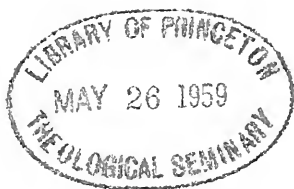
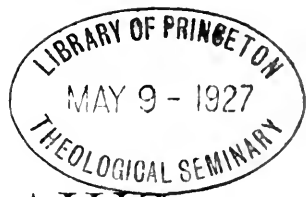


Pentateuch Laws and the
Higher Criticism

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PENTATEUCH LAWS

AND THE

HIGHER CRITICISM.

A SERIES OF QUESTIONS IN REVIEW OF RECENT
THEORIES CONCERNING THE ORIGIN OF
THE PENTATEUCH LEGISLATION.

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PRELIMINARY STATEMENT.

Until within a comparatively recent period Moses has been generally regarded as the originator, under God, of the great mass of Pentateuch laws; or, at least, as a principal in bringing them into the form in which they now appear. The consecutive narrative of events in which these laws are imbedded has been looked upon as genuine history and entirely worthy of trust. A very different theory, however, is now proposed. It is claimed that the laws of the Pentateuch, so far from being the product of a single generation, or originating to any great extent with Moses, are the result of slow development extending through many centuries. The earliest code, it is said, is that found in the so-called Book of the Covenant (Ex. xx.-xxiii., xxxiv). It arose during the time of the early kings and prophets (c. B. C. 1000). Next appeared the *code* of Deuteronomy (chaps. xii.-xxvi.) at the period when it is alleged to have been discovered (B. C. 621; cf. 2 Kings xxii). The remaining laws of the Pentateuch, embracing what has come to be known as the Priests' Code, are a precipitate from the varied activity of learned men, especially priests, down to the time of Ezra, when they first assumed their present form and were publicly introduced (B. C. 444). This theory has awakened so much attention and gained so wide a currency, particularly in Europe, that it cannot be passed lightly over. The special object of the present series of questions which is based on chapters iii.-vi. of the writer's book (THE PENTATEUCH: ITS ORIGIN AND STRUCTURE. *An Examination of Recent Theories.* New York:

(Charles Scribner's Sons, 1885) is to test the matter: (1) whether the laws themselves when critically examined, and as compared with one another and with those of the other supposed codes, require the abandonment of the old position that they originated in the age of Moses; and (2) whether they favor in any degree the proposed hypothesis of development. In harmony with the nomenclature of the criticism we shall use the characters JE to represent the two alleged earliest documents of the Bible which, as combined, had for their legislative portion the above-named Book of the Covenant. D will be used for chapters xii.-xxvi. of Deuteronomy, that is, its entire body of laws. PC will be understood as referring to the Priests' Code and as including all the remaining laws of the Pentateuch. For further explanation of terms and of the analysis see p. 85f. of the writer's book, to which, moreover, all references not otherwise specific in form are made. It will be noticed that, with the exception of laws peculiar to PC, the investigation is conducted on the basis of D, since its code is the most representative of the Pentateuch legislation in general. All the laws of the Pentateuch are brought under review excepting a few in Exodus concerning whose early date there would probably be no dispute.

LAWS OF THE SEVERAL CODES.

Text of D.	Topic.	Questions.
xii. 2-4.	Destruction of idols (p. 168).	<p>What appropriateness in such an introduction to the code of D on the common theory?</p> <p>Attitude of all the codes towards idolatry?</p> <p>Any essential difference in their point of view?</p>
xii. 5-28.	Centralization of worship (p. 84).	<p>How is the theory of development applied here?</p> <p>Does JE really allow a plurality of altars at one and the same time?</p> <p>Does PC presuppose a centralized worship as a thing of the past?</p> <p>What evidence in JE that one central place of worship was then required?</p> <p>Is it probable that if JE allowed a contemporaneous plurality of altars D would so strenuously prohibit it?</p>
xii. 31.	Worship of Moloch (p. 169).	<p>What was Moloch and its worship?</p> <p>Conclusions to be drawn from the way in which the subject is presented in PC and D respectively?</p> <p>What two leading principles of the proposed theory of development are here seen to be inoperative?</p>
xiii. 1-12.	Seduction to idolatry (p. 134). Peculiar to D.	<p>Bearing of the independent legislation of a code on critical questions in general?</p>

