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The Argument E Silentio,

With Special Reference to the Religion of Israel.

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THE Argument from Silence is frequently used on all sides, and yet there is general distrust as to its validity. This is certainly an unsatisfactory state of affairs. If the argument be invalid, scholars ought to abandon it. If, however, it be valid, its validity should be clearly established and generally recognized. The uncertainty as to this argument is due to a lack of consideration of the merits of the question and the absence of discriminating definitions. From a sense of the need of such definitions in our own studies, we propose to beat our way into this difficult investigation, in hope that others will correct our mistakes, and improve upon our results. We are assured with Robert Boyle (*Some Considerations touching the Style of the H. Scriptures*, Lond., 1661, p. 111), "There is such a fulnesse in that book that oftentimes it sayes much by saying nothing; and not only its expressions, but its silences are teaching, like a Dyall, in which the shadow as well as the light informs us."

(1) *Silence is, in many cases, a lack of evidence, for the reason that the matter in question did not come within the scope of the author's argument.* To determine whether this be so or not, may not always be easy, but it is a necessary preliminary to any use of the argument from silence. We must first determine exactly what the author does say in its organic connection, together with the design and the scope of his argument, before we can draw any safe conclusions with regard to that which lies outside of his limits, and the silence that he maintains with respect to the matters of our inquiry. Thus, in the question as to the "men of the Great Synagogue," it is argued by many

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The latter would seem to have been within the writer's scope as well as the former. The whole question, then, depends upon the first inquiry whether the mention of "the men of the Great Synagogue," if such a body existed, fairly came within the scope of these writers. This must be tested in every case ere a valid argument can be made.

We shall now mention a few cases in which, as it seems to us, certain things were beyond the scope of the writers. Thus, in the Book of Esther, there is no mention of the divine Name, and no conception of divine Providence. This seems, at the first glance, very strange. The history of Esther would be as fitting to illustrate divine Providence as the story of Joseph. We should expect that the divine names would have been frequently in the mouths of the heroes of the story. And yet, on closer examination, it appears that the Book of Esther was written with a very different purpose from the story of Joseph. It was the work of a patriotic Jew who wished to give the origin of the Feast of Purim, and enforce fidelity to Jewish nationality. The author's scope was political rather than religious, doctrinal, or ethical. Hence, while the name of the Persian monarch appears 187 times, the name of God does not occur. Persian decrees, and the fidelity of Esther to her nation, and skill in overcoming the intrigues of its enemies, take the place of the divine Providence. The same is true in the Song of Songs. Its scope is entirely ethical, to show the victory of marital love over all the seductions that may be employed to constrain it toward others than the rightful object of it. The author had no occasion to use the divine Name, or to speak of religious themes. In the prophets Joel, Hosea, and Ezekiel, there is no reference to the doctrine of Creation. The plan of these prophets, and the scope of their argument, lie in other directions. There is no reference to the doctrines of a future life in the prophets Amos, Joel, Jeremiah, Nahum, Zephaniah, Haggai, Zechariah, and Malachi. While it is not so clear in these cases that this subject was beyond their scope, yet we do not see that it was in the path of their writings in such a manner that they would have been obliged to mention it. There is no Messianic prophecy in the Wisdom Literature, *e.g.*, Job, Proverbs, Ecclesiastes, Song of Songs. These writings are ethical, and the Messianic idea was clearly beyond their scope.

Other instances might be added, but these are sufficient for the establishment of our first proposition. They show that silence in many cases is to be explained from the reason that the matter was beyond the scope of the writer's argument.

(2) *Silence is concurrent testimony where the matter would have*

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been within the author's scope under certain circumstances. That there is silence is an evidence that these circumstances do not exist. This argument is on the well-known popular principle that silence gives consent. If there were evidence to the contrary, it would certainly have been produced. A fine example of this argument is given by Bishop Lightfoot in his review of the author of "*Supernatural Religion*," in the *Contemporary Review*, xxv. 183, in treating of the silence of Eusebius. He quotes from Eusebius, *H. E.*, iii. 3, to the effect that his design was to give (1) the references or testimonies in the case of disputed writings of the Canon only; (2) the records of anecdotes in the case of the acknowledged and disputed writings alike. If the Gospel of John had been a disputed writing, he would have given references and testimonies according to his first principle. He does not do this, therefore, "The silence of Eusebius respecting early witnesses to the Fourth Gospel is an evidence in its favor." Its apostolic authorship had never been questioned by any church writer from the beginning, so far as Eusebius was aware, and therefore it was superfluous to call witnesses.

