

CHAPTER XIV.

AUTHORITATIVE INSTITUTIONS—THEIR RELIGIOUS BASIS.

Brief summary of leading positions of the modern school—Examination of main points: (1) Oral law before written law; references to law of priests and prophets; theory of law orally given from time to time down to reign of Josiah shown to be untenable: (2) Origin of feasts and worship according to the theory—Natural and agricultural basis, centralisation, fixity, historical reference—The theory criticised: (a) the mere joyousness of a nature feast made too much of; the basket of fruits; (b) exaggerated importance of idea of centralisation; (c) failure to show transition from agricultural to religious feasts, and to explain the historical reference—The Passover a glaring instance.

IN the preceding chapter we have seen reasons for ascribing to Moses a definite and authoritative system of law. If the references of the prophetic and other books have been rightly interpreted, we should expect to find somewhere a code or codes of laws regulating the life and worship of Jahaveh's people; and as we know of no other laws than those contained in the law-books, there is a primary presumption that these are the laws in question. If not, the question is, Where are the laws, or what has become of them? or, put otherwise, What are the laws which these books contain?

The account the modern theory gives of the matter is something to the following effect: Moses neither wrote

nor ordained an elaborate body of laws. Law (Torah) was at first and for a long time an oral system of instruction, which at definite and comparatively late periods was codified for special purposes. Nor are the religious rites and ceremonies that claim to have been given by Moses of Mosaic origin, but survivals of old customary observances, principally connected with the agricultural year, and transformed at a late time into ceremonies of a more national and religious nature. This view, it is claimed, is not only consistent with the statements of the prophets, but is the only one in harmony with the history. To the main points here stated we now turn our attention.

(1.) In the first place, we are told there was an oral law before there was a written law. The priests had as their function to teach the people; the prophets also were teachers; but the law or teaching communicated by both was an oral thing, given forth as occasion demanded, at the request of individuals who came to the priests for direction, or spontaneously by the prophets when they were moved to give their testimony. The priestly Torah was a more regular thing; the prophetic, sporadic and occasional; and there was this difference, that the priest rested upon tradition, whereas the prophet spoke by his own authority, or rather in the name of God directly. "The priests derived their Torah from Moses; they claimed only to preserve and guard what Moses had left (Deut. xxxiii. 4, 9 *seq.*) He counted as their ancestor (xxxiii. 8; Judges xviii. 30); his father-in-law is the priest of Midian at Mount Sinai, as Jehovah also is derived in a certain sense from the older deity of Sinai."¹ When priests and prophets are mentioned together, "the priests take precedence of the prophets. . . . For this reason,

¹ Wellhausen, *Hist. of Israel*, p. 396.

that they take their stand so entirely on the tradition and depend on it, their claim to have Moses for their father, the beginner and founder of their tradition, is in itself the better founded of the two." ¹ "The prophets have notoriously no father (1 Sam. x. 12). . . . We have thus on the one side the tradition of a class, which suffices for the occasions of ordinary life; and on the other, the inspiration of awakened individuals, stirred up by occasions which are more than ordinary." ² The priestly Torah was chiefly confined to law and morals, though the priests "also gave ritual instruction (e.g., regarding cleanness and uncleanness)." In pre-exilian antiquity, however, "the priests' own praxis [at the altar] never constituted the contents of the Torah," which "always consisted of instructions to the laity." ³

That the word Torah is applied to oral instruction, and means originally, like the corresponding words *διδασχί* and *doctrina*, simply teaching, need not be disputed. It seems to have the primary idea of *throwing out* the hand in the gesture of guidance or *direction* ⁴ (which would perhaps be a better rendering), and it is found in this general sense in Prov. i. 8, iii. 1, iv. 2: "The instruction of thy father, and the law of thy mother;" "my law." So

¹ Wellhausen, *Hist. of Israel*, p. 397.

² *Ibid.*, p. 398.

³ *Ibid.*, p. 59, note.

⁴ There seems, however, no reason to conclude that Torah, from a verb "to throw," originally referred to the casting down of some kind of dice, as, e.g., Urim and Thummim, to determine a course of action, as Wellhausen (*Hist. of Israel*, p. 394) supposes. There is no instance of decision by the Urim and Thummim being called Torah; and Wellhausen himself strenuously maintains an oral Torah by the prophets, which could not have been of this description. Stade, of course, traces back the oracle and the use of the lot to fetishistic and animistic practices, and the priest to the soothsayer. The prophet who, at a later time, contended with the mechanical priestcraft, was also a survival of the primitive "seer."—*Geschichte*, vol. i. pp. 468-476.

