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## ARTICLE VIII.

THE FIRST THREE CHAPTERS OF WELLHAUSEN'S  
PROLEGOMENA.

BY HAROLD M. WIENER, M.A., LL.B., BARRISTER-AT-LAW,  
LINCOLN'S INN, LONDON.

IN the "Essays in Pentateuchal Criticism" the current analysis of the last four books of the Law was carefully tested. It is natural to follow them up with an examination of the main historical theory that has been reared on that analysis. I begin with Dr. Driver's statement of one of the underlying postulates of that theory. He writes as follows on pages 145 and 146 of his "Deuteronomy":—

" . . . . By ancient custom in Israel, slaughter and sacrifice were identical (cf. phil. note, below): the flesh of domestic animals, such as the ox, the sheep, and the goat (as is still the case among the Arabs) was not eaten habitually; when it was eaten, the slaughter of the animal was a sacrificial act, and its flesh could not be lawfully partaken of, unless the fat and blood were first presented at an altar. . . . So long as local altars were legal in Canaan (Ex. xx 24), domestic animals slain for food in the country districts could be presented at one of them: with the limitation of all sacrifice to a central sanctuary, the old rule had necessarily to be relaxed; a distinction had to be drawn between slaughtering for food and slaughtering for sacrifice; the former was permitted freely in all places . . . . the latter was prohibited except at the one sanctuary."

Yet on page 145 itself Dr. Driver in the philological note referred to in the above extract explains that the word for "kill" in Deuteronomy xii. 15 "denotes to slaughter simply," and compares 1 Samuel xxviii. 24; 1 Kings xix. 21, i.e. *two passages relating to times when, according to his*

former note, *non-sacrificial slaughter was unknown*. I once had some correspondence with an eminent critic on this point, and after the exchange of some letters wrote as follows:—

On the question whether all slaughter was sacrificial, you write, "I have no hesitation in saying that in 1 Sam xxviii 24 there was a sacrifice." No doubt the reason for your attitude is that you were away from books and could not refer to the other passages cited in my pamphlet. I would therefore specifically put the following questions to you which may decide you. (a) What *reasons* have you for saying there was a sacrifice in 1 Sam. xxviii. 24? What *evidence* have you for your theory on this point? (b) Was there a sacrifice of the calf in Gen. xviii. 7? if so, who performed it. I repeat these questions as to (c) Gen. xxvii. 9-14; (d) Gen. xliii. 16; (e) 1 Sam. xxv. 11; (f) 1 Kings xix. 21. (g) I further ask (i) whether in each one of these cases there was an altar, and (ii) whether in each case the place was holy as the result till the time of Josiah. (h) In Ex. xxi. 37 does the legislation contemplate *sacrifice* of stolen animals and places made holy as the result? (i) In Judg. vi. 19 Gideon "made ready a kid" and put some broth in a pot and brought them out to the angel. They were then put on a rock and consumed by flames. Had Gideon already sacrificed the kid and the animal from which the broth was made when he killed them? And at an altar? And did that sacrifice also make the place holy till the time of Josiah? I would also remind you that in the preceding letter you said that it was impossible to adduce direct evidence to show that all slaughter was sacrificial till Josiah's time. I respectfully submit that it is possible to adduce direct evidence that it was not.

I regret to say that I entirely failed to get any answer to these questions; and I hope that those of my readers who may know higher critics will persistently put to them these and other questions until satisfactory answers are given to the public. The critics are fond of claiming that all thoughtful and unprejudiced men accept their theory.<sup>1</sup> Surely

<sup>1</sup> See, for example, Dr. C. F. Burney in the *Journal of Theological Studies*, April, 1908, p. 321. "This latter hypothesis [i.e. the Graf-Wellhausen theory], with the reconstruction which it involves of our view of the development of Israel's religion *after* B.C. 750, may now be regarded as proved up to the hilt for any thinking and unprejudiced man who is capable of estimating the character and value of the evidence."

those to whom, on their own showing, Providence has given a monopoly of thoughtfulness and freedom from prejudice cannot refuse to answer the reasonable interrogatories of less favored mortals.

It is proper to note that Wellhausen makes this blunder at the very outset of his inquiry. He writes of the days of Saul: ". . . to sacrifice anywhere—or to slaughter anywhere; for originally the two words are absolutely synonymous."<sup>1</sup> Similarly (on p. 50) he writes of Leviticus xvii.:—

"The intention of this prescription is simply and solely to secure the exclusive legitimation of the one lawful place of sacrifice; it is only for this, obviously, that the profane slaughtering outside of Jerusalem, which Deuteronomy had permitted, is forbidden. Plainly the common man did not quite understand the newly drawn and previously quite unknown distinction between the religious and the profane act, and when he slaughtered at home (as he was entitled to do), he in doing so still observed, half unconsciously perhaps, the old sacred sacrificial ritual."

Immediately afterwards he argues that Leviticus xvii. must be exilic at the earliest. "Newly drawn and previously quite unknown distinction" is therefore, in view of the passages cited above, entirely typical of Wellhausen's dogmatic, un-historical methods. And on the next page, in dealing with Leviticus vii. 22-27, he writes: "Here accordingly is another instance of what we have already so often observed: what is brought forward in Deuteronomy as an innovation is assumed in the Priestly Code to be an ancient custom dating as far back as Noah. And therefore the latter code is a growth of the soil that has been prepared by means of the former."<sup>2</sup> Again, on page 63 we read, "In this way, not

<sup>1</sup> Prolegomena, p. 18. The references are to the English translation throughout.

<sup>2</sup> So, too, W. R. Smith, *Religion of the Semites* (2d Ed.), p. 241. etc. The whole Wellhausen literature is honeycombed with this theory.

by any means every meal indeed, but every slaughtering, came to be a sacrifice." On page 71 we are told that "according to the praxis of the older period a meal was almost always connected with a sacrifice . . . there was no offering without a meal, and no meal without an offering." And when he has dilated sufficiently on this theme Wellhausen proceeds (on the next page) to contrast the data of P: "Slaying and sacrificing are no longer coincident," and so on. On pages 77 f. we meet with some wonderful reasoning on the (supposed) course of development:—

"Human life [we are solemnly told] has its root in local environment, and so also had the ancient cultus; in being transplanted from its natural soil it was deprived of its natural nourishment. A separation between it and the daily life was inevitable, and Deuteronomy itself paved the way for this result by permitting profane slaughtering. A man lived in Hebron, but sacrificed in Jerusalem; life and worship fell apart. The consequences which lie dormant in the Deuteronomic law are fully developed in the Priestly Code.

"This is the reason why the sacrifice combined with a meal, formerly by far the chief, now falls completely into the background. One could eat flesh at home, but in Jerusalem one's business was to do worship."

Assuredly it is not wonderful that a disciple of his hesitates to answer my questions.<sup>1</sup>

<sup>1</sup> In 1 Samuel viii. 13 the word translated "cooks" really means "slaughterers." H. P. Smith (*ad loc.*) writes in explanation, "The cook is also the butcher." It is also clear that the slaying of oxen and the killing of sheep in Isaiah xxii. 13 is purely non-sacrificial.

R. Kittel (*Studien zur Hebräischen Archäologie und Religionsgeschichte* (1908), p. 103) clearly recognizes that there was nothing sacrificial in Gideon's killing of the kid. But his discussion of the subject is vitiated by his not having recognized the other material passages (pp. 108-110). Indeed, the whole of Kittel's essay is rendered of small value for the biblical student by his neglect to collect the available Old Testament evidence, by an exegesis that reads into the texts whatsoever it desires to find, and by confused and improbable theories. The latest monograph on the places of sacrifice in the Pentateuchal laws (W. Engelkemper, *Heiligtum und Opferstätten in den Gesetzen des Pentateuch* (1908)) also fails to recognize the historical instances of non-sacrificial slaughter.

The great bulk of the first two chapters of Wellhausen's *Prolegomena* rests on two great confusions, supplemented by numerous minor confusions and blunders. Perhaps the most important of the minor blunders is one I have already refuted — the notion that slaughter and sacrifice were identical before the reign of Josiah. The great confusions are: (1) the confusion about sanctuaries; and (2) the confusion induced by the inability to distinguish between substantive law and procedure. I shall deal with these two in the order named. I have written of "sanctuaries" before; but, owing to the great importance of the matter to the Wellhausen case, it is necessary that I should treat of the point again, for it is of this chapter that Wellhausen writes: "I differ from Graf chiefly in this, that I always go back to the centralisation of the cultus, and deduce from it the particular divergences. My whole position is contained in my first chapter." (*Prolegomena*, p. 368.)

That first chapter has been rendered possible by two conditions: (1) his habitual neglect to collate the whole of the relevant evidence of any document (of which we shall see numerous instances); and (2) the mental confusion in which he involved himself by gratuitously calling various places and objects "sanctuaries." Although these matters are rather technical, I believe it to be possible to put them so that any man of ordinary intelligence who has had no special training shall be able to follow the argument and see what incredible blunders have been made.

The ancient Hebrews had a custom whereby any layman could in certain circumstances offer sacrifice. For this purpose he used a simple kind of altar, consisting either of one or more stones or of a mound of earth. Such altars could be made at a moment's notice, and were in fact frequently used for single occasions only. On the other hand, sometimes

(at any rate in the post-Mosaic age) the altar might be intended for regular use. A ready parallel is provided by the Arabs of whom Mr. Addis writes: "To the Arabs any stone might become for the nonce an altar, and evidently their Hebrew kinsfolk followed originally the same ancient way." (Encyclopædia Biblica, col. 123.) The words "for the nonce" are important. These stones were distinguished from what we should call a sanctuary by two characteristics at least. The term sanctuary implies: (1) some measure of permanence, and (2) some measure of peculiar holiness. Both these characteristics are obviously lacking in stones that could be used "for the nonce"; though, as we shall see, the element of permanence was not always lacking to altars of this type among the Hebrews.