(3) *Silence is sometimes designed by the authors for good and sufficient reasons, which may be ascertained; silence then proves a valid argument in accordance with the nature of the reasons.*

In these cases, the matter came within the author's scope, and his silence may be shown to be intentional. This argument from silence has been the one most commonly employed. Thus Warburton, in his *Divine Legation of Moses Vindicated*, Lond., 1837, vol. ii. p. 531, argues, "If religion be necessary to civil government, and if religion cannot subsist under the common dispensation of Providence without a future state of rewards and punishments, so consummate a lawgiver would never have neglected to inculcate the belief of such a state, had he not been well assured that an extraordinary Providence was indeed to be administered over his people." This argument has been often disputed. Both premises have been called in question. There can be no doubt that the idea that "religion cannot subsist under the common dispensation of Providence, without a future state of rewards and punishments," rests on too narrow an induction of the religions of the world. There can be no doubt that Warburton is disposed to minimize the Old Testament statements as to the future life, and yet it seems to us that he is certainly correct in his statement that the Pentateuchal codes are silent as to a future state of rewards and punishments, and that this silence was designed. Warburton calls attention justly to Moses' familiarity with the Egyptian

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religion and its highly-developed Eschatology. We have now abundant evidence to show that the Babylonian and Shemitic religions, with which the patriarchal ancestors were first brought in contact, were full and elaborate on this subject. The silence of these codes was designed. We are not convinced that this silence is to be explained altogether on the principle that the Hebrew government was a theocracy of extraordinary Providence; yet we are sure that it was the design of the Pentateuchal religion to emphasize life in the Holy Land under the divine instruction, and to ignore the future state of rewards and punishments on that account. The essential thing was the divine blessing in life, and the most dreaded thing was the divine curse in life. Indeed, it is the great lesson of Biblical Eschatology that the future life depends upon man's relation to God in this life. It is an evidence of great weakness in any religion to show extreme anxiety as to the future life. This was the worst feature in the Egyptian religion. The study of Biblical Eschatology, in its development in the Scriptures, makes it evident that in the entire course of Biblical history the other religions with which the Biblical religion was brought in contact were more elaborate in Eschatology than the Biblical religion. We also believe it to be a fact that the Eschatology of the Christian Church has derived its material very largely from other religions than the religion of the Old and New Covenants. Biblical Eschatology is much simpler than the Eschatology that has prevailed in the Christian Church. There can be no doubt therefore that the silence of the Pentateuch as to a future state of rewards and punishments was designed in order that the people of Israel might devote themselves entirely to the doing of the divine will in this life, and thereby receive the blessing or the curse in accordance with their deserts.

Archbishop Whately also uses the argument from silence from this point of view in his *Essays on Some of the Peculiarities of the Christian Religion*, 5th ed., Lond., 1846, Essay vii., and in his *Kingdom of Christ*, N.Y., 1859, p. 28 sq. He calls attention to the fact that "No such thing is to be found in our Scriptures as a Catechism or regular Elementary Introduction to the Christian Religion; nor do they furnish us with anything of the nature of a systematic Creed, — set of Articles, — Confession of Faith, or by whatever other name we may designate a regular, complete Compendium of Christian doctrines. Nor again do they supply us with a Liturgy for ordinary Public Worship, or with forms of administering the Sacraments, or of conferring Holy Orders; nor do they even give any precise directions

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as to these and other ecclesiastical matters; anything that at all corresponds to a Rubric or set of Canons. And this omission is, as I have said, of a widely different character from the one before mentioned, since all these are things of manifestly practical utility, and by no means calculated to gratify mere idle curiosity" (Essays, p. 331, 332). He then argues that "since no one of the first promulgators of Christianity did that which they must, some of them, at least, have been naturally led to do, it follows that they must have been supernaturally withheld from it" (p. 349). "Each Church, therefore, was left, through the wise foresight of Him who alone 'knew what is in man,' to provide for its own wants as they should arise; to steer its own course by the Chart and Compass which His Holy Word supplies, regulating for itself the Sails and Rudder according to the winds and currents it may meet with" (p. 355). "It is very important therefore, and, to a diligent and reflective and unprejudiced reader, not difficult, by observing what the sacred writers have omitted and what they have mentioned, and in what manner they have mentioned, each, to form in his mind distinctly the three classes just alluded to, viz., First, of things essential to Christianity and enjoined as universally requisite; secondly, those left to the discretion of the governors of each Church; thirdly, those excluded as inconsistent with the Character of the Gospel Religion" (*Kingdom of Christ*, p. 34). This silence or reserve of divine Revelation is extended by Dr. Wharton (*Silence of Scripture*, Boston, 1867) so as to cover many things that we should like to know, as to the Creation of the World, the origin of evil, divination, the Virgin Mary, the personal appearance of Christ, as well as liturgy and creeds dwelt upon by Whately. Robert Hall has a fine sermon on "The Glory of God in Concealing" (*Works*, N.Y., 1857, iii. p. 310 sq.). Trench, in his *Hulsean Lectures*, 1845, Lecture vi., "On the Fitness of Holy Scripture," Phila., 1851, p. 120 sq., alludes to the same truth of the intentional silence or reserve of divine Revelation. We might illustrate this form of argument from silence from the human point of view of the Biblical authors rather than the point of view of the divine Author of Scripture, but it will come up incidentally under the next head, and we would save our space.

