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ARTICLE V.

"DEUTERONOMY: ITS PLACE IN REVELATION."¹

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THE first feeling that this book arouses is one of hearty congratulation to Mr. J. S. Griffiths, who has at last succeeded where so many of his predecessors have failed; and one is tempted to linger over this, because it is the only pleasant thing that can be said about or in connection with the volume. One conservative writer after another has published books and articles attacking the higher critical theory, only to find that no notice whatever was taken of him by those who had control of the Universities and the technical press. Mr. Griffiths has, however, had a different experience. It appears to have been felt that he could not safely be left unnoticed, and accordingly Dr. McNeile has published the present volume, with a preface by himself and a foreword by Dr. Driver.

The following sentences from the preface are material from the point of view of anybody seeking to estimate the book:—

"Those who are unacquainted with Hebrew, or who lack the time or opportunity to study commentaries, may find it helpful to have before them a simple study of the subject, free, for the most part, from technicalities, and entirely free

¹ *Deuteronomy: Its Place in Revelation.* By A. H. McNelle, D.D., Fellow and Dean of Sidney Sussex College, Cambridge; Examining Chaplain to the Bishop of Oxford. London, New York, Bombay, and Calcutta: Longmans, Green, and Company. 1912. 2s. 6d., net.

from novel theories or speculations. The results presented in this little volume are those which have received the assent of the great majority of modern Hebrew scholars. Unfortunately, however, it is still necessary . . . to defend them against some writers who continue to cling, in the face of evidence, to the Mosaic authorship of the book. . . . I owe warm thanks to the Rev. Canon Driver, D.D., Regius Professor of Hebrew at Oxford, both for contributing a foreword to the volume, and for reading the proofs and making several valuable suggestions."

The following extracts from Dr. Driver's foreword are also germane to our task:—

"I have great pleasure in commending this book to readers interested in the Old Testament. It is the work of a competent and accomplished scholar; it is eminently readable; and though small in size, and unpretentious, it is full of valuable and instructive matter. . . . The grounds for the date assigned to it [Deuteronomy] by modern critics are clearly stated; and the arguments adduced on the other side are shewn, as the result of a careful and patient examination, to be in all cases insufficient, and in some cases to rest upon amazing misconceptions of matters of fact."

I propose to show, that, in point of fact, this book, so far from being the work of an honest scholar, is a deliberate attempt to deceive the public; and that it, in fact, contains statements which Dr. Driver knows to be false and has publicly repudiated. What Dr. McNeile's Hebrew scholarship is worth will appear hereafter. But I desire to say at once that both these men are trading on their positions and reputations, and that they dare not bring proceedings for libel against me because that would necessitate their going into the witness-box and submitting to cross-examination on oath

before an independent tribunal, and they both of them well know that this would be their own ruin and the ruin of the theories that they seek to propagate. No honorable person could regard these men as proper occupants of teaching posts after such an exposure as that would involve.

Exodus xx. 24-26 contains a law relating to altars of earth or unhewn stone. It is followed in Exodus xxi. by a law relating to slaves. It is the custom of a certain class of critics to dub these altars of earth or stone "sanctuaries," and then, forgetting what they really were, to proceed, a few verses later, to pin the ear of the Hebrew slave who desired to remain in captivity to the door or doorpost of such a sanctuary. It is of course absolutely certain that no stone or mound will develop a door or doorpost on being called a sanctuary. What these altars in fact were is shown with the utmost clearness by the historical instances—the patriarchal altars to which these critics are so fond of referring, and the altars erected by Moses, Saul, Elijah, etc. I have explained this over and over again in books and articles, beginning with "Studies in Biblical Law" (pp. 25-27). Dr. Driver has at last appreciated the point, and accordingly, in his edition of Exodus published nearly a year before the date of the preface and foreword, he expressly contradicted the theory that the door of xxi. 6 could be the door of the Sanctuary. On this I wrote as follows: "The 'supposition' to which he alludes in these distant terms is enshrined in his own commentary on Deuteronomy. Why does he now contradict it without assigning any reason? Has he really discovered that a mound or stone will not develop a door or doorpost even if it be called a sanctuary?"¹ I sent a copy of this in proof to Dr.

¹ *Bibliotheca Sacra*, January, 1912, pp. 155 f. = *Pentateuchal Studies*, pp. 148 f.

