

I

THE METHOD OF THE INVESTIGATION

IN THE common law of England, which is followed in most of our American commonwealths, the presumption is that the accused is innocent of an alleged crime until he shall have been proven guilty. It may be called the evidential system of jurisprudence. In contradistinction to this is the inquisitorial system in which the accused is supposed to be guilty unless he can establish his innocence. These two systems have their followers when we leave the forum of legal combat and enter that of Biblical literature and history. Those who pursue the inquisitorial method accuse the authors of the Old Testament books of anachronisms, inconsistencies, frauds, forgeries, and false statements, and boldly defy anyone to disprove their accusations. The would-be defenders of the authors are very much in the position of a man who would have defended a friend in the clutches of the Spanish inquisition.¹ He could not gain access to the accused and the accused had no means of communicating with him, except through the inquisitors themselves. So, Moses and Isaiah and Jonah are unable to communicate with us who would defend them;

¹ See Emil Reich: *The Failure of the Higher Criticism of the Bible*.

and those who accuse them, or their works, of misstatements and falsehoods wrest their words, stigmatize their motives, assume that their own opinions are testimony, and declare a verdict of guilty. They denounce as unscientific any attempt on the part of the defenders to establish the truthfulness and harmoniousness of the documents. They set themselves up as accusers, witnesses, jury and judges, and call un-scholarly and traditional (word of scorn!) all who refuse to accept their verdict. They cry aloud: To the auto da fé with the book and with all the defenders thereof!

EXAMPLES OF CRITICAL METHODS
GENESIS XIV

One of the most outstanding examples of the inquisitorial method of criticism is Gen. xiv, where we have the account of the expedition of Chedorlaomer against the kings of Sodom and Gomorrah. Of this expedition and of the defeat of it by Abraham, Wellhausen says, that they "are simply impossibilities." When it is shown that the kings of Babylonia had made similar expeditions as far as the Mediterranean in the time of Lugal-zaggizi and Sargon the First (cir. 3000 B.C.)² and in the time of Hammurabi (2000 B.C.),³ and that in the time of Hammurabi, there

² King, *A History of Sumer and Akkad*, 197, 360.

³ Jeremias: *The Old Testament in the Light of the Ancient East*, I. 317, 322.

were kings with the names of Arioch, Tidal, and with at least the first part of the name Chedorlaomer,⁴ that a man with the name of Abram is mentioned as early as 1950 B.C.,⁵ the critics reply that some unknown Jewish archaeologist of some time between 900 and 300 B.C., who happened to be in Babylon, concocted this little story in glorification of Abraham and succeeded in inducing Ezra and Nehemiah, or some later Jewish authorities before 280 B.C. (when the Septuagint translation was made),⁶ to accept the fabrication as fact and to embody it among the archives of the Jewish people, by whom it has ever since been considered to be authoritative history.

In favor of the historical character of this narrative we have the evidence that it suits the time and the place, that the names of some of the principal actors are known to be names of persons living in the time of Hammurabi, that the names of the three kings confederated with Chedorlaomer have been identified as kings of the time of Hammurabi, that Elam had at that time and never afterwards the hegemony of Western Asia, that expeditions of the kind

⁴ E.g. Kurdur-Mabug, and Kudur-Nahundu. See King: *The Letters and Inscriptions of Hammurabi*, I. LV.

⁵ See able discussions of Gen. xiv in Clay: *Light on the Old Testament from Babel*, 125-143, and Pinches: *The Old Testament in the Light of the Historical Records of Assyria and Babylonia*, p. 148.

⁶ Or, probably, before 400 B.C., the latest date at which the Samaritans could have acquired their copy of the Pentateuch.

were common from 4000 B.C. to the time of the Persians and that oriental armies have again and again been put to flight by a sudden attack of inferior forces.⁷

Against the historical character of this narrative we have the assertion of Wellhausen and other critics of our times (only about 4,000 years after the supposed expedition!) that the expedition was “*simply impossible*,” and that it is probable that the account may have been fabricated (or forged) by some person unknown, at some time unknown, in some way unknown, and accepted as true history by some persons unknown, at some time unknown, for reasons unknown. Not one item of evidence in the way of time, place, logic, psychology, language, or customs, has been produced against the trustworthiness of the document. The *prima facie* evidence is supported by the circumstantial evidence. But a German professor says it is “*simply impossible*”; English followers echo “*simply impossible*,” and the Americans echo again “*simply impossible*.” And this assertion of *simply impossible* is called an “*assured result of scientific criticism*”!⁸

⁷ See Reich: *Loc. cit.*, p. 81, Sayce PSBA, 1918, and Piltner PSBA, XXXV. 205-216.

⁸ The evidence on Gen. xiv will be found in Hommel: *The Ancient Hebrew Tradition*, pp. 146-200; Albert T. Clay: *Light on the Old Testament from Babel*, pp. 125-143; Alfred Jeremias: *The Old Testament in the Light of the Ancient East*, pp. 314-324; Pinches: *The Old Testament, etc.*; King: *The Letters and*

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THE LAW OF HOLINESS

In contradistinction to the inquisitorial method is that which presumes a man to be innocent until he is proven guilty. As applied to documents it proceeds on the presumption that a document is to be presumed to be what it purports to be until it shall be proven that it is not. Thus the presumption is that the so-called Law of Holiness (Lev. xvii-xxvi) was the work of Moses, because seventeen times in these chapters it is said that Jehovah spake unto Moses saying what is in the following section, and because the Law begins with the statement "Jehovah spake unto Moses saying: Speak unto Aaron and unto his sons and unto all the children of Israel, and say unto them: This is the thing which Jehovah hath commanded," and ends with the subscription (xxvi. 46): "These are the statutes and ordinances and laws, which Jehovah made between him and the children of Israel in Mount Sinai by Moses." The superscription and the subscription mention the place, subject-matter, original speaker, mediators, and persons addressed. The contents of the chapters seem to substantiate the claim of the superscription and subscription.

The issue, then, is clearly drawn. Anyone who

Inscriptions of Hammurabi, I, pp. 49ff., III, 68 ff., 6-11, 237; Schorr: *Urkunden des Alt-babylonischen Zivil-und-Prozesrechts*, pp. 589, 591, 595, 612; Pillet: *Proceedings of the Society of Biblical Archaeology*, for 1913 and 1914; and many discussions by Professor Sayce.

successfully assails the veracity of this document must prove either that there is no Jehovah, or that He cannot address or speak to man, or that there was no Moses or Aaron, or that Jehovah did not speak to Moses, or that there were no children of Israel at that time, or that the laws were not given at Sinai. Its veracity cannot be directly assailed by an attack on its language for the document does not say that it was originally written in Hebrew. Nor would it prove its non-existence to show that it was not mentioned,⁹ nor observed for four hundred or a thousand years after it was written; nor even to show that before the time of Ezra its injunctions were broken and the very opposite of them obeyed. Nor would it show that the document as a whole was not from Moses, if it could be demonstrated that certain parts of it were not from him, the critics themselves being witnesses; for they all claim that there are interpolations in Amos and Jeremiah while upholding their genuineness as a whole.¹⁰ Nor would it show that the Law of Holiness was not given by Moses, if it could be proven that he did not write it with his own hand.¹¹ Nor would it prove that Moses was not

⁹ The code of Hammurabi is not mentioned in any known document, except in the code itself. Outside of the *Zakokite Fragments*, there is no evidence for the existence of the Zadokite sect, nor for the practice of their laws.