Moses found this custom in existence. He made no effort to disturb it. On the contrary he practised it himself. But such a custom could easily lend itself to idolatry or apostacy. Accordingly he *regulated* it. We have two passages in which he does this — Exodus xx. 24–26 and Deuteronomy xvi. 21 f. Of these two passages only one (Ex. xx.) has been discovered by Wellhausen. The other is left out of his discussion. These passages contain certain provisions with which we need not now deal — provisions prohibiting heathen accessories. But other points are of immediate importance for our purpose. To begin with, we must speak of the materials. Earth and unhewn stone *only* are allowed. Steps are prohibited for a reason that applied only to laymen, and not to the priests, who were differently garbed.<sup>1</sup> We shall have to consider hereafter the sacrifices that might be offered on such altars; but

<sup>1</sup> Contrast Exodus xx. 26 with xxviii. 42 f. Ezekiel, at any rate, had no objection to the priests' approaching their altar by steps (xlili. 17), and in this he may possibly have followed Solomon.

for the moment I want to urge on my readers the importance of *visualizing* them. Everybody has seen a large stone, and also mounds of earth and unhewn stones; and nobody can have the slightest difficulty in picturing such things to himself. If now we turn to the historical instances, we shall see these stones and mounds. I recall such instances as Manoah's rock, Elijah's altar on Carmel, Saul's stone after Michmash, Naaman's earth, and so on. Once this is clearly realized, it becomes possible to distinguish these lay altars from two other objects. On the one hand, no eye-witness could mistake such an altar for a house: on the other hand, he could not confuse it with such an altar as the great altar of burnt-offering. That a stone or mound is not a house is a matter that need not be labored. I proceed therefore to draw attention to the altar of burnt-offering. Turning to the command in Exodus xxvii., we see the contrasts at once.

1. The altar of earth or unhewn stones (which for the future we may conveniently refer to as a "lay altar") must have been of indeterminate shape and varying dimensions, while this altar is "foursquare" and has defined dimensions.

2. Owing to the nature of its materials, a lay altar could have no horns. As against this we read, "And thou shalt make the horns of it upon the four corners thereof: the horns thereof shall be of one piece with it."

3. The altar of burnt-offering is not made of earth or stone, but of wood and metal.

4. The altar of burnt-offering has a grating and ledge.

5. It is served by priests, in striking contrast to the lay altar.

This does not exhaust the differences that might be gathered from the history: but it is sufficient for our present purpose. Side by side with the lay altar there obviously exists in

the Bible another form of altar. One of its most striking differences suggests to us the name "horned altar" for altars of this type. If my readers will visualize this as well as the lay altar, they will have no difficulty in following the discussion. They can obtain valuable assistance for this purpose by referring to the illustrations on page 31 of Murray's "Illustrated Bible Dictionary."<sup>1</sup>

Where were horned altars used? The answer appears to be, "At legitimate or illegitimate houses of God"; and in the term "house of God" I include the abiding-place of the Ark, before the erection of the Temple. This latter point is proved by two passages: 1 Kings i. 50 f., where we read of Adonijah's laying hold of the *horns* of the altar; and 1 Kings ii. 28 ff., where Joab flees to the Tent of the Lord, and catches hold of the *horns* of the altar. In neither case can the reference be to a lay altar, which could not have horns since it would be impossible to fashion them of earth or *unhewn* stone. As to other places of worship, Amos says (iii. 14): "For in the day that I shall visit the transgressions of Israel upon him, I will also visit the altars of Bethel, and *the horns of the altar shall be cut off*, and fall to the ground." "A house of the Lord," then, is not merely not a lay altar: it is not even an appendage of a *lay altar*. An altar it had, but an altar of an entirely different type — a horned altar. And such an altar existed before the Ark — at any rate as far back as the days of David and Solomon.<sup>2</sup>

<sup>1</sup> Both these types must be distinguished from the pre-Israelitish high places that have recently been investigated. It is foolish to say, as is sometimes done, "All altars were very much alike," and then to exhibit an elaborate picture of a Canaanitish high place to illustrate the law under which Saul after Michmash used a large stone as an altar. Such reasoning threatens us with new confusions based on undigested archaeological data.

<sup>2</sup> From 1 Kings viii. 64 it appears that the temple altar was made of bronze.

Having now made it clear that a lay altar is not identical either with a house or with a horned altar, I turn to J and E to examine their data.

We have already seen that Exodus xx. recognizes lay altars. The legislation of J, however, also recognizes a "house of the LORD" (Ex. xxiii. 19; xxxiv. 26): "The first of the *bikkurim* of thy ground thou shalt bring to the House of the LORD." This, then, is not a lay altar. It is, however, a place of great importance in the worship. In Exodus xxxiv. 22 we find: "And thou shalt observe the feast of weeks, of the *bikkurim* of wheat harvest, and the feast of ingathering at the year's end." If the *bikkurim* were to be brought to the house of the LORD, where must the peasant have been on the feast of the *bikkurim*? Clearly at the house of the LORD, and not at a lay altar. It follows that this feast is intended to be celebrated at the house. But the same legislation links with this feast of *bikkurim* two other feasts — the feast of ingathering and Passover: "Three times in the year shall all thy males appear before the Lord God, the God of Israel" (Ex. xxxiv. 23). Now if on one of these three occasions the appearance consisted of a visit to the "House," it follows of necessity that a similar act was necessary on the other two occasions. These pilgrimages to the house of the LORD, and not to lay altars, are firmly established in the earliest legislation.

Precisely the same tale is told by the narrative of J. In Joshua ix. 23 we read of "hewers of wood and drawers of water for the *House of my God*." What does that mean? What could it mean to a Judæan, such as J is alleged to have been, but the seat of the Ark? And in verse 27 when we remove the phrases that the Wellhausenites assign to other writers, we read that "Joshua made them that day hewers of wood and drawers of water for the altar of the LORD."

Observe the altar, *not* the altars. A single definite altar is here referred to. Was it a lay altar? Can the answer be doubtful?

I return to one other passage in the legislation (Ex. xxi. 14): "From mine altar shalt thou take him, that he may die." What is here meant is clearly shown by the passage in Kings. The altar referred to cannot be a lay altar like the Michmash stone or Naaman's earth. It can only be a horned altar.<sup>1</sup> Thus it appears that J and E recognize a plurality of lay altars and also a single house with a horned altar.

Wellhausen in his famous chapter on "The Place of Worship" professes to discuss the evidence of J (pp. 29-32). He has not detected Exodus xxiii. or xxxiv. or Joshua ix. His discussion proceeds on the footing that Exodus xx. is the only legal passage material, and that some of the notices of the lay altars contained in the narrative are J's only historical data. I have often asked partisans of Wellhausen if they can show me any references to these passages in his discussion, but I never can get an answer. Perhaps some of my readers may be more fortunate.

I cannot pass by in silence another blunder of his in the interpretation of Exodus xx. 24. He translates "in *every*

<sup>1</sup> It is necessary to notice the mistranslation of Exodus xxii. 29 (30), which should run "on the eighth day thou *mayest* give it me." Similarly Deuteronomy xxii. 7 is not a command but a permission to bird's nest, and Exodus xiii. 13 contains not a command but a permission to redeem asses, as is proved by the next words. (See A. Van Hoonacker, *Le lieu du culte*, pp. 9-10.) Mistranslations are often useful to the higher critics. In this case they argue for local "sanctuaries" (!) on the strength of their rendering. Wellhausen argues that Passover "cannot have been known at all to the Book of the Covenant, for there (Exod. xxi. 29, 30) the command is to leave the firstling seven days with its dam and on the eighth day to give it to the LORD!" (Prolegomena, p. 93.) Here, as elsewhere, I substitute "the LORD" for Wellhausen's transliteration of the Tetragrammaton.

place where I cause my name to be honoured," and interprets this by saying: "But this means nothing more than that the spots where intercourse between earth and heaven took place were not willingly regarded as arbitrarily chosen, but, on the contrary, were considered as having been somehow or other selected by the Deity Himself for His service" (p. 30). Similarly, in dealing with the patriarchal altars, he writes: "All the more as the altars, as a rule, are not built by the patriarchs according to their own private judgment where-soever they please; on the contrary, a theophany calls attention to, or at least afterwards confirms, the holiness of the place" (p. 31). This has been very generally followed by the critics. I will quote only one instance. Professor A. R. S. Kennedy writes on page 81 of Hastings's second Dictionary of the Bible: "As regards, first of all, the place of sacrifice, every village appears to have had its sanctuary or 'high place' with its altar and other appurtenances of the cult. . . . Not that sacrifice could be offered at any spot the worshipper might choose; it must be one hallowed by the tradition of a theophany: 'in every place, etc.'"

This might be a permissible explanation if we had no historical data to explain the meaning of the law; but, in view of our actual knowledge, it affords only one more example of Wellhausen's neglect to examine the facts. For instance, Saul erects an altar after Michmash, but no theophany can be suggested. Similarly with Samuel's altar at Ramah. Adonijah's sacrifice at Enrogel, Naaman's earth, etc. Moreover, if all slaughter was sacrificial, there must have been innumerable altars up and down the country. Can it really be suggested that theophanies are to be postulated in the case of the cattle thieves (Ex. xxi. 37 (xxii. 1)), or in Genesis xxvii. 14, or in the other passages we have examined?

Again, in 1 Samuel xx. 6, 29 we read of David's putting forward a clan sacrifice as a plausible excuse. To have been plausible it must have been not exceptional but in accordance with a universal custom. Not merely David's clan but every other clan in the country must have had such sacrifices. But sacrifice implies an altar—according to Wellhausen a theophany. Did every Israelitish householder have a theophany in his back garden?

The same holds good of earlier times. When men began to call upon the name of the Lord (Gen. iv. 26), did they do so altogether without sacrifice? Or did they enjoy innumerable theophanies? When Abram built an altar near Bethel (Gen. xii. 8), is a theophany suggested? Or at Mamre (xiii. 18)? Or in the case of Jacob's sacrifice in Gen. xxxi. 54? Or at Shechem (xxxiii. 20)?

The fact is that there are only two possibilities with regard to Exodus xx. Either we must translate the Hebrew, literally and correctly, "in all the place," understanding the reference to be to the territory of Israel for the time being (i.e. first the camp and its environment, subsequently the national possessions in Canaan); or else, if we insist on translating "in every place," we must adopt the Syriac reading "where thou shalt cause my name to be remembered." In any case the R. V. rendering is impossible. Personally I prefer the former alternative.<sup>1</sup>

I turn from Wellhausen's account of the early law to his account of the early history. At the beginning of his first chapter he writes as follows:—

"For the earliest period of the history of Israel, all that precedes the building of the temple, not a trace can be found of any sanctuary of exclusive legitimacy. In the Books of Judges and Samuel hardly a place is mentioned at which we have not at least casual

<sup>1</sup> See *Bibliotheca Sacra*, January, 1908, p. 115, note.

mention of an altar and of sacrifice. In great measure this multiplicity of sanctuaries was part of the heritage taken over from the Canaanites by the Hebrews; as they appropriated the towns and the culture generally of the previous inhabitants, so also did they take possession of their sacred places. . . . In Gilgal and Shiloh, in the fixed camps where, in the first instance, they had found a permanent foothold in Palestine proper, there forthwith arose important centres of worship; so likewise in other places of political importance, even in such as only temporarily came into prominence, as Ophrah, Ramah, and Nob near Gibeah. And, apart from the greater cities with their more or less regular religious service, it is perfectly permissible to erect an altar extempore, and offer sacrifice whenever an occasion presents itself" (pp. 17, 18).

