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## C

THE CASE FOR THE CURRENTLY ACCEPTED DATE OF  
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WITHOUT question this is a day of upheaval. The most 'assured' results of earlier critical investigation are being subjected to radical correction or even to utter rejection. Witness Eissfeldt with his postulate of a new "Lay" source (L) for the historical books from Genesis to Judges;<sup>1</sup> Mowinkel with his insistence upon the revision of prevalent conceptions regarding the origins of the Psalter;<sup>2</sup> and, most recently, Torrey with his convincing argument for the dismissal of Duhm's alleged "Trito-Isaiah" to the lumber room of useless and discarded theories, with the consequent rehabilitation of the greatest of Old Testament poets, the Second Isaiah.<sup>3</sup> These are typical instances and illustrations of the present ferment in critical thought. More directly pertinent to our present discussion, however, is the powerful and

<sup>1</sup> *Hezateuch-Synopse*, 1922; *Die Quellen des Richterbuches*, 1925.

<sup>2</sup> *Psalmstudien II*, "Das Thronbesteigungsfest Yahwas und der Ursprung der Eschatologie", 1922.

<sup>3</sup> *The Second Isaiah: A New Interpretation*, 1928. See the appreciative reviews by J. A. Montgomery in the *Anglican Theological Review* XI, No. 2 (October 1928), pp. 165-168; and by G. A. Barton in *Christian Education* XII, No. 1 (October, 1928), pp. 40-45; also that in the *Expository Times* XXXIX, No. 12, (September, 1928), pp. 529-532.

persistently repeated challenge of the current view of the origin and date of Deuteronomy. Professors Bewer and Paton, my Symposium colleagues, have taken up and answered this challenge in the two preceding articles.<sup>4</sup>

It may be remarked, in passing, that these troublings of the waters of criticism will surely have, as always, at least one good result. Biblical study will evidently thus successfully avoid the peril of sinking into the deadly lethargy of a new dogmatism. Nor for the critic is there any immediate prospect of "flowery beds of ease." So keen is the challenge that jibes, good-natured and otherwise, greet the various "battles of the critics." In the preface to his book discussed above,<sup>5</sup> Welch cites a fling at Old Testament scholars by one of his own students. They are wittily characterized as "a band of cannibals who refreshed themselves by devouring one another." Despite such pleasantries, however, it must be quite obvious that the critical temper is not only a desirable but really the only tolerable one. All too easily opinions, whether they bear the label 'liberal' or 'conservative,' congeal into dogmas. Eternal vigilance is the price that must be paid alike for the healing of ancient error and the bringing to light of new and larger views of truth. Always and everywhere the true critic welcomes criticism. He realizes that criticism is, in a sense, his principal stock in trade. Thus he maintains an open and receptive attitude toward correction and contradiction even where his own matured and reasoned convictions are involved. The apostolic injunction to "prove all things," and to hold fast only to those opinions and points of view which are demonstrably good, finds a ready echo in the heart of the Biblical scholar. On this basis a suggested theory has often to be dismissed as "not proven." But even in such cases the critic usually finds materials for the improvement or enrichment of the hypothesis the new theory had sought to displace. Thus light, as well as an occasional wave of torrid heat, is almost invariably generated by the debates of the critics.

<sup>4</sup> *Supra*, pp. 305-321 and 322-357.

<sup>5</sup> *Supra*, pp. 307ff. See *The Code of Deuteronomy*, p. 5.

The primary task of the present paper is to supplement the foregoing articles of Professors Bewer and Paton by submitting a brief, as clear and concise as may be, in behalf of the commonly accepted date of Deuteronomy. A secondary purpose is to indicate, to some extent at least, the relative strength or weakness of the several links in the chain of evidence supporting the usual dating. Some threshing out of old straw is necessarily involved in developing this theme. Inevitably, too, there will recur certain points already made by my colleagues. This rehearsal of familiar arguments need not, however, prove to be a complete waste of valuable time and space. It is good for the student of Scripture to recapitulate occasionally the reasons for the critical faith that is in him.

Most emphatically is this true in the case of Deuteronomy. By unanimous consent this book is accorded a central and pivotal position in the study of Old Testament history, literature and religion.<sup>6</sup> The epochal reconstruction of the course of Hebrew history, which it has been the supreme service and merit of critical Biblical scholarship to mediate, depends for its validity first of all upon the essential correctness of our dating of Deuteronomy. In particular, the identification of the so-called "Fifth Book of Moses" with the "book of the law" mentioned in 2 Kings 22f. is generally regarded as the very keystone of the arch of Old Testament research. To abandon, or even seriously to modify, this finding won by the patient and unremitting toil of several generations of scholars, would involve a readjustment of the whole critical position which is nothing short of revolutionary.<sup>7</sup> To the

<sup>6</sup> Cf. G. F. Moore, *Literature of the Old Testament*, p. 64: "Deuteronomy is a fixed point, by reference to which the age of other strata in the Pentateuch may be determined, at least relatively." W. C. Graham in the *Journal of Religion* VII, 1927, p. 397, states: "It then becomes a sort of Meridian of Greenwich, a fixed point in chronological and psychological relationship to which most other literature can be placed." See also A. Menes, *Die Vorexilischen Gesetze Israels* (Beiheft ZATW No. 50, 1928), p. 53: "Mit dem Deut steht und fällt das ganze kritische Gebäude, das in den letzten Jahrzehnten des verflossenen Jahrhunderts mühsam aufgerichtet wurde."

<sup>7</sup> Hölischer's radical procedure in the dating of the Pentateuchal documents, as well as his quite arbitrary handling of the books of Jeremiah

question: Does a sober review of the evidence newly adduced justify any vital alteration of the prevailing view? the preceding papers have both returned a negative answer. It remains only to reenforce their arguments with a positive summing up of the reasons for holding fast to the commonly accepted position.