¹⁰ Compare the last section of the Gospel of Mark.

¹¹ The critics reiterate the statement that it is not said in the Pentateuch that *Moses* wrote any of it except the curse on

the author of the Law of Holiness to affirm that the same kind of argument which has been used with regard to it would prove also that Moses was the author of the Law of the Covenant in Ex. xx-xxiv, and of Deuteronomy and of the other documents of the Pentateuch, and that *they* could not have had the

Amalek, the Ten Commandments and certain other portions, as if this were an unanswerable argument against the Mosaic authorship of the Law. Is one to allege, then, that Hammurabi cannot be called the author of the code named after him, unless, forsooth, he inscribed it with his own hand? And yet the monument expressly ascribes itself to Hammurabi in the words of the epilogue (Col. xli. 59-67): "In the days that are yet to come, for all future times, may the king who is in the land observe the words of righteousness which I have written upon my monument." Or, is Sennacherib not to be called the author of Cylinder No. 103,000, unless he himself inscribed it? Yet it begins with his name and titles and is full of his words and deeds recorded in the first person, singular number. "I fashioned a memorial tablet," "I set it up," "I flayed Kirua," "I sent my troops." It is all I, I, I, my, my, my, from beginning to end; and yet, it is certain that he never wrote a word of it with his own hand. Or, is Darius Hyptaspis not the author of the Behistun Inscription, whose sentences are largely in the third person and of which nearly every section begins with "Thus saith Darius the king"? What a subject for the painter's brush! Darius, the Persian Achæmenid, king of Babylon and of the lands, king of Upper and Lower Egypt, sitting on a scaffolding, his chisel in his left hand and his mallet in his right, cutting into the imperishable rock the record of his achievements by the grace of Ahuramazda! And how about Thothmes I and III, and Rameses II, III and XIII, and Shishak, and Tiglath-Pileser I and III, and Nebuchadnezzar I and II, and others, whose numerous and lengthy records have been preserved? Are we to suppose that Moses cannot have recorded his thoughts and words and deeds just in the same way that his predecessors, contemporaries, and successors, did?

same author. For if Jehovah was really the source of all the laws as the documents state, then any apparent inconsistencies between the codes must be possible to harmonize or must be due to errors of transmission, or, at least, will be no more against the consistency of the laws, if they were all written during Moses lifetime than if they were uttered at widely separated periods of time. And if they were all the production of Moses, and he merely attributed them to Jehovah, this would simply remove the onus of the alleged inconsistencies from the shoulders of Ezra and the later Jews and place it upon the back of Moses. Why must we suppose that Moses would have avoided all inconsistencies, but that Ezra and all the numerous unknown but cunning redactors who are alleged to have composed the Pentateuch should have retained or inserted them? It is passing strange, also, that the Pharisees and Rabbis who tried to observe fully all the laws of the Pentateuch and actually thought they were doing so, should have failed to find in them those inconsistencies which to the modern critic seem so numerous and incomprehensible and irreconcilable.

Nor is there anything in The Law of Holiness that may not have been written 1,500 years before Christ as well as 500 years before. Indeed, we can scarcely conceive of a human society so ignorant as not to have understood all of its injunctions. No lawyer is needed to explain its simple, clear, and concise lan-

guage; and it is concerned with every day matters, such as the shedding of blood, the relation of the sexes, and the duties of parents, strangers and God.¹²

Nor can it be shown that there are any geographical or archaeological references in the Law of Holiness that are unsuitable to the age of Moses. Nor can it be shown that the ideas of Holiness are such as could not have been known to Moses, or that they are so different from the ideas of JE, D and P as that they could not all have proceeded from the fertile brain of one man and age.¹³ Where the ideas of

¹² The following is an analysis of the Law of Holiness: xvi, the day of atonement; xvii, laws concerning blood; xviii, laws of incest and lust; xix, xx, laws of holy living such as fearing parents (xix. 3), rejecting idols (vs. 4), offering acceptable peace offerings (5-8), helping the poor (9, 10), forbidding stealing and lying and profanity (11, 12), defrauding the workingman (13), injuring the deformed (14), perverting judgment (15), being a talebearer or hater of neighbors (16, 17), vengeance (18), mingling of cattle, seed or textiles (19), fornication (20-22), eating of holy fruit (23-25), or blood (26), practicing magic (26), or mutilation (27, 28), or prostitution (29), profaning the Sabbath or the sanctuary (30), defiling themselves with familiar spirits, etc. (31), dishonoring the aged and stranger (32), and falsifying the weights and measures (35, 36), giving seed to Moloch (xx. 1-5), wizards (6), cursing parents (9), adultery (10-21), xxi and xxii, laws concerning holiness of priests; xxiii, the feasts; xxiv, xxv, various laws such as that concerning the oil and the lamp (1-4), the shew-bread (5-9), blasphemy (10-16), and the *lex talonis* (17-22); xxvi, epilogue.

¹³ The reader will understand that the critics divide the first six books of the Bible (called the Hexateuch) into five principal documents; the Deuteronomist document is denoted by D; the one using Jehovah as the name of God, by J; the one using Elohim by E; the priestly document by P; and the Law of Holiness by H. JE is employed for the portions where J and E are inextricably intertwined.

the different documents are the same and are expressed in the same language, they may of course have been by the same author. Where the ideas differ in phraseology but are substantially the same, this is also no indication of different authorship.¹⁴ Where the subjects are the same and the ideas expressed differ, the author may have changed his mind, or he may have had different circumstances and conditions in view. Mohammed changed his views on marriage and other subjects and he changed the laws to suit his changing views. The condition of the Muslim changed after he went to Medina and especially after he set out to conquer the world; so, he began to make new laws for his anticipated empire.

Nor, finally, is the language such as would indicate a time inconsistent with that of Moses. To be sure, there are in this particular document words and phrases which occur seldom, or never, elsewhere. But this is no proof of age or authorship but simply of subject, aim, and method. Nowhere else in the Old Testament is this subject of holiness treated of fully. The aim of the writer is to secure the holiness of the people and he bases this holiness upon the holiness of God. Hence the frequent use of the phrases: "I Jehovah am holy," "I am Jehovah," and "I am Jehovah which sanctify you." Since this holiness was to

¹⁴ Thus in the Koran, Mohammed refers five different times to the means by which Sodom and Gomorrah were destroyed. In two cases only is the language the same.

be secured by obeying Jehovah's law, we have the frequent injunction to walk in, or to observe and do, the statutes and judgments of Jehovah; and the threats of God's setting his face against them and of their even bearing their own sins and being excommunicated if they profaned his name, sanctuary, or Sabbaths. As to words occurring in this passage alone, or infrequently elsewhere, this is characteristic of ever document and almost of every chapter of the Old Testament.¹⁵ As to the claim that certain technical expressions¹⁶ indicate a different author or age from that of the other documents of the Pentateuch, it is an assertion entirely unsupported by direct evidence and contrary to analogy.¹⁷ That in the Law of Holiness the word for man should be repeated in the protasis in the sense of "whoever"¹⁸ and that this phrase should occur eleven times in H and three times in P but not at all in JE or D is to be accounted for partly by the fact that JE and D are mostly in the second person and H and P in the third. Further, it is not clear that the idea of "whoever" as expressed by the repetition of the word for man is

¹⁵ See page 134f.

