

*THE PRIESTLY CODE AND THE NEW ARAMAIC  
PAPYRI FROM ELEPHANTINÉ*

READERS of the EXPOSITOR have recently been indebted to Dr. Sayce for two interesting articles on the Aramaic papyri discovered at Elephantiné in 1906. The earlier of these articles,<sup>1</sup> written shortly before Dr. Sachau's publication of the papyri in September last, dealt for the most part with the three important documents the preliminary edition of which was made by Dr. Sachau in 1907,<sup>2</sup> though containing some hints based upon private information as to the contents of the yet unpublished papyri. The second article,<sup>3</sup> written after the appearance of Dr. Sachau's splendid edition of the whole of the papyri,<sup>4</sup> gave a fuller account of the documents than was previously possible, and a fresh and more complete statement of the author's views with regard to the questions which they raise.

In the present article it will be assumed that readers have a general knowledge of the contents of the papyri, from Dr. Sayce's articles if not from firsthand study; and I do not therefore propose to occupy space by a re-statement of facts which by this time should be familiar in outline to all. My purpose is to consider Dr. Sayce's conclusions as to the bearing of the evidence afforded by the

<sup>1</sup> "The Jewish Garrison and Temple in Elephantiné," EXPOSITOR, August, 1911.

<sup>2</sup> *Drei aramäische Papyrusurkunden aus Elephantine.*

<sup>3</sup> "The Jews and their Temple in Elephantiné," EXPOSITOR, November, 1911.

<sup>4</sup> *Aramäische Papyrus und Ostraka aus einer jüdischen Militär-Kolonie zu Elephantine.*

papyri upon the current critical theory of the origin of the Priestly Code in the Pentateuch.

The point with which we are concerned in this connexion is this. Of the three papyri first published two are duplicate copies of a letter sent by the Jewish garrison at Elephantinê to Bagoas the Persian governor of Judah, dated in the 17th year of Darius II., i.e. B.C. 408, and petitioning for the restoration of their temple which three years previously (B.C. 411), in the absence of the Persian governor Arsames, had been destroyed by his temporary representative Waidrang at the instigation of the priests of the Egyptian god Khnub. In this letter the Jews state that "when Kambyzes entered Egypt, he found this temple already built; and though the temples of the gods of Egypt were all overthrown by him, no injury was done to this temple": i.e., the temple had been in existence since some time prior to the Persian conquest of Egypt in B.C. 525. Dr. Sayce makes out a plausible case for dating "the establishment of the Jewish garrison in Elephantinê at the time when Psammeticus was engaged in war with the Ethiopian King at whose court the revolted native troops of Egypt had taken refuge. This would have been about B.C. 655, in the latter years of Manasseh's reign" (p. 114).

The sacrifices offered at this Jewish temple, which since the destruction of the temple had been perforce discontinued, are specified as "meal-offerings, frankincense, and whole burnt offerings." It is upon the basis of this allusion that Dr. Sayce states (p. 106) that the rites and ceremonies carried on in this temple of Yahu at Elephantinê "were the rites and ceremonies prescribed by the Levitical Law—that 'Priestly Code' which according to fashionable critical theories had been devised in post-exilic times long after its injunctions were being obeyed at the southern extremity of Egypt." Later on in his article (pp. 114 f.) he reverts

to the same point : " One of the most important results of the revelations which we owe to the Elephantinê papyri at Berlin is that as far back as the middle of the seventh century B.C., the ritual and prescriptions of the Levitical Law were observed in the temple of Yahu at the southern extremity of Egypt just as they were in the post-exilic temple of Jerusalem. It is clear from the petition to Bagoas that the temple in Elephantinê had been built in the early days of the settlement of the Jewish garrison, and archaeological confirmation of this is to be found in the Saitic potsherds which I have picked up in the Jewish quarry at Assuan. I have already noticed that the ritual law contained in Leviticus ii. 1-2 was strictly carried out in the Elephantinê temple ; in other words, ' the Priestly Code ' of literary hypothesis of which the law in question forms part was already known to the Jews of Elephantinê in the age of Manasseh. It is difficult to see how this fact can be reconciled with the post-exilic date assigned to the ' Priestly Code. ' A revision of the date ascribed to the ' Priestly Legislation, ' however, brings with it far-reaching consequences, not the least being a revision of the date currently ascribed to the book of Deuteronomy." The passage in Leviticus to which Dr. Sayce refers ordains that when any one offers a meal-offering to Yahwe, this shall consist of fine flour, and he shall pour oil upon it, and place frankincense thereon.