The current view of Deuteronomy dates back in its essentials to the appearance of de Wette's *Dissertatio critica* in 1805.<sup>8</sup> de Wette's thesis was developed, amplified and firmly established by Wellhausen<sup>9</sup> in 1876. Since then this hypothesis has been passed on by succeeding scholars with only slight modifications as a torch to illumine the path of the student of the Old Testament.<sup>10</sup>

It may be well at once to inquire: What are the principal features of the commonly accepted view of Deuteronomy? The following propositions will, I believe, gain the assent of a great majority of scholars:

1) Deuteronomy, either as a whole or in part,<sup>11</sup> was compiled

and Ezekiel—the last in his *Hesekiel: Der Dichter und das Buch* (Beiheft ZATW No. 39, 1924)—illustrates the lengths to which one may be forced to go in defense of a redating of Deuteronomy. On this point see A. S. Peake, *Recent Developments in Old Testament Criticism*, (Reprint from *Bulletin of the John Rylands Library* XII, No. 1, January, 1928), pp. 17f.

<sup>8</sup> Cf. Cornill, *Introduction to the Canonical Books of the Old Testament*, 1907, p. 5. Notice, however, that the suggestion that the law book discovered in the Temple in 621 B. C. was Deuteronomy goes back to Jerome and Chrysostom (cf. G. A. Smith, *Deuteronomy*, 1918, p. XLIII; Steuernagel, *Das Deuteronomium*<sup>2</sup>, 1903, p. 3; Meinhold, *Einführung in das Alte Testament*<sup>2</sup>, 1926, p. 199; Budde, *ZATW*, 1926, p. 178).

<sup>9</sup> See his *Die Composition des Hexateuchs*<sup>2</sup>, 1889, pp. 189ff., where the work of Vater is given high praise. Cf. Simpson, *Pentateuchal Criticism*<sup>2</sup>, 1924, pp. 31–33.

<sup>10</sup> Consult the standard introductions and commentaries.

<sup>11</sup> Wellhausen (*op. cit.*, p. 195) limits the original book of Deuteronomy to Ch. 12–26; Driver (*Deuteronomy*, 1895, p. LXXII) inclines to Ch. 1–3, 5–26, 28; G. F. Moore (*Enc. Bib.* I, Col. 1061; cf. *Literature of the Old Testament*, p. 58), Ch. 5–26, 28; Ryle (*Hastings' D. B.* I, p. 598), Ch. 5–26 (27 & 10), 28; McFadyen (*Introduction to the Old Testament*, p. 57), Ch. 12–26, 28, possibly 5–11; G. A. Smith (*op. cit.*, pp. XCIVff.), Ch. 12–26 (in the main) and in addition "some form of the discourses now in Ch. I–XI,

at some time in the century preceding the reforms described in 2 Kings 22f. as carried through by Josiah<sup>12</sup> in 621 B. C.

2) It furnished the immediate inspiration for these reforms, and served as the program for them.

3) Deuteronomy is essentially a prophetic, not a priestly, document—this despite the fact that its final form shows priestly influence.<sup>13</sup>

4) It must not be regarded as a formally adopted legal code, but rather as an ideal program.<sup>14</sup> The fact, *inter alia*, that no

XXVIII-XXX;" Kent (*Israel's Laws and Legal Precedents*, 1907, p. 34), Ch. 12-19, 26, 28; H. P. Smith (*Old Testament History*, 1903, p. 265, footnote 2) speaks of "the original book of Deuteronomy, which contained at any rate chapters 12-19, 26 and 28 of the present book." The presence of doublets, the alternation between the singular and plural forms of address, and various other criteria incline all these critics to posit certain later additions even within the sections indicated as genuine above. See G. A. Smith (*ibid.*, pp. XCVIff.) for an account of more detailed analyses by Bertholet, Budde, Cornill, *et al.* Steuernagel (*op. cit.*, pp. 4ff.) and Meinhold (*op. cit.*, pp. 202ff.) take cognizance of recent attempts to define the limits of the original book.

<sup>12</sup> Whether the original compilation of the book dates from the reign of Hezekiah (725-686 B. C.), or that of Manasseh (686-641 B. C.), or that of Amon (641-639 B. C.), or from the earlier years of Josiah's own reign, is not clear. Cf. the discussion of this point by G. A. Smith, *op. cit.*, pp. XCIVff.; also in Driver, *Introduction to the Literature of the Old Testament* (= *L. O. T.*), 1913, p. 87. Recent criticism tends in the direction of a date fairly close to the reform itself, i. e., not too long before 621 B. C. So Budde in "Das Deuteronomium und die Reform König Josias" (*ZATW*, 1926, p. 222): "Ich vermag das Deuteronomium nur als ein Werk aus der Zeit für die Zeit zu begreifen." See also Kent, *op. cit.*, p. 33: "The original edition of Deuteronomy was completed somewhere between the beginning of Josiah's reign in 639 and the great reform in 621 B. C., rather than in the days of Manasseh or earlier." Ryle (*loc. cit.*, p. 603) places it "in the reign of Manasseh, or in the early part of the reign of Josiah."

<sup>13</sup> Budde, *loc. cit.*, p. 219: "an einen anderen Kreis als den des Prophetentums gar nicht gedacht werden kann." Cf. Driver, *L. O. T.*, p. 91: "Deuteronomy may be described as the *prophetic reformulation, and adaptation to new needs*, of an older legislation;" also Ryle, *loc. cit.*: "The work is that of a prophet, a religious teacher, not of a jurist or a statesman."

<sup>14</sup> See Paton, *supra*, pp. 353f.; also Budde, *loc. cit.*, p. 206f.

penalties are indicated for such lapses as failure to attend feasts points in this direction.