¹⁶ Such as *rav*, *hmz* and *tym* [(LOT, 49).

¹⁷ Thus the omen texts (or laws) published by Dennefeld (*Babylonisch-Assyrische Geburts-Omnia*, Leipzig, 1914), have eleven words not found elsewhere to denote parts of the human body and about twenty other new words, or new meanings of words.

¹⁸ *Vya vya*.

exactly the same as that expressed by other words and combinations. And lastly analogy shows that such variations are no necessary indication of different author or date.¹⁹

We have thus shown that in the peculiarities of H there is nothing opposed to its Mosaic authorship. But how about its authorship by another than Moses? It is likely that a forger of a document would, scores of times, use phrases that occurred seldom, if ever, in the documents recognized as having been written by the author whose works he was imitating? Would not the perpetrator of a pseudepigraph, intended to be accredited as a genuine work of the author whose name was falsely attached to it, have had the prudence or common sense to avoid as far as possible all indications of recognizable variations from the acknowledged originals of the man whose name he had attached? To attempt to prove a forgery by showing the alleged writer never existed, or that the dates of

¹⁹ Thus in Dennefeld's *Geburts-Omina* there are five different ways of expressing the idea of "the one" and "the other." See his introduction, pages 22, 23. The above remarks are based on the peculiarities of H as given in Dr. Driver's *Literature of the Old Testament*, pp. 49, 50. The same arguments which LOT uses to disprove the unity of the Pentateuch would disprove the unity of the Koran. We have in Mohammed's great work the same variety in the use of the names for God, duplicates, synonyms, contradictions, *hapax legomena*, and peculiar or favorite expressions. And yet all admit the unity of authorship of the Koran! See my article in PTR for 1919 on *The Use of "God" and "Lord" in the Koran*.

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events, and peculiarities of language are wrong, is fair and according to the law of evidence;²⁰ but to expect us to believe that the forger of a document which was designed to be accepted as genuine should have made its language *differ* repeatedly, obtrusively and unnecessarily from that of another document by the author whom he is trying to imitate or personate, is contrary to common sense as well as to common law.

LAWS IN THE PENTATEUCH ASCRPTIONS

With regard to the remaining portions of the Pentateuch there is a strong presumption that they are the work of Moses; for we find that the collections of laws, however great or small these collections may be and whatever their subject-matter, are in the E document attributed invariably to Moses. The so-called Code of the Covenant in Ex. xix-xxiv says in the prologue that Moses went up unto God in Mount Sinai and that the Lord said unto him: "These are the words which thou shalt speak unto the Children of Israel" (xix. 2-6). So "Moses went down unto the people and spake unto them" (xix. 25) the words of chapter xx and the judgments of xxi-xxiii. Then in chapter xxiv we are told that Moses told the people

²⁰ Compare Bentley's great argument against the genuineness of the Epistles of Phalaris in his *Dissertations Upon the Epistles of Phalaris*.

all the words of the Lord and all the judgments (vs. 3) and Moses wrote all the words of the Lord (vs. 4) and afterwards read the book of the covenant in the audience of the people; and they said, "All that the Lord hath said will we do, and be obedient" (vs. 7).

In like manner the book of Deuteronomy is again and again ascribed to Moses. Thus it begins: These be the words which Moses spake unto all Israel on the banks of Jordan in the wilderness of the Arabah in the land of Moab (vs. 1-5). Again, in the epilogue in xxix. 1, it is said: These are the words of the covenant which the Lord commanded Moses to make with the children of Israel in the land of Moab, besides (i.e., apart from, or in addition to) the covenants which he made with them in Horeb.²¹

In P also the larger portions and the individual laws claim Moses as their author. Thus, the offering for the tabernacle and its plan were commanded by God to the people through Moses (Ex. xxv. 1, 9f., xxix. 42, 43). So also with the laws of offering, Lev. i. 1, 2, vii, 37, 38; of the consecration of the priests, Lev. viii. 1, 5, 25, 36; of unclean food, Lev. xi. 1, 46, 47; of

²¹ In Deut. iv. 1, we read: "Hear O Israel," where Moses is represented as the speaker. In v. 1, Moses "called all Israel and said unto them." In xxvii. 1, 11, Moses "commanded the people." In xxxi. 1, Moses "went and spake to the people." In xxxi. 24, it is said that "Moses made an end of writing the words of the law upon a book." Compare also, xxxii. 44, 45, and xxxiii. 1.

leprosy, Lev. xiii. 1, xiv. 54-57; and, in short, of all the other laws of the Pentateuch.

Now, with regard to any one in particular of these codes and laws, we do not see how any living man can have the assurance, the assumption of an impossible knowledge, to assert that it may not have been, as it claims to be, the work of Moses. Language, subject-matter, and circumstances, all favor the claim of each particular section to have been what it professes to be. It is only by resorting to what we deem an unjustifiable method of procedure that any case can be made out on behalf of the deniers of Mosaic authorship. This method is based on the *presumption* that the documents are forgeries and that the writers were guilty of false statements as to the time and place and authors of the documents. Being utterly unable to substantiate these charges by direct evidence bearing on the separate documents, these deniers of Mosaic authorship resort to two expedients. They charge, first, that some of the documents contain numerous unnecessary repetitions, and that these repetitions are often incongruous; secondly, that these incongruities result from the fact that the documents represent widely different periods of development in the history of Israel.

REPETITIONS

Taking up these charges in order, it is admitted that there are numerous repetitions of laws bearing

on the same subject, but it is denied that the repetitions prove that Moses was not the author. Every great teacher repeats. Every great reformer repeats. Witness Paul on the resurrection and on salvation by faith. Witness Mohammed on the unity of God and the condemnation of unbelievers. The duality, or multiplicity, of authors cannot, then, be proven by the mere fact of repetitions.²² Nor can it be argued from the fact that we cannot see the sense, or the reason, for the repetitions.²³ Nor can it be argued from the fact that the repetitions are exactly alike, nor from the fact that they differ. Nor can diversity of authorship be argued from the fact that similar events are recorded as having occurred in the life of the same or different persons.²⁴

To be sure, the critics make much of their inability to account satisfactorily to themselves for many of the differences and even adduce their ignorance of the reasons for them as if it were evidence against Mosaic authorship. And yet, good and sufficient reasons for most persons are evident in some of the repetitions. For example, take the laws with regard to the altar.

²² Every sura of the Koran begins with the words: "in the name of the merciful and gracious God"; out of 114 suras 77 condemn the unbelievers by name and most of the others by implication.

²³ In the Koran, there are scores of parallels.

