

RECENT VIEWS ON DEUTERONOMY AND THE UNITY OF SANCTUARY¹

THE hypothesis which has for long dominated O.T. criticism is undoubtedly the Graf-Wellhausen theory. This theory comprises both a literary and an historical criticism, combining which, one may summarise the position thus : two documents containing ancient legal and narrative traditions of Israel, J and E, were united about the middle of the seventh century. Shortly after, another code of laws was drawn up in connection with the reform of Josias in 621 B.C. and was joined to the former documents, giving us now JED. During the exile, the priests formulated yet another new code of laws, P, and a new view of Israel's history to go with it. This was inserted into the previous body of writing, the whole being revised in the light of this last philosophy of history, giving us, by the time of Esdras, our present Pentateuch.

Though this theory has so powerfully influenced O.T. criticism, nevertheless there is scarcely a point of its basic presuppositions which has not been shown to be uncertain, and scarcely a single aspect of the theory itself which has not been attacked and shown to need serious modification. But it is the only synthesis of the now accepted data which has been put forward sufficient to form even a basis for disagreement.

As is clear, the central point of the whole theory is the position of Deuteronomy. This is the one fixed date from which scholars argue to approximate dates for the other documents ; and it is from the theory that it is this code which introduces centralization of cult that they rewrite all the rest of Israel's history. Now precisely on this point of the dating of Deuteronomy there is a clear line of thought since Wellhausen's time which would modify the regnant hypothesis.² Strack holds that Deuteronomy is undoubtedly older than 621. Sellin and Hempel would trace it back at least to Solomon ; it may have been the Temple-code which he, in turn, adapted from some earlier sanctuary,

¹ In a subsequent article some criticism and appreciation of these views will be offered.

² For a good account of the opinions on this point see J. Coppens, *Histoire Critique des Livres de l'Ancien Testament*, third edition, 1942. Pp. 54-65.

Other opinions :—

E. Sellin, *Einleitung in das A.T.*, 1933.

J. Hempel, *Die Schichten des A.T.*, 1914.

A. Welch, *Deuteronomy ; the Framework of the Code*, 1932.

T. Oestreicher, *Das Deuteronom Grundgesetz*, 1923.

A. Klostermann, *Der Pentateuch*, 1893.

A. Vaccari, in *Verbum Domini*, 1937, p. 372ff.

A. Alt, *Die Ursprünge des Israelsrechts*, 1934.

O. Procksch, *Das Nordhebräische Sagenbüchlein ; die Elohinquelle*, 1904.

G. von Rad, *Das Formgeschichtliche Problem des Hexateuchs*, 1938.

perhaps Silo. Welch and Oestreicher put its composition as far back as the time of Samuel; and Klostermann also attributes this 'collection of instructions on the law' to the time of Samuel-Saul.

Let us note in passing the role which Samuel would play in such theories—it is interesting in view of what will be said later. But more important for the line of development which we are now tracing is the opinion of Sellin and Hempel that D is the law-book of the Temple. This attention to the influence of the place of composition as opposed to the question of date can be seen in not a few recent authors. Not that the Graf-Wellhausen theory ignores the influence of milieu altogether: the sigla J, E are sometimes interpreted as the Juda document and the Ephraim document respectively, to indicate the supposed influence of their different places of origin. From this point of view, Vaccari, holding that a common tradition was interpreted in two streams, is perhaps doing no more than endorse the common opinion. But the '*formgeschichtliche*' method has brought a tendency to go further. So, for example, Alt applying this method to the laws in Deuteronomy finds that many of them are in the form of a proclamation at a solemn religious assembly—as that described as taking place at Ebal-Garizim. Procksch suggested that each tribe had its own sanctuary and, to a certain extent, its own laws. An important development of this line of thought is found in von Rad; using the '*formgeschichte*' method he distinguishes a twofold cadre of laws in the Hexateuch—a Sinai tradition concerned with the theophany of Sinai, and a Qadesh tradition concerned with the invasion; Deuteronomy itself is less a code than a book of sermons inculcating the law; these sermons would be given on the occasion of the annual religious feasts and would follow the ritual of the feasts. One such group of sermons, belonging to the Sinai tradition and centred on the 'alliance-theme', following the ritual of the feast of Tabernacles, and is connected with the sanctuary of Sichem: while another form is found in the Gilgal cultural cycle, following the ritual of the feast of Weeks and having the exodus and conquest as its theme.