5) The chief formal demand of the book is for the centralization of the cultus at the Temple in Jerusalem. This involves also the abolition of the local sanctuaries scattered throughout the land.<sup>15</sup>

6) In its present form Deuteronomy is both very old and quite new<sup>16</sup>; e. g., it contains laws that go back to the Book of the Covenant, and thence in some cases to a remoter antiquity, together with additions made subsequent to Josiah's time and even after the fall of Jerusalem in 586 B. C.<sup>17</sup>

It is important in considering the question of the date of Deuteronomy that we keep clearly in mind all six of these tenets. As a matter of fact, practically all of them have been vigorously denied by one or another of the recent critics of the prevailing view.<sup>18</sup>

The argument for the usual dating has both its negative and its positive side. The former opposes the tradition, current among

<sup>15</sup> That the prohibition of local sanctuaries did not extend to those among the Dispersion is clearly shown by Torrey, *Ezra Studies*, 1910, pp. 315ff.: "More than one Old Testament scholar, writing before the discovery of the letters from the colony at Yeb, had expressed the opinion that the ordinances in Deut. 12, forbidding worship at sanctuaries other than the one in Jerusalem, were intended to refer only to Palestine" (p. 316). Cf. Barton, *Archaeology and the Bible*, 1927, pp. 39f., 447ff.; H. P. Smith, *op. cit.*, pp. 446f.; T. W. Davies in Peake, *A Commentary on the Bible*, p. 232; and see Is. 19 18f.; Mal. 1 11.

<sup>16</sup> G. F. Moore, *loc. cit.*, col. 1081f.; Driver, *L. O. T.*, pp. 90ff.; G. A. Smith, *op. cit.*, pp. LXXII, LXXXVIII; Bewer, *supra*, p. 321.

<sup>17</sup> With the summary given above compare the commentaries and introductions; see also J. Battersby Harford, *Since Wellhausen*, 1926, pp. 92ff.; J. E. McFadyen, "The Present Position of Old Testament Criticism" in Peake's *The People and the Book*, 1925, p. 199; and *supra*, pp. 306, 324.

<sup>18</sup> Cf., e. g., G. R. Berry, "The Code Found in the Temple," *J. B. L.* XXXIX, 1920, pp. 44ff., together with the reply by A. Freed, *ibid.* XL, 1921, pp. 76ff.; G. Hölcher, "Komposition und Ursprung des Deuteronomiums," *ZATW.*, 1922, pp. 161ff.; A. C. Welch, *The Code of Deuteronomy*, 1924.

Jews and Christians alike, that Moses was the author of Deuteronomy as of the other books of the law. With this negative argument we are not in this paper so vitally concerned as with the positive one. Not one of the scholars whose arguments we have been considering in this Symposium has gone so far as to uphold the Mosaic authorship of the book as it stands.<sup>19</sup> It will suffice, therefore, merely to point out the main lines of evidence which seem to forbid adherence to the traditional view.

That Moses, then, is not the author of Deuteronomy is evidenced by the following facts:

1) Nowhere does the book as a whole claim to be written by him. In fact the compiler seems actually to go out of his way to make it clear that Moses is not the writer. At the very outset (1 1-6) and consistently throughout<sup>20</sup> he speaks of Moses in the third person. It may be retorted that 31 9, 24 describe Moses as writing "this Torah," and that 31 22 ascribes to him the composition of the "Song" in 32 1-43. But is it not clear that the fact that certain portions of the book are thus specifically ascribed to him<sup>21</sup> carries with it the implication that he must not be regarded as the author of the whole? It is, of course, conceivable that he might have written of himself in the third person.<sup>22</sup> In view, however, of the significant circumstance that Moses nowhere in the five Pentateuchal books makes the remotest claim to authorship, the balance of probability weighs heavily against such an hypothesis. The burden of proof would seem to lie upon those who make the assertion that Moses did write Deuteronomy.

<sup>19</sup> Welch (*ibid.*, p. 206), e. g., maintains only that "The Deuteronomic code is the outcome and one expression of that religious and national movement which rose in Benjamin and Ephraim, and which in its beginning is associated with the person of Samuel. It sprang up after the people had made good their footing in Palestine."

<sup>20</sup> Cf. 4 41-48, 44-49; 5 1; 27 1, 9, 11; 29 1; 31 *if.*, 9f., 14-25, 30; 32 44f., 48; 33 1; 34.

<sup>21</sup> As a matter of fact, even the portions definitely ascribed to Moses belong in their present form to a much later period. See the discussion below.

<sup>22</sup> Cf. Caesar's *Commentaries*.



2) It is hardly conceivable that Moses could have written the account of his own death contained in chapter 34. Verses 6 and 10, in addition, distinctly reflect a point of view far removed from the times of the great lawgiver. With what ill grace, moreover, would the latter verse, so extravagant in its encomium of Moses, come from the pen of the man who was "very meek, above all the men that were upon the face of the earth" (Num. 12 3). Withal, this chapter, so evidently from another hand than that of Moses, is marked throughout by the distinctive vocabulary and peculiar literary style which lends such definite character to the preceding sections of the book. So characteristic are these that even in the English translation they are easily recognizable. It must follow, then, as the night the day, that if Moses could not have written chapter 34, neither did he write the preceding chapters of Deuteronomy.<sup>23</sup>

3) Certain expressions recur in the course of the narrative which, like the water marks in the paper upon which a reputedly ancient document may be written, point irrefutably to a later age than that of Moses for the composition of the book. Three phrases in particular demand attention: (a) "Beyond the Jordan" (בְּעֵבֶר הַיַּרְדֵּן) is repeatedly used to designate Eastern Palestine.<sup>24</sup> But Moses is represented as making the farewell discourses reported in Deuteronomy in this very region. He could not refer to the place where he himself stood as being *beyond* the Jordan. The contention, occasionally made, that the term is a technical one, like the present Transjordan, lacks support in Old Testament usage; nor does it accord well with the way the expression is used in Deuteronomy itself. Manifestly the author of the phrase is a resident of Western Palestine. He cannot possibly be Moses who, according to chapter 34, died while Israel was still east of the river. (b) "At that time" (בְּעֵת הַהִוא)<sup>25</sup> and (c) "Unto this day" (עַד הַיּוֹם הַזֶּה)<sup>26</sup> are employed in such a way as to imply that a

<sup>23</sup> Simpson, *op. cit.*, p. 23.

