

ARTICLE VI.

THE CRITICISM OF THE PENTATEUCH:

A Reply to Mr. H. M. Wiener.

BY W. F. LOFTHOUSE, M.A.,
HANDSWORTH, ENGLAND.

To the October number (1914) of the *London Quarterly Review* I contributed a note entitled "Dahse v. Wellhausen." It was elicited by the opinion, often widely and confidently expressed, but seldom brought forward by responsible scholars, that Dahse's investigations had overthrown Wellhausen's theory of the Pentateuch; and it pointed out, within the compass of some five pages: (1) that Dahse's work had made very little impression in his own country or in England; (2) that Dahse himself was chiefly concerned with only a minor point of the Wellhausen theory, the divine names in Genesis, and with the contention that these were often incorrectly transmitted in the received (or Massoretic) text; and (3) that the grounds on which even this contention was urged were unsatisfactory.

In the January (1915) number of the same review a further note appeared from the pen of Mr. H. M. Wiener, "Has Professor Lofthouse Vindicated the Documentary Theory?" In this Mr. Wiener left Dahse on one side; he made frequent references to his own writings (chiefly EPC, PS, and OP); he urged the distinction, familiar to readers of the *BIBLIOTHECA SACRA*, between the earthen or stone altar and the "house" or sanctuary; and claimed that in the supposed

Pentateuchal documents the use of the divine names was far from consistent. In the same number I was allowed a brief reply, showing that Wellhausen's "lay altars," or cairns, are unmentioned in Dt. and P, and that "no array of textual variations can alter the fact that the divine names are found for the most part in blocks, and that the transition from one to the other regularly corresponds to a transition from one set of characteristics, stylistic and religious, to another" (p. 132).

In April, Mr. Wiener published in the same magazine an article entitled "The Mosaic Authenticity of the Pentateuchal Legislation." Here he referred to his contention that the divine names did not occur in "blocks" in the Pentateuch; he repeated the argument of the distinction between cairn and sanctuary, admitting that the Exile "put an end once for all to such lay sacrifices" as had previously been offered at cairns; he asked whether the regulations for the approach to the tabernacle and the leprosy rules could have originated anywhere save in the desert; and in reply to the argument that Ezekiel could not have known P, he pointed out that by one passage in Ezekiel (xxii. 26) P seems to be implied (Lev. x. 10).

Opportunity was given me to show, in a short note, that the cases where "Elohim" appeared in J and the tetragrammaton appeared in E were few, and had all been considered and explained by "critics"; and that, if the laws in P were written in and for the desert, many of them could not have been obeyed, on Wiener's own showing, after the entrance into Canaan. I concluded with a paragraph which I must quote, as it forms the text of much of Wiener's article in the July BS: "I must still claim that nothing has been said, in these pages or elsewhere, to lead us to abandon the MT.,

as our most trustworthy guide to the original text, for any of the types of the LXX, or to surrender the view of Israel's history which claims that, in Prophets and Law alike, Jehovah was patiently leading the Israelites by a progressive revelation" (p. 278).

Mr. Wiener has made frequent complaints, though hardly with justification, that the points urged by himself, Orr, and Dahse have never been considered by his opponents. And he has so often accused me of not venturing to reply to these arguments, that with the permission of the editor, I must refer at greater length to his article in the July BS. This may be divided into six parts: (1) the cairn and altar argument (pp. 477 ff.); (2) Levitical portorage and leprosy regulations, with a supposed *volte-face* on my part (pp. 481 ff.); (3) the argument for Ezekiel's dependence on P, and the reasons for his supposed divergence (pp. 484 ff.); (4) reference to P in Dt. and the prophets, and alleged exceptions to the neglect of P in the prophetic writings (pp. 493 ff.); (5) the argument that if the critics are right, the Pentateuch is no better than a forgery (pp. 495 ff.); and (6) the references to the doublets in the story of Abraham and elsewhere (pp. 498 ff.).

These points are full of interest to myself; and although in some cases they are little more than repetitions of arguments to which I have already replied, I will deal with them seriatim. It should not, however, escape notice that Mr. Wiener has led the discussion entirely away from Dahse. He prefers to concentrate on a few points (e.g. cairn altars, Levitical portorage, and leprosy rules), assuming that if they can be suspected of another interpretation than that of the critics, the whole critical structure will fall to the ground. With regard to Ezekiel and the supposed knowledge of P in

preëxilic writers, he selects a few (and these not the most important) passages for treatment, and entirely neglects the arguments based on the general tone and outlook of the writers in question; and awkward instances, like those of the Abraham doublets, can hardly be said to be seriously considered.