²⁴ All history and romance are full of such repetitions. Herodotus records several similar attacks on Athens by the Pisistratidae and two or more expeditions of the Persians against Greece. Caesar twice says that he built a bridge over the Rhine and that

Might not Moses (or at least Jehovah) have foreseen that it would be several hundred years before the worship at the central sanctuary could be established and that even afterward the union of the tribes might be disrupted, so that men like Elijah might not be able to go to the central altar to sacrifice even when they would? Could a God, or a law-giver, who provided for a second passover for those who could not attend the first, and permitted a pair of turtle doves, or even a handful of flour (a bloodless offering) to be given by those who were too poor to present a kid, not be expected to authorize an altar for special cases and circumstances.²⁵

INCONGRUITIES

The second charge is that there are in the Pentateuch at least five principal documents representing different periods of time and different points of view; and that these differences of aim and time account for the alleged incongruities of the works attributed to Moses and exclude the possibility of Mosaic authorship. This charge is based upon the assumptions: (a) that Deuteronomy (D) was written in, or shortly before, 621 B.C.; (b) that the real, or alleged, incongruities between the parts of the Pentateuch can be explained only by assuming a wide difference of date

he sailed twice against Britain. Don Quixote and Don Caesar are full of repetitions. Everyone's life is full of them. So was that of Abraham; so was that of Moses.

²⁵ Cf. 1 Ki. iii. 2, 3.

in the time of their composition and a series of forgeries on the part of their authors.

(a) DATE OF DEUTERONOMY

For the assumption that Deuteronomy was written in, or shortly before, 621 B.C. there is absolutely no direct evidence. The testimony of Deuteronomy itself is that it was given by Moses in the plains of Moab. The passage in 2 Kings xxii-xxiii ascribes it to Moses (xxiii. 25). Josiah attributes the wrath of Jehovah to the fact that the fathers had not hearkened to the words of the book that had just been found and read before him (xxii. 8-13). Huldah, the prophetess, represents Jehovah as saying, I will bring upon this place all the words of the book which the king of Judah hath read (xxii. 16). The elders of Judah and of Jerusalem, and the king, and all the men of Judah and all the inhabitants of Jerusalem, and the priests, and the prophets, and all the people, both small and great heard the words of the book of the covenant which was found in the house of the Lord and covenanted to perform the words of the covenant that were written in this book (xxiii. 1-3). Although the book of Deuteronomy contains laws affecting the king (xvii. 14f.) and the prophets (xviii. 15f.) and the priests (xviii. 1f.), and although it must be admitted that kings and prophets and priests had existed in unbroken succession from the time of Samuel down to the time of Josiah, and that the

kings and prophets and priests must have had the customary laws and regulations, yet no protest against the genuineness and authenticity of the newly-discovered book was made by king, or prophet, or priest. All accepted it as authoritative, and proceeded to carry its injunctions into execution (xxiii. 1-25).

Against this evidence of the documents themselves, the critics make the charge that the writers of the sources of 2 Kings xxii-xxiii (that is, "the book of the Chronicles of the kings of Judah," cf. xxiii. 28), the composers of the books of Kings and Chronicles, and Hilkiah the high priest, Shaphan the scribe, Huldah the prophetess, and Jeremiah the prophet, were either forgers or dupes; and that Deuteronomy was not a work of Moses at all, but a composite work of an unknown author put together or at least promulgated for the purpose of deceiving the people into the acceptance of a great reform in worship. The kernel of this reform is affirmed to be the confining of the worship to the central sanctuary at Jerusalem. To be sure the book of Deuteronomy says nothing expressly about Jerusalem. Huldah, also, does not mention it as a central sanctuary (2 Kings xxii. 15-20). The king and people, including prophets, priests, and scribes, do not specifically mention a central sanctuary in their covenant with Jehovah (xxiii. 3). Jerusalem itself is mentioned, it is true, in xxiii. 23, as the place where the passover was held; but according to the books of Kings, the temple at Jerusalem

was to be the dwelling place of Jehovah (1 Kings viii. 29, ix. 3), in accordance with the promise made by God through Nathan to David (2 Sam. vii. 13). Jeremiah, who prophesied in the days of Josiah, speaks not merely of the fact that Jehovah had chosen Jerusalem to put His name there (vii. 11, 14, xxxii. 34), but also says that at the first Shiloh had been the place where the Lord had set His name (xix. 12). Not merely in the Pentateuch, but also thirty times in Joshua, once in Judges (xx. 17), sixty times in Samuel, and thirteen times in Kings, the ark is named as the center of the worship of the people of Israel. When this ark was removed to Jerusalem by David, and not till then, did the city become the place where men ought to worship (Jer. iii. 16, 17). Moreover, that Jerusalem was recognized as the place of the central sanctuary in the time of Solomon is clear from the fact that one of the first acts of Jeroboam, son of Nebat, was to appoint Bethel and Dan as rival centers, so as permanently to remove the people of Israel from the influence of the cult at Jerusalem (1 Kings xii. 28-33).

Thus neither for their general charge nor for their principal specification do the critics find any direct evidence in Deuteronomy or Kings nor in any other Old Testament documents. Jeremiah, whose genuineness they acknowledge, is silent as to the general charge, but absolutely clear in his evidence against the specification with regard to the time of the organiza-

tion of the central sanctuary. It is time for the body of intelligent Christian believers, who are deemed capable of sitting on juries in a court of common law, to assert themselves against these self-styled scholars who would wrest from them the right of private judgment. For in the settlement of this question no special scholarship is involved—no knowledge of Hebrew or philosophy. The English version affords all the facts. The evidence is clear. On the face of it, it is all against the critics. Only by throwing out the evidence of the very document on which they rely for the proof of their own theory and by placing a childish confidence in what remains, can they find any support for their destructive views.²⁶

(b) THE FOUR CODES OF LAW

The critics charge that the incongruities which they allege are to be found between the code of the covenant (E) and Deuteronomy (D), and the Law of Holiness (H), and the priestly codex (P), are due to the fact that E represents the law as it existed prior to 700 B.C., D a law written about 621 B.C., H a law written about 600 B.C., and P a law written mostly before the events recorded in Neh. viii-x. Since the direct evidence of the documents themselves

²⁶ For good discussions of the origin of Deuteronomy, see Möller: *Are the Critics Right?*; Finn: *The Unity of the Pentateuch*; McKim: *The Problem of the Pentateuch*; Orr: *The Problem of the Old Testament*; and Green: *The Higher Criticism of the Pentateuch*.

is against this fourfold date and ascribes all four documents to Moses, the critics have undertaken the difficult task of proving that these laws constitute a series of forgeries, extending over a period of about 500 years, committed by more than seventeen different persons, all reformers of the highest ethical standards and all devoted to the service of Jehovah, the God of truth. Besides *mirabile dictu*, the forgeries were all successful in that prophets, priests, Levites, kings, and people, were all alike induced to receive them as genuine and to adopt them as obligatory, as soon as they were made known to them. The Jews and the Samaritans, the Pharisees and the Sadducees, the Rabbis, Aristéas, Josephus, Philo, Christ and the Apostles, all accepted the combined work as of real Mosaic authorship. But no amount of camouflage could deceive the critical eyes of the German professors and their scholars (all of whom agree with them; hence the phrase, "All scholars are agreed"). To them the imperfections of the codes and their disagreements, yes, even the particular half century in which each law was promulgated, are as clear as the spots on the sun, if only you will look through their glasses, and are not blinded by prejudice occasioned by faith in Jehovah, or Christ, or by the rules of evidence. Now, whether those who believe in Jehovah and Christ are blinded by prejudice, or not, it seems obvious that they who profess to believe in both cannot be expected without stultification to

ignore the testimony of all the documents that Jehovah Himself was the real author of the laws, Moses being merely his mouthpiece, or prophet. This testimony cannot be set aside in the case of the laws without being set aside also in the case of the prophets. There is no more ground for calling it a form of speech in the one case than in the other. And if Jehovah did speak the laws and command the people to obey them, it must seem reasonable to suppose that He at least thought that they were harmonious. Christians, also, and professedly Christian professors need make no excuse for the prejudice that this testimony of the documents themselves is confirmed for them (however it may be with infidels) by the attestation of the New Testament writers and of the Lord Jesus Christ. But whether Christians or infidels, *we should all be bound strictly by a prejudice in favor of the rules of evidence.* Binding ourselves, then, to abide by the evidence, let us proceed to state the evidence for the defense in the case of the critics against Moses.