Driver, and he answered in a letter dated December 7, 1911, which is printed on page 157 of the same number of the BIBLIOTHECA SACRA: "In my Commentary on Dt., p. 184, I cannot see that I explain the 'door' in Ex. as that of the sanctuary: I say that I think the clause containing the word is ambiguous; but I am not aware that I express any preference for the view that the door is that of the sanctuary." To this I replied in the same number: "The word I selected—'enshrined'—was intended to cover, and does, I think, in fact cover exactly that interpretation of the Deuteronomy note which you now tell me is the right one. It is the case that when you wrote your Deuteronomy you regarded as possible a view of Ex. xxi. which you now regard as impossible for some reason or reasons which you do not state" (p. 158). It is therefore clear beyond all possibility of doubt that Dr. Driver is perfectly well aware that the door cannot possibly be the door of the sanctuary. I turn to Dr. McNeile's book and transcribe the discussion of the point on pages 63 f.:

"If a male slave wished to bind himself for life, his master (according to Ex. xxi. 5) was to 'bring him unto God,' *i.e.* to the sanctuary, where God was present, 'and he (*or* one) shall bring him to the door or the door-post and pin his ear to it with an awl.' Deut. xv. 17 has a similar regulation, but omits the reference to the sanctuary. It is in the last degree improbable that the Deuteronomist, who is never weary of insisting on the law of the one sanctuary, should have *assumed* that it was to the sanctuary that the slave would be brought, with nothing to indicate *what* sanctuary. It may be safely inferred, therefore, that in the law in Deuteronomy attendance at the sanctuary is dispensed with altogether. The difference is to be explained by the change of conditions. In Exodus, in the days of local sanctuaries, the ceremony is pub-

lic and official; in Deuteronomy, since the one sanctuary might be far distant, it is private and domestic, and is performed at the master's own house."¹

Now what can be said of the Regius Professor of Hebrew in the University of Oxford, who, well knowing that the whole of this passage is absolute nonsense, resting merely on the inability of Dr. McNeile and those whom he copies to distinguish between a mound and a house after having fuddled themselves by calling them both "sanctuaries," passes this in proof and writes such a commendation of the book? It used not to be the custom of Oxford professors to devote themselves to the deliberate propagation of falsehood among "those who are unacquainted with Hebrew, or who lack time or opportunity to study commentaries." But what of Dr. McNeile himself? When first I read this, I was of opinion that he might possibly be a dupe of Dr. Driver's. I still think it probable that he reposed a misplaced confidence in that professor. But it is impossible to acquit him of blame. In the year 1908 he published a singularly worthless edition of Exodus, in which he duly pinned the ear of the slave to the door or doorpost of a "sanctuary." I reviewed the book at some length in the *London Churchman* for November, 1908, and pointed the matter out to him. He has therefore had full warning. Still, I have reason to know that Dr. McNeile is habitually unscholarly and reckless in his work. As will be seen from a reference to the article cited, he had not troubled to read

¹ Dr. McNeile proceeds to point out, quite correctly, that I was wrong in suggesting inadvertently in my *Studies in Biblical Law* (p. 31) that the gates of the camp or its tents would supply doors. I am glad to have this opportunity of correcting the error. The point was taken many years ago by Eerdmans in reviewing the book, and the sentence in question is the only one that the critics have succeeded in demolishing during the years that have elapsed since its publication.

the books in his own bibliography; and it is therefore extremely probable that he was so unwise as to neglect to read the reviews of his own book. This would give ground for a charge of gross carelessness, but not of positive dishonesty; but, unhappily, there are other facts which leave no doubt as to the character of his methods. While, therefore, it is extremely probable that Dr. Driver has played him a disreputable trick in either not reading the proofs that he professed to read or else in deliberately passing what he knew to be false and absurd and had publicly repudiated in his edition of Exodus, Dr. McNeile is not a character on whom sympathy need be wasted. I pass on to prove this.

The confusion between an altar of the type of Exodus xx. and a house, which is due to the way in which the Wellhausenites have fuddled themselves with the word "sanctuary," has of course been responsible for much more than a misunderstanding of the slave laws. I do not propose to go over the ground again here, because I have shown very fully in the sixth chapter of my "Essays in Pentateuchal Criticism" how Wellhausen built up his central theory on the basis of this mistake, and how the whole of his case crumbles away when the facts are examined. Mr. Griffiths has discussed the matter shortly on pages 79-85 of his "Problem of Deuteronomy," following me and giving references to my books for those who might desire a fuller consideration of the subject. Dr. McNeile of course found it necessary to discuss sanctuaries. He therefore had recourse to a most disgraceful attempt to throw dust in the eyes of his readers. On pages 58 ff. of his book, where he has to deal with the subject, he deliberately gives the go-by to the whole of Mr. Griffiths's work on the subject, and proceeds to answer the totally different arguments of Dr. Orr. There can, of course, be no

suggestion that this procedure is honest. "The arguments adduced on the other side are shewn, as the result of a careful and patient examination, to be in all cases insufficient"! The "careful and patient examination" is in this instance nothing more than a deliberate attempt to draw a red herring over the trail by avoiding saying a single word about the arguments adduced. A pretty pair of frauds these English university teachers are!