Now it is perfectly well known that in the logic of the schools, a universal affirmative may be contradicted by a particular negative, and a universal negative by a particular affirmative. If I can show that "this A is B," my opponent cannot continue to assert that "no A is B." But in the matters of literary criticism the issue is rarely as simple. A literary generalization is not a universal proof in the sense of the logical textbooks. The induction based on the consideration of the author's whole style and contents cannot be demolished by the easy process of explaining away three or four passages. That Mr. Wiener is surely conscious that his own generalization cannot be pressed seems clear from his assumption of the existence of glosses, and his statement that he holds that the legislation of P is Mosaic "subject only to textual criticism" (*LQR*, April, p. 276; see also *BS*, Oct. 1915, pp. 602 ff., from which it would appear that glosses, at least in certain parts of the Pentateuch, are disconcertingly numerous). But we can go further. A theory based on ample induction is not, like Homer's warriors, to be killed by a few well-directed stabs; but closer examination will show that the thrusts of Mr. Wiener's arguments, so far from wounding any vital part, have in each case missed their mark.

1. As regards the cairn altars. Mr. Wiener urges that there were two kinds of altars, lay and priestly, both in existence before the Exile. Hence it would follow that P, in speaking of altars at which only priests might officiate, is not

necessarily post-exilic. I myself referred, as Mr. Wiener reminds me, to the differences in material and construction between the various altars. But what does this prove? That laymen could officiate at one kind and priests at the other, both before and after the Exile? Surely not. The fact is that until Josiah's reforms, both laymen and priests sacrificed at cairns or earthen altars, and that priests sacrificed also at permanent shrines; and that after that day, neither lay sacrifices nor cairns are heard of any more, save as marks of heathenism. Mr. Wiener himself recognizes that lay sacrifices disappeared after the Exile. Does he not see that the cairns, where lay sacrifices had been permitted, came to an end with Josiah in 623 B.C. (2 Kings xxiii. 13 ff.)? Deuteronomy forbids these cairns categorically, and P makes no mention of them whatsoever. This is exactly the contention of the critics. How could P, laying down its minute regulations for its sacrificial system, have entirely neglected a whole class of sacrifices, offered, as Mr. Wiener supposes, by irresponsible laymen, whenever they might chance to officiate at a wayside cairn? The truth is that the case for the difference between lay and priestly altars in Dt. and P entirely breaks down.

Mr. Wiener also refers to the direction in Ex. xxi. 6, the boring of the slave's ear. Here his sense of humor seems to have led him astray. There is nothing in the passage pointing definitely either to cairns or the sanctuary. The verse is, "His master shall bring him unto God [RV margin, "the judges"] and shall bring him to the door." The parallel in Dt. xv. 16, 17, seems to show that the door of the master's own house is in mind, and that a visit to a sanctuary was never contemplated. The word "God" (or "gods") in Ex. xxi. 6, if not to be interpreted as RV margin, probably refers

to the household *penates* placed by the house door, and it naturally disappears altogether in the Dt. version (cp. Baentsch, HK, *ad loc.*, and Kent, *Israel's Laws and Legal Precedents*, p. 62¹).

2. I am told that I have contradicted myself in asserting in October, 1914, that P dated from some time before 444 B.C., and in April, 1915, that the laws which P exhibits "are of varying ages, some of them very ancient." But where is the contradiction? Is it impossible for a legislator composing a code in one period of history to embody in it provisions which have been known and obeyed from a much earlier time? Is it impossible for him to adapt these earlier provisions to fit in with a recognized scheme of things which has become possible only in his own time? No word that Mr. Wiener has said has disputed the statement that the style of P is "legal and precise, entirely lacking in the colour that is characteristic of the other two writers (J and E)"; but P's subject matter, both in laws and narratives, may none the less be, and often is, very ancient. Do those who neglect the facts of divergence in style and religious conception between P and the other documents, and who hold that "subject to textual criticism" Moses wrote both narrative and laws of the Pentateuch, really believe that the legislator was uninfluenced by even earlier Semitic legislation in his codes? (Cp. parallels between Ex. xxi. 2 f.; xxii. 1 ff., 5 f.; Lev. xx. 14; xxii. 7, and the Code of Hammurabi.) Or that he invented the laws in Lev. xi., xii.; or xiv. 6 ff., 33 ff., 49 ff.? These latter can be paralleled with ethnic customs as clearly as the practice of circumcision. True, the general

¹ Driver (Deuteronomy, ICC, p. 184) interprets the phrase "unto God" of "the sanctuary at which judgment is administered." What has this to do with the alleged inability of "critics" to "distinguish between a mound and a house"?

system of P contemplates a state of society far removed from that of the desert; but that provisions as early as the desert itself, or earlier, should be preserved there, is as natural as that traditional principles of ancient common law should be preserved in English and American statutes drawn up to-day.¹

Mr. Wiener further writes as if, on the view of a post-exilic P, all that was said of the tabernacle in that document was intended to be understood as referring to the second temple. Who has ever suggested this? The later priestly writers hold that a sacred tent had existed in the desert; and indeed there is nothing at all improbable in the suggestion that the tribes carried with them a portable shrine. This the writers idealized into a glorified structure, surrounded with the taboos or prohibitions with which the temple itself and the priesthood were encompassed; and the post-exilic order of Levites, in this reconstruction, were assigned certain duties in connection therewith, analogous to their other duties. But the Levites were obviously more than "desert porters" (cp. Num. xxxv. 1-8). Mr. Wiener here refers to the supposed contrasts between Num. xviii. 3 and Chron.—presumably 1 Chron. ix. 28, the arrangement instituted by David (ver. 22); 1 Chron. xxiii. 27 ff. does not conflict with the warning in Numbers. It is the priests who enter the inner part of the shrine, as distinct from the Levites (2 Chron. xxix. 16). In Chron., Mr. Wiener urges, the Levites are said to do what by Num. xviii. 3 they were to have been put to death for doing. How does Mr. Wiener himself explain this? Is he himself possibly a "higher critic," regarding Chron. as idealizing the past in accordance with the conception of a later