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that any advice, for the purpose of guidance (for that is always implied), is naturally denoted by it; and the guidance or instruction of priests or prophets, who were the religious guides or instructors of the people, is, as a matter of course, denoted by one common word, *Torah*. Examples of the use of the word to express *prophetic* teaching are found in Isaiah, who says: "Hear the word of the Lord, ye rulers of Sodom; attend to the law of our God, ye people of Gomorrah" (i. 10), where he is clearly referring to his own teaching; and even if we suppose a reference to a written law, it could only be to the substance and not the letter of it that he directed attention. So when he says, "Bind up the testimony, seal the law among my disciples" (viii. 16), though he is speaking of something objective, positive, and authoritative, it is most natural to see a reference to what he had just said or was about to say. Probably also a general sense should be given to the word in xxx. 9, "This is a rebellious people, lying children, children that will not hear the law of the Lord." Again we have mention of a specific *priestly* *Torah* in the Blessing of Moses, one of the oldest pieces of Hebrew literature, where it is said of the tribe of Levi, "They shall teach Jacob Thy judgments, and Israel Thy law: they shall put incense before Thee, and whole burnt-offerings upon Thine altar" (Deut. xxxiii. 10). Whatever else we may learn from the verse, the function of the Levite to teach is clearly stated, and this means a course of instruction or acts of instruction to the people. That a distinction was drawn between the teaching of the priests and that of the prophets, we may also conclude from such a passage as Micah iii. 11, "The heads thereof judge for reward, and the priests thereof teach for hire, and the prophets divine for money." A similar distinc-

tion, showing the existence of a priestly law, is found in Jeremiah, "The law shall not perish from the priest, nor counsel from the wise, nor the word from the prophet" (xviii. 18); in Lamentations (ii. 9), "Her king and her princes are among the nations where law is not; yea, her prophets find no vision from the Lord;" and in Ezekiel, "The law shall perish from the priest, and counsel from the ancients" (vii. 26); "her priests have violated my law, and profaned mine holy things," &c. (xxii. 26). In other passages, again, "law" seems to be used as synonymous with "the word of the Lord," generally to express the whole of the truth of revelation, as in Isaiah ii. 3, v. 24, xlii. 4; Micah iv. 2; and perhaps Amos ii. 4, and Hosea viii. 1.

While, however, these distinctions are noticeable, the inferences drawn from them are not at all warrantable. The general use of the word to denote divine revelation of truth as a whole implies a unity in that truth, and to this extent it is true that even the priestly Torah was mainly, or we should rather say, fundamentally, of a moral character; although we have seen in the last chapter good reason for concluding that the prophets knew of and recognised a ritual law as well. But the main point now in hand is the alleged long existence of oral apart from and antecedent to written Torah; and it may be maintained, even on the ground of the passages just cited, that the inference is too bold. Let us make the supposition demanded by Wellhausen, that the priests had the practice of giving oral decisions as occasion arose. Still, the question arises, Did the priests decide individual cases according to their individual judgment? and if not, what precisely were the guiding principles on which they acted? It is hardly conceivable that such in-

struction, if regularly given, up to a comparatively late time, should not have assumed, in practice, some concrete expression. The sentences uttered on various and recurring occasions must, at all events, have been regarded as self-consistent, and of concordant tenor, before they could be spoken of under this comprehensive term of Torah or instruction. Then we have to note particularly how it is admitted that the oral priestly Torah, which is thus assumed, always claims for itself, not only high antiquity, but Mosaic sanction. And, since even the priestly Torah is represented as a unity, we are led to inquire whether there was not some positive guide in the form of typical decisions which would account for so firm a tradition, and give some kind of uniformity to the oral sentences. If an oral teaching by the prophets did not prevent them from writing down their discourses, why should the priests, who had a teaching of a much more detailed and technical kind to convey, not have had a written Torah for their guidance? Wellhausen feels the force of this, for he says it might be supposed that, even if Deuteronomy and the Levitical Code are late, the Jehovistic legislation contained in the book of the Covenant (Exod. xx.-xxiii., xxxiv.) "might be regarded as the document which formed the starting-point of the religious history of Israel. And this position is in fact generally claimed for it."¹ It belongs, however, he says, to a period much later than the active oral Torah of the priests, and he reduces the Mosaic elements in it to the barest minimum, scarcely even admitting the Mosaic origin of the Decalogue.

So that the alleged oral Torah, on the hypothesis, rests upon nothing but immemorial custom, each decision as it

¹ Hist. of Israel, p. 392.

was given constituting a Torah or law to meet the case in hand. That this was the way the law arose, and not by the promulgation of a set of statutes, is said to be indicated by a chapter in Exodus (xviii.), which represents Moses himself as sitting hearing cases in person, and deciding each case on its own merits. But this very chapter, so much relied upon, seems itself to draw the distinction between legislation and administration. Moses is represented as discharging both functions; but the chapter tells how he was advised to separate them. He set over the people able men, who were to judge the people in small matters, reserving the "great matters" for his own decision. If the critics are prepared to take this chapter as a plain historical statement, then we get a positive starting-point for Mosaic law, and that, too, of a pretty comprehensive compass. For if the decisions on great matters were given by Moses, we have Mosaic legislation, since his sentences were given (presumably) on new cases or were regulations of older usages; and the small matters doubtless were controlled by precedents set by him. There is no reason to assume that such decisions as were given by Moses and his assessors remained unwritten, or in flux, till the time to which the book of the Covenant is brought down; and it is to be noted how care was taken, by the appointment of capable judges and by the *teaching* of the "statutes," that uniformity and consistency should be maintained. Unless, indeed, there was some guiding rule, the decisions could not have remained consistent with themselves, and could never have assumed a shape in which, collectively, they would have acquired respect. So in the passage already cited from the Blessing of Moses, where it is described as the function of Levi to teach the people the