Naturally Dr. McNeile's consideration of the annual pilgrimages is rendered worthless and misleading by his inability to discriminate between a house and an altar. And yet Mr. Griffiths had pointed out clearly on page 83 of his book that altars are not sanctuaries, and that JE recognizes a House of the Lord.

There is another thoroughly dishonest piece of wilful misrepresentation in connection with the slave laws. In ancient Israel, as in other ancient societies, slavery could arise in many different ways. One of the most important of these was birth. It is of course provided in Exodus xxi. that the children of a slave acquired by purchase would remain the master's if born of his bondwoman. These were Hebrew slaves. Unless manumitted, they and their descendants would remain slaves forever under the provisions of the law. I mention this to show the existence of a class (not the only class) of Hebrew slaves. That this class was large may reasonably be inferred from the various incidental references. Now in most ancient societies another frequent cause of slavery was insolvency. Moses desired to guard against Hebrews losing their freedom permanently owing to this cause, and accordingly provided in Leviticus xxv. 39 ff. that an insolvent Israelite in such case was to serve only till the Jubilee, and was not to be treated as a slave during this period of

service. Here are the words of the law: "And if thy brother be waxen poor with thee, and sell himself unto thee; thou shalt not make him to serve as a bondservant . . . they shall not sell themselves as bondsmen." It is impossible to entertain any doubt as to the class of persons affected by this law, because none but insolvent debtors can be brought within its sweep. The condition is "if he be waxen poor and sell himself." This could not apply to anybody who was already a slave, because a Hebrew slave could neither wax poor nor sell himself in consequence. Mr. Griffiths, following and abbreviating my discussion in "Studies in Biblical Law," duly points this out on pages 71 ff. What has Dr. McNeile to say to this? Not a word. On pages 64 f. he coolly treats this law of Leviticus as relating to Hebrew slaves, and proceeds to build on this assumption which nobody who knew anything about legal construction could uphold and which had been expressly disproved in the book he was purporting to answer. "The arguments adduced on the other side are shewn, as the result of a careful and patient examination, to be in all cases insufficient"!

Of priests and Levites, Dr. McNeile has much to say. It is not my intention to follow him on this subject, because, when I reviewed Mr. Griffiths's book in the *BIBLIOTHECA SACRA* for July, 1911, I intimated that I thought this section unsatisfying, and suggested that it might be rewritten in a future edition. My own views are set forth in the article on "Priests and Levites" which first appeared in the *BIBLIOTHECA SACRA* for July, 1910, and has now been reprinted in "Pentateuchal Studies."¹ At the same time, attention may be called to two or three points in Dr. McNeile's discussion. On page 122 we are assured that the Levite of Judges xvii. 7 was

¹ See pp. 231-284.

“of the family of Judah.” “He was therefore, not a member of the *tribe* of Levi.” Of course this is not the case. The person in question was a grandson of Moses in the male line, and consequently a member of the tribe of Levi. The fact is that the Massoretic text does not enjoy the support of either of the two old Greek Versions in making him a member of the tribe of Judah, and his ancestry leaves no doubt that the Massoretic text is wrong. Dr. McNeile’s representation of the duties of the Levites in P is also entirely misleading. He alleges that they were to perform certain menial duties, and in a footnote on pages 70 f. he details those duties on the strength of certain passages in Chronicles,—“*e.g.* cleaning vessels, and the sacred precincts generally; opening the doors daily; looking after all the furniture; personal service to the priests (which might involve almost any servile work); roasting, baking, and boiling food; carrying food to the congregation; killing and flaying sacrificial victims.” Yet at the bottom of page 74 he knows that in P the Levites “were in peril of death if they so much as touched the altar or other sacred things.” How they were to clean these things without touching them is a mundane question that Dr. McNeile does not condescend to answer. Nor, again, is it true that the Levites in P were to kill and flay the victims, since this duty is expressly assigned to the sacrificant. But it seems to me unnecessary to deal with this matter further at present, as I do not agree with Mr. Griffiths, and Dr. McNeile has not met my totally different arguments and facts. With regard to the question of the Levitical cities I need only refer to my fuller discussion in the BIBLIOTHECA SACRA for October, 1911, now reprinted in “Pentateuchal Studies.”¹