¹ It is an almost universal rule that when a new statute has to be drafted, the draftsman seeks for precedents either among the old laws of the same country or among the laws of other countries where similar legislation is in force.

age? or does he rather hold that by the time of David the provisions of the authoritative law of Moses, instituted some three centuries before, had been forgotten or cast aside? The former would seem to be the case, since he tells us (PS, p. 233) that he rejects "all statements in the hagiography that conflict with the Law and the Prophets." But there is really no need for Mr. Wiener to sacrifice Chron. here. Numbers xviii. 3 is quite consistent with all that we read elsewhere in P about Levites. They look after the furniture and sacred vessels of the sanctuary; but they must not actually approach within the shrine, though they have charge of the vessels used there when these are taken outside (cp. 2 Chron. xxix. 16, where the priests as distinct from the Levites enter the "inner part"). But this explanation of a supposed "inconsistency" removes all need to separate P by several centuries from Chron., which Mr. Wiener admits to be late.

On the other hand, while the status of the Levites is under discussion, to regard P as late has another advantage. Mr. Wiener gives a speculative and rather obscurely worded reconstruction of the history of the tribe of Levi (OP, pp. 71 f.; cp. PS, pp. 281 f.). This necessitates an alteration of the text, and it fails to do justice to four important and early references to the tribe (Gen. xlix.; Dt. xxxiii.; Jud. xvii. 9; and xviii. 30 — to say nothing of the notice in Gen. xxxiv.). On the other hand, if the Levites, having been in earlier ages synonymous with priests (as Mr. Wiener says they actually were from Dt. to Mal., PS, p. 282) after their dispersion as an independent tribe, were then debased to a secondary rank in the time of Ezekiel (as, according to Mr. Wiener, Ezekiel recommended), we can see quite clearly why the post-exilic P, in his imaginative and idealizing account of desert con-

ditions, pictures them as custodians of everything belonging to the sanctuary, but not as priests (see also CB, pp. 29, 323 f.).

Mr. Wiener has further urged that the leprosy laws (Lev. xiv., xv.) were intended only for the desert, and could not have been obeyed after the entrance into Canaan; hence they could not be post-exilic. But he himself points out (BS, p. 483) that they are introduced by the phrase, "when ye are come into the land of Canaan." They evidently were intended to be carried out in Canaan; and the phrase has a parallel in the very frequent phrase in Dt., "when thou art come into the land which the Lord thy God giveth thee," the phrase being a natural part of the desert setting of the code.

3. Mr. Wiener turns to Ezekiel. He begins by referring to three passages in Ezekiel which are supposed to imply the existence of P. First, Ezekiel xxii. 26 (cp. xlv. 23) contains the words, "they [the priests] have put no difference between the holy and the common, neither have they caused men to discern between the unclean and the clean, and have hid their eyes from my sabbaths, and I am profaned among them." In Lev. x. 10 (P), we read "that ye may put difference between the holy and the common, and between the unclean and the clean; and that ye may teach the children of Israel all the statutes which the Lord hath spoken unto them by the hand of Moses." The verse also recurs in Lev. xi. 4 (P), and in a slightly different form in Lev. xx. 25 (part of H, the Holiness code, probably contemporary with Ezekiel). Clearly, for anything we know to the contrary, we may suppose that P quoted from Ezekiel or H quite as easily as the reverse. Again, the words in Ezek. xx. 12, "Moreover also I gave them my sabbaths, to be a sign between me and them, that they might know that I am the Lord that sanctify them,"

are said to imply the preëxistence of Ex. xxxi. 13, "Speak thou also unto the children of Israel, saying, Verily ye shall keep my sabbaths: for it is a sign between me and you throughout your generations; that ye may know that I am the Lord which sanctify you." But the conception of sabbaths as a sign may quite well have originated with Ezekiel and then have been used by P. The same thing may be said of the references to guilt and sin offerings, and holy things and places. Indeed, Mr. Wiener shows that he feels his argument to be unequal to bearing all the strain he lays upon it, when he speaks of "P or some legislator that dealt with the same topics." The festival legislation in Ezekiel is said to imply Lev. xxiii. 4. This passage is from the probably contemporary document H. It would be truer to say that both imply the less elaborate passages in Ex. xxiii. and Dt. xvi.