The first thing to notice is the hopeless mental confusion induced by the word "sanctuary." A place where there is casual mention of a lay altar and a lay sacrifice is regarded as a "sanctuary"; and when it has been established that a multiplicity of lay altars were in use, the leap is made to a multiplicity of sanctuaries.<sup>1</sup> A second result of this confusion (and it is a very important one indeed) is that Shiloh and afterwards Nob are lumped together with extempore lay altars. At Shiloh (subsequently at Nob) there was something which could be called a house or temple, served by a regular

<sup>1</sup> I have repeatedly pointed out that the confusion engendered by the word "sanctuary" reaches its climax in the writings of such authors as Driver and Robertson Smith. The latter writes: "The local sanctuaries were the seat of judgment, and so in the language of S [so he designates this "source"] to bring a man before the magistrates is to bring him 'to God' (Exod. xxi. 6; xxii. 8, 9, Heb.)" (Additional Answer to the Libel, p. 74.) It is well known that "the seat of judgment" was the gate of the city, not a lay altar: and it is tolerably obvious that the door or doorpost presupposed by Exodus xxi. is lacking to a stone or mound, albeit present in a gate. The stoutest opponents of the higher critics would have thought it impossible that they should be so hopelessly incompetent as to be unable to distinguish between a mound and a house, and that merely because they had called both these objects "sanctuaries"; but, unfortunately, the facts admit of no doubt. It is never wise in matters legal or historical to call a spade a sanctified excavatory implement.

priesthood; and these instances, therefore, bear not the slightest resemblance to the altars which any layman was free to erect and use for the sacrificial worship sanctioned by the custom of Israel. We have seen that the law and history of J and E recognize a house of the Lord with a horned altar side by side with a plurality of lay altars. We shall see that the same is the case with the history before the erection of Solomon's temple. The confusion induced by the word "sanctuary" has prevented Wellhausen from realizing this.

The second point to notice is that this passage — and indeed the whole chapter — is based, as usual with Wellhausen, on an incomplete collection of evidence. He speaks of "all that precedes the building of the temple." Let us see what we can find.

There certainly is a plurality of lay altars. But side by side with them we find something else. As already pointed out, the first two chapters of Kings introduce us to a tent of the Lord with a horned altar. Wellhausen of course takes no notice of these passages for the purpose of his discussion. To those who have followed the preceding argument, it will be absolutely clear that no contemporary could for one moment have confused these with lay altars. This tent dated from David (2 Sam. vi. 17). For that period, therefore, we have a "house" side by side with the lay altars. The fact that it was of a professedly temporary nature cannot in any wise alter its essential character. Going back, we find in 1 Samuel xxi. that there was at Nob a priestly establishment. At first sight it would appear that this does not help us very much; but more careful consideration of the narrative proves that there must have been something in the nature of a house where the shewbread was kept (to say nothing of the ephod and spear), for shewbread has nothing to do with a lay altar,

nor could the expression "from before the LORD" (ver. 7 (6)) here apply to such an erection. The other data for this period are indecisive except in the case of Shiloh. It will be well to set out Wellhausen's remarks on this subject in parallel columns.

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Toward the close of the period of the Judges, Shiloh appears to have acquired an importance that perhaps extended even beyond the limits of the tribe of Joseph. By a later age the temple there was even regarded as the prototype of the temple of Solomon, that is, as the one legitimate place of worship to which the LORD<sup>1</sup> had made a grant of all the burnt-offerings of the children of Israel (Jer. vii. 12; 1 Sam. ii. 27-36). But, in point of fact, if a prosperous man of Ephraim or Benjamin made a pilgrimage to the joyful festival at Shiloh at the turn of the year, the reason for his doing so was not that he could have had no opportunity at his home in Ramah or Gibeah for eating and drinking before the Lord. Any strict centralization is for that period inconceivable, alike in the religious as in every other sphere. This is seen even in the circumstance that the destruction of the temple of Shiloh, the priesthood of which we find officiating at Nob a little later, did not exercise the smallest modifying influence upon the character and position of the cultus; Shiloh disappears quietly from the scene, and is not mentioned again until we learn from Jeremiah that at least from the time when Solomon's temple was founded its temple lay in ruins.

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An independent and influential priesthood could develop itself only at the larger and more public centres of worship, but that of Shiloh seems to have been the only one of this class. [My italics. H. M. W.] The remaining houses of God, of which we hear some word from the transition period which preceded the monarchy, are not of importance, and are in private hands, thus corresponding to that of Micah on Mount Ephraim.

<sup>1</sup> In accordance with my usual custom I substitute this for the transliteration of the Tetragrammaton.

It will be seen that Wellhausen in the second extract admits the exceptional position of Shiloh.<sup>1</sup> What he means by his argument about its destruction not modifying the cultus I do not know. Our information as to this period is quite fragmentary, and all we can say is that after the destruction of Shiloh the priesthood formed a religious center at Nob; but whether this attained to the same position as Shiloh it is impossible to say. It must be remembered that the period was one of great national calamity and disorganization; and the law itself expressly recognizes secure peace as a condition precedent of regular religious pilgrimages (Ex. xxxiv. 24; cp. Deut. xii. 9). That the Philistine wars broke in on the previous practice is reasonably clear; and it is probable that religious centralization did not recover the ground lost at that time till the Ark was lodged at Jerusalem. In any case our survey teaches us that early history as well as the law recognizes a house of the Lord served by a hereditary priesthood which in normal peace times attracted pilgrims and held a position fundamentally different from that of the lay altars.<sup>2</sup>

One other point requires notice. We find the word *bamah* ("high place") in 1 Samuel ix. 12-25 and x. 5, 13; and it is sometimes inferred that this was contrary to the Law. But this is not so. A lay altar would not become unlawful unless it had some unlawful accessory (such as steps or an Asherah) or were used for some unlawful purpose. The mere name could not make it other than lawful. Indeed there is no

<sup>1</sup> On pages 131 f. he speaks of the establishment at Shiloh, and subsequently at Nob, "as the solitary instance of an independent and considerable priesthood to be met with in the old history of Israel."

<sup>2</sup> Gideon's ephod is expressly condemned in the narrative of Judges, so that no argument can be based on this passage. Micah's image (Jud. xvii. f.) was kept in his own house; so that we find no "house of God" there.

reason to read into such passages the associations of the bamoth of a later period or the bamoth of the Canaanites. In the days of Samuel the thing itself appears to have been entirely innocent in the only instances with which we meet. The Law raises no objection to the *word* bamah (which is not used in Deut. xii., though it appears in Lev. and Num.). Of the bamah in 1 Samuel x. we know too little, but chapter ix. gives us sufficient light. The sacrifice was accomplished by a layman, called the "cook" (literally slaughterer), without priestly assistance. Samuel himself was not present, and the meal was delayed till his arrival, not that he might perform any priestly rite, but that he might "bless the sacrifice." A banqueting-room was attached, but there are no signs of any heathen accessories. Nor can it be suggested that the sacrifice was to any but the God of Israel, or that Saul's visit was on one of the three pilgrimage festivals. Doubtless the altar was of a more permanent kind than that at Michmash; but, provided the materials and form were lawful, this makes no difference. This local sacrifice should be compared with the clan sacrifices already noticed. No doubt they were common all over the country. It must be remembered that Exodus xx. leaves the fullest latitude for customary lay sacrifice, and makes permanent lay altars as legal as those of a more temporary kind, provided that they conform to the prescriptions of the law. A very important point in connection with this bamah must be noticed further. We know from all our authorities — First Samuel not less than the Pentateuch — that in sacrifices performed with the assistance of priests, the burning of the fat was a specifically priestly function (1 Sam. ii. 16). Here Samuel's rôle is very different from that of a priest. He has nothing to do with the burning of the fat or the specifically sacrificial part of the sacrifice, but merely says

grace. This shows that the bamah was not the center of an illegal priesthood, but a place of lay sacrifice. As such it was perfectly lawful.

The writer in Kings suggests that sacrifices offered at bamoth before the erection of the temple were barely lawful (1 Kings iii. 2-4). Perhaps this means that he had before him information about these bamoth which showed that there were unlawful accessories or that sacrifices were offered there which should have been taken to the religious capital in normal times. Thus it may well be that Solomon's visit to Gibeah was made on one of the festivals. Possibly, however, the comments are inspired by a view of the Law which was certainly taken in a later age, although legal science makes it certain that the original meaning was different. Finding the word bamah, the writer may have supposed that it denoted a high place with idolatrous adjuncts, such as those with which we often meet, or (more probably) he may have taken the late view that the Law prohibited all local altars.

Wellhausen distinguishes three stages in the law and the history — that of JE, the Deuteronomic, and that of P. With the first we have now dealt and we have found that law and history alike recognize one lawful House of the LORD and many lay altars. It will be found that precisely the same characteristics reassert themselves in the second.

Deuteronomy demands that certain offerings shall be brought to the religious capital which is to come into existence at a later time. But it also recognizes and regulates local altars in xvi. 21, a passage of which Dr. Driver writes (*ad loc.*): "As Dillmann observes, it presupposes by its wording the law of Ex. xx. 24." Similarly Mr. Carpenter (*ad loc.*) admits that this law "belongs to the older cultus before the unity of the sanctuary was enforced in xii." When I ask a Well-

hausenite to show me any reference to this important verse in the Prolegomena I never get any answer. The index to Dr. Hastings's larger Bible Dictionary may also be consulted in vain for any sign of recognition that this passage exists. As is usual with the critical school, the whole of the relevant material has not been collected. This passage, too, is supported by the work of the "Deuteronomic redactor" in Joshua, who (viii. 30 ff.) makes Joshua erect a lay altar of the familiar type. Needless to say, Wellhausen never discusses this passage either. It is so easy to prove any theory — if only the facts are selected judiciously.

On the law, however, two small points remain.

