

act of offering is met by a corresponding act of acceptance. Self dies to live again on the higher plane of personal fellowship with its Creator ; and so, knowing the love of God towards ourselves, we know ourselves in our deepest relation—as beloved of God : and this is the true self-knowledge.

Now, if our relation to God were nothing more than legal and institutional, or a mystical merging of essence with essence, the significance of conversion would hardly appear. But if we keep closely to the thought of personal communion, then it logically follows. For self-surrender, when the issue is clearly recognised, is an explicit act, containing in germ the whole life of service which it initiates—“ How shall we who died (*ἀπεθάνομεν*) unto sin, live any longer therein ?”

Here we close a discussion of conversion, not in its aspect as repentance, but in its aspect as self-surrender. Let me add as a final word that the doctrine of conversion, if theoretically accepted, cannot be consistently shirked in the pulpit, as it is by so many who ought to know better. This is not a mere matter of method or tactics, but of loyalty to the claims of the Gospel.



## The Supposed Discrepancies in the Pentateuchal Legislation.

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### PART I.

THE alleged discrepancies between the laws of Deuteronomy and those of other parts of the Pentateuch are set out by Dr. Driver on pp. xxxvii-xxxix of his “ Deuteronomy ” in numbered paragraphs—twelve in all. I have elsewhere<sup>1</sup> dealt with the contents of nine of those paragraphs, and need not here repeat myself to any great extent ; but as the

<sup>1</sup> “ Studies in Biblical Law,” pp. 5-31, 39-41.

subject-matter of two of the supposed contradictions with which I have still to deal relates to the Levites, it may perhaps be well to devote a few sentences to the other difficulties connected with this subject.

Dr. Driver holds that "in P and D the tribe of Levi stands upon two fundamentally different footings" (pp. 218, 219). There are differences in their revenues—a subject to which I shall return directly,—and in their organization. These latter seem to be summarized in the following sentence :

"Thus, though there is a difference in Deuteronomy between 'priest' and 'Levite,' it is not the difference recognised in P: in P the priests constitute a *fixed* minority of the entire tribe, viz., the descendants of Aaron; in Deuteronomy they are a fluctuating minority, viz. those members of the tribe who are officiating for the time at the central sanctuary" ("Deuteronomy," p. 219).

Now, it happens that there is a passage in Deuteronomy which cannot reasonably be reconciled with such a hypothesis. In chap. xxi. it is enacted that :

"If one be found slain in the land . . . lying in the field, and it be not known who have smitten him . . . and it shall be, that the city which is nearest unto the slain man, even the elders of that city shall take an heifer . . . and *the priests the sons of Levi* shall come near" (Deut. xxi. 1-5).

Clearly the priests here are not "those members of the tribe who are officiating for the time at the central sanctuary," and Dr. Driver has felt this, for he writes :

"The priests here meant may possibly (? H. M. W.) be those of the central sanctuary: but more probably, by an inexactness of language (p. 219 [*i.e.*, the passage quoted above, H. M. W.]), the members of the priestly tribe resident in the locality" (xviii. 6) ("Deuteronomy," p. 242).

So, when Deuteronomy does not conform with the dictum of a critical professor, the writer is accused of "inexactness of language." In point of fact, the Deuteronomist is supported in his "inexactness" by other canonical writers, and—what is more—by the professor himself. Jeremiah i. 1 speaks of the priests that were in Anathoth, and Dr. Driver, instead of

taking him sharply to task for his "inexactness," quietly adopts the statement, and writes :

"He was sprung (i. 1) from a little community of priests settled at Anathoth" (*cf.* 1 Kings ii. 26, Josh. xxi. 18)<sup>1</sup> ["Literature of the Old Testament," 7th edition, p. 247].

With regard to the revenues of the Levites, Dr. Driver thinks that Deuteronomy differs from P in its provisions as to tithes, firstlings, and sacrifices, and also fails to recognise the Levitical cities. With tithes and firstlings I shall have to deal at length. With respect to the Levitical cities, Dr. Driver persuades himself that

"the institution of Levitical cities cannot well have formed an element in the condition of things contemplated by the present law" ("Deuteronomy," p. 218).

