

SINCE WELLHAUSEN.

SYNOPSIS OF ARTICLE.

C. The nature and date of the Priestly Code.

The third main position of the regnant hypothesis.

Has it 'suffered severely' at the hands of recent critics ?

- I. What is 'the Priestly Code' ? Its *prima facie* meaning.
- II. The modern view. Two illustrations, 'tent' and 'ark.'
- III. In defence of Mosaic authorship. Orr, Wiener. The problem of the priests and Levites.
- IV. Criticism of the modern view on three lines. Welch.
 1. Is the theory based on a sound historical foundation ?
 - i. A preliminary caveat.
 - ii. Charge of 'ignoring history.'
 - iii. Prof. Torrey and Prof. Batten.
 - iv. Conclusion.
 2. Did P ever have an independent existence ?
 - i. If it did, why combined with older documents ?
 - ii. Can this 'mere skeleton' ever have stood alone ?
 - (a) The supplementary theory. Orr, Dahse.
 - (b) The Fragmentary theory. Max Löhr.
 - Criticism of these theories. Skinner, Sellin.
 - iii. Is its spirit and outlook uniformly narrow and legalistic ?
 3. Can P's legal code be regarded as post-exilic ?
 - i. Is it uniform, or the result of a long development ?
 - ii. When did the development take place ?
 - iii. The Relation of prophecy and law.
 - iv. Conclusion.

Article 5. THE PROBLEM OF THE PRIESTLY CODE.

"THE third main position of the modern view" of the Old Testament, wrote Prof. Welch in May 1923, is that "a definite system of legislation called the Priestly Code was adopted by the post-exilic community at the bidding of its leader Ezra in an hour of religious and political enthusiasm. The code, then introduced and bound upon the community, marked the entry or, if not the entry, the dominance of a new legalistic spirit, which in turn produced a literature that recast the history of Israel and revised its institutions. Thus the Priestly Code is far more than a handbook: it contains, e.g., a revision of the early tales

in Genesis and especially of the incidents at Sinai. This position is the Achilles' heel of the theory, and here, more than anywhere else, it has suffered heavily." * It is the purpose of this Article to examine and weigh the evidence adduced in proof of this statement.

I. In order to discuss intelligently the questions raised, we must first have a clear grasp of what is meant by the Priestly Code.

In Articles 1 and 2 (July, pp. 8-15; Aug., pp. 85-88) we saw that the dominant hypothesis had found in the first four books of the Pentateuch three documentary strata which had been woven together into one. One of these, generally referred to as P, contained a series of appearances to the patriarchs under the name of El Shaddai, used Elohim where another document would have used Yahweh, and was marked by a distinctive style and phraseology and by other characteristic differentia.

There is no dispute as to the existence of this stratum. "The sections ordinarily attributed to P," writes Orr, "have a vocabulary and a stylistic character of their own, which render them in the main readily distinguishable." † If we take a copy of the R.V. and mark in red ink every occurrence of the 50 words and phrases included in the list given by Driver in his *Introduction* (Ed.⁶ pp. 130-135, Ed.¹ pp. 123-128), we find that certain sections of the Pentateuch are besprinkled with these characteristic words and phrases, while other sections are quite free from them. ‡ When we

* EXPOSITOR, May 1923, pp. 359 and 345-346.

† *Problem of the Old Testament*, p. 335, and see pp. 197, 340, etc. Compare Sellin's *Introduction*, p. 81. ("The portions of the Pentateuch which belong to the Priestly Writing stand out with peculiar distinctness from the remaining material, so that even the non-expert can recognize them without difficulty.")

‡ A much fuller list will be found in Carpenter and Harford's *Hexateuch*, Ed.¹, vol. i., pp. 208-221. N.B.—The explanatory introduction to the lists on pp. 183-184 should be carefully studied.

look at P, thus disentangled from the rest, we see that its central core is to be found in Exodus 25-31 and 35-40, the whole of Leviticus, Numbers 1-10, 13-20 in the main, 25-36 almost entirely. Its distinguishing characteristics are seen to be a detailed description of the Tabernacle and a series of ceremonial and legal regulations, dealing with the proper way of worshipping Yahweh and of securing the ceremonial purity of his people. This central core is placed in a framework of history, stretching from the Creation to the death of Moses, but for the most part the thread of the narrative is extremely thin and often serves merely to carry on the Chronology. It becomes fuller however when special interests come into play, as, e.g., in Genesis with regard to the three preludes to the Mosaic covenant connected with the names of Adam, Noah and Abraham.* Finally in Joshua, after a brief account of the Crossing of Jordan, the Passover and probably the stories of Achan and the Gibeonites (of which only fragments are left), P provides an account of the settlement of the Tribes in Palestine (13¹⁵-22³⁴ with slight exceptions). The legislative portion of this stratum, as Wellhausen said long ago, "preponderates over the rest of the legislation in force as well as in bulk. . . ." In the Pentateuch it "makes no reference to later times and settled life in Palestine and keeps strictly within the limits of the situation in the wilderness." It is very natural therefore that upon this great section have been based in the past "our conceptions of the Mosaic theocracy, with the Tabernacle as its centre, the high priest as its head, the priests and Levites as its organs, the legitimate cultus as its regular function." †

* For more adequate statement see Wellhausen, *Prolegomena*, pp. 6-9; Carpenter and Harford, *Hexateuch Ed.*, vol. i., xiii., pp. 121 ff. and 272-279; Sellin, *Introduction*, pp. 81-82; Skinner, *Commentary on Genesis*, pp. lvii.-lix.; Driver, *Introduction*, pp. 126-128 and 159.

† Wellhausen, *Prolegomena*, pp. 8-9.

