

CHAPTER FOURTEEN

INTERNAL EVIDENCE FOR THE MOSAIC ORIGIN OF THE DEUTERONOMIC CODE

We have come to the conclusion, that, whilst the unity of the Codes is vouched for by all evidence that can be reasonably demanded, the arguments adduced against it, when considered each on its own merits, cannot stand the test of a fair criticism. We could sum up the result in the statement, that the newest phase of Pentateuch-criticism presents no theory, but merely a hypothesis, one of the many ways of accounting for a number of facts. We believe that we have shown that the old hypothesis, if we may indeed call it so, accounts for these facts just as well as the new one, and in many respects better.

But it is not a matter of indifference which of the two hypotheses we shall choose. For whilst the new one must stand or fall on the mere merits of its plausibility and applicability, the old one has all the advantage of the direct testimony of the law itself, which lifts it out of the category of hypotheses, so that it becomes a theory founded on such facts as will admit no other interpretation.

For the whole Deuteronomic Code, we have in chap. 31:9, 24, the explicit testimony, that it was not only promulgated, but committed to writing, by Moses himself. With this statement, to be sure, nothing is decided as to the authorship of Deuteronomy as a whole. We may have our peculiar views, like Delitzsch and Kleinert, with regard to the composition of the book as a whole, and still agree on the fact, that Moses actually delivered these discourses. The only question that must be considered here, is whether the statements in ver. 9 and 24 do, or do not, refer to the whole Pentateuch. On this point, there is considerable difference of opinion. Hengstenberg, Hävernick, Keil, Schultz, etc., extend them to the whole Pentateuch, with the exception of the closing sections of Deuteronomy. Delitzsch, Kurtz, and, of course, the whole host of modern critics, limit them to the legal discourses of Deuteronomy. The latter view seems to be the most plausible one, for the following reasons: —

1. The passages 29:19, 26, 19:10, 30:20, 28:58, 61, suffer no other interpretation than that they refer to the Deuteronomic Code. From analogy we would expect the same to be intended here. Schultz admits this, but, since Deuteronomy proper does not extend beyond chap. 30, claims that the rest is written as a closing section of the whole Thora, and may accordingly refer to it as a whole. If such were the case, however, we would naturally first expect a direct statement that Moses committed Deuteronomy to writing, before it could be tacitly included under the general term of the Thora as a written whole. As this is nowhere found, and 30:1 speaks simply of Moses having *spoken* all these words, we must seek it in ver. 9 and 24.

2. It is not impossible, still it is improbable, that the delivering of this law mentioned in ver. 26 was a mere symbolic act, as the other view implies.

3. It was the special duty of the priests to preserve the law, and more specially the Levitical law was entrusted to them. We must therefore suppose that the latter had been delivered to them long before. If it be said that this may have been a mere copy of the Code, but that now the historical work of the Pentateuch was handed to them, we may answer that this analogy makes it only the more probable, that also the Deuteronomic Code was at first put into their hands separately without its historical frame.

4. The passage 29:1 shows that the Covenant made in the fields of Moab is considered as a separate one, distinct from that contracted at Horeb. There is no reason, then, to deny, that, according to the analogy of *הַבְּרִית הַזֹּאת* (*this covenant*), also *הַתּוֹרָה הַזֹּאת* (*this law*) means simply the Deuteronomic law.

5. Josh. 8:32 can hardly mean that the whole Pentateuch was written in stones on Mount Ebal. Keil claims that the expression used in Deut. 27:2, 8, "All the commandments, which I command you this day," is clearly intended to indicate, that here the whole Pentateuch is not meant, and that for this reason it does not decide any thing for the less explicit statements in other passages. But chap. 28:1 shows that the addition of "this day" cannot have been made for this special purpose. We have, therefore, a right to consider the passages where it is found as parallel to all the others, and find in them a confirmation of our view that also the latter speak only of the Deuteronomic Code.

It appears, then, that, from Deut. 31:9, 24, no direct argument for the Mosaic origin of the other Codes can be obtained. It does contain, however, an indirect testimony. If the Deuteronomic discourses were committed to writing immediately after their deliverance, we may infer *a priori*, that Moses did the same with regard to the previous laws. That such was his custom, as it was the last thought at the end of his life, shows how much he laid to heart the careful preservation of the Codes.

Since the modern critics find themselves at liberty to disbelieve this explicit self-testimony of the Deuteronomic Code, there should be a strong weight of evidence to the contrary. Before we proceed to examine this, it is important to realize fully what such a disbelief involves; for on it will depend how much contrary evidence we demand in order to be convinced.

The term "literary fiction" has found large acceptance with the critics to designate their pretended origin of Deuteronomy. It does not fully suit the case, however. Again and again, critics have been anxious to remind us that the ideas of literary property were not so developed in antiquity as they are in our days. The Book of Deuteronomy, presenting itself to us as the work of Moses, has been compared to a parable; and Robertson Smith declares, that it matters little "whether these things were spoken by Moses literally, or in a parable." Dr. Kuenen, at least, is fair enough to confess that the fiction of the Deuteronomist cannot be defended from our stand-point of morality, but hastens to add, that a writer in the time of Manasseh cannot be measured by our moral standard. We must acknowledge, he says, that such a *pia fraus* was in those days quite consistent with a high degree of religious development.

