand his work as not abreast of the times.<sup>1</sup>

There are, however, other aspects of the problem which any genuine historian would necessarily grasp, though they are unknown to Dr. Kittel. There is no people in which the historical feeling is so strong as in the Jews: and this peculiar genius is stamped on their early literature and must be taken into account for the purposes of the inquiry. Of its manifestations in subsequent history, it is unnecessary to speak here: we are concerned at present with its effect in the earlier period. Now it is to be observed that the feeling was so strong that an appeal to tradition constituted the highest guarantee of truth. "Remember the days of old, consider the years of many generations: *ask thy father, and he will shew*

<sup>1</sup> See *Essays in Pentateuchal Criticism, and The Origin of the Pentateuch, passim.*

*thee; thine elders, and they will tell thee*" (Deut. xxxii. 7); "For ask now of the days that are past, which were before thee, since the day that God created man upon the earth," etc. (Deut. iv. 32). Such passages reveal one aspect of the people's mind and soul. And, conversely, the teaching of children is a religious duty that is frequently enjoined: "And it shall come to pass, when your children shall say unto you, what mean ye by this service? That ye shall say," etc. (Ex. xii. 26 f.); "Only take heed to thyself, and keep thy soul diligently, lest thou forget the things which thine eyes have seen, and lest they depart from thy heart all the days of thy life: but teach them thy sons and thy sons' sons" (Deut. iv. 9). These examples may suffice. The would-be historian who ignores the aspect of the national genius revealed by these and other passages, which has continued to characterize the Jews to this very day, merely proclaims his unfitness for his chosen task. That this genius did in fact preserve literary monuments of extraordinary antiquity is shown by the traces of early date in Genesis to which I have frequently referred.

This characteristic — the love and reverence for tradition — involves another, which in turn is evidenced by our materials. I refer, of course, to the love of truth. In the Divine attributes it is Truth that is coupled with Mercy (Ex. xxxiv. 6). In that chapter which commands the people to be Holy because the Lord, their God, is Holy, we read: "and ye shall not lie one to another" (Lev. xix. 11). In a passage that has been quoted, even Dr. Kittel observes that the narrative never attempts to gloss over the moral shortcomings of the patriarchs; and it may be added that the same holds good of Moses and Aaron.

It is no far cry from these reflections to a consideration of one of the other guarantees of trustworthiness on which

stress should be laid. Nobody can read the great speeches of Deuteronomy with an understanding mind without realizing the intense and unquestionable good faith of the speaker when appealing to historical occurrences. He refers to them as things that are true beyond all possibility of doubt or cavil, and are so recognized by his hearers equally with himself. For anybody who is capable of entering into the spirit of, e.g., Deuteronomy iv. — and unfortunately the total lack of insight and sympathy that characterizes most modern writers renders this limitation very necessary — there can be but one verdict. If that be bad faith, then there is no such thing as good faith in the world. Fortunately this attitude is adopted by the vast majority of Bible readers. Undistracted by commentators and their work they read the book and interpret it with much more understanding of its true inwardness than is to be found in our critical theologians.

Something has been said of the marks of credibility presented by the extreme sobriety of portions of the narrative. It is necessary to note that there are other portions to which exactly the converse argument applies. There are occurrences of so extraordinary a character that they could not have been made part of the national consciousness by some clever *raconteur* or literary forger.

What is the position of a man who alleges that God spoke certain words at Sinai if he in fact knows that he has himself composed the alleged utterance? And what shall we say of the huge psychological improbability that a person who was capable of acting in such a way should produce a Decalogue of such lofty spiritual and ethical content? *Nemo repente fit turpissimus*, says the old maxim of the law of evidence, and it is nothing short of an impossibility that the Decalogue should proceed from a literary forger. And what about the people to whom he published this novel statement? Is it really credible that they should accept it without demur? Would nobody be found to wonder that this was the first that had been heard about so unparalleled an occurrence? Is it conceiva-

able that such a narrative as that of the event at Sinai could be made part of a nation's consciousness by a few strokes of a forger's pen?'

Of the fact that the contemporaneousness of our information is of the utmost value for historical purposes I have often written. Here Dr. Kittel is fatally hampered by his higher critical theories, which make any sound judgment on his part impossible. It will be sufficient in this connection to refer to my volume on "The Origin of the Pentateuch," where I have shown the early date of our materials.