law, there is presumably something definite and positive to be taught; just as the second half of the verse speaks of the offerings which they had to present on the altar. Wellhausen's position, so confidently assumed, that the "teaching is only thought of as the action of the teacher"—if the teaching is to have any consistency at all—seems to me only conceivable on the supposition of a guidance of the teacher, an inspiration, in fact, of a kind that I fancy Wellhausen would be the last to admit. It is, besides, flatly contradicted by such a passage as Hosea iv. 6, where the priest is reproached (according to the common interpretation which applies the passage to the priestly class) for having forgotten the law of God, as indeed by all the passages which reprove the priests for unfaithfulness. If everything taught by the priest was Torah, with no guiding norm, such reproofs were out of place. Yet it is to be observed that the prophets, whatever they may say about the priests as a class, always speak of their Torah as a thing of unquestioned authority; and they were not the men to speak thus of the haphazard decisions on "law and morals" given by a class which was too often both lawless and immoral. Looking at it from any possible point of view, in the face of this persistent ascription of law to Moses, we are bound to assume something positive and plain, of such a character that a priesthood, often ignorant and corrupt, would be guided to give forth sentences that prophetic men could speak of with respect. To say nothing of the intricate cases of ceremonial cleanness and defilement, which Wellhausen admits constituted an element of the Torah, there were also "law and morals," as he tells us, and there must have been countless cases of casuistry and jurisprudence calling for decision at the mouth of these men, from whom there was no appeal; and the

whole, when collected, forms, we are to suppose, the legislation on these subjects which afterwards became systematised into codes. Moreover, there were the matters relating to the right performance of priestly functions and the proper observance of sacred ceremonies. Wellhausen indeed says positively—although on no positive evidence—that “the priests’ own praxis [at the altar] never constituted, in pre-exilian antiquity, the contents of the Torah.”¹ Yet, considering the punctilious observance that must have been required in such services, and the jealousy of a priestly class to maintain forms in their rigour, one would have expected that just in matters of this kind the Torah, whether oral or written, would be most definite. Although there was no need for the priests to instruct the laity in these matters, they were of such a kind as would suggest the writing of them down in longer or shorter collections to aid the memory of the priests themselves, to guide the partially initiated, and to secure accurate preservation. Many of the laws of Leviticus, in fact, to an ordinary reader, have the appearance of “memoranda” which might be ready at hand for instruction in such functions. The insistence on the authority of law, combined with the reproof of the priesthood, can thus have but one meaning—viz., that the priests were in possession of an ancient authoritative norm, according to which even ignorant men with technical training could have no excuse for going astray.

The priests’ function, indeed, was to give instruction to the people, but the fact that they did so orally is no proof that there was no written or objective standard by which they taught. Nay, we have positive proof to the contrary. Both in Haggai (ii. 11) and in Malachi (ii. 7), by whose

¹ Hist. of Israel, p. 50, note.

time certainly the law was codified and recognised, there is mention of the oral teaching of the priests. And if oral instruction was necessary at that time, though co-existent with a written law, we are not bound to conclude when Micah, for example, speaks of the priests of his time teaching for hire (Micah iii. 11), that they drew upon a tradition which was entirely in their own possession. We have still Christian pastors and teachers, although the Scriptures are in every one's hands, and expounders of the law would be more necessary in ages when printing was unknown and books rare. Indeed, if at a late time, when the law was fully codified, there was need of oral exposition, much more would oral instruction require a definite basis at the earlier periods when priests and people were so tempted to fall into corruption. Yet during even the worst times the prophets have no doubt of the purity and fixity of the priestly Torah. In speaking of the instruction of the priests, they regard it as a thing superior to and binding upon the class and the people. "Sentences," "judgments," "statutes" could have had no coherency apart from a standard. It need not of course be concluded, that wherever "law" occurs there is a reference to the Pentateuch as a whole, or to any *book* whatever in the modern sense. But the alternative is not, as seems to be hastily assumed, that there was no concrete law nor written code of guidance—nothing, in short, but oral law, still in process of being delivered. Such a supposition is in itself hardly conceivable, considering the conditions of the nation and the long period over which this oral law is said to extend; nor is it supported by an unforced exegesis of the prophetic utterances.

(2.) We have next to consider the assertion that the ceremonies and observances of the religion of Israel were

not matters of divine authoritative appointment at first, but were the growth of custom.

"In the early days," says Wellhausen, "worship arose out of the midst of ordinary life, and was in most intimate and manifold connection with it. A sacrifice was a meal—a fact showing how remote was the idea of antithesis between spiritual earnestness and secular joyousness. . . . Year after year the return of vintage, corn-harvest, and sheep-shearing brought together the members of the household to eat and to drink in the presence of Jehovah; and besides these, there were less regularly recurring events which were celebrated in one circle after another. . . . The occasion arising out of daily life is thus inseparable from the holy action, and is what gives it meaning and character; an end corresponding to the situation always underlies it."¹

And this is the case even in regard to the more distinctively national feasts:—

"It cannot be doubted, generally speaking and on the whole, that not only in the Jehovistic but also in the Deuteronomic legislation² the festivals rest upon agriculture, the basis at once of life and of religion. The soil, the fruitful soil, is the object of religion; it takes the place alike of heaven and of hell. Jehovah gives the land and its produce. He receives the best of what it yields as an expression of thankfulness, the tithes in recognition of his seignorial right. The relation between Himself and His people first arose from His having given them the land in fee; it continues to be maintained, inasmuch as good weather and fertility come from Him."³

So that the great feasts, which were the prominent features of the worship, are ultimately traceable to the Canaanites, just like Nabiism, which was a chief characteristic of the religion. For—

"Agriculture was learned by the Hebrews from the Canaanites, in whose land they settled, and in commingling with whom they,

¹ Hist. of Israel, p. 76.