There is, however, a point of mine with which Dr. McNeile

¹ See pp. 209 ff.

does attempt to deal that is closely connected with the subject of priests — I mean firstlings. In this instance Mr. Griffiths has followed me, quoting the short statement of my position on pages 208 f. of my "Essays in Pentateuchal Criticism." On looking up the reference, I regret to find that I have omitted to add a reference to my fuller discussion of the subject in the *London Churchman* for July and September, 1906. Still, such a reference would have availed nothing against a man who, like Dr. McNeile, was determined to maintain the Wellhausen position *per fas et nefas*; for here resort is had to a most discreditable device. The position is this: A careful legal study of the effects of holiness on animals shows the force of the technical term. Without repeating everything that I have said in the *Churchman* articles, which, however, is essential to a full grasp of the subject, I may quote the following, which was written of the phrase "holy things":—

"As applied to animals — and certain animals appear to have been called 'holy things' *par excellence*, — it denoted especially (but not exclusively) animals that were holy by operation of law, and not by the act of man. Except in cases where some physical blemish rendered them ineligible for purposes of sacrifice, such 'holy things' were to be withdrawn from ordinary use and sacrificed to the Lord. Firstlings were to be brought to the religious center for this sacrifice, but this rule does not apply to tithe animals. The subsequent disposition of their flesh is regulated by the following verses:

"'And every *terumah* of all the holy things of the children of Israel, which they present unto the priest, shall be his.

"'And every man's holy things shall be his: whatsoever any man giveth the priest, it shall be his' (Num. v. 9, 10).

"So we see that the flesh of firstlings remained the owner's,

subject to his giving the priest some contribution — technically called *terumah*. No fixed rule is laid down as to the amount of this contribution. Probably where a number of animals were brought, one or more would be handed over to the priest" (Churchman, 1906, p. 427).

Now Dr. McNeile explains in a footnote on page 82 that *terumah* denotes something *lifted off* a larger mass, and set apart for some sacred purpose. It does not, however, seem to have occurred to him that this means that it is a word of partitive meaning. When we read in Numbers xviii. 19 "the heave-offerings of the holy things," we may with absolute correctness substitute 'the separated portions of the holy things.' This, of course, is what Mr. Griffiths and I hold that the phrase means, and we take the genitive as partitive. To this, Dr. McNeile replies as follows: "But Mr. Griffiths arrives at this conclusion through a misunderstanding of the Hebrew construction. He takes 'the *terumah of* the holy things' to have a partitive meaning, as though the contribution formed only a portion *taken from* the holy things. But this would require [*sic* H. M. W.] the preposition ׀, 'from.' In Num xviii 19 'the contribution of the holy things' means 'the contribution *consisting of* the holy things'; the two words are in apposition as in 'the people *of* Israel,' 'the virgin *of* the daughter of Zion' (Is xxxvii 22), 'the city *of* London.' In Num v 9 (which is clearly explained by ver 10a) the meaning is the same, but instead of the genitival construction the Hebrew has the preposition ׃ as its equivalent" (pp. 83 f.).

It is to be remembered that this book is professedly written for those who know no Hebrew, and that it is the work of a Cambridge don and is commended by the Oxford Regius Professor of Hebrew. That is what makes the matter so serious.

for both men must be quite as well aware as I am that the statement that the partitive meaning would *require* the preposition *pro*, "from," is false. The partitive genitive exists in Hebrew as in English; for example, we read just before (in verse 13): "the first-fruits of everything which is in their land." That does not mean "the first-fruits consisting of everything in their land," though of course the genitive is sometimes used in both Hebrew and English in an appositional sense. Whether the genitive in our passage is appositional or partitive is a question to be determined by other considerations, but there can be no possible excuse for the statement in Dr. McNeile's text.