(4) *Silence is often evidence of the ignorance of the author on the point in question.* Here, again, it must be proved that the matter was clearly within the scope of his argument. This phase of the argument from silence is vastly important; upon it depends the Science of History. Of what possible use are historic records, unless they give

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us information that we could not otherwise know? How can we trace the progress of events or opinions, except on the presumption that whatever occurs leaves its record, and whatever is known is in some way made known.

Where there is silence, we may assume ignorance as to the matter in question, and even find positive disproof of its existence. An event or an opinion might not be known to a particular person, or might be known to but a few, and these might perish. But it is to be presumed that those to whom the event or knowledge was known would make it known if it were within the scope of their argument. We prove the growth of knowledge from the silence of early writers and the statements of later writers. The statement of opinions give us the basis for the history of the opinions. Silence is an evidence of ignorance of them. Thus, Dr. Mombert (*Handbook of the English Versions of the Bible*, N.Y., 1883, p. 107 sq.) overcomes the tradition, handed down from Fox, and apparently supported by the Colophon of Tyndale's first edition of his translation of Genesis, "emprinted at Marlborow in the land of Hesse, by me, Hans Luft, &c.," that Tyndale was a student at Marburg, and went from thence to Hamburg by way of Antwerp, to meet Coverdale in 1529; by showing that there is no record at Marburg of Hans Luft ever having set up a printing press there, and that the Album of the University does not contain Tyndale's name among the matriculates, as it would if he were matriculated, in as much as it gives Patrick Hamilton and others; and there is an absence of historic evidence as to Coverdale's going to Hamburg. The constant argument of the great Reformers against the abuses of Rome was: Scripture is silent, and we cannot rest our faith on any doctrine or institution merely on the authority of the Church or tradition, when the Sacred Scriptures are silent with respect to it. Richard Bentley in his celebrated work on the *Epistles of Phalaris*, London, 1699, uses the argument from silence to prove them to be forgeries, thus, "For had our letter been used or transcribed during that thousand years, somebody would have spoken of it, especially since so many of the ancients had occasion to do so; so that their silence is a direct argument that they never had heard of them." (New edition, 1883, p. 481.) The importance of this line of argument is greatly emphasized by the Roman Catholic scholar Du Pin, in his great work on *Ecclesiastical Writers*, Paris, 1694; Lond., 1696 (p. viii.). "The external proofs are, in the first place, taken from ancient manuscripts, in which either we do not find the name of an author or else we find that of another; the more ancient or correct

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they are, the more we ought to value them. Secondly, from the testimony or silence of ancient authors; from their testimony, I say, when they formally reject a writing as spurious, or when they attribute it to some other author; or from their silence when they do not speak of it, though they have occasion to mention it. This argument, which is commonly called a negative one, is oftentimes of great weight. When, for example, we find that several entire books which are attributed to one of the ancients, are unknown to all antiquity. When all those persons that have spoken of the works of an author, and besides, have made catalogues of them, never mention such a particular discourse. When a book that would have been serviceable to the Catholics has never been cited by them, who both might and ought to have cited it, as having a fair occasion to do it, 'tis extremely probable that it is suppositious. It is very certain that this is enough to make any book doubtful, if it was never cited by any of the ancients; and in that case it must have very authentic characters of antiquity, before it ought to be received without contradiction. And on the other hand, if there should be never so few conjectures of its not being genuine, yet these, together with the silence of the ancients, will be sufficient to oblige us to believe it to be a forgery" (in l. c., p. viii.).