<sup>24</sup> See 1 1, 5; 3 8; 4 41, 46f., 49.

<sup>25</sup> 2 34; 3 4, 8, 12, 18, 21, 23.

<sup>26</sup> 3 14.

considerable period of time has elapsed between the actual occurrence of the events narrated and the recording of them in Deuteronomy. Certainly an interval of six months (Cp. Deut. 1 s with Num. 33 ss and 20 22-28) would not justify such expression. Not Moses, but a much later writer, is clearly responsible for both expressions. It is worthy of special notice that all three of the phrases just cited constitute an integral part of the narrative. There is no sufficient reason for detaching them; nor can they be explained away as glosses.<sup>27</sup>

4) In the course of the positive argument to follow, definite evidence will be adduced to show that the book belongs in fact to a period removed from Moses by some six centuries or more. If this cumulative evidence is there rightly evaluated, the contention of Mosaic authorship for Deuteronomy falls to the ground.

The positive argument upon which rests the current view of the date may, for convenience, be considered under three heads: I. The Literary Argument, including (A), the evidence drawn from literary relationships; and (B) from style and vocabulary. II. The Religious Argument, i. e., the proof derived from the position of Deuteronomy as a major link in the chain of Hebrew religious development.<sup>28</sup> III. The Historical Argument which, while emphasizing the relationship which the book bears to the events narrated in 2 Kings 22f., also takes into some account the whole course of Old Testament history.

## I. THE LITERARY ARGUMENT

### (A) *Literary Relationships*

1) Here comes into consideration first of all the relation of Deuteronomy to the other collections of law incorporated in the

<sup>27</sup> On this whole question of reputed Mosaic authorship, see the standard discussion in Driver, *L. O. T.*, pp. 82ff. Cp. also the convenient brief summary in *A New Standard Bible Dictionary*, 1926, pp. 178f., art. "Deuteronomy."

<sup>28</sup> This line of approach involves some unavoidable overlapping with I (A), the evidence from literary relationships.

Pentateuch. Three such collections are generally recognized: (a) that of JE, commonly designated as the "Book of the Covenant" (or the "Covenant Code"), which appears in expanded form in Exodus 21-23, and in a briefer recension in Exodus 34; (b) the "Holiness Code" (H) in Leviticus 17-26; and (c) the remaining laws in Exodus, Leviticus and Numbers, prevailing ceremonial and liturgical in character, collectively called the "Priestly Code" (P). Driver's careful and exhaustive synopsis and comparison of the laws<sup>29</sup> leads him, as it has led other scholars, to the conclusion that the laws of JE in the Code of Ex. 21-23 (34) "form the foundation of the Deuteronomic legislation." This judgment is based not only on the numerous verbal coincidences, but also on the fact that Deuteronomy covers point for point almost the whole range of laws in JE. Whether the relationship between Deuteronomy and the Covenant Code is actually one of direct borrowing, however, is open to debate.<sup>30</sup> The not inconsiderable verbal differences, the variation in the arrangement of groups and of individual laws, and the fact that certain parts of the Book of the Covenant are ignored in Deuteronomy, have occasioned some doubt as to the exact form of the connection between the two codes. In general, nevertheless, it would appear that the relationship of Deuteronomy lies in the general direction of expansion and development of the earlier laws. Its code reflects a distinctly more advanced and complicated community life than that underlying Ex. 21-23 (34)<sup>31</sup>.

So far as relationship with the Holiness Code is concerned Deuteronomy has, it is true, a few parallels. These would be natural in two codes of laws from the same land and from approximately the same period. But the whole tone and temper of the two codes are quite different. Certainly there is no evidence of dependence of one upon the other. If anything, H seems slightly later than D<sup>32</sup>.

<sup>29</sup> *Deuteronomy*, pp. IV ff.; *L. O. T.*, pp. 73 ff.

<sup>30</sup> G. F. Moore, *loc. cit.*, col. 1083. Cf. G. A. Smith, *op. cit.*, p. LXVII.

<sup>31</sup> Ryle, *loc. cit.*, p. 600.

<sup>32</sup> Driver, *L. O. T.*, p. 76; G. F. Moore, *loc. cit.*, col. 1083.

With the Priestly Code the relationship is exceedingly remote<sup>33</sup>. Alike in vocabulary and substance the differences are many and great. Deuteronomy shows no dependence upon P. On the contrary it may be stated with absolute assurance that the P material (whether it ever existed as a separate code or not) is, with its highly developed formalism, distinctly later than Deuteronomy. A careful examination of its vocabulary and style, and a study of the religious and civil institutions reflected in its laws, shows that the completed Priestly Code belongs to a relatively late period in Hebrew history.<sup>34</sup>

It appears, then, that the order of the legal documents contained in the Pentateuch is JE, D, H, P. On the whole the evidence tends to show that the Deuteronomic Code stands about midway between the primitive Ritual Decalogue of Exodus 34 and the highly developed Priestly Code.

2) A strikingly similar result attends the examination, from a literary point of view, of the historical sections in Deuteronomy.<sup>35</sup> Wherever we are able to trace the original of the historical allusions in D, they point to JE as the sole source. It is apparent that JE and P had not been united when D wrote. The evidence for this is peculiarly cogent if one compares the reference to the fate of Dathan and Abiram in Deut. 11 s with the expanded composite narrative of the same event in Num. 16. In the Numbers passage Korah is closely intertwined with the story of Dathan and Abiram. It is practically inconceivable that D could have omitted all reference to him had he read the story as at present recorded in Numbers. Manifestly his original contained only the Dathan and Abiram story of JE.<sup>36</sup> The evidence derived from the historical passages here and everywhere else supports that of the legal sections, viz., that the order of the documents is JE, D and P.