II. It was only after long controversy and the labours of many scholars that this conception was abandoned as not strictly historical and another established in its place. Prof. Welch himself accepts this later conception as true to history. "It is well known," he says, "that the School which came to control the religious life of Judaism after the Exile was not content to insist on the centralisation of worship as an essential feature in their religion and on the Aaronic priesthood as the true Apostolic succession. They also taught that thus it had been from the beginning. What ultimately emerged in the course of historical development was regarded as having always been the rule and as possessing the authority of the first lawgiver." * In conformity with this conception the Priestly writers rewrote both the history and the law. For examples, we may note their treatment of the Tent and the ark. (i.) JE tells us how Moses pitched 'the tent of meeting' † afar off from the camp. There he met God, Who came down in a pillar of cloud and spake with him face to face. Everyone who sought the LORD went out to this tent. In none of these passages is anything said about priests or altar or sacrifice, but this may be due to an Editor. Joshua is the custodian of the tent in the absence of Moses. Deuteronomy has no reference to this tent at all, apart from the passage from E in chap. 31. Outside P and Chronicles 'the tent of meeting' is only mentioned again in 1 Sa. 2^{22b} and 1 Ki. 8⁴ (= 2 Chr. 5⁵), both of which passage shew marks of

* Welch, *The Code of Deuteronomy*, pp. 175-176, cp. p. 205. "Israel became a Church," etc.

† E 6 times (Ex. 33⁷, Nu. 11¹⁶, 12⁴, Deut. 31¹⁴), 13 times 'the Tent' alone (Ex. 33⁸⁻¹¹, Nu. 11^{24, 26}, 12^{5, 10}, Dt. 31¹⁵). Moffatt translates: 'the Trysting tent.' Welch speaks of "the early institutions of the tent of witness and the ark," but regards them as Palestinian and only in later days "derived from Moses and carried back to the period of Sinai." He uses the title 'tent of witness' (rather 'of the testimony'), but this is not early, occurring only in P (4 times in Nu.) and once in 2 Chr. 24⁶. Compare 'the Dwelling of the testimony' in P only (Ex., Nu. 5 times).

later insertion. But when we turn to P, we find 'the tent of meeting' referred to 131 times.* P places it in the centre of the camp and the Levites camp around it in their thousands. Within the tent he places 'the Dwelling' (A.V. Tabernacle),† made of portable boards and lined with rich hangings, and therein take place the solemn sacrifices and ritual of the Priestly Law. (ii.) The ark in JE goes before the host, when on the march (Nu. 10³³⁻³⁶, Josh. 3^{6, 11, 14}, 4⁷). According to Deuteronomy (10¹⁻⁵) Moses at the divine command makes an Ark before, for the second time, ascending Mt. Horeb to receive two tables of stone, and on his descent he places the tables therein. In all probability JE, which Deuteronomy habitually follows, originally contained an account of the making of the ark, this being omitted, when P's account was added. In P the ark is made at a later date (Ex. 37¹⁻⁹) by Bezalel; it is kept in the Holy of holies and, when on the march, is carried by the Levites in the midst of the host, six tribes preceding and six following it.

There are but two examples of the numerous phenomena, which are found, when P is compared with JE and D. In the light of these the modern view, which regards P as a rewriting of early history and law in accordance with the usage and ideas of the post-exilic age, has won very general acceptance from scholars in every land, but it has in its turn met with vigorous criticism from the right and the left wings.

III. There are those who still maintain, in some shape or form, the Mosaic authorship.‡ Within the limits of a

* Including Josh. 18¹, 19⁵¹.

† P 101 times. Chron. 8 times—only again (in sing.) literally in 2 Sa. 7⁸ = 1 Chr. 17⁸ (probably a gloss); never in J, E or D. (It is used *metaphorically* of Temple or House of God, Ezek. 37²⁷, Pss. 26⁸, 74⁷ and in plural 43³, 46⁴, etc.)

‡ Orr, *Problem of the Old Testament*, pp. 285-377; Wiener, *Essays in Pentateuchal Criticism, Pentateuchal Studies*, etc., etc.

single article it is only possible to give one sample of the arguments by which they seek to make good their position. Wellhausen spoke of "the position of the Levites" as "the Achilles heel of the Priestly Code." * If, i.e., the modern theory is here proved to be wrong, then its days are numbered. First then let us see what are the Biblical data, then let us compare the solutions.

1. The Biblical data are these. (i) In P (Ex.-Nu.) we find two orders of Ministrants, sharply divided the one from the other. Aaron and his sons (Lev. 8-10, Nu. 3¹⁻⁴) are consecrated to be priests, performing all ritual and service within the Sanctuary and blessing the people; they alone may touch the holy things. The tribe of Levi are then (Nu. 3⁵⁻⁴, 18¹⁻⁷) given to Aaron. There are 22,000 † males of a month old and upward, of whom 8,580 are between 30 and 50 years of age. These latter carry the Dwelling and its holy contents when on journeys and camp round the sacred Tent when it is at rest. The holy things must be covered up by the priests, before the Levites come in to carry them, lest they die. The Levites are given the tithe (Nu. 18²¹⁻²⁴) and forty-eight cities (Nu. 35¹⁻⁸, a command given 'in the plains of Moab'). ii. In Deuteronomy all is changed. There is one order only, 'the Levitical priests' (17^{9, 18}, etc.); ‡ gulf between priests and Levites there is none. "Deuteronomy knows no Levites who cannot be priests and no priests who are not Levites." § 'Moses' in 10⁸ says: "at that time [either at Jotbathah after the death of Aaron, or more

* *Prolegomena*, p. 167.

† Wiener, not unnaturally from his point of view, regards this number as 'corrupt.'

‡ 'the Priests the Levites' 17^{9, 18}, 18¹, 24⁸, 27⁹, Josh. 3³, 8³³; 'the sons of Levi' 21⁵, 31⁹; 'the priest(s)' 17¹², 18⁸, 19¹⁷, 20⁸, 26⁸, Josh. 4^{35, 9}; 'the tribe of Levi' 10⁸, 18¹; Josh. 13¹⁴; 'the Levite that is within your gates' 12^{12, 18}, 14²⁷, 16^{11, 14}, cp. 26¹¹; 'the Levite' 12¹⁹, 14²⁹, 18⁸ (Heb.), 26^{12, 13}; 'the Levites' 27¹⁴, 31²⁵ (r=redactor).