1. Deuteronomy expressly permits non-sacrificial slaughter. How completely Wellhausen's explanation breaks down in the light of history we have already seen. But the Mosaic authenticity of the Pentateuchal legislation explains the provision fully. Non-sacrificial slaughter had been in use till the time when Leviticus xvii. 1-7 was enacted, for the reasons given in verses 5-7. This made it necessary to again legalize non-sacrificial slaughter on the eve of the entry into Canaan, save for persons living near the religious capital (Deut. xii. 21).<sup>1</sup>

2. More important is the question whether there is any antinomy between the provisions of Deuteronomy and those of the earlier books. We have seen that the early legislation recognizes a house of the Lord (with a horned altar) to which pilgrimages must be made, and also a plurality of

<sup>1</sup> A small point on the words "a statute for ever" in Leviticus xvii. 7 requires notice. This would most naturally refer only to the sentence immediately preceding (i.e. the prohibition of sacrificing to satyrs), but possibly should be extended to all slaughter by persons within a reasonable distance (Deut. xii. 21) of the religious center.

lay altars. Deuteronomy does the same in both respects, but it is alleged that there is a discrepancy between Exodus xx., which permits the sacrifice of burnt-offerings at local altars, and Deuteronomy xii. 13, 14. To explain this it is necessary to consider the historical background.

There are always two ways of construing any law. Either an isolated phrase may be wrested from the context and (certain expressions in it being emphasized) be made to bear a meaning foreign to the original intent, or else the law may be considered as a whole, regard being paid to the historical background and the manifest intent of the legislator, while individual expressions are construed in the light so afforded. If we really wish to understand Exodus and Deuteronomy we must in each case regard the legislation as a whole.

Exodus xx. is a law given with intent to guard the preëxisting custom of lay sacrifice from abuses. It is abundantly clear that it deals with lay altars only, and therefore that the only burnt-offerings to which it can refer are such as were customarily offered at lay altars. When it is remembered that the same legislation recognizes a house of the LORD to which pilgrimages were to be made on the three festivals, the question arises, Could or would a lay altar be used by a pilgrim on such an occasion? Exodus xxiii. 15 and xxxiv. 20 ("And none shall appear before me empty") answer the question. The "appearance before God" at the House clearly does not mean an appearance at a casual stone or mound. It is an appearance at the House with the horned altar, and it is an appearance with sacrifices. Thus this legislation recognizes sacrifices which could be offered at the House and nowhere else. The same holds good of Exodus xxxiv. 25: "Thou shalt not offer the blood of my sacrifice with leavened bread; neither shall the sacrifice of the feast of the passover

remain all night unto the morning." Seeing that passover was also one of the "appearances before the LORD," the matter cannot be doubtful. Anybody who wishes for a description of what actually occurred on such occasions need only read the first two chapters of First Samuel. Even when abuses had crept in, it never entered anybody's head that these sacrifices could be presented at a lay altar. And so we see the meaning of Exodus xx. Theoretically, if the passage stood alone, "thy burnt-offerings and thy peace-offerings" might mean either "all thy burnt-offerings and thy peace-offerings of whatever nature" or else "all such burnt-offerings and peace-offerings as thou mayest offer in accordance with the existing custom as to lay sacrifice, but not other burnt-offerings or peace-offerings which do not fall within this custom." But as the passage does not stand alone, we see that the first interpretation is erroneous and the second correct; or, to put the matter in another way, the law relates merely to customary, not to *statutory*, sacrifices.

Conversely it appears that Deuteronomy xii. deals with statutory, not customary, sacrifices. Hence the apparent antinomy. Really Exodus xx. and Deuteronomy xii. are treating of different things in a manner perfectly intelligible to contemporaries. But to untrained foreigners living in a widely different age, and in circumstances that present no resemblance to those of Hebrew antiquity, a few phrases present difficulties. I proceed to prove this in detail.

First, whatever non-lawyers may think, it is quite inconceivable that a legislator should recognize as lawful in chapter xvi. something that he had prohibited in chapter xii. Such a construction of the law is manifestly erroneous.

Secondly, Deuteronomy xii. never prohibits lay altars at all. If the introductory verses of the chapter be read, its whole

meaning becomes clear. The Israelites were about to enter a land in which there were numerous Canaanitish high places (not plain lay altars) with idolatrous accessories. They had ever been prone to apostacy (Num. xxv. 2; Lev. xvii.; Deut. xii. 8). Moses, not unnaturally, feared that they might be tempted to go to these places and there offer gifts that should be brought only to the House of the Lord. Probably his fears were rendered more acute by the existence among the Canaanites of sacrificial institutions closely resembling in most externals the statutory individual offerings he had introduced. Accordingly he vigorously denounces the "places upon the high mountains, and upon the hills, and under every green tree," and enjoins the destruction of such altars and their idolatrous accessories. What follows is directed to preventing such places from being used by Israelites. In so far as the ordinary common-law worship at lay altars was concerned, there was obviously no danger; but it was otherwise with the new statutory offerings introduced by the Mosaic legislation and with the food sacrifices of Leviticus xvii. It is to these, and these alone, that the chapter is addressed. Indeed, had this been headed (as might be the case in a modern statute) "Statutory Individual Offerings," while Exodus xx. was headed "Customary Lay Sacrifices," no difficulties could have arisen. Whatever the views of later generations, it is impossible to hold that the contemporaries of Moses could really have supposed this chapter to refer to the old lay sacrifices which they were in the habit of offering on many solemn or joyous occasions.

Once this is firmly grasped, all difficulties disappear. There is no antinomy between Deuteronomy xii. and xvi., because it is seen that the former deals with a different class of offerings from those contemplated by the latter. Another diffi-

culty — insuperable for a lawyer — that Deuteronomy xii. contains no prohibition of the previously legal lay altars which on the Wellhausen theory it was meant to abrogate — also vanishes. And, lastly, it becomes clear that there is no conflict between Deuteronomy xii. 13 f. and Exodus xx., since the former is concerned only with statutory burnt-offerings, while the latter merely contemplates customary burnt-offerings.

When it is understood that the legal provisions of JE and Deuteronomy are in perfect harmony, it follows that the practice of the age of Samuel conforms as well with one as with the other. Hence no detailed examination of the history is here necessary: yet two or three remarks may be made on Wellhausen's survey.

1. In considering the evidence of Elijah it is important to note that while he speaks of "thy altars" as being thrown down (1 Kings xix. 10, 14), this phrase is most naturally interpreted of such lay altars as that on Carmel which he had found in disrepair (1 Kings xviii. 30). The account of his proceedings shows clearly that we have to do here with an ordinary lay altar used more or less permanently, not with a "house of God" or a horned altar served by priests. Hence when we read Elijah's complaint it is natural to refer it to such altars as that on Carmel.

2. When Wellhausen speaks of Hezekiah's attempt to abolish other sanctuaries, he fails to notice that, according to 2 Kings xviii. 4, he appears to have left the lay altars. In verse 22 he is charged with having destroyed the altars of God, apparently all altars; but the contrast between verse 4 and verse 22 does not favor this view. Even Robertson Smith<sup>1</sup> writes: "A distinction between a high place and an altar is acknowledged in the Old Testament down to the close of the

<sup>1</sup> *Religion of the Semites* (2d Ed.), p. 490.

Kingdom (2 Kings xxiii. 15, Isa. xxxvi. 7).” If Hezekiah did leave the lay altars while destroying all the bamoth containing heathenish accessories, his action exactly corresponds with the sole view of the original meaning of the Law which is, legally speaking, possible.

With regard to Wellhausen's discussion of P, this depends mainly on his inability to discriminate between substantive law and procedure; and for the moment the consideration of this will be deferred in order to clear away certain minor points.

1. It is contended that Joshua xxii. proves that only a single altar is legal. This argument results from the confusion of lay altars and horned altars. The altar of the trans-Jordanic tribes was built after the pattern of the great altar of burnt-offering, and was therefore a horned altar. The protest against its erection proves nothing whatever with regard to lay altars.

2. Wellhausen writes of P: “Nowhere does it become apparent that the abolition of the Bamoth and Asherim and memorial stones is the real object contemplated; these institutions are now almost unknown, and what is really only intelligible as a negative and polemical ordinance is regarded as full of meaning in itself” (p. 36). The superficiality of Wellhausen's acquaintance with P must explain, though it cannot excuse, this misrepresentation. P is as definite and emphatic on the subject as the other parts of the legislation: “then ye shall drive out all the inhabitants of the land from before you, and *destroy all their figured stones, and destroy all their molten images, and demolish all their Bamoth*” (Num. xxxiii. 52 (P<sup>s</sup>); compare Leviticus xxvi. 1, 30 (both P<sup>h</sup>)). It is of course true that P contains no prohibition of such bamoth as Samuel's; but neither does JE or D, both of which, as we have seen, regard lay altars as lawful.

3. The indictment of the Mosaic altar and tent takes no account of the condition of the text of the concluding chapters of *Exodus*, or of the fact that, according to P itself, the tent was capable of transportation in six pair-ox wagons aided by porters.<sup>1</sup>

4. The discussion of the Mosaic altar of burnt-offering (p. 44) ignores the fact (noticed above) that either that altar or some other horned altar was to be found before the Ark at an earlier date than the erection of Solomon's temple.

Before passing to the second great confusion we must consider the various kinds of offerings somewhat further. We have seen very fully that law and history alike recognize at least two kinds of sacrifices: (1) customary offerings presented locally at a lay altar; and (2) statutory offerings which could be offered only at the religious center. But hitherto we have dealt purely with individual sacrifices. In point of fact, however, there are two kinds of statutory sacrifices — those offered by individuals, and those offered on behalf of the whole people. Thus we really have three classes: (1) customary (individual) offerings, (2) statutory individual offerings, (3) (statutory) national offerings. I adopt this terminology because I believe the words "public" and "private" to lend themselves too readily to confusion. "Private" is apt to obscure the distinction between customary individual offerings and statutory individual offerings: "public," that between statutory individual offerings and national offerings. Anybody who wishes to clear his mind on the point should read, e.g., Numbers xxviii. f., or the passage as to the shewbread in Leviticus xxiv. 5-9, or the requirement as to the sheaf in Leviticus xxiii. 10-14, and ask himself whether

<sup>1</sup>On the allegations as to the tent in E (p. 39), see *Bibliotheca Sacra*, July and October, 1908.

these were to be offered by or on behalf of any (and if so which) individual or on behalf of the whole nation.

Thus the sacrificial system contemplated by the Law is represented by the following table:—

DESCRIPTION.	ORIGIN.	WHETHER INDIVIDUAL OR NATIONAL.	BY WHOM OFFERED.	WHERE OFFERED.
1. Customary lay offerings.	Pre-Mosaic, regulated but not abolished by Moses.	Individual.	Offered by laymen without priestly assistance.	At a local altar.
2. Statutory individual offerings.	Introduced by Moses.	Individual.	Offered by laymen with priestly assistance.	At the religious capital.
3. Statutory national offerings.	Introduced by Moses.	National.	Offered by the priests.	At the religious capital.