In his second article Dr. Sayce produces additional evidence from the other papyri that the Jews of Elephantinê were acquainted with the Priestly Code. " One of the papyri now published by Professor Sachau shows that this was also the case as regards the law of the Passover. An interesting letter on the subject refers to the ' Priestly Legislation ' in Exodus xii. ; indeed, as Professor Sachau points out, the words of Exodus xii. 18 are actually cited

in it " (pp. 427 f.).<sup>1</sup> Further evidence pointing in the same direction is derived by Dr. Sayce from Papyrus 5, where a very fragmentary and obscure passage is taken to refer to the Levitical regulations for sacrifice (pp. 429 f.).

Now granting that Dr. Sayce is correct in his assumption that the Jews of Elephantinê were acquainted with ritual regulations identical with regulations which are embodied in the Priestly Code, and that their observance of these regulations goes back at least as early as the period of the reign of Manasseh, what is the bearing of these facts upon the critical theory as to the origin of the Priestly Code? The answer is that the critical theory remains quite unaffected. No "revision of the theories of Pentateuchal criticism will be necessitated." The statement that "according to fashionable critical theories" the Priestly Code "had been devised in post-exilic times" is a travesty of the critical position; and that this is so is a fact which should be obvious to any one who has taken the trouble to make himself really acquainted with the conclusions of critics and the grounds upon which they rest.

When allusion is made by critical writers to "the post-exilic origin of the Priestly Code," the reference is to the origin of the *system* of the Priestly Code, and of particular laws (such as those relating to the priesthood); but certainly not to the origin of the *fundamental* laws of feasts, sacrifices, and ceremonial, since it is *an essential element of the critical position* that the Code embodies ritual usages which grew up during a long period, and many of which are doubtless of immemorial antiquity.

The fact that certain critics hold that the Priestly Code embodies laws the origin of which goes back to much earlier times is grudgingly recognised by Dr. Sayce in his second

<sup>1</sup> In Dr. Sayce's article Exodus ii. 18 is of course a printer's error for xii. 18.

article (p. 432). He quotes Dr. Driver as stating that "the date of the *redaction* of the laws in Leviticus must be carefully distinguished from the date of the laws themselves. The laws embody usages, many of which are doubtless in their origin of great antiquity, though they may have been variously modified and developed as time went on. . . . The various compilers or redactors did little more than reduce to a permanent form the legal and ceremonial tradition which had long been current in priestly circles."

Dr. Sayce then goes on to remark : "It may, therefore, be urged that the references in the papyri to the Levitical law happen to be just those 'usages' which belong to a 'legal and ceremonial tradition.' This is, of course, to beg the question." His reader is thus left to infer that concessions of antiquity in the case of certain legal usages have been forced from critics at the sword-point of archaeological evidence, and that they have to this extent been compelled to readjust the position of criticism as to the origin of the Priestly Code.

Such a view implies the crudest of misconceptions. The critical theory of the composition of the Priestly Code has always, from its earliest formulation, laid stress upon the fact that the post-exilic Code represents the systematising of earlier traditional usage. This essential element in the theory is again and again emphasised in the writings of its earliest exponents as a result of their minute examination of the Pentateuchal sources ; and therefore the contention that critics have perforce conceded the antiquity of certain parts of the Priestly Code, and that in such forced concession we have a begging of the question, is nothing less than absurd.

This fact may perhaps be brought home to those who are willing to keep an open mind by a few quotations of the *ipsissima verba* of writers who have been instrumental in

shaping the critical theory of the composition of the Priestly Code, as it is at present understood.

We have already observed that the starting point of Dr. Sayce's attack upon the critical theory lies in his contention that the reference in the Elephantinê papyrus to "meal-offering, frankincense, and whole burnt offering" implies that the ritual regulation of Leviticus ii. 1, 2 was known and practised by the community at Elefantinê. Dr. Stade, one of the most radical of critical scholars, in writing so far back as 1888, makes the following remark: "We find in Leviticus i.-vii., xi.-xv., xvii.-xxvi., Numbers v., vi., ix., xv., xix. laws which for the most part must be recognised as the *formulation in writing of pre-exilic usage.*"<sup>1</sup> It will be noticed that the passages cited from Leviticus include the law upon which Dr. Sayce bases his argument.