§ W. Robertson Smith, *O.T.J.C.*, Ed. 2, p. 360.

probably at Horeb, ⁶⁻⁷ being a later insertion] Yahweh separated the tribe of Levi, to bear the ark of the covenant of Yahweh, to stand before Yahweh to minister unto Him and to bless in His name unto this day" (cp. 21⁵ with its additional words). These are priestly functions. There is no hint that this is revolutionary. On the contrary it has been so from the beginning of their ministry 'unto this day.' The Levite now "has no inheritance" (19⁹, etc.), but, like the stranger and the widow, dwells on other people's land and is an object for charitable consideration (12¹², etc.).

iii. The historical and prophetic books in their genuine writings know nothing of the distinction between priest and Levite. The apparent exceptions in Joshua all occur in the long section (13¹⁵-22³⁴) which is almost entirely from the hand of P. In Judges 17-20 we read stories of two wandering Levites, one of whom is said to be a grandson of Moses and is consecrated by Micah (!) to be his priest in his private shrine. In Samuel and Kings there are only three references to Levites (1 Sam. 6¹⁵, 2 Sam. 15²⁴, 1 Kings 8⁴) and all three for one reason or another are suspect. Isa. 66²¹, Jer. 33¹⁸⁻²², Mal. 2^{4.8}, 3³, Ps. 135²⁰ (Zech. 12¹³) are the only references in psalm or prophecy (Ezekiel excepted) to Levites or to the house or tribe of Levi. They breathe the same atmosphere as Deuteronomy. (iv) Ezekiel has 8 references to 'the Levites' in 40-48. Here we again come upon a clear division of 'the sons of Levi' (40⁴⁶) into two Orders, but upon totally different grounds; the Zadokite Levites of Jerusalem are alone to be priests in the renovated Temple, the country Levites are to be degraded because of their idolatry; they are no longer to be priests, but are to perform the lesser duties which have for too long been performed in Jerusalem by uncircumcized temple-slaves (44⁶⁻¹⁶). (v) Finally, in Chronicles, Ezra and Nehemiah we find the two Orders actually ministering in the second

Temple side by side. The Levites are mentioned 161 times and the priests 175 times. This is evidently regarded as the normal and only legal state of things.

How are these phenomena to be explained ?

Orr * acknowledges frankly that, when one passes from Numbers to Deuteronomy, "the difference in point of view and mode of speech must be apparent to every reader ; and," he goes on to say, "it may at once be conceded . . . that if we had only Deuteronomy, we should never be able to arrive at a knowledge of the sharp division of the tribe of Levi into the superior and subordinate Orders with which the Levitical law makes us acquainted." Writing on Deuteronomy, he does his best to get round the differences in phraseology and in the whole conception of the Levites' duties and status, and to shew that in spite of all appearance to the contrary the two orders still existed as they are depicted in Numbers, but his arguments remind one of the proverbial drowning man catching at straws.

Wiener † also desires to maintain the Mosaic authorship, but he rejects Orr's position as impossible, and proposes another. P, he says, is legislation for the wilderness. As soon as the wanderings are over, the tribe of Levi will no longer be needed to carry the Dwelling and its holy things, and on the other hand some of the priestly duties will require a numerous body of priests, scattered over the land. The one family of Aaron could not possibly perform them. Moses therefore, on the plains of Moab, reverses the whole scheme and the whole tribe of Levi are advanced to priestly status. From Moses to Malachi every writer who touches on the subject recognizes this Levitical priesthood. Moreover the Order of Aaron dies out with Abiathar, and Zadok

* *Problem of the Old Testament*, p. 185 and the whole section, pp. 184-192.

† *Pentateuchal Studies*, pp. 231-286.

by royal order takes his place. During the Exile Ezekiel puts forward a plan for 'once more' dividing the Levitical priesthood into two classes. We find this division in full operation in the days of Nehemiah. Finally in Chronicles ('midrash' and not literal history) we find the religious life of the nation rewritten on the lines of P, as read in the light of the actual institutions of (say) 300 B.C.

The recognition by Wiener that the priesthood in Palestine was always Levitical from the crossing of Jordan until after Ezekiel is welcome, but when he asserts that the scheme of two Orders, as seen in Numbers, was only in force in the wilderness and that Moses silently cancelled it and substituted another on reaching the plains of Moab, he has to resort to desperate arguments to justify himself. 'True,' he says in effect, the Orders of Aaronic priests and of Levites were established as 'a Statute for ever' (Ex. 29^o and Nu. 18²³), but the phrase only means 'permanent for the time being' and the statute could be altered by lawgiver, prophet or even king at a moment's notice.* 'True,' no hint is given in Deuteronomy that so revolutionary a change is being effected and Moses (10⁸) speaks as if the Levites had exercised priestly powers from the beginning but probably "something has fallen out from Exodus," † "or Numbers."

The solution accepted by the large majority of modern scholars avoids these difficulties. It sees in the earliest

* *Pentateuchal Studies*, p. 243; *Early Hebrew History*, pp. 57 ff. Wiener quotes Ex. 12²¹⁻²⁴ (a statute only observable at home), 23¹⁷ ('a few weeks later, necessitating absence from home'), Nu. 19⁸⁻¹⁴ (note 7 'offer an oblation'), and Dt. 16¹⁻⁷ as offering "a brilliant illustration of the meaning of 'for ever' in legislation of this character and of the operation of the law of change . . . in the circumstances." It seems to me a brilliant illustration of how a clever man can circumvent the meaning of a phrase which doesn't fit in with his pet theory. 'A statute for ever' is only used in P (33 times in MT).