Text of D.	Topic.	Questions.
		<p>Logical connection of this law with its context?</p> <p>Any evidence of Mosaic origin in its form?</p> <p>Evidence that it represents the most developed form of Pentateuch legislation on this subject?</p> <p>Fitness of such a law as originating in the time of King Josiah (B. C. 621)?</p>
xiii. 13-19; xx. 15-18.	Destruction of Canaanitish cities (p. 171).	<p>Logical connection of this statute?</p> <p>Does its form in D presuppose other laws on the subject?</p> <p>Is PC or JE referred to (see D xx. 17)?</p> <p>What force in such a law subsequent to the time of David?</p>
xiv. 1, 2.	Forbidden mourning customs (p. 172).	<p>Any marks of a later age in the form of the law of PC?</p> <p>What renders improbable the rise of the law in D at the time of King Josiah?</p>
xiv. 3-20.	Food as clean and unclean (p. 173).	<p>Reasons for supposing the legislation of D here dependent on that of PC?</p> <p>Bearing of the supposed textual corruption?</p>
xiv. 21.	Animals eaten to be properly slain (p. 175).	<p>Differences in the three codes as compared together?</p> <p>Is the order JE, PC, D, a natural one under the circumstances presupposed in the history?</p>
xiv. 22-29.	The Offerings (p. 94).	<p>How is the theory of development applied in the case of the offerings?</p> <p>Is it a fair statement to say that PC, contrary to JE, makes the custom of sacrificing begin with Moses?</p>

Text of D.	Topic	Questions.
		<p>Can the alleged discrepancy between the two codes be proved to exist? Does the fact that PC alone introduces the sin and trespass offering as such prove its later origin? Validity of other evidence adduced as showing the late rise of PC?</p>
xv. 1-11.	The Sabbath year (p. 177).	<p>Reasons for supposing that the same thing is referred to in all the codes? How is the difference of form to be accounted for? Bearing of D's law of the tithe?</p>
xv. 12-18.	Release of Hebrew servants (p. 177).	<p>Logical connection of this law with its context? Points of divergence in the three forms of the law, how to be accounted for? Provision of PC respecting the year of jubilee?</p>
xv. 19-23.	Animal sacrifices to be faultless (p. 181).	<p>What difference between D and PC here? Reason for supposing the form in D secondary? Might greater definiteness naturally be expected in PC?</p>
xvi. 1-17.	The Feasts (p. 104).	<p>How is the hypothesis of development applied here? Textual basis for the theory that these feasts were originally popular festivals? Does the passover appear as a different thing (in name, date, occasion) in D from what we find it in PC? Does D differ from PC in the number of days required for the feast of tabernacles?</p>

Text of D.	Topic.	Questions
		Why do JE and D probably fail to mention the feast of trumpets? Does the fact that PC alone <i>enjoins</i> the day of atonement favor the hypothesis of its late origin?
xvi. 18-20; xvii. 8-13.	Judges and officers (p. 136). Peculiar to D.	What seems to be contemplated in this law? Objections to considering it as late as the times of Jehosaphat?
xvi. 19, 20; xxiv. 14, 15.	Oppression of the poor (p. 182).	Mutual relation of the three codes? Evidence that PC is not later than D?
xvii. 2-5.	Punishment of Hebrew idolators (p. 138). Peculiar to D.	Importance of this law from the point of view of the criticism? Evidence that the form of idolatry here forbidden was very old? Bearing of the form of the statute?
xvii. 6, 7.	Of witnesses (p. 183).	Relation of D to PC here? Reasons for supposing D the later? Validity of such an argument in view of previous reasoning (see foot-note)?
xvii. 14-20.	The king (p. 141). Peculiar to D.	The idealism of the Hebrew laws here a defect? What does the external form of the law presuppose? Was Solomon probably in mind? Features precluding the theory of a late date? What is to be said of the silence of Samuel respecting this law?
xviii. 1-8.	Priests and Levites (p. 112).	How is the theory of development applied here? Does JE say nothing of priests? Does D make no distinction between priests and Levites?