Many examples of this argument might be given, but we shall limit ourselves to the Old Testament Scriptures; some of these arguments will be found valid and some invalid. The validity depends upon the previous question whether the matter in hand really was within the writer's scope. Horne, in his *Introduction* (Vol. ii., p. 31, first edition), presents as an argument against the documentary hypothesis, "one objection, and we apprehend that it is a fatal one, namely, the total silence of Moses as to any documents consulted by him." This would be a valid and "fatal" argument if it could be proved that Moses must have mentioned the documents if he had used them. But this cannot be proven. It was not the custom of ancient authors so to do. It was only occasional, and it was not common or necessary.

It has been argued for many generations that Job must have been written in the Patriarchal age before the Mosaic legislation, on account of the silence of the book as to that legislation. The latest statement of that argument that I have seen is in a supplement to the article of Delitzsch on Job in the *Schaff-Herzog Encyclopædia*, 1883, ii., p. 1187. "Those who hold that the book of Job was written in a very early age, in the time of Moses, or even earlier, urge its un-Jewish tone and its general spirit, which indicate an early period of the race. The absence of all references, direct and indirect, to the

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Mosaic law, the temple, the priesthood, and the sacrifices, as well as to Jewish history, is very striking and is justly emphasized. The difficulty of conceiving of a Jew in the reign of Solomon transferring himself to a pre-Mosaic condition of affairs, and ignoring entirely his own religion, cannot be easily set aside." Is this a valid argument from silence? The answer depends on (1) whether these things fairly came within the scope of the author. (2) Whether these institutions of the Pentateuch were really in use, and were known in the Solomonic age. (3) Whether the silence is as stated. Beginning with the third, we agree with this writer that this silence is a most remarkable one, and "cannot be easily set aside." There is no mention of the Sinaitic Covenant, or any sacred writings or sacred institutions of Israel, the kingdom of God, or sacred times. The only offerings are עולות and נדרים. The only purifications are by water. This silence must be acknowledged. But the other two points are open to criticism and prove to be without force. The observance of the Pentateuchal institutions in the Solomonic age needs to be proven. Those who make so much of the silence of Job have overlooked the still more remarkable silence of other writings of the same class.

The book of Proverbs agrees with Job in making no mention of the Sinaitic Covenant, or the sacred writings (except משלי שלמה), or sacred institutions or sacred times. The only offerings are זבח, נדר, ראשית, all primitive offerings, and there is no allusion to Levitical Purifications. Must the book of Proverbs also go into the Patriarchal period? If the silence in the case of Job forces us to that conclusion, the silence of the book of Proverbs, as to the very same things, forces us to the same conclusion. But it is impossible to assign the book of Proverbs to the Patriarchal period, for so many different reasons that no one, so far as we know, has ever thought of it. It is strange that any one should ever have thought of putting Job in that period; for the doctrines of the book as to the divine Wisdom, divine discipline, ethical requirements, and the future state, are identical with those of Proverbs, and at a wide remove from the Pentateuch. The silences and the positive teachings of Job alike are in accord with those of Proverbs. The Song of Songs presents the same features of silence. The book of Ecclesiastes is silent as to the Covenant, sacred writings, the kingdom of God, and sacred times. It mentions זבח and נדר as in Proverbs. It mentions purifications, but without means. It is distinguished from the other book by the mention of the בית האלהים (iv. 17), and מקום קדוש (viii. 10). The book of Ecclesiastes belongs without doubt to

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the latest writings of the Old Testament. The book of Proverbs contains sentences and poems of Wisdom extending through many centuries, at least from the Solomonic age to the post-Exilic period. Here we have four writings classed together as belonging to the Wisdom Literature of the Hebrews, all characterized by common features of silence as to important religious matters. What does this silence mean? It cannot help us to locate these writings chronologically, for these writings belong to many different centuries of Hebrew history. The silence of Job has been explained as intentional. The author designed to place his hero in the Patriarchal age, and carefully abstained from anything that would be alien to that age; as Longfellow in his *Golden Legend*, and Tennyson in his *Idylls of the King*, transport themselves in imagination into ancient times, and as far as possible set their heroes in the scenery of their own age. This is valid only in part, for the author makes Job and his friends represent characters in their discourse as to divine Wisdom, the discipline of Wisdom, ethical conceptions, and other doctrines, only possible in the Solomonic or post-Solomonic age. The author might avoid glaring inconsistencies in the details of religion, but he could hardly escape unconscious allusions to the religion and institutions of his own period. Whatever validity this argument might have had in the case of Job is entirely destroyed by a consideration of Proverbs, which was not such an ideal production, and where the several authors make no use of this element of fiction.