Stade's opinion thus expressed is quoted with approval by Dr. Driver in a footnote to a passage in which he expresses the same views. After summarising the "cogent arguments" which "combine to make it probable that the *completed* Priest's Code is the work of an age subsequent to Ezekiel," this scholar goes on to remark: "When, however, this is said, it is very far from being implied that all the institutions of P are the *creation* of this age. The contradiction of the pre-exilic literature does not extend to the *whole* of the Priest's Code indiscriminately. The Priest's Code embodies some elements with which the earlier literature is in harmony, and which indeed it presupposes: it embodies other elements with which the same literature is in conflict, and the existence of which it even seems to preclude. This double aspect of the Priest's Code is reconciled by the supposition that the chief ceremonial institutions of Israel are *in their origin* of great antiquity; but that the laws respecting them were gradually developed

<sup>1</sup> *Geschichte des Volkes Israel*, ii., p. 66 note.

and elaborated, and *in the shape in which they are formulated in the Priest's Code* that they belong to the exilic or early post-exilic period. In its main stock, the legislation of P was not (as the critical view of it is sometimes represented by its opponents as teaching) 'manufactured' by the priests during the exile; it is based upon *pre-existing Temple usage*, and exhibits the form which that finally assumed. Hebrew legislation took shape gradually; and the codes of JE (Exod. xx.-xxiii.; xxxiv. 10-26), Dt., and P represent three successive phases of it." This passage, which occurs in the current (eighth) edition of the *Introduction to the Literature of the Old Testament*, pp. 142 f., is to be found, in identically the same form, on pp. 135 f. of the first edition, published in 1891.<sup>1</sup> Dr. Driver cannot, therefore, be accused of "begging the question" by making concessions in deference to evidence adduced by Dr. Sayce or any other opponent of the critical theory.

We can, however, go further back than this in proof of the fact that the recognition of an ancient element in the Priestly Code is of the essence of the critical theory. No names are more commonly or more justly associated with the modern development of Pentateuchal criticism than those of Wellhausen and Kuenen; and no one was more prominent thirty years ago in establishing for the Biblical scholars of Great Britain the scientific basis of Old Testament criticism than the late Dr. Robertson Smith. Dr. Wellhausen, in his *Prolegomena to the History of Israel*, p. 404, speaks as follows of the legalistic systematisation which produced the Priestly Code:—

"Deuteronomy was the programme of a reform, not of a restoration. It took for granted the existence of the cultus, and only corrected it in certain general respects. But

<sup>1</sup> Cf. also the remarks of the same writer in his article "Law (in the Old Testament)" in *Hastings' D.B.*, iii., p. 71 b.

the temple was now destroyed, and the worship interrupted, and the practice of past times had to be written down if it was not to be lost. Thus it came about that in the exile the *conduct of worship* became the subject of the Torah, and in this process reformation was naturally aimed at as well as restoration. We have seen (p. 59) that Ezekiel was the first to take this step which the circumstances of the time indicated. In the last part of his work he made the first attempt to record the ritual which had been customary in the temple of Jerusalem. Other priests attached themselves to him (Lev. xvii.-xxvi.); and thus there grew up in the exile from among the members of their profession a kind of school of people who reduced to writing and to a system what they had formerly practised in the way of their calling. After the temple was restored this theoretical zeal still continued to work, and the ritual when renewed was still further developed by the action and reaction on each other of theory and practice: the priests who had stayed in Babylon took as great a part, from a distance, in the sacred services as their brothers at Jerusalem who had actually to conduct them. The latter indeed lived in adverse circumstances and do not appear to have conformed with great strictness or accuracy to the observances which had been agreed upon. The last result of this labour of many years is the Priestly Code.' Here we have the point which forms the subject of our discussion brought forward with considerable emphasis: "*the practice of past times had to be written down if it was not to be lost*"; "a kind of school of people who reduced to writing and to a system *what they had formerly practised in the way of their calling.*" This passage, which is quoted from the English translation of the *Prolegomena* which appeared in 1885, occurs in the same form in the first edition of the original German work, which was produced in 1878, i.e., thirty-