But Mr. Wiener recognizes the existence of discrepancies between Ezekiel and the Pentateuch. For these he gives five reasons:—

(a) Psychological (p. 485): "The vision contains an ideal element." Such an "argumentum ex mysterio" would be as plausible as it is convenient, if it were not that the discrepancies are so regular in character; the ritual provisions in each case going a little further than Dt., but not so far as P; and recalling H in tone and language. There is nothing to suggest that Ezekiel's sketch was not intended as a "literal representation of what was to be."

(b) Textual. The text both of Dt. and of Ezekiel has suffered in transmission; and Mr. Wiener's suggestion is that if we had a correct Ezekiel and a correct Dt., they might prove to be nearer one another than they seem to be at present. But something more than a bare surmise is needed. The received text of Ezekiel is less certain than that of most other

Old Testament books, including Dt.; but no one has succeeded either in giving us a true text of Ezekiel, or in proving that it would bring us nearer to Dt., or in showing that this approach, if it could be made out, would do anything to lessen the discrepancies.

(c) Social. Ezekiel was anxious to depress the secular element in favor of the priesthood, and to remove the abuses which had grown up since the time of Moses. But the instance discussed by Mr. Wiener (xlv. 21-25, xlvi.), even if his interpretation is right, does not touch the main body of ritual divergence (see below); on the other hand, the argument that Ezekiel does not refer to the Levitical high priest is not affected by the existence, in earlier times, of chief priests. Chief priests are found both in the Southern (2 Kings xii. 9; xxv. 18) and Northern (Amos vii. 13) kingdoms. We do not know how they were differentiated from their brethren; but we do know that when Ezekiel is laying down regulations for the priests, he makes no mention of such rules for the chief priests (cp. Lev. xxi. 1-15), which, had they been Mosaic or even traditional, he could hardly have passed over. Mr. Wiener also refers to his arguments in PS, pp. 237 f., 241 f., 278 ff.; but these, if carefully studied, only show that Ezekiel introduced the distinction between priests and Levites, and that the practice he recommended in sacrificing is not that of P. This is what I myself have urged (CB, pp. 28 ff.). What he does not prove is the one thing his argument needs, namely, that Ezekiel is departing from a custom already known and authoritative; indeed, he holds that the legislation of P for the Levites, being intended merely for "desert portage," was dropped after the entrance into Canaan, in spite of 2 Sam. vi.

(d) Ritual. Ezekiel (CB, pp. 29 f.) prescribes two days

of Atonement, one at the beginning of each half year (xlv. 18 ff.); this is clearly inconsistent with the well-known law in Lev. xvi. Mr. Wiener urges that no one would assert this about Ezekiel, who had actual experience of what the day of Atonement is. But why? True, there is no mention of anything like the solemn ritual of Lev. xvi. in Ezekiel. But this is the point of the whole argument. Of the great Day of Atonement Ezekiel knows, or says, nothing. And lest it should be asserted that no conclusion can be drawn from his silence on this great Day (extraordinary as silence would be on such a festival as this,—the most important, for modern Jews, of the whole year, and the most impressive in the whole of the Pentateuchal legislation), he speaks instead of two Atonement festivals. He has two simple "spring cleanings" instead of one very complex one (cp. CB, p. 30). Can anything be clearer? Whether he was influenced by a love of symmetry or not, he could not have instituted these two rites, while saying nothing of the other, if the other had been in existence.¹

It thus appears that there is nothing to be urged in proof of the view that Ezekiel must have known P, nor could his discrepancies be explained by any other supposition than that he was ignorant of P.

4. We turn away from Ezekiel to the Pentateuchal codes,

¹ In an argument of this kind, it is advisable to preserve a sense of proportion by enumerating the cases of discrepancy. A list follows of passages in Ezekiel which do not tally with the corresponding laws in P or H: xlvi. 20 (Ex. xxix. 12); xliii. 24 (Lev. ii. 13); xlii. 10 (cp. CB, p. 323); xlii. 11 (Lev. i. 5; iii. 8, cp. 2 Chron. xxix. 34; xxx. 17); xlii. 20 (Lev. xix. 27; xxi. 5, 10); xlii. 22 (cp. Ezra ix. 12; Neh. x. 30); xlii. 28 (tithes unmentioned); xlii. 30 (Num. xviii. 12 f.); xli. 13 (Neh. x. 32; Ex. xxx. 11-16); xli. 18 ff. (Lev. xvi.); xli. 23 (Num. xxviii. 19); xli. 25 (Lev. xxiii. 36; Num. xxix. 35); xlii. 14 (Num. xxviii. 34).