The silence of Job has also been explained as intentional from another point of view in which the other writings coincide; namely, that the Wisdom Literature represents a speculative type of theology, which purposely ignored ceremonial institutions and externals of religion, a school of thought of a rational and ethical type. There is doubtless truth in this view. The Wisdom Literature stands by itself in the Old Testament Scriptures as representing a different type of theology, which might be called speculative and philosophical, but better, we think, ethical. The authors of Hebrew Wisdom represent an independent section of divine Revelation. They show no dependence on the Mosaic legislation, or on the prophetic instruction. They give forth the teachings of the Divine Wisdom as the highest and best authority, dependent upon no other authority than the Divine Wisdom herself. The traditional view of their dependence on the Law of Moses must be abandoned. They moved in a sphere exterior to the ceremonial worship of Israel; they lived in the school of Wisdom, and cultivated its ethical and speculative principles. They give us a

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type of religion which was essentially ethical. And its importance is subordinate to no other in Israel. The ceremonial worship is essentially in a different sphere. But was there involved in this an intentional ignoring of the institutions? We think not. The book of Proverbs urges strongly the payment of first-fruits and votive offerings. The book of Ecclesiastes lays great stress upon worship in the house of God. The prophets, from Samuel on, opposed externalism in worship, and that opposition stares us in the face in their writings. If there were such an opposition in the wise men of Israel, it would appear somewhere in their writings. The silence cannot be explained from religious indifference. The simple, dull, and perverse fools and scorners are the especial objects of attack in the Wisdom Literature. There is a deep moral earnestness in these writings that is wonderful. An ignoring of sacred institutions by these men seems to us incredible. The question now presses upon us, Were these things, about which there is silence, within the scope of the Wisdom Literature? These writings were ethical rather than religious or doctrinal, and therefore we could not expect very many allusions to the items omitted, and many things might escape mention which would not strike our attention as unnatural; and yet there are certain things omitted which clearly come within the author's scope. Job is represented as offering a sacrifice for the sins of his sons: "He rose up early in the morning and offered burnt offerings, according to the number of them all; for Job said, It may be that my sons have sinned and cursed God in their hearts. Thus did Job continually" (i. 5). And the friends of Job were commanded, "Take unto you now seven bullocks and seven rams, and go to my servant Job, and offer up for yourselves a burnt offering; and my servant Job shall pray for you: for him will I accept: lest I deal with you after your folly" (xlii. 8). Why is the עולה used as a sacrifice for sin where we would expect, according to the Priests' code, חטאת? Job was a leper: why do we not find some reference to the elaborate laws as to the purification of the leper of the Priests' code? The other Wisdom Literature is equally silent as to the sin offering and the Levitical purifications, and yet it seems to us that we should be very likely to find them in ethical writings that lay great stress upon sins of various forms, and their removal. It seems to us, therefore, that with reference to these offerings and purifications, at least, the authors of the Wisdom Literature were ignorant of them, and they could not have been in public use in their times.

Another feature of the Wisdom Literature is the absence of ref-

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erence to the supernatural in miracles and prophecy. There is a description of a Theophany in Job xxxvii. sq., but no reference elsewhere in these writings to any such thing. Divine communications are made to men in the training in the school of Wisdom. Is this silence intentional, implying scepticism as to the supernatural, or opposition thereto? Was it beyond the authors' scope, or was it within their scope and yet unknown to their experience? We do not hesitate to follow the opinion that the authors of the Wisdom Literature were unacquainted with supernatural manifestations in their times.

If the silences of the Wisdom Literature are remarkable, the silences of the Psalter are still more remarkable. There is no reference to sacred writings in the Psalter except in Ps. xl., to a book-roll which looks like the law respecting the king (Deut. xvii. 14; I. Sam. x. 25) but does not imply anything else. There is no reference to miracles or prophecy except in recollection of the experiences of the Exodus. There is no sin offering.[1] There is no reference to the trespass

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[1] It is generally held that חטאה in Psalm xl. 7 is a sin offering. To this we cannot agree. The technical term for sin offering is חטאת, a fem. intensive noun. The Piel of the verb is alone used in this sense. The intensive of the noun and verb is alone suited to the idea. It is not reasonable to suppose that the Psalmist should use the technical terms עולה, זבח, and מנחה, and neglect to use חטאת if he were thinking of the sin offering. The word חטאה is a simple feminine noun of the pretonic class. It is seldom used in the Old Testament. In the other passages, Gen. xx. 9, Pss. xxxii. 1, etc., it can only mean sin. Why should it mean anything else here? The only reasons are the supposed requirement of the context, and traditional interpretation. The latter reason alone is worthless. The former is without real force. For the זבח and מנחה are closely associated offerings, which belong together, but the עולה and חטאת are at a wide remove in conception and in usage as well as in historic origin. The ו in both cases is the ו of accompaniment. The strophe should be rendered: —

In peace offering with meat offering thou hast no delight —
ears hast thou bored me.
Whole burnt offerings with sin thou hast not asked —
then, said I,
Lo, I have come with the book-roll,
written respecting me.
To do thy will, my God, I have delight,
and thy instruction is in the midst of my bowels.