† *Studies*, p. 252, cp. pp. 243, 257.

sources primitive forms of worship and of priesthood, which prevailed for a long time. It was good to have a Levite for one's priest, but it was not essential (Judg. 17^{13, 5}). In the days of Josiah the growing conviction of the necessity of reform leads to action. The position of 'the priests the Levites' is strengthened and the worship centralized. Ezekiel, in his scheme for the renovated Temple, seeks reformation by confining the priesthood to the sons of Zadok and reducing the country Levites to an inferior position. We know that this was in full operation in the days of Nehemiah. Somewhere about 500 B.C. (?) a priestly writer (or school of writers), desiring to give fullest authority to this order of things, re-edits and rewrites Law and History. In all good faith and in accordance with oriental habit, he sets forth in the name of Moses the conception of the Orders of ministry which obtained in his own day. He bridges the gulf of centuries by asserting the perpetual obligation of these professedly Mosaic regulations as being 'statutes for ever throughout your generations.' Instead of presenting us with the puzzling problem of two periods, during which there ministered two sharply contrasted Orders of priests and Levites, separated by a gulf of many centuries during which this arrangement was ignored by everyone, this critical solution shews us good reasons for concluding that P's picture of the Mosaic theocracy is a reflection back into the distant past of the twofold, not to say threefold, ministry as it existed in the writer's own day. It relieves the religious leaders of the nation, in the past, from the charge of wilful neglect of the Mosaic ordinances, and presents P not as the foundation but as 'the headstone' of the Pentateuch.*

* This is only 'a sample,' and it suffers from the inevitable limitations of a sample. Students should (1) read the fuller argument in Wellhausen, *Prolegomena*, pp. 121-151; Robertson Smith, *O.T.J.C.*, pp. 358-362;

IV. We must now turn to those criticisms of the modern view which, in Welch's opinion, have really effected damaging blows. As presented by him, they raise three points, relating respectively to (1) P's historical basis, (2) its narrative, and (3) its code of laws.

1. Is the theory based on a sound historical foundation? "Did the post-exilic community ever gather together and, after having read a detailed series of law, solemnly pledge themselves to observe this law as the basis of their new life in Jerusalem? Is it even conceivable that such a thing was ever done?"

(i) This point, Welch says, is 'fundamental.' Is it? The same initial criticism which we raised to Welch's statement of the problem of Deuteronomy applies to this also. The exact historical circumstances in which P came into force is not a fundamental issue. Even if the historicity of the description (Neh. 8) of the public reading of "the book of the law of Moses" and of the Covenant to keep it were successfully impugned, it would not affect the really fundamental position. This position is that P is later than Deuteronomy and is exilic or post-exilic, and this is based, not upon the historicity of Ezra, but upon quite other grounds, such as "the more advanced stage of ritual organization and hierarchical order" in comparison both with JE and D, its kinship with Ezekiel on the one hand and with Chronicles, Ezra and Nehemiah on the other, and its theological conceptions.*

(ii) Yet, while that is so, still it has been generally held, both by conservative and by liberal scholars, that the public reading of the law described in Nehemiah 8 was a real bit

Carpenter and Harford, *Hexateuch*, vol. i., pp. 53, 76-77, 127-128; Driver, *Commentary on Deut.*, pp. 218-221, and (2) note that this is only one item in a closely related whole, which needs to be studied as a whole, if its cumulative force is to be adequately realized.

* See, e.g., Driver, *Introduction*, pp. 136-142.

of history. Welch, however, is very doubtful on the subject. "Ezra and Nehemiah," he says, "are the conclusion of the Book of Chronicles," and every statement in that book has been regarded by the critics as historically suspect. Yet this particular story they "accepted without question." They "built their theory on a basis which had not been tested," and "the further use of the historical principles, which produced the theory, has undermined its foundations. Torrey * believes himself justified in pronouncing that Ezra is not an historical person at all, but a creation of the Chronicler's imagination. And, while this conclusion may seem, and does seem to many, an extreme case of historical scepticism, the mere fact that it could be advanced by a serious student of history with a reputation to lose has underlined the fact that in this case historical criticism has ignored history." The charge here made of building on an untested foundation seems to me quite gratuitous.† The men who tested the statements of the Chronicler in the earlier part of his work were not the men to 'accept without question' his statement in the concluding section. It was a reasonable judgment which regarded the Chronicler's account of what happened after the Exile and possibly within a hundred years of the date of his writing,‡ as much more likely to be near to the historical facts than when he was writing of times centuries earlier and separated from him by the cataclysm of the Captivity. As for the inference drawn from "the mere fact" of Torrey's sceptical views about Ezra, would Welch regard it as legitimate

* C. C. Torrey, Professor at Yale, "Composition and Historical Value of Ezra-Nehemiah," *Z.A.W.*, Beiheft 2 (1896); *Ezra Studies*, University Press, Chicago (1910).

† Compare the similar charge as to the use of the MT, dealt with in Art. 2 (August, p. 166).

‡ Prof. Batten gives reasons for thinking that Ezra's date may have been 397 B.C. *I.O. Commentary on Ezra*, pp. 28-30.

argument to accuse the scholars, who have accepted as historical the main facts of the story of Christ, of having "ignored history" (whatever that may mean), because of 'the mere fact' that certain scholars in Holland and America have put forward similar sceptical views as to the historicity of our Lord?

iii. Torrey's arguments involve an entire rewriting of the history of the Jews during the Exile and after. The exiles of 597 and 586 B.C. were, he says, less than 5,000 (Jer. 52²⁸⁻³⁰, but this is late and not in 2 Ki. 25). They settled down permanently in their new homes and, in any large numbers, never returned. They were not interested in a ritual law which could only take effect in Palestine. P was the product of many priests and of a long period, and all in Judæa. The whole of the Old Testament was written in Palestine, none in Babylonia. The exiles of whom the prophets are constantly speaking were the emigrants, who were continually streaming away from the unfertile land of their fathers and were forming colonies in Egypt and elsewhere. The Babylonian exiles were but a small part of 'the Dispersion' and are seldom mentioned separately except by pseudo-Jeremiah and the Chronicler. As for Ezra he is so precisely like the Chronicler himself in all his interests and principles, and his story is so clearly written in the phraseology of that writer, that we can only conclude that the latter is in fact his literary creator.*

All this is ably argued, but, as Prof. Batten † says, "Torrey's arguments have failed to convince those who have been diligent students of the story of Ezra." The reasons are sound which justify belief in the historical character of the man Ezra and in the existence of a personal

* *Ezra Studies*, pp. 238-248, 263, 285-297, etc.