and observe that in certain passages Dt. and P are said to be similar or even identical, and therefore, presumably, that Dt. comes after P and not P after Dt. It is quite true that the list of unclean animals and birds "is in great measure verbally identical" in Dt. xiv. 4-20 and Lev. xi. 2-23. In a bare list of names, there cannot be much room for the display of style; but there is nothing to suggest that Dt. was the copyist. Probably the distinction between clean and unclean, and some of the species in the duplicated catalogue, go back to a far earlier age than that of the rise of either code. Again, Mr. Wiener argues that the permission to kill and eat flesh at home in Dt. xii. 15, 20 ff., presupposes and modifies the stringent law in Lev. xvii. 1-7. But why should this be? In the first place, Lev. xvii. 1-7, as it now stands, relates only to sacrifice; and if it were intended to hold good simply for the desert, why are we told, in verse 7, that the law is to be a "statute for ever unto them throughout their generations"? The fact is that Dt. xii. 15 is the modification necessitated by the abolition of local sanctuaries, and that Lev. xvii. 1-7 is treating of a totally different matter. Again, why must the taboo on blood in Dt. (as Mr. Wiener suggests) be held to rest on the enactments of P? The reference (given by Orr) to Gen. ix. 4 shows that this taboo was far older than even Moses, and Acts xv. 29 (to say nothing of the practice of modern Jews) shows how long it has endured. It is quite gratuitous to suppose, on such a ground as this, that P must have preceded Dt. Deuteronomy xxiv. 8 certainly refers to the priests' Torah on the subject of leprosy. This Torah might have been the actual provisions in Lev. xiii. and xiv., or at least the basis of the Law codified in those chapters. But how does this prove that P, in which Lev. xiii. and xiv. are embedded, is Mosaic or even older than Dt.? There is

nothing to show that this Torah, like others, could not have existed long before it was written down in the particular code.¹

Reference is also made to the provision for "disestablished" Levites in Dt. xviii. 6. Mr. Wiener asserts that there is no mention of disestablishment or of local sanctuaries here. This is of course quite true if the passage is taken by itself; but when the passage is taken in connection with Dt. xii. and 2 Kings xxiii. 9, to which I pointed (*LQR*, Jan. 1915, p. 131), the suggestion is clear enough. The local sanctuaries are to be destroyed and the occupation of the local priests in their ministrations brought to an end (Dt. xii.); the local priests thus rendered homeless in the time of Josiah (2 Kings xxiii. 9) were maintained, but not allowed to exercise priestly functions. In Dt. xviii. 6 they are to be maintained and allowed

¹To form a reliable conclusion on the relation of the four codes (Covenant, Deuteronomy, P, and H) to one another, we must go through the various cases of parallel laws. The following list contains all the more important parallels, distinguishing between those where Dt. expands the Covenant and P (or H) is independent (*a*); those where P (or H) goes beyond Covenant and Dt. (*b*); those where Dt. and P (or H) show independent expansion of Covenant (*c*); and where the formula is practically the same (*d*). The fact that the list is not longer rises from the circumstance that in so many instances P does not overlap at all with the other codes.

Ex. xx. 24 (not part of Covenant, but a primitive law), Dt. xii. 1-28, Lev. xvii. 1-9 (*a*); Ex. xxii. 31, Dt. xiv. 21, Lev. xvii. 15, xl. 40 (*b*); Ex. xxiii. 10, Dt. xv. 1-11, Lev. xxv. 1-7 (*c*); Ex. xxi. 2-11, Dt. xv. 12-18, Lev. xxv. 39-46 (*c*); Ex. xxiii. 14-17, xxxiv. 18, 20, 22-24, Dt. xvi. 1-17, Lev. xxiii., Num. xxviii.-xxix. (*b*); Ex. xxii. 18, Dt. xviii. 10-11, Lev. xix. 26, 31, xx. 6-27 (*c*); Ex. xxiii. 1, Dt. xix. 15-21, Lev. xix. 16 (here Dt. expands Covt.; Lev.(H) is very brief). Ex. xxii. 25, Dt. xxiii. 19 f., Lev. xxv. 35-37 (*c*); Ex. xxiii. 19, xxxiv. 26, Dt. xxvi. 2, Num. xviii. 12 ff. (*b*); Ex. xxiii. 15, 18, xxxiv. 18, Dt. xvi. 3 f., 8, Ex. xii. 8, 15, 18-20, Lev. xxiii. 6 (*b*); Ex. xxiii. 18, xxxiv. 25, Dt. xvi. 4, Num. ix. 12 (*d*).

If the (*b*) list is examined, it will be found that in all cases

to exercise at least subordinate functions at the Jerusalem temple. (On priests and Levites in Dt. and P, see Driver's Deuteronomy, p. 219.)

But, it is said, Hosea implies a detailed written code. The passage from Hosea vii. 13, referred to in the LQR, April, p. 276, and quoted in OP, pp. 131 f., is one of the most difficult in that difficult prophet. But it certainly does not necessitate a reference to an existing written ceremonial law, still less to P (on the various interpretations, see Harper, Amos and Hosea, in ICC, pp. 320 ff.). The meaning, as borne out by the LXX, seems to be, "If I should write out my precepts for them in myriads — such moral precepts as the prophets have been in vain urging upon them — they would count them as mere foreign ordinances and of no binding power in Israel." The context makes no suggestion of P, nor is Hosea referring to what Jahveh has done (the tense is *future*), but to what he might do. On the other hand, the passage in Jer. vii. 22 is about as clear as it can be, and this whether we read עַל-דְּבַר or simply עַל ("on the basis of," or "concerning"). Mr. Wiener urges that it was for the sake Covt. and Dt. are far nearer than Covt. and P (or H). In the case of the *lex talionis* (Ex. xxi. 23-25; Dt. xix. 21; Lev. xxiv. 19), Dt. and H are significantly alike in toning down the severity of Covt. It will further be noticed that the parallels to P as distinct from H are very few; and also that the most characteristic and striking legislation of P is absent from Dt. (as from Covt.). On the critical view, this is perfectly intelligible. But if P was all written by Moses in the desert, before Dt., it is not intelligible at all. How was it possible in a code professing to sum up everything a layman needed to know in his new home, to omit all reference to the Day of Atonement, the distinction between priest and Levite, the Levitical cities, the year of Jubile, and the meal offerings, guilt offerings and sin offerings, as well as all reference to the atoning value of sacrifice? Tradition can be supported only at the cost of the reputation of the legislation which tradition is supposed to glorify.