Before proceeding farther, we must distinguish between a literary fiction and a legal forgery. When Riehm draws a parallel between Ecclesiastes and Deuteronomy, and then puts the question, "Why should we grant this liberty to the philosopher, and deny it to the lawgiver and prophet?" he has himself already intimated the answer that should be given to such questions. Suppose that Ecclesiastes were a literary fiction, still we could not blame the author for having introduced his work under the name of Solomon, because the fictitious character was not concealed, but intended to be understood and appreciated. On the other hand, there is every possible proof that the author of Deuteronomy wished his work to pass for the genuine work of Moses. The element of "falsehood" would be surely

involved here. Most decisive in this respect is his statement that Moses wrote this law; also the fact that he does not allow any additions or subtractions or modifications to be made in what he gives as the words of Moses, 4:2, 12:32. How can we free from the charge of deceit, him who condemns most emphatically in his book a practice of which the book itself was the product? Further, the writer of Ecclesiastes would have given nothing more than subjective human speculation, under the authority of Solomon, since he need not have had the intention of foisting his book into the Canon. But the Deuteronomist applied his fictitious methods in the sphere of divine authoritative law, and knew, if he succeeded, that the first result of his success would be a deception of men in their most holy interests, an adulteration of the Canon, and in its ultimate analysis an encroachment upon God's sovereign right to prescribe law to Israel. It would be necessary to think that the times of Manasseh and Josiah were like the nineteenth century, when those initiated into the secrets of criticism do not hesitate to laugh contemptuously within the walls of their schools at the superstition of God's common people, who still cling to the antiquated notion of the Mosaic origin of the Pentateuch. The writer of Deuteronomy must have had some resemblance to our present heroes of Old-Testament science, who for themselves having long outgrown the traditional notions, still, out of the fullness of their benevolence, are willing to leave the less instructed class a kind of regulative knowledge. It is exceedingly saddening in the present state of the question, whilst the one alternative is "*fraud*," that even a man like Dr. Delitzsch declares that the Church at large has no interest in the Pentateuch question, and ought not to have. It is no longer the time to mislead ourselves by unmeaning phrases. The Church has an interest in this matter. If she has been deceived by the Deuteronomist more than twenty-five centuries ago, it is more than time that she knew it now. With Dr. Kuenen we say it is "either one thing or the other," and every attempt at compromise involves a concession to our opponents.

Before we hear the grounds on which critics think themselves justified in assuming this terrible fraud, let us survey the indirect testimony of Deuteronomy to its Mosaic origin.

1. The time in which the author speaks is evidently the later part of Moses' life. The people appear to be on the point of crossing the Jordan, the conquest of Canaan is promised as the reward of fidelity to Jehovah, the people are encouraged not to dread the Canaanites, commanded to extirpate the Canaanites, etc. To quote passages is superfluous.
2. The author shows intimate acquaintance with the geographical condition of the country in which Israel received this law. Whilst his statements concerning the eastern side of the Jordan betray by their minuteness and accuracy an eye-witness, those concerning the west side are general throughout.
3. When Riehm and others ascribe all this to the endeavor of the Deuteronomist to make his work pass for that of Moses, all the evidence is against them. For (a) The information concerning the Mosaic period is in part new, not contained in the previous books of the Pentateuch; and there is no proof that the Deuteronomist used other sources. (b) The history, though conforming to that of Exodus-Numbers, is remodeled with a freedom that nobody would have allowed himself to use in post-Mosaic times, least of all a writer who wished to authenticate his work with the impress of a genuine Mosaic character, and who everywhere proclaims the sacred, inviolable character of the Mosaic law. (c) It should be noticed, that all these references to the Mosaic period present themselves as natural and unintentional. If we had to assume that they were interwoven with a purpose, we

would expect them to be more explicit, prominent, and emphatic.

4. Though Deuteronomy presupposes throughout the possession of the promised land, the point of view is never lost, that the conquest is still future. The possibility of fiction is precluded here by the promise of extended territory (11:24, "From Lebanon, from Euphrates, unto the uttermost sea"), such as even the most visionary expectations of later times could not have aspired to. How could a contemporary of King Manasseh or Josiah say, "From the river Euphrates shall your coast be," without exposing himself to ridicule?

5. Retrospectively the Code contains many references to the sojourn in Egypt of such a character as only the national consciousness in the Mosaic period could understand or appreciate. Memory of the Egyptian bondage is made an incentive to kind treatment of servants and strangers. The book is full of Egyptian reminiscences (11:10, 20:1, 23:4, 7, 24:22). The modern criticism has attributed all this to mercantile intercourse with Egypt. Apart from the fact, that in this case the allusions would have been more direct and intentional, the explanation is only a partial one. Mercantile intercourse was not adapted to make the reminder of Egyptian servitude a forcible incentive to humane treatment of servants. Neither would it account for historical coincidences, since there is no proof that intercourse with Egypt led to a professional study of Egyptian history and antiquities.