This particular post-Wellhausen (to a large extent, anti-Wellhausen) line of development reaches a certain culmination in the theory of Robertson and Brinker. Robertson devoted a series of articles in the 'Bulletin of the John Rylands Library' to the study of the Pentateuch problem,¹ and summed up the theory there developed in a brochure

¹ The main articles of Robertson are:—

Temple and Torah; suggesting an alternative to the Graf-Wellhausen hypothesis, 1941.

The Priestly Code; the legislation of the Old Testament and Graf-Wellhausen, 1942.

The Pentateuch Problem; Some New Aspects, 1945.

The Period of the Judges; a mystery period in the history of Israel, 1946.

All are in the Bulletin of the John Rylands Library, Manchester, and have been published in book form with other essays under the title, *The Old Testament Problem*, Manchester University Press, 1951.

entitled 'Investigation into the Old Testament Problem ; The Results'. Brinker, explicitly under the influence of the same ideas, but by independent research, published a work dealing mainly with one aspect of it, *'The Influence of Sanctuaries in the Early History of Israel'* (Manchester, 1946). Both these works comprise a great number of more or less independent points which can hardly be expressed except as points, although, after the essential part of the theory has been expounded, a certain synthesis can be discerned. In Robertson's summing up, for instance, we find the following points :—Law is always an early phenomenon in the development of any people ; it is on the basis of some form of law that the development takes place ; it is not that law is only created by a people which has already reached a given stage in cultural evolution.—The Hebrew people in particular have a strong tradition concerning its law, that it was given by God in the earliest days of the people's history.—The religious traditions of any people have a value, especially those of a theocratic nation like the Hebrews. So the genealogical lists are not likely to be pure fiction but part of an authentic, carefully preserved tradition ; round certain names on these lists legends will cluster, so that Genesis and Exodus are largely a series of traditions built round certain great figures in the genealogical tables.—The Hebrews are not a crude, childlike, primitive people, but an intelligent people with a certain degree of culture, so that they do not cling blindly to half-understood taboos, but are conscious of possessing a reasonable body of law which they can and do adapt to changing situations.—The prophets ; these enigmatic bodies are an official group of law-interpreters ; explaining and deciding the God-given law, they are under the influence of God, some of them strikingly so, being subject to ecstasies and strange actions. These great ones are the 'nabi'im', but they are not all so favoured and the lesser members of the schools are the 'sons of the prophets'.—Finally, Robertson lays great stress on the Samaritan tradition ; in fact, his final version tails off rather tamely into a plea for greater consideration of these forgotten sources. All Hebrew history is tinged with their detestation of the schismatic tribes of the north, which is deepened by the stigma of racial impurity which attaches to them after the Exile. A necessary correction must be made, therefore, in any reading of the Bible as we have it, by bearing the other side of the question well in mind.

All these points have their role in the essential part of the theory which is more or less the same for both Brinker and Robertson. Let us now follow the Israelites in their invasion of Canaan. In the first place, they say, it is not a co-ordinated attack by the whole people at one time under the sole leadership of Josue. This is what the book of Josue might suggest to us, but Judges and other indications elsewhere show us that it was rather a series of infiltrations at different times and with varying degrees of success. Now Canaan itself was, as the Bible

calls it, a 'land of seven peoples', a medley of ethnic groups and religious eclecticism; this is confirmed by the archæological record. What is the inevitable result? A partial break-up of the national unity of Israel. They did not lose all national consciousness, but they quickly adapted themselves to the exigencies of the new situation. Little groups would settle down in the territory they had won for themselves; they might take over the shrines of the conquered inhabitants, as was done by other victorious invaders. The shrines would be used for the worship of the one God of Israel but with large admixtures of local belief and practice. (And if this is true of the victorious groups, it would be much more true of the many cases where the invading tribes found themselves unable to oust the native peoples but had to reach a *modus vivendi* with them.) A typical example is Gabaon, the story of whose fraudulent alliance with Israel is told in Josue IX; it is not explicitly stated that the Gabaonites had a shrine, but it is hardly likely that a tetrapolis of this nature lacked one and that at Gabaon itself which was the chief city; the Israelites would surely take it over and this would explain the final phrase of the history—'And he gave orders in that day that they should be in the service of all the people, and of the altar of the Lord, hewing wood and carrying water, until this present time, in the place which the Lord hath chosen'. Sichern too, the Israelites' first religious centre: we know from archæological evidence that a sanctuary existed there, and it is certain that the Israelites would take over this shrine, consecrated by the memories of their own ancestors, Abraham and Jacob, who worshipped there.