of the recognition of God and obedience to His (moral and spiritual) commands that the law had been given; and that this is the view of all the prophets. Exactly. Mr. Wiener goes on to quote 1 Sam. xv. 22 (the application as made by Mr. Wiener to Ex. xv. 25; xvi. 4; xix. 5, is hardly clear). Nothing could be more apposite. But that is not the view of P. In P the ritual law is an end in itself. If P had existed in Jeremiah's time, the only interpretation of Jeremiah's words would be as a protest against P. As it is, P is not in his mind at all, for the simple reason that it did not exist. But a body of ritual practice did exist, against whose claim to authority, as having been ordained in the desert, Jeremiah protests with characteristic vigor.

It can hardly be thought that these few references, even if they could be made to bear the interpretation put on them by Mr. Wiener, will counterbalance the deliberate and massive emphasis laid on morality in conduct, and the equally deliberate and noteworthy neglect of ritual, in the prophecies of the eighth and seventh centuries. The contempt with which the prophets speak of sacrifices could be explained only by the fact that such ritual as P describes was not in their mind at all, and that the simpler ritual described in Ex. xxi.-xxiii. had been altogether overlaid by pagan ostentation or license. And if they did not know of P, how can we suppose that P existed? It might have been unknown to the common people, as Mr. Wiener rather daringly suggests (OP, p. 133); but it could not have been unknown to men like Hosea, Isaiah, and Jeremiah. As I wrote in the LQR (April, 1915, p. 278), "Either the priests must have kept P to themselves only too well, or the Prophets must have been extremely ignorant or extremely disingenuous."

5. We now turn to the fifth or moral argument. Mr.

Wiener on this point contents himself with a long quotation from Orr (*Problem of the Old Test.*, pp. 292-294), and two somewhat cheap witticisms of Huxley and Wellhausen. In reply I might refer to a striking passage by Driver (*Deuteronomy*, pp. lvi f., lx ff.), to which most of the readers of this journal will be able to refer; nor do I think that, in doing so, they will put down the words of that great scholar as an "opinion that critics who cannot distinguish between a house and a mound hold of their own performances" (*BS*, July, 1915, p. 497). But I would point out that the use of such terms as fraud and trickery is really a begging of the question. Did the authors of the code intend to deceive the community? Mr. Wiener denies it. So do his opponents. But surely, it is argued, they must have desired to do this, if the critics are right. Why? The truth is that for the legislators, as for the community as a whole, the laws as they were received were regarded as authoritative, and therefore Mosaic. But to say that the legislator, when he wrote "Moses said," meant to hoodwink the Hebrew people into believing that Moses had actually written down every word himself, would be as irrational as to suppose that, whenever an Athenian orator referred to Solon or a Spartan statesman to Lycurgus, he was consciously appealing to a fictitious personage for the authority without which he would have been helpless. The authors of the codes set down practices which they believed to be genuine and correct, however neglected they might have been in the past; and this for them was synonymous with what was Mosaic.

6. Mr. Wiener refers to a sentence of mine, at the close of my note in the *LQR*, April, 1915, page 278, with reference to the doublets in the Pentateuchal narratives. It is well known that one of the difficulties in reading the Pentateuch

as if it were a single document, rises from the duplicate narratives; and I pointed out that if it is hard to believe that the prophets did not know of the legislation of P, supposing P existed in their days, it is equally hard to believe "that one and the same writer could have informed his readers that Abraham induced his own wife to play a rather unworthy trick on Pharaoh, that later on she became a mother at an exceptionally late age, and then that still later Abraham employed the same ruse with Abimelech."

Mr. Wiener asks what bearing this has on the Mosaic authorship of the Pentateuchal legislation. That it has a bearing on the authorship of the legislation as such, I did not suggest; but on the Mosaic authorship of the Pentateuch as a whole it has a very important bearing; and it was on the question of the Mosaic authorship of the Pentateuch as a whole that our discussion arose. However, before referring to this doublet, Mr. Wiener quotes a passage from OP referring to others which I did not mention. The reader who examines the passages Ex. xvii. 1-7 and Num. xx. 1-13 will see that, distinct from P, there are two accounts of the rebellion, one referred to Massah and the other to Meribah (note especially ver. 7). Whether these two accounts refer to the same incident, localized by tradition one at one place and one at another, is of course a further question. The point is that, in the narratives as they have come down to us, we have a doublet or rather a triplet.