The resemblances and the differences alike offer numerous opportunities for blundering to those who have no grasp of the subject.

The national offerings which figure so largely in P are not mentioned in JE or D. It therefore becomes necessary to prove from the history that they in fact existed long before the Exile. Not unnaturally the references are scanty in number and incidental in character; yet they are sufficient to show the existence of these offerings. The better to deal with the higher critical case I quote the following statement from Dr. Gray's "Numbers." The source appears to be the note on page 79 of Wellhausen's Prolegomena.

"Before the Exile the daily offering consisted of a עֹלָה [burnt-offering] in the morning and a מִנְחָה [meal-offering] in the evening (2 K. xvi 15: cp. 1 K. xviii 29, 36). Ezekiel also requires *one* עֹלָה and *one* מִנְחָה (clearly a *meal-offering*) to be offered every day, but requires both to be offered in the morning. Neh. x 34 (33) still

speaks of a daily *מנחה* and a daily *עולה*; it does not specify the time of offering, and it is therefore uncertain whether in this respect it agreed with 2 K. xvi 15 or Ezek.; but in common with both of these it *co-ordinates* the *עולה* and *מנחה*. The present law (Nu. xxviii 3-8) requires *two עולות* daily, one in the morning and one in the evening, and also *two מנחות*; but the *מנחה* is in each case *subordinated* to the *עולה*.<sup>1</sup>

Now, first, it is true that 1 Kings xviii. 29, 36 speaks of the time of the offering of the meal-offering in terms that make it quite clear that the time meant was in the evening: but it is also true that 2 Kings iii. 20 (which the critics characteristically ignore) speaks of "in the morning, about the time of offering the meal-offering." Therefore there was also a meal-offering in the morning, at any rate during some part of the pre-exilic period. Secondly, it is always a wise precaution to read the passages to which one refers. Second Kings xvi. 15 contains the following directions from Ahaz: "Upon the great altar burn the morning burnt-offering, and the evening meal-offering, and the king's burnt-offering, and his meal-offering, with the burnt-offering of all the people of the land, and their meal-offering, and their drink-offerings and sprinkle upon it all the blood of the burnt-offering," etc. Higher critical arithmetic is of course notoriously a little weak; but there is a general impression abroad that one and one make two, not one. The morning burnt-offering is one, the burnt-offering of all the people is also one: total, two. (The king's offering of course falls out of account for this purpose.) Moreover, "the burnt-offering of all the people, and their meal-offering, and their drink-offerings" looks very much as if we had to do with *subordinated* meal-offerings and drink-offerings. Curiously enough, too, even Numbers xxviii. 8, which subordinates meal-offerings, speaks of "the meal-offering of the morning," which is very much like 2 Kings iii. 20. It

<sup>1</sup> Gray, Numbers, p. 405

is therefore clear that in truth and in fact preëxilic practice did agree with this law. What does appear is the addition of a name, perhaps also a difference in the emphasis laid on the different offerings. So long as there were only two offerings of each sort, it was sufficient to speak of morning and evening. When a king's offering was added, apparently the name "burnt-offering of all the people of the land" was sometimes used to distinguish from it one of the other two. There is also nothing in this passage about one of the meal-offerings being offered in the morning; but, in view of 2 Kings iii. 20, this will not help the critics. It is of course possible that slight variations took place from time to time: indeed these directions of Ahaz prove that much. But there is clearly no substantial difference between the practice here and the law of P. The passage in Nehemiah does not affect our question either way: but Dr. Gray is right in saying that it "is not entirely free from obscurity."<sup>1</sup>

For our purposes it is important to note that the national offerings can be traced back to a period before the kingdom. The shewbread was a national offering. It is not mentioned in JE or D. Yet we see it at Nob. From this, two results follow: (1) at the earliest post-Mosaic times of which we have cognizance national offerings existed; (2) inasmuch as they existed long before the alleged dates of the composition of JE and D, and yet are not mentioned in those documents, no inference at all can be drawn from the silence of those documents on these or similar points. This is the answer to Wellhausen's argument on page 103: "Centralisation is synonymous with generalisation and fixity, and these are

<sup>1</sup>Dr. Gray makes a point of the quantities in Numbers xxviii. f. being fixed. This is due to the fact that we are dealing here with the *national* offerings, which in this as in other respects differed somewhat from individual offerings.

the external features by which the festivals of the Priestly Code are distinguished from those which preceded them. In evidence I point to the prescribed sacrifice of the community instead of the spontaneous sacrifice of the individual."<sup>1</sup> And the confusion appears even more distinctly on page 90, where we read of Deuteronomy: "Even here, however, we do not meet with one general festive offering on the part of the community, but only with isolated private offerings by individuals." As such general sacrifices are proved to have existed before the date to which Wellhausen assigns Deuteronomy, his reasoning is clearly valueless.

Before we can make much use of these distinctions for the destruction of Wellhausen's main case, we must proceed to notice the other great source of confusion — the ignorance of the distinction between substantive law and procedure. Using law in a wide sense to cover sacrificial as well as jural law, it will be seen that this is a natural distinction. If A enters into a contract with X that he shall sell him a book, the rights and duties of A and X under that contract will be governed by legal rules. If, however, X does not fulfil his duties, A may desire to have recourse to a court to enforce his right. From that moment the interest shifts from the question of what his right is to the question how that right is to be enforced. How is he to set about the business? By the issue of a writ? If so, how and when and by whom are writs issued? And so on. All these latter questions are questions of procedure. In jural law, procedure in litigation is the most important part of procedure: it is, however, not the only procedure. If I am owner of Whiteacre I have a right to sell it: but, in order to make a valid title for the purchaser, he and I must go through the appropriate procedure, e.g. executing

<sup>1</sup>The other arguments adduced by Wellhausen at this point will be refuted further on.

the necessary instrument or instruments for carrying out my intention. Similarly with sacrifice. A command that particular sacrifices shall be offered is substantive law. The method of offering and ancillary matters, such as the dues to be paid to the priests, etc., fall within the province of procedure.

In countries that have codified their law it is frequently the case that separate codes are devoted to procedure in litigation. Thus codes of civil procedure and criminal procedure will frequently be found by the side of codes of civil and criminal law. In the codes of procedure the emphasis naturally lies on methods of procedure. It is assumed that a duty is alleged to have been broken, and the rules deal with the steps to be taken in such a state of affairs. On the other hand, in the codes of substantive law the emphasis lies on the rights and duties of the parties, not on the remedies to be pursued in case of a breach of law. Such distinctions arise universally because they are inherent in the nature of the subject. They do not prove diversity of date or authorship.

A great part of Wellhausen's book rests on his ignorance of these fundamental considerations. We have seen that JE and D require Israelites to bring certain statutory individual offerings to the religious capital. The procedure to be followed in such cases is for the most part contained in P. That is the answer to such passages as the following:—

“But is it older or younger than Deuteronomy? In that book the unity of the cultus is *commanded*; in the Priestly Code it is *presupposed*. Everywhere it is tacitly assumed as a fundamental postulate, but nowhere does it find actual expression” (p. 35).

“An altogether disproportionate emphasis is accordingly laid upon the technique of sacrifice corresponding to the theory, alike upon the *when*, the *where*, and the *by whom*, and also in a very special manner upon the *how*” (p. 52).

Such are the characteristics of every code of procedure. For instance, the procedure for commencing actions in a given

court necessarily assumes that there will be persons who will conceive themselves to have good causes of action, and will accordingly invoke the jurisdiction of the court; and accordingly it will "presuppose" the existence of the court and of the cause of action and occupy itself with "the *when*, the *where*, the *by whom*, and the *how*," to the partial or total exclusion of all other topics. On the other hand, the code of substantive law will assume that such matters are dealt with in the code of procedure and will accordingly leave them out of account.

These then are the confusions that underlie Wellhausen's arguments about the relation of P to the other portions of the legislation. They are admirably illustrated in the following sentence as to J: "How one is to set about offering sacrifice is taken for granted as already known, and nowhere figures as an affair for the legislation, which, on the contrary, occupies itself with quite other things" (p. 53). Here we have two confusions: (1) in part, Wellhausen is thinking of customary lay sacrifice and confusing it with the statutory individual sacrifices; but (2) in part, also, he is falling into the error of expecting to find procedure dealt with in the wrong place. To make this quite clear it will be necessary to dwell on other considerations.

An Israelite presenting himself at the House of God which was controlled by a priesthood would necessarily have to conform to the instructions they might give him if he desired to offer. This is sufficiently obvious without argument. We have an interesting illustration in 1 Samuel ii., where the laity were forced to conform even to practices that they believed to be wrong.<sup>1</sup> In most cases, however, there would be

<sup>1</sup>To avoid interrupting the thread of the argument, the discrepancy alleged to exist between this passage and P will be discussed later on.

no conflict. The layman would be anxious to offer in the right way: the priest would be there to give him the necessary instructions. As the procedure relating to the statutory individual offerings was technical, and a knowledge of it could never be required save at the House of God, it was naturally relegated by Moses to that portion of his legislation which, as we shall see later, was to reach the people only through the teaching of the priests.

The fact that Moses introduced for the first time statutory individual offerings which could be performed only at the religious capital with the aid of priests made it necessary to define and regulate the respective rôles of sacrificant and priest; and accordingly we find such regulations in P.<sup>1</sup> This and the confusion between customary lay sacrifice and statutory individual sacrifice are responsible for Wellhausen's argument on page 54, where he says of J: "According to this representation of the matter, Moses left the procedure in sacrifice . . . to be regulated by the traditional praxis." That is true of the first kind of sacrifice, and once the necessary distinction is drawn, no difficulty or inconsistency remains.

The clear distinction between substantive law and procedure makes it easy to dispose of Wellhausen's account of the festivals. On pages 99 f. Wellhausen alleges, with regard to the three pilgrimage festivals, that in P

"the festal celebration, properly so called, is exhausted by a prescribed joint offering. . . . The passover alone continues in the Priestly Code also to be a sacrificial meal, and participation therein to be restricted to the family or a limited society. But this last remnant of the old custom shows itself here as a peculiar exception; . . . .