† Prof. of the General Theological Seminary, New York, *I.C. Commentary on the Books of Ezra and Nehemiah*, pp. 16-18, 51-52.

memoir by him, underlying 7^{27f}, 8¹⁵⁻³⁴, 9¹⁻¹⁵. No doubt Ezra's memoir "has been worked over a great deal and the numerous marks of the Chronicler are due to his revision," but plainly the Chronicler in these passages is using a source and "the passages in the first person are precisely those which raise no suspicion on the ground of credibility."

iv. But even if Ezra were not an historical personage, the fundamental position of the regnant hypothesis would remain unshaken. On this point I cannot do better than quote Welch himself: "it may be justly urged that what the Chronicler has done has been to concentrate into one dramatic act and to represent as the work of one man what was the work of a period and due to the activity of several actors. The fact may still remain that the Priest Code is the creation of the post-exilic community, when it reconstituted itself at Jerusalem. To ascribe the act to Ezra is merely to recognise that then the leadership did fall to the priesthood, and that the new code bears their impress in the subjects in which it is chiefly interested and in the spirit in which it rewrites all the past history of the Nation." *

In answer therefore to Welch's question quoted some pages back: "Is it even conceivable that such a thing was ever done?" we may say that, so far as we have gone, it seems not only conceivable, but rationally probable, that there was some occasion on which the post-exilic Community bound themselves to observe that which they believed to be in essence 'the law of Moses.' To deny its conceivability, as the question seems to invite us to do, is an example of 'extreme historical scepticism' which is not warranted by the facts as we know them.

2. The second point raised is: Did P ever form an independent writing? "The Priestly Code," Welch writes, "is said to present a history from the Creation, which

* EXPOSITOR, May 1923, pp. 360-361.

regards everything from the point of view of the origin in the world of Israel's peculiar religion principally as a cult and a law. This book once stood by itself, apart from the earlier accounts, J and E, but was finally amalgamated with these to form our present Pentateuch. Yet as soon as the book is separated from the others and regarded by itself, three questions at least urgently demand explanation and do not receive it." What are these three questions ?

i. The first question is : " If the writers meant their new book to be the official, orthodox account of Israel's past and place in the world, why did they combine it with documents which took a different attitude and which their story was presumably meant to replace ? " Welch gives as an example the story of the Flood. When they " re-wrote " it, why did they " interweave " the new with the old and " make the old so integral a part of the new that it could not be superseded and die out ? "

The answer of course is that they did nothing of the kind. As Welch says : " The two accounts are so wholly different in their character that they are the most easily separated of all our duplicate narratives." * The writers of the later account undoubtedly meant to supersede the earlier documents. But, although they meant to do this, they did not succeed. Other and later writers took their story and interwove it with the old. And the explanation is not far to seek. " The spiritual insight of the Church judged more wisely than the learning of the Schools." † The piety of the Jewish people cherished all the materials connected with their early history. That these narratives were frequently contradictory, the one to the other, did not seriously trouble them. Their conception of history was different from ours. The same motive explains the amalgamation of the three

* EXPOSITOR, May 1923, p. 362.

† Skinner, *Commentary on Genesis*, p. lxxvii.

main groups of laws in the Pentateuch. "Though much of the P code was really incompatible with the prior institutions, these were not set aside; they remained as precious monuments of the past." * This seems a very reasonable explanation of the actual fact of the interwoven narrative, and it seems strange that Welch should state that there is none forthcoming.

ii. The second urgent question propounded is based upon a quite reasonable expectation that "if the Priestly Code history was meant to stand alone, it should be able to do so." "No other account," writes Welch, ". . . can be so easily separated. . . . Yet, as soon as this is done . . . it becomes evident that it will not stand alone. It is a mere skeleton, which tumbles at once into a heap without the flesh and sinews which are only supplied by the other accounts. It becomes incredible that so bald a narrative ever stood alone."

This is a matter of opinion rather than of fact. It may seem incredible to Welch, but to others it does not seem at all incredible that the original Priestly writing could and did stand alone. It is obvious that no three documents covering the same ground could be completely preserved and used in a combined narrative. In regard to all three there must be certain omissions, amalgamations and probably transpositions. On the assumption that P was once an independent work, such processes have clearly gone on in the Pentateuch. In all probability, e.g., the birth of Esau and Jacob in P was omitted in favour of the prophecy in J and "in the stories of Jacob and Joseph the curt genealogical method could not be easily combined with the rich variety of JE and considerable rents were consequently caused in the continuity of P." † But when we have taken

* Carpenter and Harford, *Hexateuch*, Ed.¹, vol. i., p. 176.

† *Ibid.*, p. 177.

note of these rents in the fabric, it is at the same time remarkable how the P fragments and passages, 'pieced together' just as they are, do "form a consecutive history with few lacunæ." * Skinner has shewn this by printing "*the disjecta membra*" of P's epitome of the biography of Abraham, with no connections supplied and with only one verse transposed.