First, we find that in every one of the legal documents of Exodus, Leviticus, Numbers, and Deuteronomy, the superscription as in Num. xv, xix, xxxv, and in the case of all the longer collections such as Ex. xx-xxiv, xxv-xxx, Lev. i-vii, xvii-xxvi, and Deuteronomy, and many of the smaller collections such as Ex. xii. 1-28, xxxiv, Lev. viii, xiii, xvi, xxvii,

Num. i, ii, iv, vi. 1-21, viii. 1-4, 5-22, xxvii. 6-23, xxviii-xxix, xxx, the subscriptions also expressly attribute their authorship to Moses. In many cases the locality and the time in which these codes, or special laws, were given are specified. Thus, Ex. xii was given in Egypt in the first part of the first month (vs. 1, 3); Ex. xix-xxiv, at Sinai in the third month of the first year of the Exodus (Ex. xix. 1, 11); Num. i. 1, at Sinai in the first day of the second month of the second year after they came out of the land of Egypt; Deuteronomy, in the land of Moab, on the first day of the eleventh month of the fortieth year (i. 1, 3, 5). In other cases as in Lev. xvii-xxvi and Ex. xxv-xxxii, the place at least is expressly stated. Here, then, are twenty separate documents all ascribed to Moses in the proper place and manner with dates and placed affixed.

Secondly, we find that the variations in the form, treatment and subject-matter of the laws support the claim that Moses was the author. Some of the laws, as Lev. xi-xiii, treat of but one subject; others as Ex. xxxiv treat of several subjects; and others as Lev. xvii-xxvi and Deuteronomy may be dignified with the name of code. Some of them as Lev. xvi are so constructed that scarcely a verse could be omitted without marring the effect of the whole, whereas, others are composed of many parts, each distinct in its purpose, but all necessary to the carrying

out of the laws of its remaining parts.²⁷ Moreover, the laws of the covenant of JE in Ex. xx-xxiv and the epitome in xxxiv. 1-26, and the codes of H and D are mostly a collection of short injunctions more or less disconnected and without specification as to how they are to be carried out, whereas the laws in P are generally entirely separated from other laws, are detailed in their regulations and embrace many matters not discussed, or barely mentioned in the codes of JE, D and H. To this difference in treatment and details corresponds also a difference in literary form. The laws of JE, D and H are codal in form and resemble the prototype set by the code of Hammurabi in that they have lengthy prologues or epilogues; D and H containing at the end, just like the Babylonian code, a large number of curses upon those who should disobey their injunctions. The laws of leprosy vary from the other laws in accordance with the subject of which they treat. As to the laws of P there is an analogy to the laws of leprosy in the birth-omens,²⁸ and we may infer from the frequent references to Nabunaid to the necessity of discovering the corner-stone of the temples originally built by Naram-Sin, Hammurabi, and others of his predeces-

²⁷ Again, the persons addressed differ. In the codes it is the whole people who are enjoined, whereas the laws of P affect ordinarily only certain classes of individuals, such as priests, lepers and Nazarites.

²⁸ See the *Babylonisch-Assyrische Geburts-Omina*, by Ludwig Dennefeld, Leipzig, 1914.

sors, that these temens or corner-stones contained detailed plans for the construction of the houses of the gods, corresponding to the plan of the tabernacle in Ex. xxv-xxx.²⁹ The narrative in Ex. xxxvi-xl of the manner in which this plan was carried out under the direction of Bezaleel is paralleled, also, in many respects by the account in the autobiography of the Erpa Tehuti, the director of the artificers of the temples, and shrines of Hatshepsut, who according to most Egyptologists was queen of Egypt two centuries before the time of Moses.³⁰ The form of the numeration of Num. i-iv bears many resemblances to those of the Annals of Tahutmes III.³¹ The boundaries of the land given in Num. xxxiv resemble closely similar forms in Babylon.³² The form of the ceremonies of the day of atonement in Lev. xvi may be compared with the Ritual of the Divine Cult,³³ and the laws of issues, jealousy, and the red heifer (Lev.

²⁹ In King's *Letters and Inscriptions of Hammurabi* II, pl. 242, No. 107, we have the plan of the temple of Sippar at Jahrusum made during the period of the first dynasty of Babylon.

³⁰ Budge: *The Literature of the Egyptians*, London, 1914, p. 145.

³¹ Petrie: *History of Egypt*, II, 103 f.

³² Hinke: *A New Boundary Stone of Nebuchadnezzar I*, and the tablet from the time of Hammurabi in KB, IV, 17. The Egyptians had boundaries for countries, nomes, and farms. See Breasted's *Ancient Records of Egypt*, V. 109, and Hinke's note in *A New Boundary Stone in Nebuchadnezzar I*, p. 9. See, also, King's *Babylonian Boundary Stones*.

³³ Budge: *op. cit.*, p. 248.

xv, Num. v, xix) with the Ritual of Embalment.³⁴ That minute directions for the conduct of sacrifices, similar to those in Lev. i-vii, must have been in use among the Egyptians is evident from the Liturgy of Funerary Offerings found in the Pyramid Texts;³⁵ as also from the Liturgy of the Opening of the Mouth.³⁶ That detailed directions for the selection and clothing of priests like those in Leviticus must have existed among the Egyptians is to be seen in the Liturgy of the Opening of the Mouth,³⁷ and the form of the regulations of Leviticus has a parallel in the inscription of Agum-Kakrimi (1350 B.C.) which describes the dress of Merodach and Sarpanit (KB, III, I, 135 f.); and especially in the dedication cylinder of Nabonidus containing the account of the consecration of his daughter as a votary of Nannar.³⁸

We thus see that the various forms in which the sections of the law are preserved to us in the Pentateuch are paralleled in almost every instance by the forms of laws to be found in known documents of ancient Babylon and Egypt dating from 1000 to 4000 (?) B.C. And what in general is true of the form is true also of the contents of the laws. The civil and criminal laws of E, D, and H, bear a striking

³⁴ *Id.* 247.

³⁵ Budge: *op. cit.* 16.

³⁶ *Id.* 13.

³⁷ *Id.* p. 14.

³⁸ See *Miscellaneous Inscriptions in the Yale Babylonian Collection*, by Albert T. Clay, Vol. I, pp. 66-75.

resemblance to those found in the Code of Hammurabi.³⁹ The moral precepts find their prototype and often their parallels in the maxims of Ptah-hotep (3000 B.C.), and in the moral precepts of the 125th chapter of the Book of the Dead.⁴⁰ As to the ceremonial laws it can be claimed that the elaborate, lengthy and intricate, systems of worship centering around the numerous temples of the polytheistic Babylonians and Egyptians make the system of worship and religious observances enjoined in H and P seem in comparison models of clearness, simplicity, and ease in execution.