In the first line we have open ears contrasted with the communion meal of the זבח and מנחה. In the second line we have the opened mouth contrasted

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How shall this silence be explained? With reference to certain Psalms, where these things omitted clearly came within the author's scope, it implies ignorance. But, taking the Psalter as a whole, what shall we say as to scope? If the Psalter were ever the official book of the temple worship, the essential forms of that worship would clearly be within the scope of the Psalter. The silence of the Psalter, then, entirely disproves the Traditional theory in this regard. The Psalter could never have been the hymn-book of the first or the second temple. If it could be proved to have been, then the conclusion would be irresistible that during the whole period of the temple worship the Levitical institutions were not observed. It is true that certain Psalms of the last half of the Psalter, and a very few of the earlier half, can be proved to have been used in the temple worship, but the order of their use was different from the order of the Psalter. Rather, the Psalter, in its present form, was arranged for the worship of the synagogue entirely apart from the worship of the temple; and its Psalms were selected from a large number of hymns and prayers of all ages, the most of which expressed individual experiences. They suit very well the synagogue worship, as afterwards the worship of the Christian Church; but they do not suit, save in a few instances, the worship of the temple; and its most solemn services have no Psalms that are appropriate to them.

But the silence of the Psalter proves still more than this. Granted, now, that the Psalms were not composed for temple worship, but expressed individual experience, it is still most singular that the Levitical institutions of the Priests' code find no expression. It proves that the historical religion of Israel, in the times when our Psalms were composed, was less formal and ceremonial, and more spiritual and devout, than the Traditional view implies. The worship was more in accordance with the simpler Covenant codes, and there is no evidence of any knowledge or use of the Priests' code.

The absence of reference to the supernatural in the Psalter, we would explain as in the Wisdom Literature.

From the Psalter we advance into the Prophets. And here we note the silence as to miracles in Jeremiah, Isaiah B, Ezekiel, and post-Exilian Prophets. This seems to us to imply the ignorance of these authors as to any miracles in their times.

Theophanies are unknown to Jeremiah. We conclude from this that no Theophany was granted him. The only mention of sacred writings, other than their own prophecies, that we find in any of the prophets is (1) Hos. viii. 12, which refers to many prophetic To-

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roth; (2) Jer. viii. 8, the תורת יהוה which, from the context, is written by false prophets; (3) Mal. iii. 22 (תורת משה). We might, from this silence, conclude (1) It did not fall within their scope to mention other sacred writings. They were prophets, and leaned on their own divine authority, and were not disposed to lean on sacred books of other prophets. So Isa. xxxiv. 16, calls his own prophecy ספר יהוה. False prophets do not hesitate to apply the term to their own prophecies in the time of Jeremiah. Hosea refers to a number of prophetic writings of other prophets.

The only one of the Prophets who alludes to the Mosaic law is Malachi, the last of them. It came within his scope. If it be thus taken for granted that it did not fall within the scope of these Prophets to mention the Mosaic Written Law, then the Traditional view of the Rabbins that the Pentateuch was of primary authority and the Prophets of secondary importance must be abandoned. The Prophets recognize no authoritative writings as higher than their own. They do not find it worth their while to mention any other. The Traditional view must yield also in another particular. It is a mistake that the Prophets were mere expositors of the law of Moses. We do not find any reference in their writings to such a written law which it is assumed they were expounding. The Prophets stand out in entire independence of Moses and his legislation. They give divine Toroth of their own and claim divine authority for them, and do not trouble themselves about other truth. It may also be questioned whether the Traditional theory may not have to yield in another particular. If there was such a body of history and legislation compacted in the written form of our present Pentateuch, could these Prophets have failed to recognize it and allude to it? Could Isaiah use the term ספר יהוה for his own writings, or Jeremiah speak of the תורת יהוה of false prophets, if there were well-known and publicly recognized books of legislation called by these names? Does not their silence therefore imply ignorance of any such a law-book or collection of תורות as our Pentateuch? It seems to us that we must admit as much as this. It does not prove the non-existence of the codes and narratives of the Pentateuch, but it does prove that they were not known to these Prophets, with the exception of Malachi, as a public official body of legislation and history. The silence of the Prophets as to sacrifices is also significant. Leaving out of account the symbolic code of Ezekiel xl.–xlviii., the חטאה is unknown to the Prophets. אשם is only found in Isaiah liii., where it has a significance given to it that is appropriate to the context, but not in

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accordance with the relative position of the אשם in the Priests' code.