(a) An alternative theory put forward by Orr, which he adopted from Klostermann, is that the P verses and passages are the work of an Editor, who supplemented, or recapitulated, or set in a framework, the older narrative told in JE.† If readers will either study in Skinner's *Commentary*, or, better still, set down for themselves, the story of Abraham above mentioned (not, of course, writing out chapters 17 and 23) it may be safely left to them to decide "whether a narrative so continuous as this . . . is likely to have [resulted from putting together] the casual additions of a mere supplementer." * If further they will compare P's story of Creation and J's account of the beginnings of man (Gen. 1 and 2), the two Flood stories, and the two accounts of the covenant with Abraham (Gen. 15 and 17) they will see that it is a complete misnomer to speak of P's accounts as mere supplements or framework. They give quite different representations. "It is inconceivable that

* Skinner, *Commentary on Genesis*, pp. lviii.-lix., cp. p. xli. The passages pieced together are 12^{4b-5}, 13^{6, 11b, 12a, b, 19²⁰}, 16^{1, 3, 15¹, 17, 21^{1b, 2b, 3-5}}, 23, 25⁷⁻¹¹. The thread is thin but continuous; in 17 and 23 it expands into full narrative.

† Dahse (Arts. 1 and 2) would have us see in many P verses and short sections liturgical glosses by which Ezra adapted the Pentateuch for public reading, but, as Sellin says, "Dahse's attempt to divide up the whole of the Priestly writing in this way breaks down in face of the long law-codes and lists, not to speak of many of the narrative portions," and to my mind Skinner has shewn with irresistible force that the theory equally breaks down as to the smaller sections. They are not mere recapitulations or headings, and more than half do not occur at the beginning or end of a Reading (see Skinner, *Divine Names*, pp. 192-228).

a supplementer should contradict his original at every turn and at the same time leave it to tell its own story." On the other hand, if P's narrative was intended to be an independent work and if eventually the Jewish community resolved to retain both old and new and wove them into one, the actual phenomena seem to be adequately explained. This explanation may not satisfy Welch, but he is hardly thereby justified in saying that no explanation is forthcoming.

(b) Another alternative is put forward by Prof. Max Löhr of Königsberg. Löhr * and Sellin † agree that Ezra was the author of the present Pentateuch, and that much of the material in the parts assigned to P was pre-exilic, some indeed as early as that in JE. But from this point they part company. Löhr is of opinion that there never was a continuous document 'P.' Ezra and his friends, he thinks, had at their disposal in Babylonia a large mass of written material of the most heterogeneous character, culled from various quarters, and from this Ezra selected what he wanted and worked it up into the present Pentateuch and brought it in its complete form to Jerusalem. This is a return to the 'Fragmentary theory' (see Article 1, July, pp. 12-13). He bases it upon supposed variations in the meaning of 'Generations' and seeming differences of point of view in such P narratives as Gen. 17 (which he divides into four separate sections), etc. These phenomena, so far as they really exist, do indeed reinforce the view already stated, viz. that P was itself to a large extent a compilation based upon written materials, and that these latter had themselves grown by accretion; but they prove nothing further. We must still hold with Sellin and most modern scholars that P "certainly now bears the impress of a single mind."

* Löhr, "Der Priesterkodex in der Genesis," *Z.A.W.*, Beiheft 38 (1924).

† Sellin, *Introduction to the Old Testament*, English Translation (1923), pp. 81-96.

Sellin thinks that this document was composed in Babylonia about 500 B.C. and that the narrative portion was based upon "a pre-exilic historical book of priestly origin," while in the legislative portion "everywhere we can see the old material shewing through the later envelope." This code and history Ezra brought with him to Jerusalem in 458. Finding on his arrival that public opinion would never consent to the throwing aside of JED in favour of P, he amalgamated the old and the new and produced substantially the present Pentateuch in 444. There were, however, certain later additions, such as Ex. 35-40, where the LXX presents the material "in a completely different order." * Finally he explains the survival of the old alongside the new by saying that from the eighth century at least "the ancient law and the ancient history were freely reproduced at the popular assemblies for worship." He cites in proof of this 1 Sa. 7¹⁶ and 12^{7a}, which, he says, "present Samuel as an itinerant orator appearing in turn at the ancient sanctuaries of Bethel, Gilgal-Shechem and Mizpah." This illustrates the loose way in which far-reaching theories are based by Sellin and others upon quite inadequate data. There is no evidence whatever that the speech of Samuel at a political assembly of Israel (in 12) was in any way typical of his doings at the three centres, which he visited annually as judge, and neither passage treats of 'popular assemblies for worship,' although we may well believe that on such occasions sacrifices would be offered (11¹⁵). His discussion of the question of the Tabernacle (pp. 88-90) suffers in the same way from the flimsy character of the data upon which he bases his conclusions.

iii. The third 'urgent question' is as to "the supposed uniformity of spirit and outlook" in P. This, we are

* See Table in McNeile, *The Book of Exodus* (Westminster Commentaries), p. 223-6.

curtly told, "is simply not true." P's account of the Flood and "Moses' prayer for the people after their sin with the golden calf" are given as two illustrations of "the large outlook" and "the non-legal attitude of some of those who wrote these later and additional accounts." The second of these is described as a "notable illustration" of the heights to which the Priestly writers could rise. But what critical writers assign Ex. 32³⁰⁻³⁴ to P? The critics known to me assign it to JE, or a JE Editor, long prior to P! As to the first, surely the fact is that "the supposed uniformity of spirit and outlook" is not supposed at all, in Welch's sense, by the men whose theory he is criticizing. P has its own outlook and way of reading history, but no sensible exponent of the modern view has to my knowledge ever suggested that the Priestly writers were incapable of writing any story of pre-Mosaic days with a large outlook. Wellhausen, e.g., speaks of "the exalted ease and the uniform grandeur that gave the narrative [of Creation] its character." In the narrative of the Flood P's standpoint is clear. Whereas, e.g., JE assumes that the distinction between clean and unclean animals was known in the days of Noah, P believes that it could not have been known before the law was promulgated from Mt. Sinai. Accordingly in P's version, "of every living thing of all flesh *two* of every sort, male and female," are brought into the ark (Gen. 6¹⁹⁻²⁰, 7¹⁴⁻¹⁶, ctr. 7^{2-3a}). But this standpoint does not forbid him, rather it helps him, to "think principally of God's relation to the world" as lying beneath and behind "His relation to the chosen race." He believes that there was a covenant with 'all flesh' as well as a covenant with Israel.* Welch says truly that "nothing could well be