² These two stages of legislation, as will appear in the sequel, are placed by the critical school, the former in the earlier writing period, and the latter about 621 B.C.

³ Hist. of Israel, p. 91 f.

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³ Hist. of Israel, p. 81 f.

during the period of the Judges, made the transition to a sedentary life. Before the metamorphosis of shepherds into peasants was effected, they could not possibly have had feasts which related to agriculture. It would have been strange if they had not taken them also over from the Canaanites. The latter owed the land and its fruits to Baal, and for this they paid him the due tribute; the Israelites stood in the same relation to Jehovah. Materially and in itself the act was neither heathenish nor Israelite; its character either way was determined by its destination. There was therefore nothing against a transference of the feasts from Baal to Jehovah; on the contrary, the transference was a profession of faith that the land and its produce, and thus all that lay at the foundations of the national existence, were due not to the heathen deity, but to the God of Israel.”¹

The transition from this simpler and more naturalistic phase of worship to distinctively religious and non-secular observance took place, according to the theory, in connection with and in consequence of the movement for centralisation of worship, that culminated in the introduction of the Deuteronomic Code and the reform in the time of Josiah. The view is, that up to that time the worship at the Bamoth or high places up and down the land² was the regular and normal thing, and that the reform of Josiah abolished these local sanctuaries, and concentrated the worship at the one sanctuary at Jerusalem, thus severing the connection between the old joyous religious worship and the daily life (p. 77). “Deuteronomy indeed does not contemplate such a result,” and, as we have already seen, the assertion is that still in the Deuteronomic legislation the festivals rest upon agriculture. The transition was only fully effected in the Priestly Code (which dates at the earliest from the time of Ezra).

“Human life has its root in local environment, and so also had the ancient cultus; in being transplanted from its natural soil

¹ Hist. of Israel, p. 98 f.

² See before, chap. viii. p. 199 ff.

It was deprived of its natural nourishment. A separation between it and the daily life was inevitable, and Deuteronomy itself paved the way for this result by permitting profane slaughtering. A man lived in Hebron, but sacrificed in Jerusalem; life and worship fell apart. The consequences which lie dormant in the Deuteronomic law are fully developed in the Priestly Code" (*ibid.*, p. 77).

And then as to the distinctively historical references which the feasts eventually attained, Wellhausen says:—

"It is in Deuteronomy that one detects the first very perceptible traces of a historical dress being given to the religion and the worship, but this process is still confined within modest limits. The historical event to which recurrence is always made is the bringing up of Israel out of Egypt, and this is significant in so far as the bringing up out of Egypt coincides with the leading into Canaan, that is, with the giving of the land, so that the historical motive again resolves itself into the natural. In this way it can be said that not merely the Easter festival but all festivals are dependent upon the introduction of Israel into Canaan, and this is what we actually find very clearly in the prayer (*Deut.* xxvi.) with which at the Feast of Tabernacles the share of the festal gifts falling to the priest is offered to the Deity" (*ibid.*, p. 92).

It is, however, as has been said, in the Priestly Code that the development is fully carried out, and

"the feasts entirely lose their peculiar characteristics, the occasions by which they are inspired and distinguished: by the monotonous sameness of the unvarying burnt-offering and sin-offering of the community as a whole, they are all put on the same even level, deprived of their natural spontaneity, and degraded into mere 'exercises of religion.' Only some very slight traces continue to bear witness to, we might rather say to betray, what was the point from which the development started—namely, the rites of the barley-sheaf, the loaves of bread, and the booths (*Levit.* xxiii.) But these are mere rites, petrified remains of the old custom" (*ibid.*, p. 100).

There is a certain coherence and roundness about this theory that make it very specious; but unfortunately it

is supported by little positive proof, and it fails, besides, to give an adequate account of well-established facts.

(a) In the first place, no one can object to the statement that "religious worship was a natural thing in Hebrew antiquity; it was the blossom of life, the heights and depths of which it was its business to transfigure and glorify" (p. 77). But just because it was so, we should have expected the worship to pass beyond the ordinary level of the soil to those "heights and depths" which had been reached in connection with the early national history. It is simply inconceivable that a people who were ever erecting pillars and offering sacrifices to commemorate deliverances or celebrate victories, who associated ever so many places with events in their religious history, and who had, from the time of Moses, passed through an unparalleled experience, should still, in the time of Hosea or later, have practised merely a worship whose sole motives were "threshing-floor and wine-press, corn and wine," and "vociferous joy, merry shoutings its expression" (p. 98). By the time of Hosea, Israel had lived through a very considerable part of its national and political existence, and by the days of Josiah that life had wellnigh run its course. Yet Wellhausen would have us believe that, even as late as the time of Josiah, the first perceptible trace is visible of a historical reference in the worship, and that, in the time of Hosea,

"the blessing of the land is the end of religion, and that quite generally—alike of the false heathenish and of the true Israelitish. It has for its basis no historical acts of salvation, but nature simply, which, however, is regarded only as God's domain and as man's field of labour, and is in no manner deified. The land is Jehovah's house,¹ wherein He lodges, and entertains the nation; in the land

¹ Hosea viii. 1, ix. 15.

and through the land it is that Israel first becomes the people of Jehovah. . . . In accordance with this, worship consists simply of the thanksgiving due for the gifts of the soil, the vassalage payable to the superior who has given the land and its fruits" (p. 97).