This, then, is the situation, according to Brinker and Robertson; shortly after the entry of Israel into Canaan. The Israelites come with a common body of tradition and law—the decalogue and its midrashic commentary, the Book of the Covenant (Exod. xx–xxiii). They settle round the local shrines, each with its own priesthood, the centre of culture and learning and law for the area. Here, each section of the people round its own centre would develop the tradition in its own way with its own interpretation of common law and application of it. Thus we have the documents now known as J, E, P.

Sichern, however, still retains a pre-eminence. The leadership in Israel was still religious and it was the High-priest who appointed the military commander. As Moses had chosen Josue to fight the battles of the Lord, so the priests chose his successors. This is one of the many points in which later prejudice against the north, reluctance to attribute any importance to Sichern, has obscured the record; but there is a close resemblance between the Samaritan king-list and the Judges of this period. At a certain moment, however, a schism arises in the priesthood itself. The senior branch of the Aaronic priesthood had traditionally the right of succession; but when in the course of time it happened that the representative of this branch (the Eleazarite) was the child

Uzziah, the cadet branch, descended from Ithamar, the younger son of Aaron, claimed to take over the office. The representative of this branch of the family, Eli, seceded to Silo with his followers where he set up a rival sanctuary. As chance, or rather, Providence—would have it, they had the good fortune to receive as a client of the sanctuary one who was to be the born leader, Samuel. Chosen by God and trained by the Silo priests, Samuel at the age of manhood takes up the office of Judge and in fulfilment of his function goes on circuit throughout the other shrines. He is impressed by the growing lack of uniformity, and that precisely at a time when the need for unity was most urgent to face the danger of the Philistine incursions. He therefore makes it his duty to reassert the unity of Israel and sees that a prime condition of this is the unification of the law. There begins a period of study, persuasion, collation and codification in which he associates with himself those wandering bands of prophets who are such a feature of the books of Samuel. Finally the work is finished; all agree on a code which is to be the common law-book of 'All Israel'. This is our Deuteronomy, and it is published with the data from which it has been formed, the various formulations of law and forms of traditions which had been up till then in force at the various shrines. This, say our authors, is the Pentateuch.

The prime question is, as always, that of the unity of sanctuary. In the new code, the question is neatly shelved by the use of an ambiguous phrase; they are to worship in the place which the Lord their God 'shall have chosen' or 'shall choose'. This could be taken by the main claimants as referring to their shrine, but in any case the question was soon to be solved by the building of Solomon's Temple. This was clearly the central sanctuary chosen by God. Here come representatives of both the rival branches of the Aaronic high-priesthood (though actually, in deference to the new historical situation, the new code had allowed the distinction between grades of priests to lapse; the high-priesthood had decreased in importance and given way to the king—a situation recognized in Deuteronomy). Both Sadoc of the senior branch of the family from Sichem and Abiathar from Silo are found at the court of Solomon. The priests of the other shrines, which are probably not abolished but merely automatically reduced in status, are all on an equal footing, 'the priests, the levites', and will have their function as a court of appeal, using for the purpose a standard copy of the new code.¹

This unity, however, was not destined to last long. Artificially conceived and imposed, it satisfied no one perfectly, least of all the priests who came to regret the loss of their former autonomy. It is

¹ Deut. xvii, 18 is quoted in support of this; the instructions for the king say that he shall judge according to the law, a copy of which he shall receive from the priests, the levites.

Abiathar who supports Adonias in his claim to be the successor of David, and for this he is banished by Solomon to the country seat of his family at Anathoth. But the family do not accept this position quietly ; the intrigues continue, and Ahas stir up Jeroboam to rebellion. It seems that even the court priesthood is dissatisfied and joins the rebel ; it may be they who persuaded him to rebuild their old sanctuary at Sichem to offset the royal shrine at Jerusalem.