* This is the answer to Eerdmans, who first lays down in an arbitrary manner principles which he attributes to P and then rules out large sections as not P because they seem to contradict these supposed principles. (See Sellin, *Introduction*, pp. 82-3; Article 1 (July), p. 18, and Skinner on Genesis, pp. xlii.-xliii.)

further away from the narrow limits of late Jewish legalism." Modern scholars have no controversy with him on this point. They heartily agree. But when Welch points to the Book of Jubilees to shew "how the legalists of Jewry rewrote the origins of the world and of their nation" and seems to wish his readers to infer that this is "the spirit and outlook" which critical writers have 'supposed' to animate the writers of P, it is sufficient to point out that this book was written in the Maccabean period between 135 and 100 B.C., by a Pharisee of the strictest sect and at least three, if not four, centuries after P was compiled, and that no writer on the critical side has ever supposed that it in any way represented the spirit of the lovers of the law in the fifth century B.C.

3. We have still to consider the third point, viz. the nature and date of P, regarded as a code of law. The modern view has for fifty years regarded it as a post-exilic production. But, Welch says, "the more it has been studied by itself in the light of the modern historical method, the greater are the difficulties which have emerged, *if* it is to be regarded as uniform in its character and the product of so late a period"; and again, "the first thing that emerged was that the book, like Deuteronomy, was not a unity, but was the outcome of a long development." *

i. There is great virtue in the '*if*,' which I have italicized. '*If*' anyone has so regarded P, then undoubtedly difficulties arise for him. But, we may ask, who has ever so regarded it? Certainly not the men, whose theory we are dealing with. "It is an essential element of the critical position," wrote the late Prof. Burney, "that the Priestly Code embodies ritual usages, which grew up during a long period and many of which are doubtless of immemorial antiquity. . . . This is again and again emphasized in the writings

* EXPOSITOR, May 1923, pp. 361 and 363.

of its earliest exponents." Burney justified this statement by a series of quotations.* I must content myself with quoting Wellhausen. As long ago as 1878 he spoke of "a kind of school" of priests as, in and after the Exile, "reducing to writing and to a system that which they had formerly practised in the way of their calling. . . . The Priestly Code is the last result of this labour of many years." It was not a new "creation," but the "systematizing of given materials, and this is what the originality of the Priestly Code in substance amounts to." In his second Edition in 1883 he added a paragraph to deal with the argument 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," he says, "must, though it 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 this difference . . . has a material basis, being connected with the centralisation of the worship and the hierocracy which that centralisation called into being." † When therefore Welch points out that laws "of a strikingly

* Burney in *EXPOSITOR*, February 1912, quoting Stade (1888) ; Driver, *Introduction*, Ed.⁶, pp. 142-143 ; Kuenen, *Origin, etc., of the Hexateuch* (Engl. transl., 1886, pp. 272, 287) ; Robertson Smith, *O.T.J.C.* (1881), pp. 383 f. (1892, pp. 382 f.) ; Ryle, *Canon of the Old Testament* (1892), p. 71. To these may be added Skinner on Genesis, p. lvii. ; and, perhaps best of all, Carpenter and Harford, *Hexateuch* (1900), vol. i., pp. 141-146.

† Wellhausen, *Prolegomena* (English translation from second German Ed.), pp. 404-405, 366, etc.

primitive character such as the ritual of the scapegoat and the offering of the red heifer" lie side by side with others which "are clearly of later date" and that "the code in fact, as a code, has a history behind it, a history of some length and of great complexity" * he is merely stating what had been in fact proclaimed long ago and by none more emphatically than by the critics of the last half century.

ii. It being then agreed that a long development has taken place, the question arises: "where did that development take place, and to what period in the community's life must it be referred?" † Welch answers (a) that if all, or even much, of this took place after 444 B.C., it is "extremely difficult to explain how the Samaritans came to accept these later developments," and (b) that, if it took place earlier, it must have been in the period *before* the Exile. The reasoning here is difficult to follow. We saw in Article 3 (p. 170) that very possibly the Samaritan schism did not take place till 330 B.C., which allows of one hundred years of development after Ezra-Nehemiah. But, waiving that possibility, why must we choose between the period after 444 B.C. and the period before 586? There were, according to the usual chronology, about a hundred years between the first return and the days of Ezra, and at least from the days of Zerubbabel, Joshua, Haggai and Zechariah some kind of worship was carried on at Jerusalem. Why is this period to be ruled out? And again there were at least fifty years of exile. Why is this period also ruled out? Welch (following Torrey) answers that "it is inconceivable that the exiles . . . amused themselves by thinking out modifications of a ritual which they were not practising." What about Ezekiel? The aim of the argument seems to

* EXPOSITOR, May 1923, p. 363.