But as, in the passage just quoted, he himself recognises the historical nature of the passages which represent Anathoth as being a priestly city before the time to which he assigns Deuteronomy, his conclusion is not very convincing. The truth is that he has been puzzled by the fact that Deut. xviii. 6 speaks of a Levite *sojourning* in some city other than the religious capital. He says—with much plausibility—that as this word implies temporary, not permanent, residence, the passage apparently does not refer to the case of a Levite coming from one of the cities. But of the forty-eight cities, thirteen went to the sons of Aaron, leaving only thirty-five for the rest of the tribe. Now, the total area of each "city,"<sup>2</sup> including its surrounding pasture-lands, was something under one-third of a mile. Presumably, therefore, only a minority of the tribe could reside in these cities; so that if we are to lay stress on the word *sojourn*, it is natural to suppose that the Deuteronomist had in view, at any rate primarily, the case of a Levite who did not

<sup>1</sup> It must be remembered that in the view of the higher critics Deuteronomy was forged in (or shortly before) the age of Jeremiah, and long after the time of Solomon, to which Dr. Driver's citation from the First Book of Kings refers.

<sup>2</sup> Num. xxxv. The whole "forty-eight cities" with their pasture-lands would therefore cover less than sixteen square miles. Yet some critics speak of them as an "enormous endowment"!

reside in one of these cities. On the other hand, the fact that xviii. 8 contemplates the Levite's having a "patrimony" may be thought to show that departure from a Levitical city is here intended or included. Perhaps the simplest explanation is to suppose that the language is coloured by the writer's knowledge that in an overwhelming number of cases the immigrants would probably be persons who had not been residing in one of the Levitical cities.

The alleged difference in the sacrificial dues payable under P and Deuteronomy respectively is a result of Dr. Driver's identification of "sacrifice" with "peace-offering." The due receivable in Deut. xviii. 3, "from them that sacrifice a *sacrifice*," is not identical with that payable on the sacrifice of a *peace-offering*. It is impossible on our present data to say to what cases the provision of Deuteronomy was meant to refer;<sup>1</sup> but it is sufficient to note that the contradiction is due to the assumption that the Deuteronomist said "sacrifice" when he meant "peace-offering."

Before commencing the examination of the difficulties as to tithes and firstlings, I desire to say that there appears to me to be far more excuse for the critics in their treatment of these matters than in their handling of the rest of the Mosaic legislation. If they were not satisfied with the orthodox interpretations of any particular jural law, the obvious and proper course would have been to consult a lawyer, and their neglect to do

<sup>1</sup> I think it probable that it in fact applied in the case of animals sacrificed at the religious centre for purposes of food. The permission to kill "within thy gates," contained in Deut. xii. 21 *et seqq.*, is limited by the words "if the place which the LORD thy God shall choose . . . be too far from thee," and would, therefore, not apply to inhabitants of the capital. It may well be that they were to pay the smaller due in the case of animals killed for food, instead of having to give the larger contribution levied on ordinary peace-offerings. True, it appears from Lev. xvii. 5 that in the desert animals killed for food were to be sacrificed for peace-offerings, and would presumably pay the due ordinarily payable on a peace-offering. But as other food was miraculously provided—so that the slaughter of an animal would be an unusual event—the payment of the heavier due would not involve any hardship on the sacrificant. The case of the inhabitants of the capital would, however, be different, since they alone of all Israelites were legally unable to kill animals for food at home, so that the arrangement for a smaller due would appear to be reasonable.

this is open to severe animadversion. But this cannot be said of difficulties in the provisions of the law as to firstlings or tithes. It would not naturally occur to any commentator of any school of thought that the best training for dealing with such matters would be practice in handling statute law, including tax acts. Hence—though once this is pointed out it will probably be obvious to everybody,—no blame can be held to attach to any critic for not having seen and acted on the point, or for having as a result made mistakes which a lawyer would have avoided. In these matters a student who did not understand the text would naturally fall back on tradition, and, if tradition failed him, he would have no resource left.

With this preface I turn to Dr. Driver's difficulty about firstlings :

“In Deut. xii. 6, 17 *et seq.*, xv. 19 *et seq.* the firstlings of oxen and sheep are to be eaten by the owner himself at a sacred feast to be held at the central sanctuary : in Num. xviii. 18 they are assigned absolutely and expressly to the priest” (“Deuteronomy,” p. xxxix).