Text of D	Topic.	Questions.
		Do the historical portions of D differ from the representations of PC respecting the duties of priests?
		How may the weakening of the distinction between priests and Levites in D be partially accounted for?
		Bearing of the law in PC concerning the high-priest on the question of development?
		Fact showing that this office did not originate during the exile?
		Other facts bearing against the development hypothesis?
xviii. 9-14.	Magical arts (p. 184).	External form of the law in the three codes?
		Bearing of Israelitish history on the question of its slow development?
xviii. 15-22.	The prophet (p. 144). Peculiar to D.	Importance of the law of the prophet?
		How is it introduced?
		Consequences of supposing it not genuine?
xix. 1-13.	Cities of Refuge (p. 185).	Apparent aim of the Pentateuch law in all its phases?
		Relation of the codes, especially that of D to PC?
		Bearing of the provision in D for three additional cities?
		Were these three expected to make the whole number nine or six?
xix. 14.	Of landmarks (p. 146). Peculiar to D.	Exact force of the prohibition?
		Any evidence that it would be no anachronism on the lips of Moses?

Text of D.	Topic.	Questions.
xix. 15-21.	Of false witnesses (p. 188).	Mutual relation of the three codes? Weight of probability as it respects the priority of D or PC?
xx. 1-9.	Preparation for battle (p. 147). Peculiar to D.	Appropriateness of such a law in D on the common theory? Inconsistency of its specifications with a date as late as the times of Hezekiah even? Incidental proofs of the priority of PC? Organization of the Israelitish army in the royal period?
xx. 10-14; 19, 20.	Of hostile cities (p. 148). Peculiar to D.	Peculiarity of introduction? Such a statute appropriate to the times after the division of the kingdom? Would it be out of place at the period of the exodus?
xxi. 1-9.	Purification for murder (p. 149). Peculiar to D.	Primitive character of the legisla- tion suggests what? Is a sacrificial rite enjoined? Ceremony is based on what custom?
xxi. 10-14; 18-21.	Female captives. A disobedient son (p. 150). Peculiar to D.	State of things presupposed in the former class? Would the latter be out of place in a Mosaic code?
xxi. 15-17.	Rights of inherit- ance (p. 189).	What was the original custom? Apparent aim of the legislation in all its phases? What fixes the date of that of PC? Form of the law suggests what respecting the origin of Penta- teuch laws in general?
xxi. 22, 23.	Of hanging (p. 151). Peculiar to D.	Confirmation in the Book of Joshua of the early origin of this law? Why allowable to cite this book here?

Text of D.	Topic.	Questions.
xxii. 1-4.	Property of Israelites (p. 190).	Bears only on the relation of D to JE.
xxii. 6, 7.	Kindness to animals (p. 191).	Appropriateness of the form of the law in PC and D respectively to their commonly supposed origin?
xxii. 8.	Regard for human life (p. 151). Peculiar to D.	What might the law presuppose? How appropriate to its historic setting as found?
xxii. 5, 9-11.	Mixing of things diverse (p. 191).	Reasons for supposing the form of the law found in D but an enlargement of that of PC? Evidence that the one law had the other in view? Marks of the popular form of D as compared with PC?
xxii. 12.	Of fringes (p. 192).	Difference in the form of the legislation in D and PC and its natural ground?
xxii. 13-21.	Charge of unchastity (p. 151). Peculiar to D.	Apparent object of the law? Relation to the peculiar one in Numb. v. 11-31?
xxii. 22-29; xxiii. 1.	Sins against chastity (p. 183).	How is the subject treated in the several codes? Why should priority to D be ascribed to the form in PC? Evidence in D that it had PC before it?
xxiii. 2-9.	Congregation of the Lord (p. 152). Peculiar to D.	Adaptation of the law to the historic circumstances of D? Why inappropriate to a later period than the exodus? Natural inference from the attitude of the law toward the Ammonite and Moabite and other nations?