"Of a piece with this is the circumstance that the 'first-fruits' of

<sup>1</sup> It is not the case that the priest slaughters the animal sacrificed by an individual. On the contrary, the sacrificant performs this duty (*Lev. i. 5, etc.*).

the season have come to be separated from the festivals still more than had been previously the case. While in Deuteronomy they are still offered at the three great sacrificial meals in the presence of the LORD, in the Priestly Code they have altogether ceased to be offerings at all, and thus also of course have ceased to be festal offerings, being merely dues payable to the priests (by whom they are in part collected) and not in any case brought before the altar. Thus the feasts entirely lose their peculiar characteristics, the occasions by which they are inspired and distinguished; by the monotonous sameness of the unvarying burnt-offering and sin-offering of the community as a whole they are all put on the same even level, deprived of their natural spontaneity, and degraded into mere 'exercises of religion.' Only some very slight traces continue to bear witness to, we might rather say, to betray, what was the point from which the development started, namely, the rites of the barley sheaf, the loaves of bread, and the looths (Lev. xxiii.). But these are mere rites, petrified remains of the old custom; the actual first-fruits belonging to the owners of the soil are collected by the priests, the shadow of them is retained at the festival in the form of the sheaf offered by the whole community — a piece of symbolism which has now become quite separated from its connection and is no longer understood. And since the giving of thanks for the fruits of the field has ceased to have any substantial place in the feasts, the very shadow of connection between the two also begins to disappear, for the rites of Lev. xxiii. are taken over from an older legislation, and for the most part are passed over in silence in Num. xxviii., xxix. Here, again, the passover has followed a path of its own. Even at an earlier period, substitution of other cattle and sheep was permitted. But now in the Priestly Code the firstlings are strictly demanded indeed, but merely as dues, not as sacrifices; the passover, always a yearling lamb or kid, has neither in fact nor in time anything to do with them, but occupies a separate position alongside."

I begin with Passover. The theory that in P the festival is celebrated in the house, and not before the Lord, rests on Wellhausen's habitual omission to examine the evidence. The statements relating to the second Passover (i.e. the first anniversary of the Passover in Egypt) leave no doubt on that head. In Numbers ix. 6-14 we read how certain men who were not in a state of sacrificial cleanness were unable to perform their statutory duties. The R. V. translation is here misleading, for "offer the oblation" (ver. 7 and 13) does not represent the

original adequately. The Hebrew uses technical terms which signify the presentation of sacrifices at the religious capital. Attendance at the religious capital is also implied by Exodus xii. 48 ("let him *come near*"); but from verse 46 it would seem that the actual meal was intended to take place in each family's temporary or permanent abode, though presumably the animal was killed at the religious center. This disposes of Wellhausen's argument (p. 102) that "the law relating to Easter is removed from all connection with the tabernacle legislation (Exod. xii. 1 seq.), and the difficulty that now in the case of the passover the sanctuary which elsewhere in the Priestly Code is indispensable must be left out of sight is got over by divesting it as much as possible of its sacrificial character." Yet in a note he says: "The ignoring of the sanctuary has a reason only in the case of the first passover, and perhaps ought to be regarded as holding good for that only." It will now be obvious that in point of fact, apart from the Passover in Egypt, the whole legislation — that of JE and P as well as D — contemplates an appearance at the House of the Lord on Passover.

Wellhausen further writes in this connection: "But now in the Priestly Code the firstlings are strictly demanded indeed, but merely as dues, not as sacrifices" (p. 100). That is not the case. In P the firstlings are "holy"; and P's rule as to "holy" things other than most holy things and wave-offerings is expressed in Numbers v. 9 f. This passage is very important; because it not merely explains the difficulties that have been felt as to firstlings, but clearly proves the large measure of spontaneity and free will attaching to the sacrificial system. "And every *terumah* [E.V. "heave-offering"] of all the holy things of the children of Israel, which they present unto the priest, shall be his. And every man's holy things shall be his:

whatsoever any man giveth the priest, it shall be his." That is to say, the Israelite consumed such holy things as were brought to the religious capital (e.g. firstlings) at a sacrificial feast. But of them he gave a *terumah* (consisting of such animals or amounts as he might choose) to the priest. The subsequent disposition of this *terumah* is regulated by Numbers xviii. It will be seen that there is no question of these firstlings and other holy things being "demanded as dues," or "collected by the priests."

The next event in the festal cycle is the presentation of the kind of first-fruits known as *reshith*.<sup>1</sup> The only date we have here is that of Leviticus xxiii. 10 f. It is true that this is assigned not to P but to P<sup>h</sup> (or H if that notation be preferred); but seeing that P incorporated this in his work he must be taken to have agreed with the date.<sup>2</sup> Now P contains rules of procedure relating apparently to *individual* offerings of *reshith* (Lev. ii. 11-13) which shows that this legislation occupies precisely the same position as JE and D in this matter, for the presence of such offerings in P negatives the view that "the actual first-fruits are collected by the priests while the

<sup>1</sup> On the true distinction between *reshith* and *bikkurim*, of which Wellhausen knows nothing, see Murray's Illustrated Bible Dictionary, s. v., "First-fruits."

<sup>2</sup> Wellhausen writes of Deuteronomy xxvi. 1 ff.: "the prayer with which at the feast of tabernacles the share of the festal gifts falling to the priest is offered to the Deity" (p. 92). The theory that this offering refers to tabernacles is not merely groundless, but demonstrably wrong: (1) there is no evidence whatever to connect it with tabernacles; (2) this is an offering of *reshith*, and the only date given for this is that of Leviticus; (3) it lies in the nature of *reshith*, "the first of all the fruit of the ground," that it could not be offered at the end of the agricultural year. To be "first" it must be offered at "the time thou beginnest to put the sickle in the standing corn." Note that this prayer only applies to *reshith* of "the fruit of the ground," i.e. not to wine or oil.

shadow of them is retained at the festival in the form of the sheaf, etc."

Seven weeks after the presentation of *reshith* comes Pentecost. Here the same tale awaits us. Numbers xxviii. 26 actually refers to Pentecost as "the day of the *bikkurim*." It follows that it did not separate the first-fruits of the season from the festival. Leviticus ii. 14-16 undoubtedly deals with the procedure to be followed in the case of *individual offerings* of *bikkurim*. And this postulates as its necessary complement the command for individual Israelites to bring *bikkurim* to the House of the Lord (Ex. xxiii. 19; xxxiv. 26). Thus here again the view of P and JE is found to be identically the same. But, as usual, it is not P that gives us the primary and constituent enactment.

The third pilgrimage festival was tabernacles. On this Wellhausen writes:—

" . . . . Alike at Jerusalem and at Bethel 'the feast' was celebrated from the days of Solomon and Jeroboam just as previously at Shechem and Shiloh, in the former place in September, in the latter perhaps somewhat later. This was at that period the sole actual *panegyris*. The feasts at the beginning of summer may indeed also have been observed at this early period (Isa. ix. 2), but in smaller local circles," etc. (pp. 94 f.).

This leaves out of account the notice that Solomon sacrificed three times in the year (1 Kings ix. 25). It can scarcely be that if he recognized tabernacles (as is admitted) this was not one of the three sacrifices. If so, a presumption arises that the other two occasions were the other two pilgrimage festivals; and this presumption is strengthened by the law of JE. Our knowledge of the religious observances during the whole of this period is so fragmentary that it is impossible to draw any inferences from the non-mention of particular festivals.

With regard to the connection of tabernacles and the partic-

ular offerings of the season, the matter is extremely simple. Tithes of wine, for example, could not be dealt with until after the vintage. Hence it follows from the nature of the case, that they could be used for religious purposes only at tabernacles, and not before. Nature made impossible the alleged "dissociation" of the two.

I turn to deal with some smaller points.

Wellhausen writes:—

" . . . We may in like manner venture to regard it as a kind of refinement, though rather a refinement of idea, that the flesh of the sacrifice in the Priestly Code is no longer boiled, but consigned to the altar flames in its raw condition. Such was not the ancient custom, as is seen, not only from the case of Gideon already cited (Judges vi.), but also from the procedure at Shiloh, described in 1 Sam. ii., where the sons of Eli will not wait until the flesh of the sacrifice has been boiled, and the altar pieces burnt, but demand their share raw for roasting" (pp. 67 f.; cp. p. 62).

In 1 Samuel ii. 15-17 we read: "Yea, before they burnt the fat, the priest's servant came, and said to the man that sacrificed, Give flesh to roast for the priest; for he will not have sodden flesh of thee, but raw. And if the man said unto him, They will surely burn the fat presently, and then take as much as thy soul desireth; then he would say, Nay, but thou shalt give it me now: and if not, I will take it by force. And the sin of the young men was very great before the LORD," etc. (R. V.)

Now Leviticus iii. does not make it clear that the flesh of peace-offerings is to be boiled at all, still less when it is to be boiled; and accordingly it has been said that here we have early practice contradicting P. But while it is true that Leviticus iii. is silent on the point; yet, if it could be shown that the practice of boiling such sacrifices was so universal that P recognized it as certain to be done without specific directions, it would appear that the passage in Samuel does not prove what Wellhausen thinks it does. Such evidence is forthcom-

ing. In Numbers vi. we have the law of the Nazirite who is to bring *inter alia* a peace-offering. Nothing is said about boiling the peace-offering, but this is assumed as self-evidently necessary; for in verse 19 the law suddenly speaks of "the *sodden* shoulder of the ram." I do not infer from this that anything on the subject of boiling has fallen out of the text. The true inference is that in pre-Mosaic times the practice of boiling the meat of peace-offerings was universal. This was continued by Moses in the case of his statutory offerings without express mention — for no mention was necessary in dealing with a universal custom. Hence, where for some reason or other a departure from the usual practice was necessary, express directions are given; e.g. on the Passover in Egypt, where the animals were not ordinary peace-offerings. Similarly, at the consecration of Aaron, the boiling was, for some reason, to take place later. Otherwise no mention was necessary.<sup>1</sup> Similarly Leviticus vi. 21 (28) assumes the boiling of the sin-offering, and deals with the treatment of the receptacle in which it has been boiled. It will thus be seen that this passage of Samuel is unfavorable to the critical case.

It is said that P first fixed definite dates for the festivals.<sup>2</sup> Before its publication, tabernacles, for example, was celebrated in the autumn, but not on any particular date. This is disposed of by 1 Kings xii. 32 f.: "Jeroboam ordained a feast in the eighth month, *on the fifteenth day of the month*, like unto the feast that is in Judah. . . . And he went up . . . *on the fifteenth day in the eighth month, even in the month which he had devised of his own heart.*" The month he had devised, but not the day, for the date of tabernacles — the date of P, and P alone of the Pentateuchal "codes" — is the

<sup>1</sup>Of course the express command to boll in Deuteronomy xvi. is probably due to the previous command as to the Passover in Egypt.

<sup>2</sup>Wellhausen, Prolegomena, p. 101.

fifteenth of the seventh month. Can it be doubted that there was a feast in Judah on the fifteenth day of a month that was not the eighth?