<sup>33</sup> Cf. G. A. Smith, *op. cit.*, pp. LXVIII f.

<sup>34</sup> Driver, *L. O. T.*, pp. 126 ff.

<sup>35</sup> Wellhausen, *op. cit.*, pp. 200 ff.; Driver, *Deuteronomy*, pp. XIV ff.; *L. O. T.*, pp. 79 ff.; G. F. Moore, *loc. cit.*, col. 1083.

<sup>36</sup> For an explanation of the divergences between the JE and D records, see G. A. Smith, *op. cit.*, pp. XVIII ff.

3) How, now, does it stand with the relationship of Deuteronomy to some of the remaining books in the Old Testament canon? Neither in the earlier strands of the historical books nor in the genuine utterances of the great social prophets of the eighth century—Amos, Hosea, Isaiah and Micah—do we find a trace of the characteristic idioms or ideas of Deuteronomy. So far as the evidence goes the book was absolutely unknown to them all. But in the writings of the contemporary prophet, Jeremiah, the influence of Deuteronomy is constant and unmistakable.<sup>37</sup> Jer. 11 1–8 even represents the prophet as going about “in the cities of Judah, and in the streets of Jerusalem” proclaiming “the words of this covenant”—evidently the Deuteronomic law. Jer. 8 s, to be sure, strikes a different note. It seems to reflect the prophet’s eventual disillusionment with the book,<sup>38</sup> or at any rate with the strongly ritualistic product which remained after “the false pen of the scribes had wrought falsely.”<sup>39</sup> Duhm,

<sup>37</sup> H. W. Robinson, *Deuteronomy and Joshua*, pp. 45f.; see the list of parallels between Jeremiah and Deuteronomy in Driver, *Deuteronomy*, pp. XCIIIff.; cf. *L. O. T.*, p. 275. Notice especially the discussion of this point by Paton, *supra*, pp. 342–345.

<sup>38</sup> F. C. Porter in Sneath, *At One with the Invisible*, 1921, p. 24: “It seems probable that the hopes with which Jeremiah may first have greeted the appearance of this prophetic reformation of the popular religion were disappointed in the outcome. Certainly the religion he taught and the hopes he cherished were of different and even opposite nature and tendency.” Skinner in *Prophecy and Religion*, 1922, has this to say: “We must at least believe that a trustworthy tradition lies behind the passage in Ch. XI; and the conclusion to which it naturally points is that Jeremiah was at first strongly in favor of the law of Deuteronomy, and lent his moral support to the reformation of Josiah” (pp. 102f.). And again: “Just as a woman has sometimes to be engaged to a man before she knows she cannot marry him, so Jeremiah may have had to go some way with the Deuteronomists in order to discover that he was of a different spirit from theirs” (p. 106). Cf. G. A. Smith, *Jeremiah*, 1923, pp. 134ff. on “Jeremiah and Deuteronomy;” also Lofthouse, *Jeremiah*, 1925, pp. 77ff.

<sup>39</sup> Budde (*loc. cit.*, p. 218), in discussing this verse, suggests: “Das Rätsel . . . löst sich mit einem Schlage, wenn der Gestalt, in der Hilkia König Josia das Gesetzbuch einhändigte, eine andere vorausgegangen war, die von der Zentralisation und vom Kultus überhaupt noch nichts sagte

of course, greatly minimizes the Deuteronomic element in Jeremiah by the means of heroic use of hatchet and shears.<sup>40</sup> In this he is followed—yes even surpassed—by Hölischer, Horst and a few others.<sup>41</sup> It must, indeed, be admitted that many of the passages of Deuteronomic flavor in Jeremiah are exceedingly difficult morsels to digest.<sup>42</sup> Some of them are in all probability secondary. Nevertheless even Duhm finds echoes of Deuteronomy in genuine oracles of the prophet.<sup>43</sup> That Jeremiah knew Deuteronomy seems as clear as that his predecessors in the prophetic office did not. The most sceptical must at the least admit that the book throughout reflects an eventual, even if not contemporary, influence of Deuteronomy.

Besides Jeremiah, many other books written or compiled from his time on clearly show, though in varying measure, the influence of Deuteronomic thought and style.<sup>44</sup> Whether Ezekiel be, as Torrey contends,<sup>45</sup> "a pseudepigraphon written in the Greek

und wußte." G. A. Smith (*Deuteronomy*, p. XCVIII) mentions the "possibility that some editions of Deuteronomy originated during the last twelve years of the king's reign. There is no reason," he adds, "to seek a later date for any of the substance of the book."

<sup>40</sup> *Das Buch Jeremia*, 1901. See the criticisms of Duhm in Driver, *L. O. T.*, p. 273; and Peake, *Recent Developments in O. T. Criticism*, pp. 23 f.

<sup>41</sup> Cf. Paton, *supra*, p. 342.

<sup>42</sup> A thorough and authoritative commentary on Jeremiah is a prime desideratum of Biblical science today.

<sup>43</sup> *Op. cit.*, pp. 86 ff. (on Jer. 8 4-9 21).

<sup>44</sup> See the discussion in Meinhold, *op. cit.*, pp. 209 ff.