† *Ibid.*, p. 363-364.

be to lead us back to pre-exilic days, and the conclusion is reached that "the laws themselves must [for the most part] have existed under the Kingdom, but been reduced to order after the return. They underwent however at this period the minimum of revision. The real revision of individual laws took place before they were codified. There is even less novelty in the code of Ezra than in the code of Josiah." * We note that the codification did take place 'after the return.' But does Welch seriously mean to say that a 'minimum' of development took place as the result of the Exile and the hundred years which followed the return? Let us compare the above with the sketch which Wellhausen gives us of the post-exilic "Community once more lifting up its head around the ruined Sanctuary (Hagg. and Zech.)." "The usages and ordinances were, though everywhere changed in detail, yet not created afresh. Whatever creating there was lay in this, that these usages were bound together in a system and made the instrument of restoring an organization of 'the remnant.' Ezekiel first pointed out the way. Thus arose . . . the sacred constitution of Judaism. In the Priestly code we have the picture of it in detail. It is not the case that the hierarchy is based on the code; that code was only introduced after the hierarchy was already in existence, but it helped, no doubt, to consolidate and legalise it. . . . [In the days of Moses and of the Kings] Old Israel had not shrunk to a religious congregation, . . ., the high priest and the dwelling of Jehovah were not the centre round which all revolved. These great changes were wrought by the destruction of the political existence first of Samaria and then of Judah." † Here surely we have a much truer

* EXPOSITOR, May 1923, p. 365 (very slightly abbreviated).

† Wellhausen, *Prolegomena*, pp. 421-422; cp. Carpenter and Harford, *Hexateuch*, vol. i., pp. 141-146.

estimate of the difference between the two periods before and after the Exile. The Code would not appear very novel in 444 B.C., because it mainly registered changes which had already taken place, but it would have appeared very novel to the men of 'Old Israel.' No doubt laws about the family, food, slavery, leprosy, the Nazarite and the like had been in force in some form or other from very early times, and were revised both before and after the Exile in the light of prophetic teaching. No doubt, again, there was a definite ritual practised at the sanctuaries in N. and S. Israel (Amos 5²¹⁻²³, 2 Kings 16¹²⁻¹⁶), but it is by no means clear that in the days of Amos and Ahaz there was a written rule. Priesthoods in many religions have preserved a traditional ritual without possessing a written code.* But there naturally came a time when the priestly 'torah' had to be written down. Exodus 20²²⁻²³ and 34, Deut. 12-26 and the Priestly Code represent different stages of codification, and the later stages are marked by the successive elaborations of the laws relating to the Place of worship, the Ministry and the Cult. A great deal of material in P was derived from the ancient time, but a great deal also shews a post-exilic development under foreign rule.

iii. The position of the Pentateuch at the beginning of the Bible necessarily conveyed the impression in pre-critical days that the Law, as it now stands, was given to Israel before their entrance into the land of promise and that the

* Welch on the strength of 2 Kings 17²⁶⁻²⁸ says that it "is known that at least one of these 'uses' of Bethel or Jerusalem was reduced to writing" (EXPOSITOR, May 1923, p. 365). How is it 'known'? No doubt "the returned priest renewed at Bethel the 'use' which Amos had witnessed," but all that 2 Kings says is that "he taught them how they should fear Yahweh." There is not the slightest proof that he brought with him a written code. "The manner of the God of the land" is contrasted with "the manner of the nations" (ver ²³). Was the latter also a written code?

messages of the prophets came after it. When critical study had revealed the fact that the Law was a composite Book and in its present form was post-exilic, it was realized that 'the Law did not precede the prophets; the prophets preceded the Law.' This, as we have seen did not mean that there was no law until after the prophets. Sacrifices there always were; social regulations necessarily took shape as soon as social and national life began; Moses, Samuel and their like delivered oral judgments; Priests developed traditional usage at the Sanctuaries; but all this was not formulated law. It was not apparently written down and published in code form until a late period in the national history. Welch * well pictures to us "the prophetic revelation playing upon the cult, criticising it, refining it, interpreting it," and he gives us two interesting pages (based upon Gunkel's work on the Psalms), shewing how psalms and formulæ and prophetic oracles, used or uttered at the time of sacrifice, would tend to introduce to the minds of the worshippers higher conceptions of Yahweh. "It may be even said that the cult, as it came to exist in later Israel, was largely the outcome of the prophet's work." Why, after saying this, Welch should go on to say that "this implies that the sharp antithesis . . . 'the law did not precede the prophets; the prophets preceded the law' is ceasing to have much meaning so largely must it be modified" is a mystery; it would seem to imply the opposite, and in the very next sentence he actually gives the true meaning of this dictum and practically declares it to be true: "the law, *as it came to be and as it exists* may have succeeded the prophets." Exactly; that is just what the scholars who propounded it meant and said, and nothing that has been said to the contrary has shaken this their position.

* EXPOSITOR, May 1923, pp. 366-368.

iv. In bringing this series of articles to a close, I should like, at the end as at the beginning, to thank Prof. Welch for having sent us back to examine foundations. We sought to enter upon these investigations with an open mind, ready to give full weight to all that could be said on either side, but I think that most of my readers will agree with me that, when all is said, the writers whom he has quoted and others whose writings we have considered have not 'seriously shaken' the main pillars of the modern view. They may have in certain cases helped us to see more clearly some of the steps in the living process of development which lies behind the Pentateuch as we now possess it, but that is another matter. Dr. S. A. Cook * believes "that Old Testament criticism is passing into a new phase." It is true that, e.g., with regard to early Canaanitish religion archæology is shedding new light, but the bearing of the new material upon the pre-prophetic religion of Israel is by no means clear. In any case the 'new phase,' if it establishes itself, does not seem likely to be in the direction of more conservative positions.†

J. BATTERSBY HARFORD.

* See *Journal of Theological Studies*, July 1924 and January 1925; *The Religion of Ancient Palestine, 2000 to 1000 B.C.* (Constable). See also Kittel, *The Religion of the People of Israel*, chap. i (Allen & Unwin, 1925).

† I would like to commend to my readers the article by my brother on *Leviticus* in *Hastings' Dict. of the Bible*, vol. iii., as shewing how critical studies light up the Law and provide (§ 7) material for spiritual edification. See also Prof. Moffatt's *The Approach to the New Testament*, pp. 235-236, and Prof. Peake's *A Guide to Biblical Study*, pp. 12-16 ("The chief aim of the study of the Old Testament is not to analyse the Hexateuch into its component parts, but to understand the course which was taken in the education of Israel to prepare for the coming of Christ").