This passage also disposes of another little critical argument. It is alleged that before the exile the months were not designated by numbers,<sup>1</sup> and indeed that, if they had been, Tishri, now the seventh month, would have been the first. Thus P betrays late date by numbering the months and by treating Tishri—the month of tabernacles—as the seventh month. Yet in this passage of Kings we hear of the eighth month by number, and it is sufficiently obvious that Jeroboam's choice was dictated by the fact that it was the month after the seventh. It cannot be argued that the month was really the second in the days of Jeroboam.

It may be well to expose a minor blunder of a singularly ludicrous type made by Wellhausen in connection with the festivals. As nearly all readers of Genesis i. are aware, the day began in the evening in ancient Israel. On page 104 we read in reference to the Priestly Code: "The passover, in the first month, on the evening of the 14th, here also indeed begins the feast, but does not, as in Deut. xvi. 4, 8, count as the first day of Easter week; on the contrary, the latter does not begin until the 15th and closes with the 21st (comp. Lev. xxiii. 6; Num. xxviii. 17; Exod. xii. 18)." It will be seen that Wellhausen admits that in P the passover falls on the evening of the 14th day, i.e. according to the Hebrew reckoning at the beginning of the 15th day ("and it was evening and it was morning"). Now Deuteronomy xvi. 6 provides for the sacrifice of the passover "at even, at the going down of the sun," and verse 4 speaks of "in the even, on the first day" as the time of the sacrifice. It seems obvious that Wellhausen wrote this.

<sup>1</sup> Wellhausen. *Prolegomena*, p. 109.

not heeding that this "even" would be the beginning and not the end of the first day. It does not "count as the first day of Easter week" but only as a portion of the first day: and nobody who has read Genesis i. will doubt that P reckoned days in the same way as D does here.<sup>1</sup>

Wellhausen's discussion of the new moon need not detain us. It is abundantly obvious that this was celebrated in early times. Doubtless it was pre-Mosaic; and it was therefore not necessary to enact its observance, as this already depended on the customary law. With regard to the Day of Atonement and sin-offerings it is sufficient to refer to what I have said in the *Princeton Theological Review* for April, 1907. A refutation of other points will be found in my "Studies in Biblical Law." The melancholy and disastrous blunders that we have already analyzed necessarily affect Wellhausen's point of view throughout, and, in combination with a documentary theory that is demonstrably untenable,<sup>2</sup> compel him to take perverse views of many minor points. It may, however, be worth while to correct one of these as a sample.

On pages 68 and 69 Wellhausen alleges that leavened cakes "seem originally by no means to have been considered unfit to be offered as in Lev. ii. 11. For under this law of Lev. ii. even the presentation of the shewbread would be inexplicable." This particular misrepresentation appears to be due to Wellhausen's omission to read this and the following verse; for the reason given is that fire offerings of leaven were not to be

<sup>1</sup>In a footnote on the next page (105) Wellhausen actually argues against this by saying *inter alia* that "the first day of the feast in Deuteronomy is just the day on the evening of which the pass-over is held, and upon it there follow not seven but six days more." Yet Deuteronomy xvi. 3 clearly makes the *seven* days of eating unleavened bread *begin* with the Passover sacrifice.

<sup>2</sup>See *Essays in Pentateuchal Criticism*, ante, July, 1908-July, 1909.

*burnt*: if offered, leaven was to be presented as *reshith*, and not to be burnt at the altar. Of course the shewbread was not to be burnt either.

I turn to a more important matter.

The critical case is that P is a post-exilic forgery, though it may embody a good deal of earlier material. The irreducible minimum of the historico-legal case is that the legislation at any rate is (subject only to the ordinary vicissitudes of MS. tradition, which do not affect the point at issue) Mosaic, i.e. that we have in it the laws of Moses in the language of Moses. Now on the critical side it is usual, after making a number of admissions as to apparent references in the literature, to say that such references are insufficient to prove the *literary* use of P. But this argument ignores the express statements of the Pentateuch, including P, which make it clear beyond all possibility of doubt that the portions of the legislation embraced in P were for the most part not intended for general use: "They shall *teach* Jacob thy judgments, and Israel thy law" (Deut. xxxiii. 10, older poem included in E); "Take heed in the plague of leprosy that thou observe diligently, and do according to all that the priests the Levites shall *teach* you: as I commanded them, so ye shall observe to do" (Deut. xxiv. 8 (D)). These passages are tantamount to direct statements that there were certain teachings which were not intended to be generally current, but were intrusted to the Levites. So too P: "and to *teach* the children of Israel all the statutes which the LORD hath spoken unto them by the hand of Moses" (Lev. x. 11; cp. xiv. 54-57; xv. 31-33, etc.). The contents of much of the legislation confirm this. It must be obvious that the details about leprosy, sacrificial procedure, priestly duties, etc. are too complicated and technical, and also had too little bearing on the everyday tasks of the ordinary Israelite, for it to

have been possible to put them into operation without the assistance of a specially trained class. It follows that no argument about *literary* use could be decisive on the question of the date and authorship of this legislation. Further, when Wellhausen speaks of P as "a law-book intended for the whole community" (p. 53), he merely contradicts all the data of P itself. Given the fact that large portions of P are professedly not intended for direct general use, and that other large portions are connected with these by similarity of style and material, it is not difficult to see the reasons for the peculiar phenomena of this legislation. Leaving out of account minor divisions, three main groups of laws are to be distinguished in the Pentateuch. First, there is law designed, as appears from its style, to be memorized. Secondly, we have Deuteronomy, the bulk of which was delivered in the first instance in the form of speeches. This was intended for septennial reading to the whole people, and style and contents are for the most part colored by these facts. Thirdly, we have the bulk of P—matters of procedure at the religious capital, details relating to the organization of the priestly tribe, matters in which the assistance of a specially trained class would have to be invoked.

All this presents not the slightest difficulty;<sup>1</sup> but in view of some of the arguments used it may be well to explain one or two points shortly.

The charge of the calendar is a technical duty which fell to the priesthood in ancient Rome as well as in ancient Israel. Hence it is easy to see why elaborate dates are given in the portions referred to P, while in the legislation intended for general currency more summary and popular methods were

<sup>1</sup> See especially the *Princeton Theological Review*, April and October, 1907.

adopted. Further, the object alike in Exodus and Deuteronomy excludes the idea of a full calendar. Exodus gives merely a terse summary of the principal new Mosaic festivals, etc., that affected the life of the ordinary peasant. He would learn details of date from the priesthood. Deuteronomy is concerned with the creation and use of a religious capital, and therefore emphasizes this aspect of the pilgrimage festivals.

The other point is more important. Great stress is laid on prophetic denunciations of sacrifice, and it is said that the priestly teachings known to the prophets were concerned with righteousness rather than ritual. In weighing such arguments it is necessary to bear in mind some of the matters we have already considered. It has been pointed out that much of P is mere procedure; and, assuming that the various sacrifices at the temple were performed in a manner substantially agreeing with its requirements, there is really no reason why the prophets should have thundered on the subject.<sup>1</sup> So too with other provisions. We know from Deuteronomy that there were teachings relating to leprosy: yet the prophets never denounce the priestly teaching on the ground that it fails to deal with this matter, which *ex hypothesi* was known in the time of, say, Jeremiah. Further, it is possible to force on the words of the prophets a meaning that was never intended. For example, Jeremiah says: "For I said nought unto your fathers, and commanded them nought, in the day that I brought them out of the land of Egypt, concerning burnt-offerings or sacrifices" (vii. 22). If this is to be pressed in its most literal meaning, we must infer that Jeremiah was unacquainted with the laws of Deuteronomy and JE, for these contain such commands.

<sup>1</sup> Cp., however, Zephaniah iii. 4: "her priests have profaned the sanctuary, they have done violence to the law." This may possibly refer to something in connection with ritual.

No man with a balanced mind would hesitate to use such language if no grave scandals were connected with the sacrificial procedure of his day. But there is another aspect to the matter. According to the Jewish rabbis the most important chapter of the Pentateuch is Leviticus xix. Anybody who will be at the pains of reading that passage will see why it has obtained this distinction. That chapter belongs to P<sup>h</sup> and is incorporated in P. It is clear from the superscription and the form that it was meant to be known to the whole people. If we may assume that this and kindred passages were intended to be taught by the priests to all and sundry, the expressions of the prophets become easily intelligible.

One thing more. In a footnote on page 59, Wellhausen writes:—

“That the priests were not mere teachers of law and morals, but also gave ritual instruction (*e.g.*, regarding cleanness and uncleanness), is of course not denied by this. All that is asserted is that in pre-exilian antiquity the priests' own praxis (at the altar) never constituted the contents of the Torah, but that their Torah always consisted of instructions to the laity.”

What he has failed to see is that there would be no object in teaching the laity the praxis of the priests at the altar, and also that we have absolutely no information as to whether the rules governing their practice were or were not included in their “torah.” On the first point our only information is afforded by the passage of Samuel where we hear of the sin of Eli's sons. That is not sufficient to ground any theory. No doubt in ordinary cases the priest performed his task correctly, and was thought to do so by laymen. The second point is equally important. Our historical information as to the priestly teaching is entirely derived from cases where it came into contact with the life of the people. It follows, of necessity, that we cannot say from the scanty notices in his-

tory and prophecy what doctrines may have regulated the practice of the priests in their own ritual functions. Matters internal to the priesthood were not originally intended for general publication, nor did they concern the subjects which form the themes of the prophets. On examination, the whole of this critical argument is found to be valueless. The conduct of Ezra in reading sections of the law (other than Deuteronomy) to the whole people proceeds from a fundamentally different theory from that expressed in the Law itself. The bulk of P was professedly only intended to reach the people mediately — through the teaching of the priests; and Ezra's innovation was in direct conflict with the original intention of the legislation.

The whole of the preceding inquiry may be summed up shortly in the following statement: From the days of Moses onwards there was a triple system of sacrifice — customary individual offerings, statutory individual offerings, statutory national offerings. The failure to recognize this has been the source of endless trouble. Combined with a complete disregard of the most elementary canons of scientific research, a constant tendency to pit verse against verse without ever considering the legislation as a unity, and an extraordinary capacity for making blunders in the minutiae of legal and historical research, it has enabled Wellhausen to put forward a reconstruction of the history which will not bear investigation on a single point. On the other hand, some slight coloring has been lent to the theory by certain facts which, when more closely examined, are seen not to support it. It turns out that P was not in common literary use before Ezra, but also that P was never intended for common literary use: and its subsequent influence on the literature merely shows that a late age misunderstood the Mosaic provisions. Similarly Deu-

teronomy was interpreted as forbidding all sacrifice save at Jerusalem; though when its provisions are carefully scrutinized it appears that they bear no such meaning. The influence of Deuteronomy on the literature finds its natural explanation in the narrative of the rediscovery of the book of the Law in the reign of Josiah, but this proves nothing as to date or authorship.

