

## REFLECTIONS ON SOME RECENT VIEWS ON DEUTERONOMY

**I**N a previous article<sup>1</sup> the new view of Robertson and Brinker on the origin of Deuteronomy was expounded. That view must now be commented on and criticized.

I would like to give first a few reflections 'ad hominem'—points which strike one immediately, especially with regard to those more or less independent matters which they discuss on the margin of the essential view, though every point has its place in and relevance to the main theory.

### PRELIMINARY OBSERVATIONS

1. 'Law is the fundamental phenomenon in the history of any people.' This rings true: and it is certainly more acceptable than the Wellhausen view that nomism is the last step in religious evolution. Robertson would admit that 'there was considerable literary activity in the exilic period'. Gressman, however, points out that post-exilic conditions were not conducive to any great literary endeavour.<sup>2</sup> But perhaps the views of both could be reconciled by holding that a primitive nucleus of law, developed by practice and adjustment in the course of centuries, was recodified and redrafted in the exile period.

2. 'The composition of the law in the exile period is contrary to the firm tradition of the Hebrew people: the Torah was ever the warp and woof in the texture of their existence.' Again this will meet with general approval; though we must distinguish with Lagrange<sup>3</sup> between a literary tradition and an historical tradition. But we might explain it as before—that Moses was responsible for a nucleus of law and tradition, that this was developed, and that the combined material took its final literary form in the exile period.

3. 'The Hebrews are not a childlike, primitive people.' This again is a welcome change from the Wellhausen view of Israel's early history. We can agree, then, that they were well able to adapt themselves to changing conditions. That they actually did so, however, and that by altering what seems to be an essential point of their law, does not immediately follow. It needs proof. And all that Robertson offers us is his assertion—'they could and did adapt themselves'.

4. The same applies to his statements on the prophets. He presents a reasonable explanation of those figures who are undoubtedly somewhat puzzling in the books of Samuel, but it is surely stretching the laws of evidence a little to use this probable explanation as part of his explana-

<sup>1</sup> SCRIPTURE, IV (Oct. 1951), 356 ff.

<sup>2</sup> H. Gressmann, *Die Aufgabe der alt. Forschung*. Z.A.W., 1924.

<sup>3</sup> Lagrange in *Revue Biblique*, 1898.

tion of the whole situation. This applies even more to his account of the rivalry between the priestly families and the obliteration of the Samaritan tradition. It sounds plausible enough, but it is a point which needs proof, not one which can be used as proof. It is always rather a doubtful procedure to use a missing link as part of a chain of evidence.<sup>1</sup>

We turn now to the essential part of his thesis. Undoubtedly there is much in it that is well founded. For the Israelites the law was always, ultimately, a God-given law. This means that the priest is the natural custodian of the law. Now it is generally accepted by Catholics to-day that 'Mosaic legislation' can mean law originated by Moses and developed according to his spirit and by his authority. Therefore we might well expect that this law would be developed by the priesthood connected with the various shrines. The whole point is, however, whether there were many shrines.

#### MANY SHRINES IN ISRAEL BEFORE SOLOMON?

This question is usually taken as a fixed point, almost on a dogmatic basis, in any study of the Pentateuch problem: the 'conservatives' taking their stand on unity of sanctuary, the 'liberals' refusing to consider such unity before the reform of Josias. Then, having accepted this basic principle, authors attempt to rewrite Israel's history in a way which would account for the apparent conflict between law and practice.

<sup>1</sup> In any work of historical reconstruction, especially that of an age as remote as that with which we are concerned, there must necessarily be a certain 'apriorism', giving the appearance of a vicious circle. One can only adopt an hypothesis, take up a certain position in relation to the known facts, and from this standpoint consider how the hypothesis fits the facts and what sort of explanation it provides for problems still unsolved. If it does not contradict any of the data and does not demand a forced reading of them, it is to that extent a good hypothesis; and if it provides a good explanation of points still doubtful it will in turn receive confirmation proportionate to the probability of this explanation.

We do admit a certain proof by converging probabilities. But in Robertson's theory there does not appear to be sufficient convergence; it needs the main body of the theory to bring all the lines of argument to a point—and yet the theory itself demands the support of these lines of argument. The difference might be clarified by comparisons: on the one hand we have an arch in which the separate stones are not self-supporting but give and receive mutual support, the whole being kept firmly in place by a keystone; on the other hand we have a roof which is supported by pillars which themselves depend on the roof—leaving us, so to speak, hanging in the air.