<sup>45</sup> *Ezra Studies*, p. 288, note<sup>6</sup>; cf. the introduction to his "Notes on the Aramaic Part of Daniel" (*Trans. of the Conn. Acad. of Arts and Sciences*, XV, 1909). See also Burrows, *The Literary Relations of Ezekiel*, 1925, p. 105: "Thus my study . . . has brought me—somewhat, I confess, to my surprise—to the conclusion that the view of Ez. as a product of the late pre-Maccabean period is not only possible but very probable." Hölischer in *Hesekiel: Der Dichter und Das Buch* (Beiheft ZATW 39, 1924) holds that our present book of Ezekiel contains but little of the authentic writings of the prophet, and that it is practically a later pseudepigraphon. Peake (*loc. cit.*, p. 25) comments: "It does not seem likely that the longestablished opinion as to the complete authenticity of the book will be maintained in its former rigour."

period," or a genuine product of the exile, there can be no possible doubt as to the influence of Deuteronomy upon it.<sup>46</sup> In Joshua the Deuteronomic redaction has been so complete as to stamp the whole book with its characteristic point of view. Judges and Kings are each cast into a late editorial framework that is demonstrably the product of the Deuteronomic school of historians. Samuel, especially in the first twelve chapters, shows in vocabulary, style and concepts that it, too, was part of the original Deuteronomic history. In Neh. 1 5-11; 9 6ff.; Dan. 9 4-19 occur prayers saturated with Deuteronomic phrases and ideas. Occasionally even the barren style of the Chronicler is fructified by a light shower of Deuteronomic phraseology.<sup>47</sup> Limits of space forbid a closer examination of the books and passages cited. But surely enough has been said to support Driver's contention that, while the literature produced before 621 B. C. shows no trace of Deuteronomic influence, after that date Deuteronomy in large measure "both gave the religious ideal of the age, and moulded the phraseology in which it was expressed."<sup>48</sup>

### (B) *Style and Vocabulary*

Independent consideration of the criteria of style and vocabulary reenforces and confirms the conclusions drawn from a study of literary relationships.

1) The developed oratorical style of Deuteronomy, smooth, flowing and sustained, presupposes a long literary history behind it. Archaisms, except such as are employed to heighten the effect of sonorousness, are practically non-existent.<sup>49</sup> Rhythm, dignity and charm characterize the book throughout, particularly in the hortatory sections.<sup>50</sup> Skilful use is made of the repetition of significant phrases. Epithets and verbs are often piled up in

<sup>46</sup> See Burrows, *ibid.*, pp. 19ff., for a careful and judicious examination of this question.

<sup>47</sup> Cf. Driver, *Deuteronomy*, pp. XCIf.

<sup>48</sup> *Ibid.*, p. XCI.

<sup>49</sup> Cf. Ryle, *loc. cit.*, p. 601.

<sup>50</sup> Cf. G. A. Smith, *Deuteronomy*, pp. XIIIf.

almost bewildering richness, and with cumulative power.<sup>51</sup> At times, it must be admitted, the device of repetition is somewhat overworked, and gives the impression of prolixity. In this the style marks the transition to later tendencies. In general, the advanced and artistic literary style points to a fairly late period in the history of the kingdom.

2) The vocabulary, too, is of a piece with that of the writings of the seventh century and the period immediately following. But this is by no means equivalent to saying that Deuteronomy possesses no distinctive vocabulary of its own. Quite the contrary is the case. The commentaries and introductions supply long lists of words and phrases used exclusively or predominantly by Deuteronomy and its school.<sup>52</sup> Some characteristic expressions are, "Jehovah, our, your *or* thy God," which occurs more than 300 times in the book; "which I am commanding thee *or* you," 33 times; "in thy gates," 27 times; "observe to do," 12 times; "stranger, fatherless and widow," 8 times; beside many individual words. The distinctive flavor of Deuteronomy can hardly be mistaken, wherever met. And that flavor seems reminiscent of about the seventh century B. C.

On the other hand, Deuteronomy shows none of the corrupt style or vocabulary that marks much of the latest Hebrew literature. It cannot therefore, on literary grounds, be reasonably dated anywhere near the period when Hebrew was becoming merely a literary language and loan-words were sweeping in.<sup>53</sup> The literary argument, therefore would of itself point with a high degree of probability in the direction of a date before the fall of Jerusalem in 586 B. C., and yet not more than a century or so previous to that date.

<sup>51</sup> Cf. 4 9; 4 34; 6 7; 9 7; 10 17; 11 1; 10 12f., etc. Steuernagel, *op. cit.*, p. 41, remarks: "dass für die dtn. Sprache weniger einzelne Worte, als vielmehr formelhafte Wortkombinationen charakteristisch sind."

<sup>52</sup> Driver in *L. O. T.*, pp. 99ff., lists 41 of these; in *Deuteronomy*, pp. LXXVIIff. he gives 70; Steuernagel, *op. cit.*, pp. 41ff., mentions 89.

<sup>53</sup> Cf. Driver, *Deuteronomy*, pp. LXXXVIIIff.; Moore, *loc. cit.*, col. 1086; Ryle, *loc. cit.*, p. 601.



## II. THE RELIGIOUS ARGUMENT

Let us next turn to a brief consideration of the position of the book in the development of Hebrew religion.

1) In its religious ideas Deuteronomy follows closely after the great social prophets of the eighth century. The social passion of Amos, the national devotion of Isaiah and, above all, Hosea's dramatic and touching plea for the recognition of love as the essence of religion—all these find repeated expression in this remarkably human and warm-hearted program of reform. Love easily becomes the dominant note of the book.<sup>54</sup> The stress laid upon religion as based on the mutual love of God and man; the carrying over of this principle of love into practical injunctions urging humanitarian treatment of both man and beast; and the picturing of conduct as important more because it embodies this attitude of love than for its own sake—these look back to Hosea's epochal discovery of the love of God. Even civil and ritual law become surcharged with this spirit.<sup>55</sup>

2) The theism of the book reflects an advanced stage of religious thought. It exalts God in righteousness and holiness as well as in love. It is far removed in time as in spirit from the primitive concepts of the period of Saul and David. The crude monolatry of an Elijah is left far behind, and we come very near to the absolute monotheism of the Second Isaiah. In the law of the single sanctuary the idea of the unity of God is given concrete expression. Possibly the remarkable deliverance of Jerusalem from Sennacherib in 701 B. C.<sup>56</sup> was the ultimate historical basis alike of the developed idea and of the law.<sup>57</sup>

<sup>54</sup> Cf. Lofthouse, *op. cit.*, p. 73: "Deuteronomy contains none of Hosea's lyrical abandon. But no one who has caught the distinctive music of Hosea—silent in Amos, Isaiah, and Micah—can miss it in the more precise and measured yet still unmistakably fervent devotion of Deuteronomy."