three years ago. Another passage (p. 366 of the Eng. trans.) was added afterwards (*Proleg.*, 1883, p. 388) in view of the criticism of opponents, and supplies in itself a complete refutation of the arguments of Dr. Sayce. Dr. Wellhausen says, "The fact is insisted on [by opponents of the critical theory] that the laws of the Priestly Code are actually attested everywhere in the practice of the historical period; that there were always sacrifices and festivals, priests and purifications, and everything of the kind in early Israel. These statements must, though this seems scarcely possible, proceed on the assumption that on Graf's hypothesis the whole cultus was invented all at once by the Priestly Code, and only introduced after the exile. But the defenders of Graf's hypothesis do not go so far as to believe that the Israelite cultus entered the world of a sudden. . . . They merely consider that the works of the law were done before the law, that there is a difference between traditional usage and formulated law, and that even where this difference appears to be only in form it yet has a material basis, being connected with the centralisation of the worship and the hierocracy which that centralisation called into existence."

Has Dr. Sayce ever read these passages from the work which may be regarded as the text-book of modern Pentateuchal criticism; and, if so, with what face can he maintain that critics hold that the Priestly Code *was devised in post-exilic times*, or that the evidence of the papyri is detrimental to the critical theory? Dr. Sayce is in fact attempting to father upon the critical school an opinion which was expressly repudiated by Wellhausen twenty-eight years ago, and has since then been repudiated by other critical writers times without number.

Passing on to Dr. Kuenen (*The Origin and Composition of the Hexateuch*, Eng. trans., 1886, of the 2nd Dutch edition

1885), we need only notice his statement (p. 272) that "the priestly laws, in the narrower sense, which we find in the Pentateuch, likewise include regulations which would not have been misplaced in the collections just named [the Book of the Covenant, and the Deuteronomist's other sources], and which may have been written down, in their present or in some earlier form, before Josiah's reformation."

On p. 287 we read, "But no one maintains that P<sup>1</sup> [i.e., the Law of Holiness in Leviticus] invented these and other such precepts [contained in passages previously cited]. They may even have been in writing long before his time. . . . The date of P<sup>1</sup> himself must not be confounded with that of his sources."

Dr. Robertson Smith, in his *Old Testament in the Jewish Church*, published in 1881, speaks to the same effect of the formation of the Priestly Code (pp. 383 f.): "The development of the details of the system falls therefore between the time of Ezekiel and the work of Ezra; and the circumstance already referred to, that the culminating and most solemn ceremony of the great day of expiation was not observed in the year of Ezra's covenant, shows that the last touches were not added to the ritual until, through Ezra's agency, it was put into practical operation. But, while the historical student is thus compelled to speak of the ritual code as the law of the Second Temple, it would be a great mistake to think of it as altogether new. Ezekiel's ordinances are nothing else than a reshaping of the old priestly Torah, and a close study of the Levitical laws, especially in Leviticus xvii.-xxvi., shows that many ancient Torahs were worked up, by successive processes, into the complete system as we possess it." Further down on p. 384 the writer speaks of portions of the Levitical legislation as consisting of "old Torahs handed down from time immemorial in the priestly families."

Citation of similar expressions of opinion as to the antiquity of certain elements in the Priestly Code might be multiplied indefinitely. It will be sufficient to add two more only, from the writings of Bishop Ryle and Dr. Cheyne.

Bishop Ryle, in his *Canon of the Old Testament*, published in 1892, remarks (p. 71): "That the Priestly Laws existed in any one complete compilation before the time of the exile, so that they could be referred to, for literary purposes, as a code well known to the people at large, is hardly any longer possible to be maintained; but that the customs and institutions, with which these laws are concerned, had most of them existed for centuries, and were provided for by appropriate regulations, is not denied."

Dr. Cheyne's opinion is found in his *Jewish Religious Life after the Exile*, published in 1898. He tells us (p. 81) that "The number of ancient elements in the priestly legislation forbids us, as I have said, to call it in the strict sense of the word, a new, that is an entirely original law book. It exhibits the form which the older legislation took under vastly altered circumstances, and it only differs so widely in many respects from that older legislation because of the great outward revolution through which Israel had passed, and which was resulting more slowly in an equally great change in the inner man."

These lengthy quotations from the works of different critical scholars have been necessitated by the fact that this is by no means the first time that Dr. Sayce and others who hold similar opinions to his have imputed to the critical school the view that the Priestly Code was "invented" or "devised" in post-exilic times, and have argued, on the basis of this wholly unwarrantable assumption, that evidence of the existence and practice in earlier times of regulations contained in the Code must therefore prove fatal to