A good example of the caution needed in using this type of argument and of the confusion likely to arise is found precisely in this question of unity of sanctuary which from one point of view is one of the data to be explained by a theory and from another point of view is part of the theory itself. One can assume that such unity did or did not exist and argue accordingly, but in so far as the subsequent arguments depend on, rather than converge to, the basic assumption, to that extent we are likely to be faced with a theory which is indeed consistent but which remains hanging in the air.

A more instructive method seems to me to be a study of the situation *de facto*—a study of all those occasions in the historical books where sacrifice is said to have taken place. The only work I know which approaches the problem from this point of view is that of H. Poels '*Examen Critique de l'Histoire du Sanctuaire de l'Arche*' [1897]. Unfortunately, this author too is convinced of the unity of sanctuary, and explains away the most difficult situations by an ingenious appeal to philology. So obvious was it to the sacred writer, says Poels, that there was only one sanctuary, that he does not hesitate to call it by different names; and it is this which has given rise to confusion. Gabaon (a high-place), Nob (a hill), Bethel (house of God), Gilgal (a circle—the circle of stones that forms the altar)—all these indicate the one and only sanctuary of the ark of the covenant which is at Silo. Lagrange<sup>1</sup> gives the book a lengthy review in the *Revue Biblique*, but only to show how impossible it is: most people will agree with his conclusion: 'This paper-strategy is not so easily reconcilable with the terrain itself. Let the author come to Palestine and see for himself—he will find it is not the site which will give way'.

However, it is most instructive to follow ourselves this study of the relevant passages. Judges xix–xx seems to show cult taking place at Bethel, Mispah and Silo: this is the starting point of Poels's theory, but the passage is too confused to draw any certain inference from it.<sup>2</sup> The sacrifice at Hebal (Jos. viii, 30) and at Sichem (Jos. xxiv, 27) need cause no difficulty, as the ark of the covenant, which up to this time seems to have had no fixed site, can be presumed to be present. In Judges ii, 1–5, there is a sacrifice at Bokim; but this is an allegorical passage, containing not historical narrative but doctrine. Poels quotes Lagrange to the effect that if it is lawful for ancient writers to hand on history in the guise of doctrine, it is equally legitimate for them to present a doctrine under the guise of history.

<sup>1</sup> *Revue Biblique*, 1897, pp. 631 ff.

<sup>2</sup> For some suggested solutions to the problem, see Lagrange, *Le Livre des Juges*, 1903, p. 332.

Various attempts have been made to situate the places in question: see

L. Heidet, *Maspha et les Villes de Benjamin* . . . *Revue Biblique* 1894 p. 322.

*Le Voyage de Saul in Biblica*, 1920, pp. 341–52; 518–32; and 1921, pp. 363–68.

P. Vincent: *Revue Biblique*, 1922, pp. 364 ff.

P. Abel, *La Question Gabaonite et l'Onomasticon*, *Revue Biblique*, 1934, pp. 346–77.

From topographical indications, Alt suggests el-Bireh for Mispah but this is not considered likely. Muilenburg and Abel put it at Tell en-Nasbeh, while Albright, Buhl, Hertenburg, Robinson and Smith identify it with Neby Samwil. The official reports of the excavations at Tell en-Nasbeh seem to point to its being Mispah. See *Tell en-Nasbeh*. Vol. I. The Archaeological and Historical Results. Ed. C. C. McCown, Palestine Institute of the Pacific School of Religion. California, 1947.

But what about such occasions as the sacrifice of Gedeon at Ophra (Judges vi, 19-24), of Jephthé at Misphah-Gilead (Judges xi, 11), and the sanctuary of Dan in Judges xvii? Poels claims that the whole purpose of these accounts is to discredit the shrines in question. But a careful reading seems to show that what the author is disparaging is unlawful, idolatrous cult—not the place where it is performed. In the story of Gedeon, for example, there is not the slightest indication that the sacrifice he offers is unlawful; in fact, he offers it at the express command of an angel, and it is followed by two miracles to show God's choice of him, and by the victory over the Madianites. It is only later, when he makes an idol, that a note of disapproval creeps into the narrative; and even then, it ends with approval of Gedeon in general, rebuking his followers for not keeping faith with his descendants 'according to all the good which he had done for Israel'.