But acceptance of the code of All Israel is the only hope of unity, and the rest of the history shows a continual struggle on the part of the prophets to induce the North to accept the code, reform their ways and reunite the people. So far are their efforts from succeeding that the South itself deserts the code ; after the schism there is no point in clinging to the book which was explicitly made for the whole nation, and they would revert to the form of worship prevailing at one of the local shrines, probably Silo (with H, Lev. xvii-xxvi, as its basis), the shrine of Samuel and Saul. The end is quickly told. The schism and the struggle continue till the downfall of the North ; this leaves the South in possession of the field which will give it a great advantage in later days. But the South too goes into captivity, carrying with it the opposing parties—the Torah party which desires national unity based on D, and the anti-Torah party which considers such a unity an idle dream and is content to carry on its private form of cult with the code of, it may be, Silo. The opposing parties maintain themselves throughout the exile and raise their heads at the prospect of return. The first throw of the dice goes to the anti-Torah party under Zurabbabel, which is, however, quickly followed and superseded by the Torah party under Esdras, a descendant of the Eleazar branch of the high-priesthood. He introduces the Torah as the code for the newly constituted people, but decides that for practical purposes 'the people' is now the remnant of the South : Juda is All Israel. He therefore refuses all offers of alliance with the remnant from the North, and in the version of history which now comes to be written and which is handed on in the Bible, the bias is all towards the southern portion and no opportunity of discrediting the north is lost.

Such, in outline, is the new theory which is proposed as an alternative to the Graf-Wellhausen theory. There is obviously much more to it than that ; in particular, there are quite important divergences of detail between the two main exponents of it, Brinker and Robertson,¹

¹ The most important difference between Robertson and Brinker is the prominence given by the latter to Sichem. For him, Sichem is unwilling to submit itself to the proposed union and stands aloof, retaining its own body of law and tradition, found in the P document. Its moment comes during the reign of Solomon, when, in the intrigues surrounding the throne, Sadoc, the high-priest of Sichem, achieves control and imposes the code of his sanctuary, P, as the official code of the kingdom. This pre-eminence is shortlived but has important after-effects to be seen in the position held by P in the Pentateuch as we now have it.

but in general outline I think it is a fair representation of their position. As is obvious, it is an attractive theory and merits further study. To what extent it is acceptable an attempt will be made to see in a future article.

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QUESTIONS AND ANSWERS

Are we to take Daniel v, 30-31 as historical—and if so, to what does it refer?

The best answer to this question is that which the prophet Elias gave to his friend and disciple, Eliseus, before being taken up by God: "Thou hast asked a hard thing" (IV Kings ii, 10). The problem involved in the question is indeed a difficult one, and various solutions have been proposed. Apparently the writer is narrating historical facts, namely, the capture of Babylon, the murder of Belshazzar, last king of Babylon, and the accession of Darius the Mede to the throne of Babylon. But there is no historical evidence supporting these facts. Babylon, it is true, was captured by Cyrus, and a detailed account is given in the Nabonidus-Cyrus Chronicle, but we have no information in Accadian documents about Belshazzar's end. The last king of Babylon was Nabonidus, who is never mentioned in the book of Daniel, and Belshazzar, his son, is never called king in contemporary documents. The identity of Darius the Mede is a problem to which no satisfactory solution has yet been given. The first king of Babylon after the downfall of the Neo-Babylonian dynasty was Cyrus not Darius. A Median reign intermediate between Belshazzar and Cyrus is unknown in history.

Interpreters have tried to meet these difficulties from two opposite directions. Many non-Catholic interpreters maintain that the author of the book writing as late as the middle of the second century B.C., over three centuries and a half after the events related, had a wrong idea of the history of those times. Others, both Catholic and non-Catholic, endeavour to make the biblical narrative to fit in with all the historical information available. Some identify Darius the Mede with Cyaxares II, son of Astyages, king of the Medes. Others identify him with Cambyses, who may have been associated with Cyrus on the throne of Babylon, or with Gobryas, who was governor of Babylon, before Cyrus established himself king of Babylon. But we are not told how this change of names took place. Others prefer to regard the name Darius the Mede as a scribal error or a textual corruption.