Text of D.	Topic.	Questions
xxiii. 10-15.	Cleanliness in the camp (p. 194).	How is this law in harmony with its historic background? Its relation in its general spirit to PC?
xxiii. 16, 17.	Fugitive slaves (p. 155). Peculiar to D.	Any special marks of origin in the Mosaic period? Any evidence that it would not be out of place then?
xxiii. 18, 19.	Prostitution (p. 194).	Any reason to suppose that D antedates PC here? Peculiarity of the form of the statute in D?
xxiii. 20, 21.	Usury (p. 195).	Relation of the different forms of the law to the common theory of their origin? Peculiar coloring of D?
xxiii. 22-24.	Vows (p. 196).	Spirit of all the laws touching this subject? Local coloring of D? Relation of the latter to PC?
xxiv. 1-4.	Divorce (p. 156). Peculiar to D.	Is this law too much developed for the exodus period? What fact found in PC is here assumed? Does it rise to the plane of the teaching of the later prophets?
xxiv. 6, 10-13, 17, 18.	Pledges (p. 197).	Any signs of a late period? Failure of PC to treat the subject suggestive? Relation of the law in D to that of JE?
xxiv. 7.	Of Man stealing (p. 198).	Relation of the codes of JE and D?
xxiv. 8, 9.	Leprosy (p. 198).	What principle laid down by De-litzsch may be here applied?

Text of D.	Topic.	Questions.
		Any critical value in the reference to Miriam?
xxiv. 19-22.	Gleaning (p. 199).	How does the code of D stand related to PC here?
xxv. 1-3.	Punishment by flogging (p. 157). Peculiar to D.	Any suggestion of the priority of D? Significance of the method of administering this punishment?
xxv. 5-10.	Levirate marriage (p. 157). Peculiar to D.	On what custom was this law based? Its relation to Lev. xviii. 16? What seeming historic corroboration has it?
xxv. 11-12.	Punishment of immodesty (p. 158). Peculiar to D.	Any good reason from the form of the law itself for denying its Mosaic origin?
xxv. 13-16.	Just weights and measures (p. 200).	Difference in the Deuteronomic and the Levitical forms? Inference from the motives urged respectively?
xxv. 17-19.	Amalek (p. 158). Peculiar to D.	Probable original form of the passage? Nature of the appeal suggests what? What were the present circumstances of Israel? Bearing of the actual history of Amalek?
xxvi. 1-19.	An offering of first fruits (p. 160). Peculiar to D.	This formula was for what occasion? Any marks of a post-Mosaic origin?
LAWS PECULIAR TO THE PRIESTS' CODE.		
Lev. xxiv. 15, 16;	Blasphemy (p. 209).	In itself considered, is this law out of place in the age of Moses?
Numb. xv. 30, 31.		What special confirmation of its genuineness?

Text of <i>D</i> .	Topic.	Questions.
Ex. xxviii. 1-43.	The sacred vestments (p. 210).	<p>Objections to considering it a late product?</p> <p>Any particular marks of the earliest period?</p> <p>What argument derived from the names of certain colors?</p> <p>What inference to be drawn from the history of the Urim and Thummim?</p>
Ex. xxix. 1-42, etc.	Consecration of the priests (p. 213).	<p>What was the ceremony?</p> <p>Evidence of age from the rite of anointing?</p> <p>Are the form of offerings peculiar to any age?</p>
Ex. xxx. 22-33.	The anointing oil (p. 215).	<p>Were its compounds ever rare?</p> <p>Argument from the later abandonment of the rite?</p>
Lev. x. 8-11; xxi. 1-24.	Special requirements from priests (p. 215).	<p>What of the requirement respecting marriage?</p>
Numb. xxv. 10-13.	High-priest to be from Eleazer's line (p. 216).	<p>Teaching of the history?</p> <p>Bearing of the title "son of Aaron" in PC?</p> <p>Uniform position of the high-priest throughout the biblical book?</p> <p>Are the alleged stages of development discoverable?</p> <p>Opinion of Delitzsch?</p>
Lev. xxii. 1-16; Numb. xviii. 10 ff.	Requirements from those eating of the sacrifices (p. 218).	<p>Bearing of these regulations on the theory of a Priests' Code?</p> <p>Relative position of Mošes and Aaron throughout this code?</p>
Numb. vi. 22-27; x. 1-10.	Prerogatives of the priests (p. 219).	<p>The two points of special importance here?</p> <p>Any evidence of development?</p> <p>Original use of the silver trumpet and its later history?</p>