How are we to explain this apparent multiplicity of shrines? In '*Le Lieu de Culte dans la Législation Rituelle des Hébreux*' (Gand, 1894) Van Hoonacker argues as follows. In the early days of Hebrew history all killing had a sacred, sacrificial character; but Exodus xx, 24 allows the 'private sacrifices'—ordinary slaughtering for everyday needs—to take place at 'private altars'. Because of the danger of idolatry Lev. xvii, 3 ff. repeals the exception—all killing, public and private, must take place at the central sanctuary. This was practicable in their compact desert community, but in preparation for the larger circumstances of the Promised Land, Deut. xii, 15 ff. reaffirms the principle of unity and removes private killing altogether from the sphere of sacrifice.

It would be a formidable task either to prove or to disprove this theory; but I certainly think the roots of the solution at least are there. The study of the legislation of the Pentateuch seems to indicate unity of sanctuary. The study of the situation *de facto* shows us that other shrines did exist. Surely a reasonable way of combining the two is to say that the law allowed only one central sanctuary for the whole nation, but that in practice exceptions were made, based on the old law of Exodus xx, 24. This law allows 'private altars', of undressed stone, to be erected in addition to the central shrine—not indeed according to the whim of the individual, but by God's express command—'wherever I shall recall the memory of my name'. And this is precisely what happens in the historical books. Gedeon at Ophra, Samson's father in Judges xiii, the confusing number of places where Samuel is said to have offered sacrifice—all these can be explained as instances of God's express command, and in no way at variance with the rights of any central sanctuary. Note two examples in particular. In Josue's sacrifice at Hebal, Jos. viii, 30-35, it is definitely stated that the sacrifice is offered on an altar of undressed stone: this may be the gloss of a scrupulous but ignorant

scribe, but equally we can explain it precisely as the fulfilment of the law of Exodus. Again, when Saul's army, tired after battle, kill and eat as they stand (I Sam. xiv, 31 ff.) Saul rebukes them, not for the sacrifice, but only because they eat the blood; and he himself goes on to sacrifice on a boulder—surely an altar of undressed stone. The final verse of the passage: 'And he then first began to build an altar to the Lord', has all the air of a gloss, but in any case is capable of various explanations not at variance with our point.

However, the explanation of the fact is less important for present purposes than the fact itself. Whatever status one attributes to the central shrine, it appears that one must admit that there were other centres of religious life in Palestine during the period of the Judges.

#### PRINCIPLE OF BIBLICAL INERRANCY

Let us now see what guidance the church has to offer on the subject. The basic fact with which we start is the inerrancy of scripture. The sacred books are never false or mistaken. This means immediately that we know that an exilic priesthood could not have rewritten the history of the nation with complete disregard for the facts merely in order to give some show of historical basis for the new laws which they had composed. However, this is not as simple as it might sound. In the first place the exact text must be fixed. Granted that the writer does not lie, we have to find out what he actually wrote; and it is the task of textual criticism to decide whether many significant texts are really part of the original. Consider, for example, the phrase so often quoted for one side or the other in this discussion, 'At that time there was no king in Israel . . .' If that is an authentic part of the text, then it does mean a great deal; but it has no value whatever if it is an uninspired gloss. Take also the names of places: we have seen that in one text it seems possible that Sichem has been written instead of Silo, and Robertson also suggests that Gilgal is a deliberate alteration of Sichem, implying disrepute for this northern shrine. If the author says there was a shrine at Sichem, then there certainly was one, and no theory which denies that is worthy of consideration. But we must be sure that this is what the inspired text does say. In the second place, we have to take into account 'genera litteraria'; what the inspired author says is true—in the sense in which he says it. We know, for example, that the sacred author cannot be accused of error when he describes physical phenomena according to the views of his age. The same applies to his history—it will be true, but it will be written according to the manner of his time. Now I think we may say that it is doubtful if the ancient writers ever wrote history as the moderns do, merely to give an account of the facts; to them history was always to some extent a thesis. We have seen that most people would admit at least the possibility that such narratives as that