As regards the manna, why should there not have been more than one account? Apart from the fact that the story is actually given us in the Pentateuch twice over (Ex. xvi. and Num. xi., with variations; to say nothing of Dt. viii.), Ex. xvi. 21 (where the manna melts in the heat of the sun) can hardly be reconciled with verse 23 (where the Israelites

are told to bake and boil it); verses 15 and 31 are equally independent.

Mr. Wiener then turns to the Abraham stories in Gen. xii. and xx. In his dread of recognizing that these are doublets, he neglects the special "E clues" in Gen. xx. (Elohim for Jahveh, the references to dream and prophet, and the more developed conception of God), he changes the position of the section in the text (see PS, pp. 74-76), and then comes to the following conclusion (BS, p. 499), "that Abraham should have made a practice of passing Sarah off as his sister in cases where the habits of the age made this an expedient for self-protection gives no ground whatever for surprise,"—even if he carries out this practice twice within an interval of at most a few years; presumably it is equally natural that Isaac, a generation later, should repeat the ruse. This suggestion will hardly commend itself to those who hold that behind our narratives of Abraham lies a character nobly conceived and worthy of being called "the friend of God." The two sections must be independent doublets or they are fatal to their author's conception of his hero.¹

But it must not be forgotten by Mr. Wiener's readers that the doublets occur right through the Pentateuch. To mention only some of these in Genesis, we have i. 1-ii. 4a as against ii. 4b ff.; xvii. 16-19 as against xviii. 9-15; xxvii. 46-xxviii. 9 as against xxvii. 1-45; xxviii. 19 as against xxxv. 15; xxxii. 28 as against xxxv. 10; xxxii. 3 and xxxiii. 16 as against xxxvi. 6. Ingenuity and skill may explain away

¹Mr. Wiener also refers to the fact that *amah* and *shiphchah* (maid servant) are both used in this section (ver. 14-17). This does not alter the fact that *amah* is the usual word in E, *shiphchah* in J. A reference to the Oxford Hebrew Lexicon will show that *amah* is never used in passages recognized as belonging to J, and *shiphchah* very rarely in E (see Driver's Genesis, p. xlii; Skinner attributes *shiphchah* in Gen. xx. 14 and xxx. 18 to the redactor).

one or two of these; can it efface the impression made on the thoughtful reader by them all?

Mr. Wiener further asks for consideration of the argument adduced by Orr in the "Problem of the Old Testament (pp. 292-326) which, he adds, "the critics have never dared to answer in detail." I must not, at the close of a paper already too long, venture to suggest the answer for which Mr. Wiener calls; but what are the points in these pages that have not been answered? The moral issue, to which reference has already been made, has been met frequently. The "historical incredibility" — viz. the acceptance of a hitherto unknown law at its promulgation by Ezra — shrinks to vanishing point when we remember that many of the laws were already familiar in substance and principle, that the code was a development of tendencies already at work, and that as a matter of fact several provisions had actually met with great opposition (e.g. the laws prohibiting intermarriage), till the demands of Ezra were supported by the strong arm of Nehemiah. On the other hand, if, as Orr suggests, many of these were unknown in the period before the Exile, when did they fall into disuse, and to what earlier period can we point as one of clearer knowledge and larger obedience? As for the alleged unsuitability of the code to the post-exilic period, it has often been pointed out that the code in which all social and national interests are subordinated to that of religion, and in which the society contemplated is not a nation but a church, is suited to no period in the history of Israel save that in which political independence had been lost and the one social bond was the common religious conviction and practice.

Orr next presses the precarious nature of the argument from silence (viz., the provisions of P are not mentioned

earlier; therefore they could not have been known). But this is to misrepresent the argument. It is not one merely of silence. The earlier parts of the Old Testament do not simply neglect P; they describe a state of things inconsistent with P (e.g. lay altars, and Levites as identical with priests). Mr. Wiener tries to annul the force of these representations; but, as I have pointed out above, unsuccessfully. Orr further asserts that P must have been known to Ezekiel, H, and Dt. These arguments have been considered by various writers, notably (to mention books more recent than Orr) in McNeile's "Deuteronomy" and Steuernagel's "Einleitung."¹

The final argument in the section of the book to which Mr. Wiener refers deals with institutions, chiefly priests and Levites, feasts, and trespass offerings. On each of these points Orr is perfectly right in saying that the liturgical terms were known before the Exile, and that certain laws in relation to them existed in earlier ages. What he does not show is that the laws which had existed, whether written or unwritten, are the laws which we have in P; and this is just what is vital to the argument. The significance of his book, indeed, has been well summed up in Driver's "Genesis" (7th ed., note on chap. xlix. 24): "There is nothing substantially new in his volume: critics are quite familiar with the objections which he has marshalled against them; the present