We have seen that Dr. Kittel lays more emphasis on the external corroborations of the narrative. Unhappily he has no knowledge of the extent and variety of these. It may be of interest if I quote a couple of out-of-the-way parallels to some of the Genesis narratives:—

"En général, lorsqu'il y a prestation de serment solennel ou ordinaire, chacun, suivant la quantité de ses terres, fournit la victime et vient au lieu de la cérémonie. Lorsque chaque contractant a prêté serment, alors, au nom de cet individu, le préposé aux serments offre, collectivement, le vin et les chairs de la victime" (*Le Tcheouli*, translated by E. Biot, Paris, 1851, vol. ii., p. 361, Bk. XXXVI., 44).

There is a note to this in Commentary B (composed in the second century A.D.), which runs as follows:—

"Quand la prestation de serment est faite, on fait sortir le vin et les pièces découpées de la victime. Au nom de celui qui les fournit, le préposé aux serments sacrifie aux esprits lumineux. Alors celui qui n'est pas sincère doit être malheureux.

"Quand on fait une convention par serment, *entre les princes*, on commence la cérémonie du serment par la vase de jade, appelé *Touf*. Aussitôt il (le garde de droite) fait le service de ce vase (il le passe aux contractants). Il assiste le représentant de l'esprit pour prendre l'oreille du boeuf, pour manier le bois de pêcher et la plante *Lie*" (*Tcheouli*, Bk. XXXII., 29; Biot. ii., pp. 247-248).

'The Origin of the Pentateuch, p. 111.

Note in Commentary B:—

“Le garde de droite donne le vase à ceux qui doivent se frotter les lèvres du sang de la victime, en signe de fidélité à leur serment. Le représentant de l'esprit qui préside à la convention, coupe l'oreille du boeuf immolé, et reçoit le sang, etc.” (p. 248).<sup>1</sup>

“It is extremely significant that the name ‘Patkai’ (which is an abbreviation of Pat kai seng kan<sup>2</sup>) originated on the pass at the part above indicated, in consequence of an oath there ratified between the Ahom Raja ‘Chudangpha’<sup>3</sup> on the north side with Súrínphal, the Nora Raja of the south side, whereby each bound themselves to respect the Nongyangpáni as the boundary, and that between them, ere separating, they erected two sculptured monuments, as memorials of the treaty on each bank of the river.

“Previous to this period the range there was called ‘Dolkaurang’ Doi = Mountain, Kau = nine, and rang = united — namely, the place of ‘nine united hills,’ or where nine ranges converge, which latter singularly confirms all we know of the place already” (S. E. Peal in *Journal of Asiatic Society of Bengal*, 1879, vol. xlviii, part II, No. 2, p. 75).<sup>4</sup>

Such illustrations provide a far more valuable commentary on the narrative than the weird critical discussions. They transport us into the world in which events of the kind narrated in the Bible really happened. In the *BIBLIOTHECA SACRA* for October, 1910, and January, 1911, attention was called to various other lines of external corroboration, so that it is unnecessary to dwell further on these in the present connection.

It need scarcely be said that of anything like really scientific treatment of the historical material Dr. Kittel has no conception. His book is not well translated. Thus on page 8 we

<sup>1</sup> I owe these references to J. Kohler, *Zeitschrift für vergleichende Rechtswissenschaft*, vi., p. 333, note 2.

<sup>2</sup> Pat = cut, Kai = fowls, Seng = oath, Kan = taken.

<sup>3</sup> Chudangpha's Ambassador was the Bor Gohain T'atanbing, and that of the Nora Raja, Tasinpou, date A.D. 1399-40 [*Sic*].

<sup>4</sup> I owe this reference to Klemm *Ordal und Eid in Hinterindien*, *Zeitschrift f. vergl. Rechtsw.* xiii., p. 130. For other parallels compare P. Wilutzky, *Vorgeschichte des Rechts*, II., 144-145; *Friedrichs Universales Obligationenrecht*, 16.

find a reference to a list of literature at the end of the volume, but no such list is to be found. Such phrases as "substituted it by the other," "the great ones of the past," etc., are due to the translator, while the clumsy un-English sentences prove that he is unequal to the difficult task of rendering German into clear, crisp English. As an example I cite the following:—

" . . . These arguments, however, are often — especially those of Jensen, but also those which introduce Egyptian mythology into the discussion — based upon quite secondary matters which can prove nothing; in other cases their conclusions are uncertain and far from being sufficiently confirmed. As far as the reference to these moon sanctuaries is concerned, not only were they scarcely more highly esteemed in Babylon than in other sanctuaries — and even though they were, that does not prove that Abraham was a moon-god, — but we do not know where this Ur of Abraham was really situated, or whether it was mentioned in the earliest tradition of the patriarch" (pp. 153 f.).

Altogether the book is very disappointing for those who would welcome a popular account in English of the genuinely scientific study of the Old Testament.