In opposition to this low and narrow view of the conceptions of that time, we can point to the fact before considered,¹ that Hosea dates the intimate union between Jahaveh and His people from the exodus and the desert life, before the land had become "Jehovah's house." In the very passages which Wellhausen here cites, a distinction is drawn between the Baalim (unlawful lovers) and Jahaveh (the rightful husband), as if to prove that it was *not* "through the land that Israel first became the people of Jehovah." No doubt an agricultural people, if they would offer anything to their God, must offer what they had,—the fruits of the land; but does a Christian who gives his money for missions, let us say, recognise no blessing that God has bestowed upon him but silver and gold? No doubt Hosea and all the prophets, early and late, connect the fertility of the land and material prosperity with the blessing of Jahaveh and the fidelity of His people, as many people still do.² But the thing to be noted is that Hosea, appealing to the consciousness of the men of his time, reminds them of God's doings for them

¹ See chap. v. p. 110.

² Wellhausen's own opinion is frankly stated in another place. In speaking of Samuel's words, "God forbid that I should cease to pray for you and teach you the good way" (1 Sam. xii. 23), he makes the comment: "They do not need to trouble themselves about means for warding off the attacks of their enemies; if they fast and pray, and give up their sins, Jehovah hurls back the foe with His thunder and lightning, and so long as they are pious He will not allow their land to be invaded. All the expenses are then naturally superfluous by which a people usually safeguards its own existence. That this view is unhistorical is self-evident. . . . It is the offspring of exilic or post-exilic Judaism."—*Hist. of Israel*, p. 255.

as a people in the early days. His very reproof, in the connection appealed to, is one against unfaithfulness to Him who had betrothed Israel to Himself before they came into Canaan; and "I refuse to believe" (to adopt one of Wellhausen's modes of reasoning¹) that a prophet with views so advanced as Hosea saw no more in worship than an acknowledgment of vassalage, payable to the superior of the land, whoever he might be. Yet not only in the days of Hosea, but two centuries later, Wellhausen would have us believe that Israel was in this condition, for "it is in Deuteronomy that one detects the first very perceptible traces² of a historical dress being given to the religion and the worship." That it is, however, "confined within modest limits," he tries to prove from the prayer or hymn which was uttered at the presentation of fruits. He quotes the prayer at length, but if it has any meaning at all, every clause of it contradicts the conclusion built upon it:—

"A wandering Aramæan was my father; and he went down to Egypt, and sojourned there a few men strong, and became there a nation, great, mighty, and populous. And the Egyptians evil entreated them, and oppressed them, and laid upon them hard bondage. Then called we upon Jehovah, the God of our fathers, and He heard our voice, and looked on our affliction, and our labour, and our oppression. And Jehovah brought us forth out of Egypt with a mighty hand, and with an outstretched arm, and with great terribleness, and with signs, and with wonders; *and brought us unto this place, and gave us this land, a land where milk and honey flow. And now, behold, I have brought the best of the fruits of the land which Thou, O Lord, hast given me*" (Deut. xxvi.)

Wellhausen emphasises the words put in italics, and concludes triumphantly (p. 92), "Observe here how the

¹ Hist. of Israel, p. 51.

² Compare Kuenen's account of "nascent monotheism" at the same period. See above, chap. xii. p. 320.

act of salvation whereby Israel was founded issues in the gift of a fruitful land." We all knew that, as we also knew that the only gift which Israel could offer in return was the produce of the land. But what of all the other blessings, of a *national and religious kind*, which are heaped up, clause by clause, as if the suppliant would stir up his soul, and all that was within him, to forget not all the benefits bestowed upon the nation? "*He went down. . . . The Egyptians evil entreated them. . . . He heard our voice and brought us forth.*" If the author of this prayer had not a clear recognition of the unity of the nation from the time of the patriarchs, and of the national blessings from first to last which they had received, then language has no meaning. It seems to me that this little basket of fruit, like Gideon's cake of barley-bread, upsets the whole array of Wellhausen's well-marshalled argument of feasts taken over from the Canaanites, and tribute offered indifferently to Baal or Jahaveh, as lord paramount of the land, not to speak of "the soil, the fruitful soil, taking the place alike of heaven and hell." As to the references to agricultural matters in even the earliest code, the book of the Covenant, which are made so much of to prove that this legislation could have had no existence till Israel came into Palestine, it is enough to say that it is taken for granted that Moses had no knowledge of agricultural situations, and that he had no idea he was leading his people into a country like Palestine, or no forethought to give them guidance for their ordinary life in it; for none of which have critical writers any authority.¹

(b) Again, an influence altogether exaggerated is ascribed to the centralisation of worship. This, indeed,

¹ See Note XXIV.