concerning the 'place of weeping' (Bokim, Judges ii, 1-5) is doctrine given under the appearance of history. So also the use of Moses' name; law and tradition can be called Mosaic in the mind of the sacred authors, in so far as it originated with Moses and was continued in his spirit. (So among Catholics, we find Heinisch and Vaccari admitting varying degrees of post-Mosaic development of tradition and law.) Again, we do not deny the fact that writers selected, arranged and presented their facts in a way which would suit their purpose. [In Chronicles, for instance, it is safe to say that the author was inspired by prejudice against the monarchy in his presentation of certain facts: we may well admit the same for their anti-Samaritan prejudice]. But we can never go so far as to say that it allowed them to distort the facts or to write falsehood in order to discredit the northern kingdom. This means also that we could admit with Robertson the possibility of the development of the original law of unity of sanctuary to plurality; one could allow (though it would need good arguments to support it) that such a development could be attributed to Moses, but we could not accept the theory that the text has been deliberately altered or history rewritten in order to conceal the fact that such a change took place.

#### A. SUGGESTED SOLUTION

It is not possible here to attempt a complete analysis of the theory of Robertson and Brinker; but now that we have clarified our attitude to its basic presumptions, let us see if we can suggest a reading of Israel's history from the point of view of the theory, while remaining faithful to the traditional view in essentials.

The more or less loosely cohering tribes—specifically distinct from the Egyptians but with close ties with neighbouring peoples in Arabia and Canaan—were moulded into a strict unity and given a national consciousness by the experiences of Sinai. Nor was it merely a natural phenomenon giving them a national unity; it was essentially a religious experience forming them and making them conscious of being a religious community, a theocracy. Thirty years wandering in the seclusion of the desert further cemented this unity, and it was definitely a 'holy nation' which came to the borders of their promised land. Now the very purpose of their existence was the adoration of the one true God, and the first commandment given them by God at Sinai was this: 'I am the Lord thy God . . . thou shalt not have strange gods before me'. We have not necessarily to understand a fully developed theology of monotheism immediately from this moment. The Lord their God is one God; this central fact is clear, but future revelation and reflection will have to make clear what this involves. How is it to affect their attitude towards image-worship, for instance? To pour scorn on the worship of 'dumb idols, the works of men's hands' becomes a common

theme in the sacred literature of the Hebrews, but I find it hard to believe that these peoples did actually adore the particular block of stone or wood ; surely they were to a certain extent conscious of the deity which these things represented ? The difficulty is that they had not that degree of reflection which would allow them to make this distinction clear. (It is worth bearing in mind the objection which Catholics meet even to-day concerning their 'image-worship'. We can distinguish easily between the object and that which the object represents, but if some of our contemporaries find such a distinction difficult, how much more so these ancient peoples with no natural bent for philosophical distinction and no tradition of that sort.) So there would always be in the minds of the people some confusion between image-worship and the worship of false gods, fetichism, totemism, etc. For this reason then, although the essential commandment was to adore Yahweh alone, yet, in order to keep them as far as possible from the corruption of this ideal, He would have them worship in a way different from that of other peoples ; they were not even to have graven images before Him. Further, in order to stress His uniqueness still more and their own uniqueness as His chosen adorers, they shall worship at one place only. But apart from this one place, provision is made for other 'private sanctuaries', not to be erected at the whim of the individual but with the consent of God : 'in whatsoever place I shall recall my name'. This subsidiary point undergoes various changes in the course of centuries ; it is, for instance, abrogated by Leviticus precisely because of the danger which had been foreseen and which was the cause of the essential law of unity, namely, contamination by idolatry. The reservation of all killing (for, as Van Hoonacker shows, even ordinary killing had for the Hebrews a certain sacrificial character) to one site was quite practicable in the straightened circumstances of their desert wandering. But later, when they were preparing to enter the more expansive situation of the Promised Land, this strict unity was found to be impracticable. Moses therefore reasserts the principle of unity, but alleviates the practical difficulty by distinguishing completely between sacred and profane killing. The former is reserved entirely to the central sanctuary, and the latter is made free.