A strange new argument has lately been put forward in favor of the Wellhausen theory by Professor Nöldeke.<sup>1</sup> He says with great truth that the Pentateuch recognizes only one temple. But the Elephantine papyri have shown us a Jewish community in Egypt, which in the year 405 B.C., without being schismatic, considered itself entitled to a local temple. Bible students and jurists will be equally shocked at Professor Nöldeke's exhaustive ignorance, though for different reasons. Bible students will wonder that a man in the professor's position should ignore all the passages in J, E, D, and the historical books which prove the absurdity of this argument. As we have already discussed the topic at length, we need not now labor it. Jurists will shrug their shoulders over a man who presumes to write on the history of a law-book when he is so *naïf* as not even to know that thousands and thousands of times has human ingenuity run a coach and four through existing laws. His reasoning would prove that the Jews of to-day either do not know the Pentateuch or else do not regard it as binding.

As the argument has been advanced, it may be well to explain the causes that lie behind the particular phenomenon revealed by the papyri.

In the earliest period of which we have knowledge, the Hebrews worshiped God by prayer and by sacrifice. The

<sup>1</sup> *Zeitschrift für Assyriologie*, January, 1908, p. 208.

former means is often overlooked; but there never was a time when religious men were unable to commune with a higher Power by the direct appeal of the heart, whether made silently or voiced in speech. The prayers of Moses, of Abraham's servant, and of the patriarchs readily occur to the mind and set the matter beyond all reasonable doubt.

But, in addition to prayer, sacrifice was in use as a means of worship. All joint worship was sacrificial. The conception of the house of public prayer and public prayer alone — the synagogue — had not yet entered men's minds: and it must be obvious to all who read the early books of the Bible that such a house would not have corresponded to the religious needs of the age, even if it had been invented. Piecing together the available knowledge, we may perhaps hold that sacrifice was offered at certain stated times, such as new moon, as well as on many solemn or joyous occasions of chance occurrence. Then came the Exodus; and from that time onwards we find a peculiar view expressed most definitely, viz. that the God of Israel could only be worshiped sacrificially in the national territory. It may be that this view was not altogether novel, but we have no sufficient materials to enable us to decide that question. Certain it is that the view predominates throughout the Mosaic legislation to such an extent that no alternative is even considered. The legislation — the whole legislation — postulates the approaching occupation of national territory. Here are some of the expressions used: "These are the statutes and the judgments, which ye shall observe to do *in the land*, which the LORD . . . hath given thee to possess it" (Deut. xii. 1): "In all the place where I record My Name, I will come unto thee and I will bless thee" (Ex. xx. 24): "Three times in the year shall all thy males appear before the Lord GOD, the God of Israel

. . . neither shall any man desire thy land, when thou goest up to appear before the LORD thy God three times in the year" (Ex. xxxiv. 23 f.). Always and invariably the legislation is for a people that will possess and be settled in the national territory, and nowhere else.<sup>1</sup> No provision whatever is made for the possibility that an Israelite may sojourn definitively in any land but his own. The only case contemplated (apart from national exile) is a brief absence: and that is dealt with in a section which with unconscious irony the critics assign to the post-exilic P. It is enacted that if an Israelite be "on a journey afar off" at the date of Passover, he is to keep it one month later (Num. ix. 10). With regard to the other pilgrimage festivals, and the sacrificial worship which, as we know from the historical books, was offered on sundry occasions, no provision whatever is made for the case of even a temporary absence — far less for permanent residence in a foreign land at such a distance from the religious capital as would make even the pilgrimages altogether impossible. *A fortiori*, the legislation never contemplates a period in which the nation should possess no territory at all and should yet sacrifice to its God.

The passages in the speeches of Deuteronomy where it is said that the Israelites in captivity will serve "other gods" (iv. 28; xxviii. 36, 64) may be mere prophecies of apostacy, and in any case scarcely assist our present inquiry. It is inconceivable that a Jeremiah or an Ezekiel should have approved of the worship of other gods by Jews in exile, though

<sup>1</sup>This is alone sufficient to dispose of the whole theory of an exilic or post-exilic P. That legislation given to a people whose center of gravity was in Babylonia should make no provision for an absence from Canaan exceeding a month or two in duration is a proposition which could be adopted only by men who have not the least practical acquaintance with the working of institutions.

the former prophet contemplates this result as certain to follow (Jer. xvi. 13).

In the age succeeding Moses the matter therefore stood thus: The Israelites required sacrificial worship, and could not even conceive a form of religion which should exist entirely without sacrifice. They were in the habit of meeting this need partly by local sacrifices and partly by pilgrimages to the religious center. Both methods were legal within certain limits. But no method existed whereby an Israelite might lawfully sacrifice to the God of Israel save in the national territory, nor was such a sacrifice even considered possible. It must be noticed that as yet no practical problem had arisen as a consequence of this state of affairs, for all those who worshiped Israel's God resided normally and permanently within Israel's territory.

Our first information as to the state of affairs that might arise in the case of an Israelite who was resident outside the national territory is afforded by a remark of David's: "They have driven me out this day that I should not cleave unto the inheritance of the LORD, saying, Go, serve other gods" (1 Sam. xxvi. 19). Consideration of this passage brings out two points: David's interlocutors do not even contemplate the possibility of his ceasing to sacrifice. He will infallibly serve some god or other. Life without sacrificial worship is inconceivable. And it is equally inconceivable that this sacrifice could be paid to the LORD outside His inheritance. A Samuel or an Elijah would probably not have concurred in either branch of the popular opinion: but for the purposes of tracing the history of the interpretation of the Law we must leave out of account the possible views of an enlightened minority.

The next stage is that marked by Naaman, who asks for Israelitish earth in order that he may sacrifice to Israel's God

when residing in Syria. Here we see the first definite attempt to grapple with the difficulty which must necessarily arise when a worshiper of Israel's God desires to worship Him by means of some overt act outside Canaan. But as yet it is the solution of an individual, and it is based on a legal fiction.

Hosea speaking before the destruction of the Northern kingdom is our next witness: "For the children of Israel shall abide many days without king, and without prince, and without sacrifice, and without ephod or teraphim: afterward shall the children of Israel return, and seek the LORD their God, and David their king" (iii. 4 f.). The passage has given rise to many disputes. To the present writer it appears that Hosea condemned all the institutions specified, regarding the Northern kingdom and its cult with disfavor while treating the line of David as alone legitimate. But one thing will be generally admitted, even by those who do not concur in this view. Hosea does not contemplate the possibility of offering sacrifices of the same kind outside the national territory as within it. Whether he contemplates any sacrifice as possible abroad must depend on the view taken of ix. 3 and 4: "They shall not dwell in the LORD's land; but Ephraim shall return to Egypt, and they shall eat unclean food in Assyria. They shall not pour out wine to the LORD, neither shall they be pleasing unto him: their sacrifices shall be unto them as the bread of mourners; all that eat thereof shall be polluted: for their bread shall be for their appetite; it shall not come into the house of the LORD." This may be interpreted to mean either that they will offer no sacrifice at all, or else that they will purport to sacrifice, but that their sacrifice, at any rate in some cases, will not be efficacious because it is not offered in God's land. And then he asks in the next verse a question that is obviously unanswerable: "What will ye do in the day

of solemn assembly, and in the day of the feast of the LORD?" That question goes to the root of the matter. It shows that as yet the problem of maintaining the national worship outside the national territory had found no adequate solution. The position is still substantially that postulated by the Mosaic legislation — sacrificial worship to the national God on the national territory, and not elsewhere.<sup>1</sup> We pass next to Isaiah. It is unnecessary to transcribe the famous passage of the nineteenth chapter in which the prophet foretells the knowledge of God by the Egyptians and the joint worship of Egypt and Assyria. The horizons are widening; and it is impossible to say whether Isaiah would have clung to the old rule that sacrificial worship could be offered only in Canaan. had some colony of Jews living far off asked his advice. At the same time this chapter does not directly answer our question. It is a vision of what is to happen at some future date, not an expression of opinion as to what is legitimate in the present. Jeremiah, on the other hand, foretells that in exile the Israelites "shall serve other gods day and night; for I will show you no favor" (xvi. 13).

At this point our information fails us altogether. No further light is thrown by the contemporary prophets on the problems of worship in foreign lands. Yet the exiles must have found one or more solutions. Two questions confronted them: (1) How was the ordinary local worship to be maintained or replaced? (2) "What will ye do in the day of solemn assembly, and in the day of the feast of the Lord?" The solution ultimately adopted by Judaism is familiar to all. The synagogue was invented, and a service of prayer replaced

<sup>1</sup>The only real modification that had been introduced into the Mosaic system was that made by Jeroboam in deference to political exigencies (1 Kings xii. 26 ff.); but this did not touch the problem of sacrifice abroad.

all the old sacrifices: but such a solution could not have been adopted until the course of history had prepared the ground for it. It is not clear that such a course would have been any more conceivable to the contemporaries of Jeremiah than it was to Hosea. Nor can any appeal be made to the Law: for it never contemplates the public worship of God in the circumstances of the exile. Contemplating an entirely different set of conditions, it could, like any other law, be made to bear whatever interpretation was most in harmony with the needs of the age. It must be remembered that every law that is unalterable invariably leads to devices that enable men to change or repeal it while professing to maintain it intact. Some of these have been discussed by Sir Henry Maine;<sup>1</sup> and it is obvious that so far back as the time of Elisha, Naaman was as good at practising legal fictions as any lawyer of any country or age. When the exile made the most fundamental change possible in the conditions contemplated by the Law, three courses only were possible: (1) to abandon the public worship of Israel's God altogether; (2) to adopt a purely non-sacrificial worship; and (3) to adapt the sacrificial service to the changed needs of the age. The first solution, though perhaps contemplated by Jeremiah,<sup>2</sup> was out of the question, if Judaism was to be saved; the second had not yet occurred to men's minds and would not yet have satisfied their wants: the papyri prove that the third found favor for some time, at any rate in one place. That was how for a while men answered Hosea's question "What will ye do in the day of solemn assembly and in the day of the feast of the Lord?"

<sup>1</sup> See his *Ancient Law*.

<sup>2</sup> Jeremiah's words might, however, mean that the worship of the gods was additional or subsequent to an attempt to serve the God of Israel abroad.