In the third place, the laws of Moses, as Emil Reich has so well argued,⁴¹ demand a single great originator. Granting a great man like Moses, the prophetic mediator of God's ideas, and the fabric of the tabernacle, with the priesthood, and the sacrifices, and the sacred seasons, and the laws of holiness, and the covenants between the holy people and their unique God, rises before us as naturally as the constitution of the imperial Caesars from the mind of Augustus, or the religion of Islam from the life of the Arabian prophet, or the Christian Church from the life and death and precepts of its Founder. It was the idea of God which Moses had that was the

³⁹ See especially Muller: *Die Gesetze Hammurabis* and Kohler: *Hammurabi's Gesetz*.

⁴⁰ 18th dynasty or earlier. Budge: *Egyptian Literature*, 52, 22.

⁴¹ *The Failure of the Higher Criticism of the Bible*. See, also, Naville's *The Higher Criticism in Relation to the Pentateuch*.

spring of his activities, the source and unifier of his thoughts and laws. No one can deny that the idea of a unique God was first obtained from the Israelites nor that their literature always ascribes the first clear and full apprehension of this idea to Moses. How much of it he got from his meditations beneath the desert skies and how much by the direct revelation of the all-wise and all-powerful Jehovah, may be questioned; but that he had it, is the concurrent testimony of J and E and D and H and P and of all Jewish literature in legislation, history, and song. Prophets, priests, kings, poets, and people,—all had this great idea, and all unite in saying that they derived it from Moses. And whatever Israelites were the first to be possessed with the Old Testament idea of an only God, let us remember that some Israelite certainly must have been thus possessed, seeing that the idea is to be found in ancient literature in the Old Testament and there alone. What more natural, then, than that the great thinker who first grasped the idea in its fullness should have found a revolution wrought in the whole system of his thinking. The universe with all its rolling years, the sun, the moon, the stars, the earth with its seas and islands, its plants and living creatures, must all be correlated to the great I AM, who made them all. And a greater than he has said that the law was ordained by angels through the hand of a mediator.

But the most engrossing subject of his thought

must have been man in his relation to the earth and God and sin and death and redemption. And so he gathers up the history and the traditions of the past and centers the whole about the idea of a promise and the covenants, the covenant with Adam, the covenant with Noah, and the covenant with Abraham. And when God makes a covenant with the people of Israel through him as mediator he sets all his mind and energies to work to enable the people to observe their part of the covenant until the star should arise out of Jacob and he whose right it is, that prophet like unto himself, should come, whom Israel should hear, and to whom should be the obedience of the nations. And with this great thought in mind he sets himself to work to separate the Israelites from all the surrounding nations and from the polytheistic nations which had ruled them in the past. He takes the two great conceptions of natural religion, holiness and righteousness,⁴² and seeks to separate them from their idolatrous associations and to raise them to a higher ethical and religious plan in the service of the one, ever-living, and true God.

As for a language and a literary form in which to express his thoughts, he did not have to invent them. They were already there.⁴³ All he had to do was to

⁴² *vrq* and *qdx*.

⁴³ We have shown this already for the form. As to the existence of the Hebrew language before the time of Moses, it is abundantly shown in the proper names of the inscriptions of the times

infuse new meaning into the old vehicles of thought, as in later times the New Testament writers did with the vocables of Greece, and Mohammed with those of the Arabs.⁴⁴

As for the festivals, there were already plenty of them in use among the Babylonians and Egyptians and doubtless among the Israelites themselves,—New Year, and New Moons, and Sabbaths. He simply had to take the old seasons and sanctify them to better purposes.⁴⁵ Sacrifices there also were and altars and priests. He brings them all into ordered harmony with his idea of holiness and righteousness in the service of Jehovah. Ethics there were. He gives them the sanction of the divine command, and approval. Customs there were, laws of clean and unclean food, laws of jealousy, and revenge and disease and personal uncleanness, and fringes on garments, and tattooing, and vows and inheritances, and slavery and marriage. He brings all into his all embracing scheme and makes them all subserve the one great purpose of bringing and keeping the people in obedience to their covenant God. Requirements and observances were multiplied until it was impossible

of Hammurabi, Tahutmes III and Amenophis IV, and in the 111 common terms of the Amarna Letters. See Knudtzon: *Die El-Amarna-Tafeln*, p. 1545 f, and W. Max Mueller: *Die Palastinaliste Thutmosis III.*

⁴⁴ E.g. in the case of *hanif*.

⁴⁵ It is not meant that some entirely new festivals may not have been added.

for the people not to sin; but for the sins there was atonement and for the sinners, substitution, redemption and forgiveness, of a God that was long-suffering and gracious, plenteous in mercy, forgiving iniquity and transgression and sin, though he would by no means spare the guilty.⁴⁶

Fourthly, against this *prima facie* case in favor of the Mosaic origin of the laws and against the life of Moses and the history of Israel as recorded in the books of Exodus, Leviticus, Numbers and Deuteronomy, the critics bring a general charge and a number of specifications. The general charge is that the Pentateuch was not the work of Moses, but that it, together with the book of Joshua, is a compilation of the works of seventeen, or more, authors and of laws and traditions of little historic value gathered together during a period of five or six hundred years from 800 or 900 B.C. to 300 B.C. Inasmuch as no claim is made in Genesis or Joshua that they are the works of Moses, we claim the privilege (without precluding or prejudicing the right of Moses to be considered the author of Genesis) of confining for the present discussion the defense of Mosaic authorship to the four last book of the Pentateuch. And, as the charge involves the question of the authorship, as well as the much more important question of the his-

⁴⁶ That is, those who refused the means of grace or willfully disobeyed his commands, like the man who gathered sticks on the Sabbath day, or Korah, Dathan and Abiram.

toricity of the books we shall discuss first of all this fundamental question of authorship.

AUTHORSHIP. It must then, clearly be defined what exactly is meant by Mosaic *authorship*. Certainly, it cannot mean that to be the author Moses must have written his literary works with his own hand. Else, would Prescott not be the author of the Conquest of Mexico, nor Milton of Paradise Lost, nor the kings of Egypt, Babylon, Assyria, and Persia, of their inscriptions, nor Jesus of the Sermon on the Mount. Lest this statement should seem too naïve, let us recall that a favorite and reiterated traditional argument of the critics against Mosaic authorship is based on the fact that it is not expressly said that he was charged by God to write anything but the curse against the Amalek and an account of the wanderings in the wilderness (Ex. xvii. 14, Num. xxxiii. 2). Besides these small portions of the narrative, he is said to have written the code of the covenant in Ex. xx-xxiv, and a portion at least of Deuteronomy.⁴⁷ In fact it may reasonably be inferred from Deut. xxxi. 9, 24-26, iv. 44, 1, 5, xxviii. 58, 61, xxix. 20, 26, and other passages, that the whole Pentateuch, or at least all of the legal portions, was intended by the writers of these passages to have been designated as having been written by, or for, Moses.