With this law they go into Canaan. I think we can and must admit some loss of cohesion in the confusion following the invasion. The whole question is, how much ? Which would prevail, their national consciousness or the actual conditions ? A fair reading of the history as well as a just interpretation of the psychological state of the people would seem to lead us to a compromise. In theory they were still strongly nationalistic ; they would not immediately and automatically relinquish their birthright, and in principle they recognized the fact that they, the twelve tribes from the desert were a unity, distinct from the native inhabitants. But in practice they found it easier to come to terms with

the people among whom their lot had been cast, and harder to keep touch with each other. What would this involve for their religion? Assimilation to the local cult? Not deliberately, not automatically; we know the immediate reaction of the tribes when the Transjordan members erected a memorial altar (Jos. xxii). They would have acknowledged an ideal unity of cult, for they knew that Moses had reaffirmed this principle of unity on the eve of the entry into Canaan. But in the press of circumstances they found it more convenient to remember the older law of Exodus<sup>1</sup> with its useful codicil allowing for special supplementary shrines. They would take full advantage of this, perhaps undue advantage. 'In quo memoria fuerit nominis mei'. Robertson says they would do this the more willingly because of the association of such ex-pagan sanctuaries as Sichem with the patriarchs: I think it is equally legitimate to read the history the other way round; as Lods says: 'The high-places of the Canaanites became sanctuaries where Yahweh alone was venerated. The story went round that it was He who had in days of yore called forth their foundation by revealing himself there to one or other of Israel's ancestors'<sup>2</sup> We need not insist; the point is that these other sanctuaries came into existence precisely in virtue of the law of Exodus, and that they in no way conflicted with the theoretical recognition of the primacy of the ark of the covenant. But if unity was still recognized in theory, there arose in practice precisely the danger which had been the cause of the law in the first place—idolatry and contamination by the other peoples. The Hebrews are, moreover, a theocracy. This supernatural aspect must never be overlooked if we are to understand the history of Israel. It is not just racial purity which is at stake. They are set apart from other nations to be the bearers of God's revelation, and particularly of His final revelation in His Son.

God therefore decided that the time had come to draw the people together again, away from their neighbours, into one. Of course, natural factors play their part. In this case there is the danger of enemies from without, for the Philistines are exerting pressure on the coast and threatening the very existence of the people. To face them it is essential that the people stand together. Another factor may also have contributed—the natural evolution of the people; the partial and spasmodic single leadership they have had under various 'judges' has been very successful, they had seen other nations working in the same way and reached a stage when a permanent united leadership appealed to them; they wanted a king. The man chosen by God to achieve all these ends is Samuel. A judge himself in both the natural function of leadership and the religious function of legislating, he is in a position to see the

<sup>1</sup> Ex. 20, 24. See pp. 5 and 6, above.

<sup>2</sup> A. Lods. Article in the collection *Record and Revelation*, Oxford, 1938, on the origins of the religion of Israel.



disastrous effects of lack of cohesion and to take steps against it. The law and traditions have been developed at the various sanctuaries up and down the land.<sup>1</sup> Samuel contrives to persuade the nation to return to unity of sanctuary in practice as well as in principle and to accept a unified version of the law and traditions. The law is drawn up on the basis of the final form given by Moses, and Samuel frames it in parenetical style—which we now find in Deuteronomy. The earlier traditions are combined into a more or less single account; only major variations or traditions which, because of the importance of the shrine to which they were attached were themselves important, were allowed to stand, giving occasional parallel accounts of some incidents. This is the Pentateuch.

L. JOHNSTON.

*Ushaw College, Durham.*

## QUESTION AND ANSWER

*In the parable of the 'great supper' the master of the house bids his servant to 'go out into the highway and hedges and compel them to come in that my house may be filled' (Luke xiv, 23). Under the symbol of the great supper our Lord is speaking of His Messianic Kingdom, of the Church. How can it be said that men are 'compelled' to enter the Church? Membership of the Church is impossible without the virtue of faith, and the act of faith is an act of the free will made by the assistance of God's grace.*

It is worth remarking, in the first place, that not every detail of a parable necessarily has its counterpart in the reality figured by the story. But there is no need in the present case to exclude the 'compulsion' from the application of the parable. The Greek word used does mean 'to compel, constrain, force' but 'compulsion' can be of various kinds and does not necessarily denote the application of physical force which makes a free act impossible. It may be of interest to examine the instances where the word ἀναγκάζειν occurs in the New Testament.

<sup>1</sup> I have refrained from introducing the question of the priests which would complicate the matter unduly. But unless one holds that the history of the development of the priesthood has been hopelessly confused by a later priestly hand—a position scarcely tenable by a Catholic—it is clear that members of the priestly class, custodians of the law and the traditions of the community, were established up and down the land, not merely at the main sanctuary; not even, in the troubled days of the Judges, in touch with it. Even if one does not admit the suggested explanation of minor sanctuaries, this factor itself will be an inevitable source of variation in law and tradition.