Perhaps the best way of treating the subject will be to explain the provisions of the law, dealing incidentally with the difficulties experienced by Dr. Driver ; but I would first point out that, if Dr. Driver's notes be examined, it will appear that in his view another passage in P corroborates Deuteronomy. On xv. 19, “thou shalt sanctify unto the LORD,” he writes the note : “In agreement with Exod. xiii. 2 (P), 12, 15 (JE), xxxiv. 19 (JE)” (p. 186).<sup>1</sup> Obviously it has escaped his notice that, if he is right, P in Exodus is contradicted by P in Numbers, who, in turn, is again contradicted by the later priestly writer in Lev. xxvii. 26, who agrees with Exod. xiii. 2 in

<sup>1</sup> I may here correct another misapprehension of Dr. Driver's, expressed on the same page (186). Exod. xxii. 29 (30) should probably be translated “seven days it shall be with its dam ; on the eighth day thou *mayest* [not shalt] give it to me.” Cf. A. van Hoonacker, “Le Lieu du Culte dans la Législation rituelle des Hébreux,” pp. 9, 10 ; also Exod. xiii. 13 (“thou *mayest* redeem”) and Lev. xxv. 12 (“ye *may* eat,” see verses 20-22), in both of which passages the context proves that the verb is permissive, not mandatory.

making the firstling the LORD'S—an equivalent for saying that it is "holy," as in Deuteronomy.<sup>1</sup>

A close examination of the occurrences of the expressions denoting holy, hallow, etc., in the Mosaic legislation brings to light the fact that the words of this group are used technically in two or three slightly different senses. Thus, "holy things" might be used to include things that were "most holy," and fell to the priest, as well as things that were "holy," but not "most holy." That may be called a wide use of "holy things"; it also has narrower uses. 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.<sup>2</sup> Firstlings were to be brought to the religious centre for this sacrifice, but this rule apparently does not apply to tithe animals. The subsequent disposition of their flesh is regulated by the following verses :

"And every *terumah*<sup>3</sup> 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.

<sup>1</sup> See note at the end of Part II. of this paper on the failure of the higher critics to detect the legal effects of holiness on animals.

<sup>2</sup> The failure to recognise these facts has led the critics to draw ridiculous inferences from Lev. xxvii. 32, 33, where an animal tithe is mentioned. These animals were "holy." The critics have confused simple holiness, which did not divest the owner of the property in the animal, with wave-offerings, which fell entirely to the priest.

<sup>3</sup> Rendered "heave-offering" in the English Versions, but see Dr. Driver's "Deuteronomy," p. 142, where it is shown that the word really denoted what is separated from a larger mass for sacred purposes.

As this view has, as far as I know, never been put forward before, I cannot tell what objections, if any, may be brought against it. But it is not likely that either Dr. Driver or anybody else would seriously suggest that there is any conflict between the passage just quoted from Num. v. and the Deuteronomic passages that deal with firstlings. Perhaps the best way of bringing this home to the reader is to ask him to try and picture to himself what would happen under the Deuteronomic provisions. The Israelite would go to the religious capital with the firstlings. Where was he to sacrifice them? Not at any chance spot within the precincts of the city, but at the temple. And how could he get the use of the temple altar, and the necessary services of the priests, if he were not prepared to pay some due to the temple staff? Not only so, but in Deuteronomy the firstlings are actually coupled with other sacrifices on which everybody would admit that dues were payable, such as vows and free-will offerings. How, then, could it be contended that no *terumah* was payable on the firstlings? And what answer could the sacrificant make to a claim by the priest based on Num. v.?

I now come to a consideration of the passage in Num. xviii. In order to understand this properly it is necessary to consider the whole passage, vers. 8 to 18. It is addressed to *Aaron*, not to the children of Israel; and it deals with "*My terumoth of all the holy things of the children of Israel*" (vers. 8, 19). There is thus a *double* limitation on the scope of the passage. First, it only purports to tell Aaron what to do with the *terumoth*;<sup>1</sup>

<sup>1</sup> This is very important and also somewhat technical. Yet it should be possible to put the broad common-sense principles that govern the use of language by all law-givers in enactments of this nature in a form that everybody can understand.