is Wellhausen's strong point, on which he rests his whole theory. "My whole position," he says, "is contained in my first chapter [entitled, *The Place of Worship*]; there I have placed in a clear light that which is of such importance for Israelite history—namely, the part taken by the prophetic party in the great metamorphosis of the worship, which by no means came about of itself."¹ Speaking of Hosea and Amos, he says:—

"The language held by these men was one hitherto unheard of, when they declared that Gilgal, and Bethel, and Beersheba, Jehovah's favourite seats, were an abomination to Him; that the gifts and offerings with which He was honoured there kindled His wrath instead of appeasing it; that Israel was destined to be buried under the ruins of His temples, where protection and refuge were sought (*Amos ix.*) . . . That the holy places should be abolished, but the cultus itself remain as before the main concern of religion, only limited to a single locality, was by no means their wish. But at the same time, in point of fact, it came about as an incidental result of their teaching that the high place of Jerusalem ultimately abolished all the other Bamoth. External circumstances, it must be added, contributed most essentially towards the result" (p. 23 f.)

He then goes on to explain (p. 24) how the downfall of the kingdom of Samaria left the way clear for the sanctuary at Jerusalem to assume importance. Still, although Hezekiah is said to have even in his time made an attempt to abolish the Bamoth (p. 25),² it was not till about a century after the destruction of Samaria that men ventured "to draw the practical conclusion from the belief in the unique character of the temple at Jerusalem" (p. 26). This was done, not "from a mere desire to be logical, but with a view to further reforms;" and so prophets and priests combined to prepare the Code of

¹ *Hist. of Israel*, p. 368.

² See below, p. 450.

Deuteronomy, which was officially and for the first time to authorise the Jerusalem Temple as the place of worship.

“The turning-point in the history of the sacrificial system was the reformation of Josiah; what we find in the Priestly Code is the matured result of that event” (p. 76).

“The spiritualisation of the worship is seen in the Priestly Code as advancing *pari passu* with its centralisation. It receives, so to speak, an *abstract* religious character; it separates itself, in the first instance, from daily life, and then absorbs the latter by becoming, strictly speaking, its proper business” (p. 81).

Of the alleged influence of the prophets in bringing about centralisation of worship and codification of the law, and also of the alleged discrepancy of the three Codes, we shall have to speak at length in the sequel. In the meantime, attention must be drawn to this effect of centralisation on the spirit and heartiness of the worship. Wellhausen's idea is, that “to celebrate the vintage festival among one's native hills, and to celebrate it at Jerusalem, were two very different things;” that “it was not the same thing to appear by one's self at home before Jehovah, and to lose one's self in a large congregation at the common seat of worship” (p. 77); and hence that the old joyousness of the feasts was destroyed by the celebration at the Temple at Jerusalem. Now, admitting for a moment that this centralisation took place in the way he explains, it simply is not the fact that the joyous feature disappeared. Delitzsch has shown¹ that in the period of the second Temple, when the Priestly Code received paramount attention, and when the national

¹ “Dancing and the Criticism of the Pentateuch in relation to one another,” now published along with other papers in ‘Iris, Studies in Colour and Talks about Flowers,’ 1839.

life was none of the happiest, even the most solemn feasts of Israel were occasions of joyful merrymaking, and some of them remarkably so. It is shallow and unnatural to speak, in this connection, of "the antithesis between spiritual earnestness and secular joyousness" (p. 76). For a people, as Delitzsch says, "is and remains a natural, not a spiritual quantity, and therefore celebrates even religious festivals with a natural outburst of feeling, simple mirth, jubilant exultation. It lies in the nature of a people as such."¹ We have only to think of the infectious influence of a great throng at any public celebration, of the thorough and hearty manner in which all Orientals enter into any occasion of public rejoicing, and finally, of the aid to enjoyment furnished by the kindly climate, to see that Wellhausen's position is altogether opposed to human experience. And over against this sapient talk of the individual losing himself in the great crowd, and the depressing influence of "exercises of religion," I would simply set those psalms that speak of the festive throng, and express the psalmist's delight in the public celebrations of religion. If these psalms be early, or if they be late, they tell equally against the theory; for they exhibit a delight not only in nature, but in the God of nature, and above all, in the service of a God who had, in the nation's history, done great things for them, whereof they were glad.

(c) Once more, Wellhausen fails to prove that mere nature feasts passed over in the time he mentions into the religious festivals of the Deuteronomic or Priestly Codes. That the three great cycle feasts, Passover, Pentecost, and Succoth, fell at or were fixed at turning-points in the natural year, and that the celebration of them had pointed

¹ *Iris*, p. 196.

reference to the agricultural seasons, is very far from being the same as to say that they grew out of and for centuries remained merely agricultural festivals. One might as well argue that all the festivals of the "Christian year" have their sole reference to the natural seasons. What Wellhausen says of the soil being the basis of religion, has this much of truth in it, that the teachers of religion always, and rightly, sought to impress upon the people the material blessings which God bestowed. The task, however, before him is to explain how the historical references in these feasts came in, as they did come in somehow, sooner or later. Having described, as an instance of what he is pleased to call "the manner of the older worship as we are made acquainted with it in Hos. ii., ix., and elsewhere,"¹ the celebration of the vintage festival by the Canaanite population of Shechem (not very high authorities on such matters, we should say); and having referred to the yearly festival in the vineyards at Shiloh, as mentioned in the book of Judges,²—he looks about for proof that these or suchlike are the three cycle feasts prescribed in the book of the Covenant or Jehovistic legislation. And what does he find? "Amos and Hosea, presupposing as they do a splendid cultus and great sanctuaries, doubtless also knew of a variety of festivals, but they have no occasion to mention any one by name" (p. 95). This is extraordinary meekness in one who is in the constant habit of declaring, when a prophet does not mention a thing, that he knew nothing at all about it because it had no existence. But stay! "More definite notices occur in Isaiah. The threatening that within a year's time the Assyrians will be in the land is thus (xxix. 1) given: 'Add ye year to year, let the feasts