But even if he did not write a word with his own

⁴⁷ See Dr. Green: *On the Pentateuch*, p. 37.

hand, it is evident that whoever wrote the book meant to imply that the authorship of Moses extends to the laws and visions and commands which God gave to him in the same manner that the Code of Hammurabi was the work of the king whose name it bears. That is, the laws came through him and from him. This is the fundamental authorship for which we contend, and which we claim to have been unimpeached by all the testimony that has been produced, in the endeavor to impair our belief that as John says: The law was given by Moses.

The case then, as it stands, is as follows. The documents of the Tetrateuch state that Moses at expressly stated places and times wrote, or caused to be written,⁴⁸ certain parts of them. The critics charge that these statements of the documents are all false. What proof have they to substantiate this charge?

MOSES WROTE

First, they allege that "Moses wrote" in these passages is not a forgery, but simply a technical expression, or form of speech. But what evidence have they for this allegation? None whatever; but on the contrary, the evidence of the profane literature and of the other books of the Old Testament is all against it.

As early as the fourth dynasty of Egypt, documents

⁴⁸ The verbs may be pointed as Hiphil.

are dated and the name of the authors given,⁴⁹ and in Babylon, as early as the dynasty of Hammurabi, documents are dated as to month, day, and year, and the names of the scribes and the principal persons engaged in the transactions recorded are given.⁵⁰

In the Biblical documents also, it is the custom to give the author of the legislation. Thus in the book of Joshua, the earlier legislation is invariably attributed to Moses,⁵¹ and the new regulations are ascribed to Joshua himself.⁵² So in Samuel, the old laws are ascribed to Moses and the new ones to Samuel.⁵³ So in Kings, Solomon regulates his kingdom and Jeroboam the son of Nebat regulates the worship of Israel with laws that are never ascribed to Moses, but to the kings themselves, who are represented as departing in large measure from the law of God already known (1 Ki. viii-xi; xii. 25-33; xiv. 7-16). So in Chronicles David divides the priests and Levites and writes out the pattern of the temple. Jehoshaphat himself gives laws, and sets judges in the land, and gives them charge as to their duties (2 Chron. xix. 5-11), and proclaims a fast without reference to the laws of Moses; and Hezekiah sets the Levites according to the commandment of David (2 Chron.

⁴⁹ See Breasted's *Ancient Records of Egypt*, I, 891.

⁵⁰ See Schorr: *Urkunden des altbabylonischen Zivil- und Prozess-rechts*.

⁵¹ i. 7, xx. 2, xxiii. 6.

⁵² xxiv. 26.

⁵³ 1 Sam. viii. 6-22.

xxix. 25-27). In Nehemiah, the singers and the porters keep the word of their God according to the commandment of David and of Solomon his son (Neh. xii. 45).⁵⁴ Moreover, is it not marvelous that no example has been found in pre-Christian literature of the ascription to Moses of a law not found in the Pentateuch? You may be sure that if one such were known it would have been proclaimed by the traducers of the unity of the Pentateuch with a blare of trumpets, for it would be the unique specimen of direct evidence bearing on their alleged common use of the phrase to denote non-Mosaic authorship. But no. Tobit has his hero burn the fish's liver at the command of an angel, not according to the law of Moses. The Zadokite fragments never ascribe their additions to the Pentateuchal laws to Moses. Therefore, let those who allege that the phrase "the Lord said to Moses" is a legal fiction produce some evidence or let the indictment of the claim of the laws of the Pentateuch to Mosaic authorship be dropped. Some later writer by mistake or intention surely might have ascribed one law at least not found in the Pentateuch to Moses. But no such ascription has been found. No, not one.

Again, we find that no law of the four books from Exodus to Deuteronomy inclusive is in the Penta-

⁵⁴ Whenever Chronicles and Nehemiah were written, their testimony shows that the writer did not know anything about a legal fiction ascribing all laws to Moses.

teuch, or anywhere else in the pre-Christian Jewish literature, attributed to anyone but Moses. The modern critic asserts that the law called Mosaic were not given by him but that they were written by at least seventeen different authors and redactors; and yet not one of these critics can mention the name of even one of these seventeen. To be sure, some of them has assumed that Hilkiah forged the portion of Deuteronomy which, according to the accounts in Kings and Chronicles (the only sources of our information on the subject) Hilkiah himself attributed to Moses. And we find that some have alleged that Ezekiel *may* have written the Code of Holiness in Lev. xvii-xxvi, but unfortunately for the critics, Ezekiel who is never backward about affixing his name to his other works, abstained from doing so to the work under consideration.

Again some have asserted that Ezra may have written P or even have composed the whole Pentateuch; but here again they draw on their imagination for their facts, since the books of Ezra and Nehemiah both state clearly that Zerubbabel and Ezra and Nehemiah established in Jerusalem the laws and institutions that had been given by God to Israel through Moses.⁵⁵

⁵⁵ Thus, according to Ezra iii.3, Jeshua and Zerubbabel built the altar, "as it is written in the law of Moses," and offered sacrifices and set the priests and the Levites in their offices "as it is written in the book of Moses" (vi. 18). According to Neh. viii. 1, 3, Ezra the scribe brought and read the book of the law

WHERE MOSES WROTE

In the next place, all the laws of the Pentateuch attributed to Moses are either expressly, or impliedly, said in the record to have been given at certain *places*, that is, either in Egypt, or somewhere on the way from Egypt to the Jordan. This evidence, as to the localities in which the documents were written, so important in establishing the genuineness of any document, is almost absolutely ignored by the assailants of Mosaic authorship. What kind of lawyer would he be who attacked or defended the genuineness of a letter without considering whether the locality where it was written was mentioned and whether paper, ink, language, and contents, harmonized with the alleged place of its production? Now it is said that the following sections of the law were commanded in the localities cited, to wit: Ex. xii in Egypt (Ex. xii. 1), Ex. xix-xxiv, xxv-xxxi, and xxxiv, at the mountain; Lev. 1-vii, in the wilderness of Sinai; Ex. xix,

of Moses, which the Lord had commanded to Israel. And in vs. 14, we are told that they "found written in the law which the Lord had commanded by Moses" certain laws with regard to the feast of Tabernacles. In ix. 3, it is said that the book of the law of God was read and it is acknowledged in vs. 34 that the kings and princes and fathers had not kept the law. But the people covenanted (x. 29) to walk in God's law which was given by Moses the servant of God. Again, in xiii. 1, we are told that "they read in the book of Moses." On the other hand, the service of song is said to have been reinstated after the ordinance of David, king of Israel (Ezra iii. 10).

1, 2, 3, 20, xxiv. 12, 13, 16, xxxi. 18, xxxiv. 2, 29, Lev. vii. 38, xxv. 1, xxvi. 46, xxvii. 34, Num. i. 1, iii. 1, ix. 1, out of the tabernacle of the congregation (Lev. i. 1). Others are preceded by the phrases: after they had left Egypt (Lev. xi. 45, xxii. 33, xxiii. 43, xxv. 55, Num. xxv. 41); from the camp (Lev. xxiv. 23, Num. v. 2; when ye come into the land (Num. xv. 2, 18, xxxiii. 51, xxxiv. 2, Deut. xxvi. 1, xxvii. 2); while they were in the wilderness (Num. xv. 32); in the plains of Moab (Num. xxvi. 3, 63, xxvii. 3 [by implication], xxxi. 1, xxxvi. 13, Deut. i. 5, xxix. 1).