In view of the great stress laid upon sin and repentance by the Prophets, it is clear that it fell within their scope to mention these sin and trespass offerings. But before considering this omission we will call attention to one other. The Prophets make frequent allusion to Sabbaths and New Moons (Hos. ii. 11; Amos viii. 5; Is. i. 13, 14; lxvi. 23, etc.), but not to other feasts, save only the seventh year indirectly in Jer. xxv. 11, 12 (comp. with II. Chron. xxxvi. 21). The feast of Tabernacles is only in Zech. xiv. 16. There is a reference to feasts in general in Isaiah i. 13 sq., Ezekiel A, and Malachi; but these in Isaiah at least may be sufficiently explained as New Moons and Sabbaths. The omission of the seventh year can be explained as not within the scope of the writers. This can hardly be the case with the Passover, Pentecost, and Tabernacles. The first mention of Tabernacles is in the post-Exilic Prophets. We do not mean that every one of the Prophets must have mentioned these feasts as within their scope, but we do mean that when speaking of the feasts, the stress on the New Moons, in the absence of mention of the other feasts, is not in accordance with the Levitical system. Looking now at Purifications, we find no mention of them in Hosea, Amos, Micah, Isaiah, Exekiel A, or post-Exilic Prophets. Those of Joel iii. and Jeremiah are only washings.

Now how shall this silence of the Prophets as to the codes of law and the Mosaic ritual be explained? They certainly came within the scope of some of them. There are but two possible solutions: the one is intentional silence; the other is unconscious silence or ignorance. We hold that the former explanation will not meet the facts of the case. The Prophets are not entirely silent; they are silent as to some things and outspoken as to others. There is, without doubt, an antagonism to ceremonialism and formality in the Prophets generally. Compare Hos. v. 6; Mic. vi. 8; Amos v. 21 sq.; Is. i. 11 sq.; Jer. vii. 21 sq. Their hostility is, however, against idolatry and the worship of Baal and Ashtoreth. They emphasize the religion and worship of Jehovah over against these, and one would expect them to emphasize the peculiar institutions of Jehovah; whereas they lay stress on those things which are common to the two religions, namely, זבחים, עולות, and the New Moon feast. Passover, Pentecost, and Tabernacles are ignored. The Purification from contact with the dead, the sin and trespass offerings are ignored. These we would expect the Prophets above all to emphasize. Their silence seems to prove

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that they were ignorant of these things, and that these were not observed in Israel in their times.

(5) *Silence is cumulative evidence of non-observance.* The argument from silence increases with the amount of ground covered, until at last it becomes exhaustive in evidence, and exclusive of the matter in question. The argument is increased by its extension in time, place, variety of authors, variety of styles, and of writings. The silence of Job is greatly increased by the evidence of Proverbs, Song of Songs, and Ecclesiastes, of the same class of Wisdom Literature, as to the same matters. The argument from silence in the Psalter is enhanced by the great number of Psalms of different authors, styles, and periods of composition. The argument from silence of the earlier Prophets Joel, Amos, and Hosea, is enhanced by that of Isaiah, Ezekiel, Jeremiah, and the later minor Prophets. The argument from silence increases in weight in writings of the same class, but it is increased to a vastly greater extent by combining together the silence of whole classes of writings, from the Wisdom Literature, the Psalter, and the Prophets, and the Historians, and amounts to one of the strongest lines of evidences, all the more valuable for the induction and generalizations through such a wide range of literature.

Now there are certain things about which all these Hebrew writings are silent. As we have elsewhere said, some of the institutions of the religion of Israel most characteristic of the Priests' code do not occur in the pre-Exilic Literature. The sin offering first and alone appears in the pre-Exilic history in the reform of Hezekiah (II. Chron. xxix. 20–24), and here it is not offered according to the Priests' code. It is not found in the Wisdom Literature, or the Prophets. The אשם is found in the Historical books only as a fine of emerods and gold mice paid by the Philistines (I. Sam. vi. 17), and as trespass money (II. Kings xii. 16), and not as an animal sacrifice. The אשם occurs in the Prophets only in Is. liii., where it is not in accordance with the Priests' code in idea or importance. It is not found in the Psalter or Wisdom Literature. The offerings of the pre-Exilic Literature are those common to the religion of Jehovah in the Covenant codes, and to the religion of Baal.