<sup>55</sup> G. A. Smith, *op. cit.*, pp. XXVIf.; Ryle, *loc. cit.*, p. 601; Moore, *loc. cit.*, col. 1086.

<sup>56</sup> 2 Kings 18 13ff. = Isaiah 36f. While the presence of double narratives and of legendary accretions has long been recognized in these chapters, the essential trustworthiness of the tradition of a great deliverance of some sort seems established.

<sup>57</sup> Meinhold, *op. cit.*, pp. 200f.

3) In the false religions combatted, particularly the worship of the "host of Heaven,"<sup>58</sup> we apparently have a reflection of the Assyrian cults introduced by King Manasseh (695-641 B.C.). The prohibition of child sacrifice<sup>59</sup> also fits the conditions described in 2 Kings 21 ff. as prevalent during the reign of the reactionary king.<sup>60</sup> A date late in Manasseh's reign or shortly thereafter seems to be here indicated.

4) Marti's familiar summary of the development of Hebrew religion<sup>61</sup> also points to this as the probable date of the composition of the book. It will be remembered that he distinguishes four periods: (1) the Nomadic; (2) the Agricultural; (3) the period of the Prophets; and (4) the religion of the Law.<sup>62</sup> As the embodiment of the teachings of the prophets, and the transition to the period when the law was being emphasized in certain quarters, Deuteronomy finds its place. No other period of Hebrew history fits this particular condition so well as the middle or end of the seventh century.

Thus the religious argument confirms the result attained by the literary approach.

<sup>58</sup> 17 3; cf. 4 10.

<sup>59</sup> 12 31; 18 10. Cf. B. D. Eerdmans in D. C. Simpson, *Old Testament Essays*, 1927, p. 83: "There is only one period in the history of Israel in which this attempt at reformation can be placed—viz., in the seventh century. For only in this period was the sacrifice of the firstborn and the cult of the sun, the moon, and the stars a prominent feature."

<sup>60</sup> Moore, *loc. cit.*, col. 1085.

<sup>61</sup> K. Marti, *Die Religion des Alten Testaments*, 1906, p. 10 *et passim*; translated by Bienemann, 1907.

<sup>62</sup> In view of the fact that the flowering of the Hebrew religion comes in this last period, the designation applied to it by Marti surely needs to be taken *cum grano salis*. Cf. Torrey, *Ezra Studies*, p. 311: "At the present day, we know that the most of the prophetic literature contained in our Old Testament, including the deepest and most wide-hearted expressions of the Hebrew faith which exist, dates from the Persian period. This was the golden age of Hebrew prophecy, as it was also that of Hebrew poetry." See also Torrey, *Second Isaiah*, pp. 131-134. Marti's term 'Law' does, however, describe an important by-eddy of the period, and so may, for convenience, be retained.

### III. THE HISTORICAL ARGUMENT.

The argument from history has necessarily crept in to the foregoing discussion of the literary and religious evidence. Literary development is, of course, a historical process. The evolution of a people's religion is the supreme fact in their history. It has been possible above to fix a probable date for Deuteronomy by tracing the culture and religion of the Hebrews as these are reflected in their sacred books.

In addition to this we have as evidence one of the most remarkable facts in the field of Old Testament criticism. This is nothing less than a record of the finding of a "book of the law"—evidently Deuteronomy—in the Jerusalem temple. In 2 Kings 22f. we read of the accidental discovery of the book, its submission to the prophetess Huldah, and the reforms of King Josiah based on the newly found law. The reference to a covenant (2 Kings 23 1f.), the carrying out of the Deuteronomic injunction to destroy the local high places (23 8, 15), the celebration of a centralized Passover at Jerusalem (23 21-23)—these and many other features seem to point unfailingly to Deuteronomy.<sup>63</sup> It is, on the face of it, in the highest degree improbable that this epochal book should have disappeared without leaving a trace. It must be preserved somewhere in the Hebrew canon. No other group of laws in the Old Testament corresponds, as does Deuteronomy, point for point with the measures carried out in these chapters of Kings. And so, as a matter of fact, modern scholars, following Jerome,<sup>64</sup> have with practical unanimity identified the book of 2 Kings 22f.

<sup>63</sup> See Paton, *supra*, pp. 325f., for a list of some twenty-six points of correspondence between 2 Kings 22f. and Deuteronomy. In the succeeding pages (326-341) he develops the argument so fully that there is no occasion for going into details here. Cf. also Steuernagel, *op. cit.*, pp. 2f.; Meinhold, *op. cit.*, pp. 194ff.; and Nowack's excellent paper, "Deuteronomium und Regum" in *Vom Alten Testament* (Marti Festschrift, Beiheft ZATW No. 41, 1925), pp. 221-231.

<sup>64</sup> Jerome on Ezek. 1 1—accepting the year given in 2 Chron. 34 8—writes: "Duodecimo anno Josiae, quando inventus est liber Deuteronomii in templo Dei." (Quoted from Budde, *loc. cit.*, p. 178.)

with Deuteronomy. Now, all this is exactly dated<sup>65</sup> in the eighteenth year of King Josiah, i. e., in 621 B. C. This is in striking corroboration of the conclusions to which we have been led by the various lines of evidence hitherto followed.

As has been seen above,<sup>66</sup> the historicity of these chapters is seriously challenged by a number of scholars. Upon the answer to the question of their historical value depends much—but not all. Whatever doubts may be entertained upon the subject, it simply will not do to isolate the question of the historicity of 2 Kings 22f. as though their testimony were alone and unsupported. We have already seen that abundant independent evidence exists for placing Deuteronomy in this particular niche of literary and religious development. The broad sweep of Hebrew history reaffirms this conviction. Had 2 Kings 22f. never been written, we must nevertheless have ultimately—though, perhaps, not so soon—have come to the conclusion that Deuteronomy belongs somewhere in the last century of the existence of the southern kingdom.