Now, the critics adverse to Mosaic authorship of the Pentateuch have been sharp enough to see that if they can throw doubt upon the accuracy of the documents with regard to these places, they will impugn the veracity of the accounts. So, after a hundred and fifty years of diligent search they find one apparent flaw. It seems that E and D use Horeb in place of the Sinai of J and P as the locality of the giving of the law. Horeb is said to be the designation of the mountain of God used in the northern part of Palestine where E is assumed to have been written and Sinai that used in Judah, where J and P were written. But the critics fail to attempt even to show why D, a document of the southern kingdom, should have followed E instead of J, and why P should have failed to harmonize this alleged discrepancy, or even to have remarked upon it. Perhaps the simplest and

most obvious explanation is the best. Horeb and Sinai were in a sense the same, just as the Appalachian chain and the Alleghany Mountains and Chestnut Ridge are the same. I was born near the Chestnut Ridge of the Alleghany Mountains of the Appalachian chain. In Europe I might speak of the Appalachian Mountains as my birthplace; in California, of the Alleghanies; in Western Pennsylvania, of the Chestnut Ridge. But I was born in only one place. So, as Hengstenberg long ago said,⁵⁶ "at a distance the mountain of God was called Horeb; near at hand, it was called Sinai, or once possibly Horeb."⁵⁷ The use of mountain before Horeb is no proof that it was a single eminence and not a ridge; for Mount Ephraim was "the hill country of Ephraim" or as Hastings Dictionary says,⁵⁸ "the mountain ridge in Central Palestine stretching N. to S. from the Great Plain to the neighborhood of Jerusalem."

⁵⁶ *On the Genuineness of the Pentateuch*, II, 327.

⁵⁷ Ex. xxxiii. 6, in a passage of which Dr. Driver said: "No satisfactory analysis has been effected," LOT, 38. In his work entitled *From the Garden of Eden to the Crossing of the Jordan*, Sir William Wilcox claims that Horeb and Sinai were both in the northern part of the peninsula and that the law was given from both. Prof. Sayce, also, puts both of them in the northeastern part of the peninsula. If Sinai is a part of Horeb the whole argument of the critics fails.

⁵⁸ Vol I, p. 727.

THE METHOD OF THE INVESTIGATION

WHEN MOSES WROTE

But lastly, not merely are all of the documents of the Tetrateuch (with the exception of a few ascribed to Aaron) ascribed to Moses, and the place where most of them originated indicated, many of them are *dated* as to year, month, and day. The critics *quietly* ignore these dates. They would possibly attribute them to the cunning of the forger, and assert that they were inserted with the express purpose of giving to the documents in which they occur the appearance of verisimilitude. Think of a counsel arguing before a court that the fact that a document—a will, a contract, a letter, a cheque—was correctly dated was *prima facie* evidence, not that it was genuine, but that it was a forgery! Let the critics show at least that the dates are not in the form of dates used in the time of Moses. But this they cannot do. But, on the other hand, it can be shown that in every particular the dates are of the same form as those that were used before 1500 B.C. There are two full forms of dates in the Pentateuch. The first gives the order of the day, month, year, as in Num. i. 1: “the first day of the second month of the second year after their going out from Egypt”; and the second, the order of year, month, day, as in Num. x. 11, “in the second year, in the second month, in the twentieth day of the month,” and Deut. i. 3, “in the fortieth year in the eleventh month on the first day of the month,”

and Num. xxxiii. 38, "in the fortieth year of the going out of the children of Israel from the land of Egypt in the fifth month on the first day of the month." The distinguishing feature of these two systems of dating is that the former puts the year last and the latter the year first. The first system was used in Babylon and Nineveh from the earliest documents down to the latest, and the second system was used in Egypt in like manner from the earliest dynasties down to the time of the Ptolomies. Thus "in the month Ab, the 22d day, in the year after king Rim-Sin had conquered Isin";⁵⁹ "In the month Ayar, day 20, of the year after king Samsuiluna, etc.";⁶⁰ "in the month Shebat the 14th day, the second year after the destruction of Kiš."^{61 62} It will be noted that in every particular but one the dating of Num. i. 1 is like the datings from the time of Abraham. This particular is that Numbers puts the day before the month. This, however, was a usual departure of the Hebrew writers in using the Babylonian system. Jeremiah lii. 12 is the only place in the Old Testament where we find the order month, day, year. In Hag. i. 15, ii. 10, Zech. i. 7, and Ezra vi. 15, all from post-captivity times, we find the order day, month, year, as

⁵⁹ Schorr: *Urkunden des altbabylonischen Zivil- und Prozessrechts*, p. 53.

⁶⁰ *Id.* 153.

⁶¹ *Id.* 214.

⁶² These kings lived on or about the time of Hammurabi. See, also, Schorr, p. 279, 328, 416, for other examples.

in Num. i. 1. In all of these post-captivity writings the name of the king is given exactly as we find it on the Babylonian documents from the time of Nebuchadnezzar II; whereas in Num. i. 1, the dating is "after the going out of Egypt" just as in the earliest Babylonian documents.

Examples of the Egyptian system of dating are to be found in numerous places in Petrie's *History of Egypt*,⁶³ in Breasted's *Ancient Records*,⁶⁴ and in the *Oxyrynchus Papyri*.⁶⁵ It is worthy of note, also, that the phrase "after the going out from Egypt" is paralleled in many cases in the earliest Egyptian records.⁶⁶ The Egyptian system is the one used commonly in the Old Testament by the writers who wrote before the return from Babylonia, and occasionally by those who wrote after 550 B.C. Thus we find the order year, month, day in Jer. xxxix. 2; xii. 4, 31; Ezek. i. 1, viii. 1, xxiv. 1; xxix. 1, 11; xxx. 20; xxxi. 1; xxxii. 1; xxxiii. 21; and Hag. i. 1; and the order year, day, month in Ezek. xx. 1; xxvi. 1; xxxii. 17; xl. 1; Zech. vii. 1.

We see, therefore, from the above evidence that of the four full datings in the Pentateuch three follow the Egyptian system and one the old Babylonian. Of the three following the Egyptian system one is in the

⁶³ E.g. II, 67, 100-103.

⁶⁴ E.g. I, 137, 139, 140, 145, 160.

⁶⁵ E.g. I, 170, 178, etc.

⁶⁶ Breasted, *loc cit.* I, 54.

prologue to D⁶⁷ and two are in P.⁶⁸ The one in Num. i. 1 follows the Babylonian order and belongs also to P. But the clause affixed (i.e., after the going out from Egypt) resembles the dates from the Hammurabi dynasty and not those from the time of Nebuchadnezzar or later. So that in respect to dates, as well as in respect to names and places, we find that the genuineness of the documents of the Pentateuch cannot be successfully assailed.

CONCLUSION

In regard to no one of these great *prima facie* marks of genuineness in documents—names, places, dates—have the destructive critics been able to show that the statements of the Pentateuch are false. As to these three specifications of the indictment, the assured result of scientific criticism, in strict adherence to the law of evidence, is that Moses gave the laws which have his name at the times and places indicated in the documents attributed to him as the mouthpiece of Jehovah.

⁶⁷ i. 3.

⁶⁸ Num. xi. 11; xxxiii. 38; both assigned in LOT to P.