¹ Mr. Wiener has called my attention to his review of McNeile's Deuteronomy in BS, Oct. 1912. His chief criticisms refer to the cairn altars and the door-post ceremony discussed above, to Hebrew slavery, priests and Levites, and firstlings. He also speaks of Drs. McNeile and Driver as "a pretty pair of frauds" and "a disgrace to their universities and their cloth"; and he refers to Driver as having "probably" played a "disreputable trick" on McNeile. Other opponents of Mr. Wiener may feel content, should he use similar language of them, to be in such company; but it is a matter of congratulation that such language, in controversy of this kind, is as rare as it is ineffective.

writer, at any rate—and he cannot believe that he stands alone in this respect—has examined and considered them again and again, and has always found himself brought to the same conclusion regarding them: they are *not* cogent, and they are far outweighed by the numerous and insuperable difficulties and inconsistencies attaching to the traditional view. Dr. Orr does his best to explain away these difficulties and inconsistencies and produces probably upon many readers the impression that he has done so: but those who have learnt not to rely upon confidently expressed assertions, but to examine passages and arguments for themselves, will, it is believed, soon discover how imperfect his explanations are.”

It must not be forgotten, however, that Orr and Mr. Wiener are not always at one. I take two instances, which are highly significant. Mr. Wiener will have nothing to do with “progressive revelation”; it is merely “a pretty phrase” (BS, July, 1915, p. 497). Orr’s last chapter is entitled “The Progressiveness of Revelation.” To him revelation is an “organised process,” in which its higher stages “disengage principles from the imperfect forms in which they are embedded, and give them more perfect expression, yet unflinchingly conserve and take up into the new every element of permanent value in the old.” “Progressive revelation culminates in Christ.” These words the majority of “critics,” at least in England, would unhesitatingly accept.

Secondly, Mr. Wiener’s view of the Pentateuch is by no means that of Orr. Mr. Wiener has expressed his in the LQR (April, 1915, p. 276): “Subject only to textual criticism, the legislation of P is Mosaic, i.e. contains laws written or dictated by the man Moses in the language he used.” Orr’s view is strikingly different and very much more cautious.

His words are (Prob. of the Old Test., p. 369), that we have been led "not to the conclusion that Moses himself wrote the Pentateuch in the precise shape or extent in which we now possess it; for the work, we think, shows very evident signs of different pens and styles, of editorial redaction, of stages of compilation," but that "in the collation and preparation of the materials for this work—some of them, perhaps, reaching back into pre-Mosaic times—and the laying of the foundations of the existing narratives. . . . Moses by his own compositions, according to constant tradition, lent the initial impulse." It is not strange if some of Orr's readers have felt that the author, after taking from his opponents more than he could rightly claim by his arguments, has given back to them nearly all that they could expect or could desire in his conclusions. In such a passage as this he seems to show that he is really ready to concede to the "critics" almost as much as another of the "defenders" of the traditional position, the Dutch scholar Eerdmans.¹

I have attempted in the preceding pages to answer all the points raised by Mr. Wiener in his article. I have shown that to each of his "unanswerable arguments" there is a very simple and conclusive answer. To the general statements about the structure of the Pentateuch, as I have set them forth very briefly in the LQR (Oct. 1914, pp. 334 f.), summing up the long labors of the scholars I mentioned, he replied with references to particular passages which, as I have

¹The case is similar with regard to Dahse. Mr. Wiener admits that there are "certain minor differences" between Dahse and himself even relating to textual criticism. Others might think them more than "minor." He adds that they have "both always contended that the primary duty was to get back as nearly as possible to the original text" (LQR, Jan. 1915, p. 129). But Dahse and Wiener are not the first of Old Test. textual critics; nor does it seem likely that they will be the last.

urged, will not bear the weight he places upon them. The broad fact remains, as set forth in the LQR (April, 1915, p. 278), that nothing has been said by Mr. Wiener to lead us to "surrender the view of Israel's history which claims that in Prophets and Law alike, Jehovah was patiently leading the Israelites by a progressive revelation, 'line upon line, precept upon precept, here a little and there a little,' to the fulfilment of both in Christ." This statement, as it appears to me, Mr. Wiener has never seriously tried to impugn. To do so it would be necessary to go through the Pentateuch showing that the various sections do not conflict with one another in these respects, and that the style and religious outlook throughout is uniform. Whether textual criticism may throw doubt or not on the correctness of some of the instances of divine names (a point which is still far from being proved), he must make it clear that the combination of the characteristics in P in some passages and of J and E in others throughout the Pentateuch is either fortuitous or imaginary. This would be a task of immense labor; yet it must be carried through if the prolonged and minute studies of his opponents are to be fairly met. I should be as loath to disparage the unflagging and praiseworthy industry of Mr. Wiener as I should be to "ride off on the plea of lack of space," or to refuse to read his books save in quotations; but I would ask him to believe, in the interests of useful discussion, that the convictions of his opponents are founded on something more than ignorance and guided by something more than indolence or cowardice; that they have as great a reverence for the revelation of God both in the Old and the New Testament as he himself can have; and I would venture to appeal to him to recognize the ground that must be covered as well as the arguments that must be met before his criticism of them can be considered successful.