But, as a matter of fact, our faith in the essential trust-worthiness of the record is abundantly justified by literary criticism. The editor of Kings seems to have used here an older written source clearly distinguishable in style and thought from his own writings. This was probably included in a pre-exilic history of the kings, and may well have been written by a contemporary of Josiah—almost certainly, in any case, before the catastrophe of 586 B. C.<sup>67</sup> The fact that the book of Kings in its final form is of later date does not necessarily stamp the account in these chapters as an invention. Nor does the evident working over of the Huldah oracle<sup>68</sup> overbear the evident soberness of the main story.<sup>69</sup> There is such a thing as an over-refined scepticism!

<sup>65</sup> 2 Kings 22 3.

<sup>66</sup> Pp. 326ff.

<sup>67</sup> Moore, *loc. cit.*, col. 1060; Nowack, *loc. cit.*, pp. 228ff.; W. R. Smith and E. Kautzsch in *Enc. Bib.* II, col. 2671, article "Kings": "The details suggest that this source was based on official documents."

<sup>68</sup> 2 Kings 22 14ff.

<sup>69</sup> Cf. Gressmann, "Josia und das Deuteronomium" in *ZATW*, 1924, p. 321; Nowack, *loc. cit.*, pp. 227f.

Considerations of a literary, religious and historical character confirm us in placing Deuteronomy in the period immediately preceding 621 B. C. It remains to indicate concisely the elements of relative strength and weakness in the arguments adduced.

The argument from literary relationships, including style and vocabulary, seems well taken. Similarly, the reasoning based on the development of Hebrew religion appears sound. The argument founded on a general view of the progress of the history is also, apparently, well based. So far we stand on firm ground.

There are, however, two elements of possible weakness:

1) How are we to prove beyond the question of a doubt that the narrative of 2 Kings 22f. is historical? Or unhistorical, either, for that matter? Evidently reforms constitute excellent raw material for the legend-building fancy. There is also a suspicious similarity in the Old Testament records of reforms. That of Aša<sup>70</sup> is open to doubt, at least so far as some of its details are concerned. Apparently, too, the picture of Hezekiah's reform has been considerably retouched.<sup>71</sup> The account of the activity of Ezra, and in fact the Chronicler's record of that whole period of Jewish history, is of little historical worth.<sup>72</sup> In spite of all this, it would nevertheless seem that we must presuppose a historical basis for some at least of the traditions. Surely they are not all manufactured out of whole cloth. The reform of King Josiah seems better attested than most. Evidence has been given above to support the essential credibility of the narrative. The principal difficulty inheres in the lack of positive external evidence. But the balance of probability seems to be decidedly in favor of the general historicity of 2 Kings 22f. This once proved, the debate would seem to be unquestionably and finally settled in favor of the commonly accepted date of Deuteronomy.

<sup>70</sup> 1 Kings 15 9-15.

<sup>71</sup> 2 Kings 18; see especially the later insertions, vv. 4a and 22. Cf. G. A. Smith, *op. cit.*, pp. XLIf.

<sup>72</sup> Cf. Torrey, *Ezra Studies*, pp. 223ff. "In general, it is evident that the Chronicler became an editor more from necessity than from choice. By taste and gift he was a novelist." (p. 250).

2) Another difficulty in reaching definite findings on the Deuteronomic question consists in the fact that we must posit both earlier and later material in the book. This element of confusion has been utilized to the full by recent critics of the accepted view. Some push the date backward, others pull it forward. The attempt to resolve the difficulty by utilizing as a clue the alternation of the singular and plural forms of the second personal pronoun must be regarded as quite unsuccessful.<sup>73</sup> "Tis a consummation devoutly to be wished" that this particular difficulty might be so ironed out as to lead to some agreement on the relative dates of the diverse elements composing the book.

Here, then, are two definite problems that still await solution. They stand as a challenge to Old Testament criticism. If the experience of the past is any criterion these problems, too, will in due time find their solution. It is, meanwhile, inspiring to believe that there is still ample occasion for the devoted labors of the critic. Almost one is persuaded to adopt as the exultant battle-cry of criticism the words of Isaiah 48 22 (very freely rendered!):

אין שלום אִמֶּר יְהוָה לְרָשָׁעִים

"There is no peace," saith Jehovah, "for the critics."

In spite of certain unresolved difficulties, it would seem that the preponderance of evidence is still in favor of that view of the date of Deuteronomy which has been established by many decades of laborious and brilliant research. Undoubtedly slight modifications in our views will require to be made from time to time. In this connection we are grateful for the new light cast upon the whole problem by the independent and stimulating investigations of men like Welch and Hölischer. The striking and encouraging reflection that emerges from the study of the views discussed in this Symposium is that the work of criticism has been in general on the right track, and that so little change is needed with regard to our view of the date of Deuteronomy.<sup>74</sup>

<sup>73</sup> As in the case of Steuernagel, *op. cit.*, pp. 9ff. See G. A. Smith, *op. cit.*, pp. LXXIII; Meinhold, *op. cit.*, pp. 202f.

<sup>74</sup> Cf. Peake, *Recent Developments in Old Testament Criticism*, p. 28:

Quizzical Omar has an apt quatrain for those who, like ourselves, end where they begin:

Myself when young did eagerly frequent  
Doctor and Saint, and heard great Argument  
About it and about; but evermore  
Came out by the same Door as in I went.<sup>78</sup>

And yet! Was it not perhaps worth while to examine the evidence anew?

"The net result of the recent critical movement, it seems to me, is that we are left in the main very much where we were a quarter of a century ago."

<sup>78</sup> *Rubaiyat of Omar Khayyam*, XXVII, translated by Edward Fitzgerald.