¹ *Hist. of Israel*, p. 107.² *Ibid.*, p. 94; *Judges ix. 27, xvi. 19 f.*

come round; yet I will distress Jerusalem,' and at the close of the same discourse the prophet expresses himself as follows (xxxii. 9 *seq.*): 'Rise up, ye women that are at ease; hear my voice, ye careless daughters; give ear unto my speech. Days upon a year shall ye be troubled, ye careless women; for the vintage shall fail, the ingathering shall not come. Ye shall smite upon the breasts, for the pleasant fields, for the fruitful vine.'" Putting these two passages together, he pictures Isaiah, after the universal custom of the prophets, coming forward at a great popular autumn festival, in which the women also took an active part. But this autumn festival, he argues, takes place at the change of the year, as may be inferred from the phrase "let the feasts come round," and "closes a cycle of festivals here for the first time indicated" (p. 95). It gives me pleasure to say that I quite agree with the sentence that follows: "The preceding survey, it must be admitted, scarcely seems fully to establish the alleged agreement between the Jehovistic law and the older praxis." "Names," he goes on to remark, "are nowhere to be found, and in point of fact it is only the autumn festival that is well attested, and this, it would appear, as the only festival, as *the* feast. And doubtless it was also the oldest and most important of the harvest festivals, as it never ceased to be the concluding solemnity of the year." All that needs to be said on this part of the argument is this: Isaiah's reference to feasts "coming round" may quite as suitably apply to feasts which have a religious and historical meaning as to purely agricultural celebrations, and his references in the close of his address, if they are not indeed quite general, may equally apply to the feasts as they are prescribed in the law. If on these slight notices the modern

critics are satisfied to base the proof of a set cycle of agricultural feasts, we ought to hear less of the argument from silence as conclusive of the non-existence of the Mosaic feasts: but of this again.¹ Attention should be given to the difficulty experienced by Wellhausen in accounting for the historical reference which undoubtedly is attached to the feasts in the Codes, even in the earliest.²

“According as stress is laid upon the common character of the festival and uniformity in its observance, in precisely the same degree does it become separated from the roots from which it sprang, and grow more and more abstract. That it is then very ready to assume a historical meaning may partly also be attributed to the circumstance that history is not, like harvest, a personal experience of individual households, but rather an experience of the nation as a whole. One does not fail to observe, of course, that the festivals—which always to a certain degree have a centralising tendency—have *in themselves* a disposition to become removed from the particular motives of their institution, but in no part of the legislation has this gone so far as in the Priestly Code” (p. 103).

“For after they have lost their original contents and degenerated into mere prescribed religious forms, there is nothing to prevent the refilling of the empty bottles in any way accordant with the tastes of the period” (p. 102).

And so, in a word—

“One can characterise the entire Priestly Code as the wilderness legislation, inasmuch as it abstracts from the natural conditions and motives of the actual life of the people in the land of Canaan, and rears the hierarchy on the *tabula rasa* of the wilderness, the negation of nature, by means of the bald statutes of arbitrary absolutism” (p. 104).

A great deal of this mode of representing the Priestly Code arises from ignoring or misstating the character of that Code, which is brief, terse, technical, a manual for ceremonial to the priests, rather than a book of exhorta-

¹ See below, p. 401.

² See Exod. xxiii. 15.

tion and guidance to the people like Deuteronomy. For the rest, Wellhausen fails entirely to show any occasion for this *late* turning of the reference from agriculture to national history. These ceremonies, we are to suppose, went on from year to year with their accompaniments of presentation of fruits and so forth. That is to say, they were never "separated from the roots from which they sprang." The mere fact of centralisation might add to the richness of the ceremonies, as is always the case; but this, one would suppose, would prevent them from becoming "more and more abstract." The people were as much an agricultural people after Josiah's time as before; probably they were much less of a mercantile people than they had been at an earlier period of the monarchy. If the great events of the exodus, the conquest of Canaan, and in general the experiences which had made them a nation, did not impress the national consciousness when it was plastic and fresh, are we to suppose that, for the first time when foreign nations were about to sweep them away, they began to read into their worship and ceremonial a meaning which had not occurred to them for centuries? If at a time when Hosea and Amos were reminding them of the days of the youth of the nation, and thus appealing to the strongest motives that could influence them—if at such a time there were many feasts and imposing rituals, are we to suppose that not once in all these was there a commemoration of the founding of the nation, and of the achievement of the nation's success? No doubt the feasts, at such times as those of Hosea and Amos, would be overlaid with superstitious observances. But that is not the point. Because the modern Greeks at Jerusalem make Easter a time of riot, are we to conclude that Easter does not commemorate the resurrection? What country has not,

at one time or another, thus buried its holiest associations under carnal and sensuous forms? All this does not suffice to show that the better meaning does not underlie the institution; much less that a better meaning is merely an afterthought, read into an empty form, just because it is empty. Forms are never empty in the strict sense. They are full of something. The corrupt must be purged out before the clean can be poured in; and we can find no time in Israel's history at which a *tabula rasa* was formed, and history made out of nothing. Even the critical school has to admit, as we shall see, that the Priestly Code was a gathering up of the practice which had prevailed before the exile; and without coming so far down, we see enough already in the Deuteronomic Code to convince us that the historical reference was full and clear when that Code was drawn up. Nay, even in the Jehovistic book of the Covenant, the Passover is made distinctly to refer to the coming out of Egypt.