Some of the considerations relating to the determination of the meaning are rather technical, and in view of the very full discussion in the *Churchman* article I need not enter on them here, but two matters must be shortly dealt with. Numbers v. 9, according to Dr. McNeile, "is clearly explained by ver 10a." I am not at all sure what he means by this, but I think that he wishes it to be understood that 10a and 9 are identical in meaning. It is only necessary to transcribe the passage with the necessary explanatory matter to see how absurd this is: "And every separated portion consisting of all the holy things of the children of Israel which they present to the priest shall be his (the priest's). 10a And every man's holy things shall be his (the priest's); 10b whatsoever any man giveth the priest, it shall be his (the priest's)." I apprehend that it is unnecessary to descant on the tautology and inherent absurdity of this rendering.

The best MS. of the LXX makes the meaning of 10a quite clear when it renders "and to each man shall his holy things belong."

The other point to which I desire to advert in this connec-

tion is the fact that, in a number of places in chapter xviii., the LXX read ἀπὸ, "from," where the Massoretic text has לְ. Thus in verse 8 we have "from all the things sanctified to me." This is probably the right reading. It is interesting to note how a consideration of the Hebrew text in the light of purely legal methods of construction led me to conclusions that, as I now find, are confirmed in this way by the oldest extant text of the Pentateuch.

Another bad blunder in translation that happens to have some connection with firstlings is made by Dr. McNeile on page 82, where he tries his hand at rendering Exodus xxii. 30 (29). He translates "on the eighth day thou shalt give it to me." It should be "thou *mayest* give it to me." This is a very frequent mistranslation in the English Versions, but I do not think it causes much harm, as a rule. It often happens that a command is given in this form, and immediately followed by a clause prescribing an alternative, and I believe that in such cases English readers recognize that, in spite of the mandatory form of the English, the meaning is permissive. Thus in Exodus xiii. 13 it is generally realized that the law means "thou *mayest* [not "shalt"] redeem," in xx. 24 " *mayest* [not "shalt"] make," and so on.

So much for Dr. McNeile's treatment of the laws. I do not propose to enter into the question of the Style of Deuteronomy, because I treated of it at length in an article that originally appeared in the *Princeton Theological Review* for 1907, and has now been reprinted in the volume of "Pentateuchal Studies."¹ Dr. McNeile makes no attempt to meet what I have said there; so that it is unnecessary to treat further of his chapter on the subject.

As to the alleged discrepancies between the narrative of

¹ See pp. 195-224.

Deuteronomy and the earlier books, these have, for the most part, been discussed at sufficient length in my "Essays in Pentateuchal Criticism" and "Origin of the Pentateuch" and in Mr. Griffiths's volume. Since, moreover, it will presumably be necessary for Mr. Griffiths to answer Dr. McNeile and travel over the ground at full length again, it is unnecessary for me to say much. I never agreed with either Wellhausen or Mr. Griffiths in regard to the stay at Kadesh; indeed, I have shown clearly in my "Essays" that the text of Numbers is not in order. But there is one point to which I ought to refer briefly. Dr. McNeile complains that defenders of the Mosaic authenticity of Deuteronomy do not notice the discrepancies between the two versions of the Ten Commandments. They do not; and the reason for their silence is that they feel the critical argument on this point to rest on so profound an ignorance of the mental habits of human beings, that they really do not know what to say in reply. In the first place, the Nash papyrus and the Septuagintal variations show that it is impossible to feel sure of the exact text, and that some allowance must be made for the vicissitudes of a MS. tradition. But, in the second place, educated men are well aware that the habit of quoting from memory is an old one, and that certainly neither Moses nor any of his contemporaries would have been likely to object to or feel any difficulty about such slight verbal variations as exist between the two versions. It is to be remembered that these do not in the slightest degree affect the sense or the duty of any Israelite. I have never been able to feel any difficulty about the point. On the other hand, Dr. McNeile's suggestion that Moses should have taken the tables of stone out of the Ark and have read them to the people is simply grotesque. Here, as in other passages,

he only shows a total inability to comprehend Hebrew feeling or ways of thought.

Much space is consumed in the effort to prove that, on the critical theory, Deuteronomy is not a forgery. I waste no words on this, because it is obvious that Drs. Driver and McNeile are not true enough themselves to be able to form an opinion on such a subject. When the latter writes, "The acknowledged literary device . . . would deceive no one" (p. 40), he simply ignores the fact that, on his hypothesis, it did in fact deceive every one for twenty-five centuries. To put forward such an allegation a man must be either hopelessly dishonest or an utter imbecile, or both.

From my study of the book I can only say that these two men — Doctors Driver and McNeile — are a disgrace to their Universities and to their cloth. It is deeply to be deplored that men who belong to an honorable profession should have fallen so low.