Text.	Topic.	Questions.
Ex. xxv.- xxvii. 19. Cf. xxxvi- xxxviii.	The tabernacle and its furni- ture (p. 220).	Objections to considering the ac- count of the tabernacle fictitious? Its historic reality, how supported? Any real difficulty in the details of the narrative? Does the Pentateuch recognize one or two tabernacles? Richm's theory for explaining appar- ent discrepancies? How may all statements be harmo- nized on the basis of the unity and genuineness of the docu- ments?
Ex. xxx. 1-21, 34-38.	Altar of incense (p. 226).	Peculiarity of the account of the <i>altar of incense</i> ? Objection to regarding it as an after- thought based on that of Solo- mon's temple?
Ex. xxv. 23-30; Lev. xxiv. 5-9.	Table of shew- bread (p. 227).	Reasons for supposing that the <i>table of shew-bread and the candlestick</i> as described in PC are genuine and Mosaic?
Ex. xxvii. 1 ff.; xxviii. ff.	Altar of burnt offering (p. 228).	Changes the <i>altar of burnt offering</i> underwent in the history? Conclusions to be drawn here and in the case of the remaining fur- niture of the tabernacle from these changes, when the usage of the exile period is considered?
Lev. i. 1-17; vi. 1-6, etc.	The burnt offer- ing (p. 229).	Important presuppositions? Relation of Jehovist and Elohist? Ritual out of place in the exodus period?

Text of D	Topic.	Questions.
Lev. ii. 1-6, 7, 11; x. 12, 13, etc.	Meal and drink offering (p. 230).	Peculiarity of the Petateuch ritual of the drink offering? What evidence of development in Hebrew usage? To what does the institution of these offerings look forward?
Lev. iii. 1-17; vii. 11-21, etc.	Peace offering (p. 231).	When did this rite originate? Argument derived from the terms employed that it is not of late date?
Lev. iv.; v. 13, etc.	Sin offering (p. 232).	Significance of the order of the narrative? What points to its origin in the wilderness? Bearing of Israelitish history after the times of Hosea?
Lev. v. 14-26; vii. 1-10, etc.	Trespass offering (p. 233).	Distinction between this offering and the last? Is the latter a subordinate develop- ment from the former? Terminology of the Pentateuch always consistent? Why is this offering so seldom re- ferred to?
Lev. xxvii. 1-34.	Release from vows (p. 234).	Relation of this law to the Sinaitic legislation in general? Reason for such a law at an early period? What were the exilian and post- exilian usages?
Numb. vi. 1-21.	The Nazarite (p. 236).	Evident aim of this law? Ground for inferring an early origin?
Lev. xii. 1-18.	Rite of purifica- tion at child- birth (p. 237).	Ethical basis of the rite? Any internal marks of its age?

Text of D .	Topic.	Questions.
Numb. xix. 1-22.	Purification by the ashes of a red heifer (p. 238).	These Elohistie rites of purification are based on what Jehovistic principles? Circumstances favoring the rise of this law in the exodus period?
Lev. xxiii. 23-25, etc.	Opening feast of the seventh month (p. 239).	Importance of this law from the point of view of the criticism? Is it noticed in the historical books? Why not admit that it arose at the time of the exile? How do the exulants really cele- brate this feast?
Ex. xxx. 10. ; Lev. xvi. 1-34, etc.	The day of atone- ment (p. 242).	How is this law introduced in the code? Natural inference from such a four- fold presentation? Anything in the history to disprove its potential existence in the statute? Occasion of its first announcement? Has this law the exclusive support of PC?



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