The purification in the use of water is occasionally found in the Psalter, Historical books, Prophets, but nowhere in all this literature are the characteristic purifications of the Priests' code to be found.

The sacred feasts upon which the Psalter and Prophets lay stress are the New Moons. The later Prophets also lay stress on the Sabbath. The Historical books speak of the Passover as observed by

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Solomon and Hezekiah, but, according to II. Kings xxiii. 21 sq., Josiah was the first to observe it in accordance with the Deuteronomic code, from the Conquest to his day. There is no allusion to the Passover in the Wisdom Literature, Psalter, or Prophets. There is no allusion to Pentecost anywhere. The feast of Tabernacles was first observed in accordance with the Priests' code after the exile (Neh. viii. 17). Hence we are not surprised to meet it for the first time in the Prophet Zechariah. The day of Atonement and year of Jubilee do not appear.

Now it seems to us that this weight of silence is conclusive proof that these things were not known to these Biblical writers, and were not in public observance in the times of silence.

The Priests' code was not observed in Israel until after the exile, and even then only by degrees could its provisions be enforced. The Deuteronomic code was not observed until the reign of Hezekiah. The religion of Israel was, prior to Hezekiah, in accordance with the simpler Covenant codes, in constant conflict with the religion of Baal, at first under the divine direction of Shophetim, and then under the divine direction of the Nebiim, who gave authoritative divine Toroth suited to the circumstances of Israel.

The argument forces us to this result. It is confirmed by other arguments which it would be out of place to consider here. It will not be out of place, however, if we consider just how much this argument from silence involves, and guard it from misuse. We hold that it involves public and general ignorance. There are those who go so far as to argue from it the non-existence of the Pentateuch and the Mosaic codes. But this seems to us going beyond the argument from silence. Before one could conclude from the silence of the Scriptures as to the Pentateuch, that it was not in existence, one would have to prove that it could not exist without being known. This is difficult to prove. We are constantly finding lost documents and long-forgotten books. The book of Deuteronomy was lost and forgotten, as we learn from II. Kings xxii. Some think this carries with it the whole Pentateuch. We believe that Deuteronomy alone is referred to. But it is an easy and natural conclusion that, if the simple code of Deuteronomy could have been lost and forgotten, the more elaborate Priests' code would have been more likely to have been lost and forgotten. If the narrative be true, and there are no good reasons to question it, it supports the argument from silence by positive argument that these Biblical authors were indeed ignorant of the existence of the Pentateuchal codes in their present combination, and that the Priests' code

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was not observed prior to the exile. It also prevents the adoption of the conclusion that they had no previous existence. Indeed, it is not uncommon in history that certain institutions are forgotten and buried under others that have assumed their place; or that certain laws, and even codes, become obsolete and forgotten; or, indeed, that certain codes, as well as laws, never go into operation in the life and experience of the people. It is also not uncommon in the history of opinion for earlier opinions to pass out of use and become utterly forgotten with their authors. The argument of silence cannot go beyond the ground covered, and can prove nothing as to the existence of those codes and institutions prior to the literature which is silent about them and ignores them.

The argument from silence is capable of vast illustration. There are many important points that we have not had time or space to present, such as the silence of the Pentateuchal narratives as to the period of the captivity in Egypt, and the prolonged wanderings of Israel in the wilderness. These are dark spots in the midst of full and elaborate narratives. Would Moses be likely to pass these periods over in silence if he wrote the narratives of the Pentateuch? If so, what were his reasons for the silence in this case? It could not be from ignorance: it must have been intentional; and what good reason can be given? If these narratives were not written by Moses, does the silence imply ignorance, and show that the author had no materials or sources of information as to these events? We suggest these as specimens of inquiry as to the force of silence in the Historical books.

Thus far our induction of the facts of the case leads us. We have established the following forms of the argument from silence:

I. The matter in question lies beyond the scope of the author's argument. It is then (*a*) an absence of evidence as to the matter in question, or (*b*) an evidence that it did not possess any of those characteristics that would bring it within the author's scope.

II. The matter in question lies within the author's scope of argument. It was, then, omitted (*a*) for good and sufficient reasons, intentionally, or (*b*) unconsciously, from ignorance of the matter.

III. The argument from silence is cumulative, as it extends over a number of writings, of different authors, of different classes of writings, and different periods of history. In this case it implies either (*a*) external restraint for good reasons, or (*b*) a public ignorance, and, in the case of institutions and laws, a non-observance of them.

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