If I desire to make A a present of B's hat, it is necessary that I should first of all divest B of the property in his hat. Now, reflection shows that, unless I furtively steal it, I must hold some communication, direct or indirect, with B. Precisely the same principle applies to a tax act, though the method of obtaining the property is different from that employed by an individual. If I want B's hat, I must induce him to sell or give it to me. If the legislature wants me to pay a tax, it will be sufficient for it to issue a command to that effect. But to obtain the tax every legislative body, be it God or a man or a body of men, must issue that command, and must communicate it to the

but it does not command any Israelite to bring any dues, which, but for this passage, he would not have to pay. Secondly, it only deals with *terumoth*. In the case of most holy things, wave-offerings and devoted animals, it seems that the sacrificant parted with the whole animal as a *terumah*, but in the case of other animals this was not so. Then come the following verses :

" 15. Everything that openeth the womb of all flesh which they present unto the LORD, both of man and of beast, shall be thine : nevertheless thou shalt surely redeem the first-born of man : and the first-born of unclean beasts thou shalt redeem."

Verse 16 deals with redemption.

" 17. Nevertheless the first-born of an ox, or the first-born of a sheep, or the first-born of a goat, thou shalt not redeem : they are holy ; their blood thou shalt sprinkle upon the altar, and their fat thou shalt burn for an offering made by fire for a sweet savour unto the LORD.

" 18. And their flesh shall be thine, as the wave breast and as the right thigh, it shall be thine.

" 19. All the terumoth of the holy things, which the children of Israel heave [contribute *or* give] to the LORD, I have given to thee," etc.

Hitherto Biblical students have been all but unanimous in holding that these verses give the priests all the flesh of all firstlings. This view is impossible for the following reasons :

1. It brings this chapter into conflict with all the other

persons who are to pay. Both elements are necessary : a communication on some other topic will bring in no revenue, nor will a desire of the law-giver's that the tax should be paid, if unknown to the persons who are to pay it. Now in this case both elements are lacking. God spoke to Aaron, *not* to the persons who were to bring the firstlings, and He gave no command that anything should be brought, but simply issued directions for dealing with the terumoth. Hence this passage does not direct the levying of any dues, but simply lays down how they shall be disposed of when received. To attain the former object we should have some such language as : " Speak unto the children of Israel, saying, They shall present everything that openeth the womb," *not* " The LORD spake unto Aaron . . . everything that openeth the womb *which they present unto the LORD.*"

These principles are invariably observed in the Pentateuch as in all other legislation. No particular form of words is required. It matters not whether it be " ye shall give " or " they shall give," or whether some expression like " the due shall be," or " the breast shall be Aaron's," be employed. The turn of speech adopted, the person and number of the verb, the choice of subject,—such things are wholly immaterial. But two elements must always be present : a communication to the persons who are to pay the due, and language adequate to make clear to them that the payment is to be made.



passages in the Pentateuch that deal with firstlings, including Exod. xiii. 2 (P) and Lev. xxvii. 26 (P).

2. It is irreconcilable with Num. v. 9 and 10 (P).

3. As I have striven to show, this passage, addressed as it is to Aaron, and not promulgated to the children of Israel, and professedly dealing only with the *terumoth* that they present or heave, would bring in no firstlings at all.

If, then, the passage does not mean what it has generally been held to mean, what other interpretation is available? I think that in ver. 15 the words, "which they present unto the LORD," are limiting words, qualifying "everything that openeth the womb."<sup>1</sup> The word here rendered "present" means literally to "bring near." It cannot denote any form of sacrifice, as the context shows clearly that both the first-born of men and the firstlings of unclean animals are included. On the other hand, it is the word used in Num. v. 9 of the gift of the *terumah* to the priest: "every *terumah* of all the holy things of the children of Israel, which they *present* unto the priest, shall be his." It would therefore seem that this passage deals only with "everything that openeth the womb which they *present* unto the LORD," and that by this expression we should understand the first-born of men and unclean beasts that were presented for redemption, and also those firstlings of clean beasts which might be "presented" to the priest under the provisions of Num. v. 9 and 10, but not other firstlings not so "presented," to which the rule applied, "every man's holy things shall be his."

<sup>1</sup> Cf. "which the children of Israel heave," in ver. 19.

(To be continued.)