Wellhausen's difficulties over the Passover may indeed be pointed to as evidence of the weakness of his theory at its foundation. The following is his account of the matter: As the Israelites were a pastoral people before they became agriculturists, their oldest feasts must have had a pastoral basis (p. 92 f.) The Passover is a remnant of these, and is, from the nature of the case, the oldest of all the feasts, its primary form being the offering of the firstlings; and so, with perfect accuracy, it is postulated as the occasion of the exodus (p. 87). The exodus was not the occasion of the festival, but the festival the occasion, if only a pretended one, of the exodus (p. 88). "Let my people go, that they may keep a feast unto me in the wilderness, with sacrifices and cattle and sheep;"—this from the first is the demand made upon Pharaoh. And

because Pharaoh refuses to allow the Hebrews to offer to their God the firstlings of cattle that are His due, Jehovah seizes from him the first-born of men. "But it is curious," says Wellhausen (p. 93), "to notice how little prominence is afterwards given to this festival, which, from the nature of the case, is the oldest of all. It cannot have been known at all to the book of the Covenant, for there (Exod. xxii. 29, 30) the command is to leave the firstling seven days with its dam, and on the eighth day to give it to Jehovah." There are, however, two names given to this feast, *Mazzoth* (or unleavened bread), and *Pesach* (passover). The latter indicates the original character of the feast, as a sacrifice of the first-born; but the other name throws light upon the manner in which this came into the cycle of the agricultural feasts. *Mazzoth*, or unleavened bread, denotes the hastily made cake of the first corn, which was eaten at the time the sickle was first put in to commence the harvest, when a sheaf was presented to the Lord. This happened at the season of the year when tradition fixed the exodus, the spring; and in the account of the exodus it is mentioned (Exod. xii. 34) that in their haste to leave Egypt the Israelites "took their dough before it was leavened;" and these two circumstances assisted in the transition of the conception to a commemorative feast. "Probably," says Wellhausen, "through the predominance gained by agriculture, and the feasts founded on it, the Passover [in its original sense] fell into disuse in many parts of Israel, and kept its ground only in districts where the pastoral and wilderness life still retained its importance" (p. 93). "The elaboration of the historical motive of the Passover," however, we are told, "is not earlier than Deuteronomy, although perhaps a certain inclination to that way of explaining it appears before then, just as in

the case of the *Mazzoth* (Exod. xii. 34). What has led to it is evidently the coincidence of the spring festival with the exodus, already accepted by the older tradition, the relation of cause and effect having become inverted in course of time" (p. 88).

A very ingenious piece of patch-work! But the facts are these: The book of the Covenant (Exod. xxiii. 15, 16), and the related Law of the Two Tables (Exod. xxxiv. 18 f.), which are said by critics to be older by at least two centuries than the Code of Deuteronomy, call the feast *Mazzoth* or unleavened bread, and in both cases give the reason for keeping the feast that in the month *Abib* the people came out of Egypt. The Code of Deuteronomy, according to Wellhausen's own authority (p. 87), is the first that mentions *Pesach*, but it has the name *Mazzoth* as well; and the elaboration of the historical motive, he has just told us, is not earlier than Deuteronomy. "The only view," he says, "sanctioned by the nature of the case is, that the Israelite custom of offering the firstlings gave rise to the narrative of the slaying of the first-born of Egypt: unless the custom be presupposed, the story is inexplicable, and the peculiar selection of its victims by the plague is left without a motive" (p. 88). As to this conclusion, if critics are to determine historical questions by the nature of the case as they judge it, and to assume a liberty of putting effects for causes when it suits them, we may get startling "scientific results," but we make no solid progress. What requires explanation is the fact that *Mazzoth* is mentioned as a feast commemorative of the exodus, in what is pronounced the earliest legislation, and no reference made therein to the offering of the firstlings; and that only two centuries later the name which is supposed to point to the original character of

the feast is for the first time employed, and yet the description of the feast agrees (only being fuller) with the older. The truth is, as any fair-minded person may see, this laborious attempt to foist in the historical reference at a late date breaks down just because the historical reference was present from the first. The fundamental fallacy of this whole argument is the assumption that "in the land and through the land it is that Israel first becomes the people of Jehovah." For this assertion there is not a scrap of evidence, whereas the concurrent testimony of all Israelite antiquity is, that it was because He had chosen this people, and after he had signalised His choice, that He brought them into a goodly land. And the conclusion of the matter is, that as there was a formal system of law at a much earlier time than the critical theory postulates, so also there was an earlier reference in their worship and ceremonial to the events in the nation's religious history which marked them out as Jahaveh's people.