

CHAPTER SIXTEEN  
INTERNAL EVIDENCE OF THE MOSAIC ORIGIN OF THE LAWS IN EXODUS-NUMBERS

If our belief in the Mosaic origin of the Deuteronomic Code rests on valid grounds, we have an *a potiori* argument for the authenticity of the laws contained in the middle books. Our work is rendered more easy and simple, because a great number of traces of later origin discovered by the critics in Deuteronomy are not found here.

1. We first state the direct testimony of the laws to their own origin, which is of a twofold character: (a) when simply Mosaic origin is claimed; (b) when it is explicitly stated that Moses committed certain laws to writing.

(a) A great number of laws are introduced by formulas like the following: "The LORD spake unto Moses." "And the LORD called unto Moses, and spake unto him out of the tabernacle of the congregation." "And he [Moses] said unto Aaron." "And the LORD spake unto Moses and to Aaron." "And the LORD spake unto Moses in Mount Sinai." These introductory statements cover the whole book of Leviticus, and in Numbers we find the same repeated throughout. All these laws claim for themselves Mosaic origin.

(b) The passages in which Moses is said to have committed certain laws to writing are the following:

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Exod. 17:14: "And the LORD said unto Moses, Write this for a memorial in a book, and rehearse it in the ears of Joshua: for I will utterly put out the remembrance of Amalek from under heaven." The statement falls outside of the Code, and is important for our present purpose only in so far as the book referred to might furnish an indirect testimony to the fact that Moses wrote the history of his lifetime. The Massorah has it, **בספר** (*in the book*), with the article. Though the presence or the absence of the article depends on the punctuation, still we may inquire whether the Massorah had no good grounds in putting it here, in spite of its omission in the Greek and Arabic translations (the only ones which could express it). For, as the punctuation without the article would have doubtless been the more natural one, its addition must have rested on positive reasons in the nature of the case. Now, we cannot but find it absurd to call a separate note of this character "a book," or even to preserve it as an isolated sentence in written form. The passages which Bleek adduces, do not prove that a single sentence committed to writing could constitute a book. One of them (Jer. 32:19) does not speak of a book, and the others refer to more comprehensive laws or decrees. The most plausible interpretation is that which the Massorah intimated by adding the article viz., that Moses was accustomed to commemorate important events and commands, and that this book, the origin of our present Pentateuch, is referred to by God.

Exod. 24:4: "And Moses wrote all the words of the LORD." The words of the Book of the Covenant are meant, which included chap. 20:22-23:33. Whether the Decalogue was included is not certain, but improbable for the following reasons: (a) The book was read in the audience of the people (ver. 7); this would have been superfluous in case of the Decalogue, which God himself had promulgated with audible voice. (b) It is not stated that Moses wrote the Decalogue: God himself wrote it on tables of stone. (c) The parallel Covenant-law in chap. 34, equally committed to writing, did not repeat the

Decalogue.

Num. 33:2: Moses wrote the list of stations during the desert-journey (ver. 3-49).

These passages cover a comparatively small part of the Sinaitic legislation. Critics have rashly inferred that we have no positive testimony of its codification by Moses, and have even gone to the length of asserting that the passages just enumerated exclude the writing of any other part of the law by Moses. Dr. Kuenen says, "When in the first four books of the Pentateuch, only a few pieces of little length are ascribed to Moses, it becomes probable that all the rest, in the writer's opinion, is non-Mosaic." Delitzsch and Bleek and many others are of the same opinion.

We believe that this conclusion is as unwarranted as the other extreme, to which some conservative critics have gone, of asserting that we might reason, from the part being written by Moses, that the whole was. The truth is, that these passages prove nothing in either direction; since the special command to write was clearly occasioned by extraordinary circumstances, and served a special purpose. That Exod. 17:14 presupposes a more comprehensive work, we have seen already. The Covenant-law had to be written separately for its symbolic use in the solemn transaction (chap. 24). After the Covenant had been broken, the second law (chap. 34) was, of course, written separately after the analogy of the first.

There can be, then, no doubt that the Jehovistic and Elohist legislation claim for themselves Mosaic origin. We must accept this self-testimony, so long as it has not been disproved by other evidence. Accordingly we might stop here, and, remembering how the unity of the laws in Exodus-Numbers has been established, dismiss the subject. Still, it may be well to survey the contents of the intermediate books with special regard to —

2. Their indirect internal evidence of Mosaic origin.

Many of the Levitical laws are so formulated, that they presuppose the sojourn of the people in the desert-camp around the tabernacle; and many commands rest for their practicability entirely on this situation. It is superfluous to point this out in detail. Compare Lev. 1-7, 11-16, 13, 14, 16, 17; Num. 1, 2, 4, 10:1-8, 19.

In the case of other laws, the form is determined by the historical event that occasioned them, so that they cannot have existed separate apart from the latter. Exod. 35-40 is thus connected with chap. 25-31. Lev. 16 attaches itself to chap. 10:1.

Bleek based on these facts the following propositions: —

1. Even if the Pentateuch in its present form be not composed by Moses, and it be shown that many individual laws are the product of a later time, still the Pentateuchal Code as a whole is, as to its spirit and character, genuine and Mosaic.

2. The art of writing must have been already known among the Hebrew people in the Mosaic period, and practiced to such an extent that comprehensive law-books were in existence.

3. We stand in the Pentateuch (as far as the middle books are concerned) throughout on an historical basis.

At first blush, it would seem that these positions were unassailable. The old way of speaking of myths, legends, or at best of traditions, so extensively applied to history, proved impracticable here. All the characteristics of myths and legends were wanting; and, as Wellhausen strikingly remarks, "For the originality of legends, exactly the opposite criteria decide from those by which actual history is tested. Legends are at the farthest distance from their source, where they appear in connection with an exact chronology." And so the case actually stands. The phenomena admit of only two theories for their explanation; more and more the extremes draw to themselves the occupants of abandoned intermediate positions; we have to choose between Baal and God, nature-worship and supernatural religion, fraud and history.

The modern criticism has not shrunk from taking the former of these alternatives. The Priest Code cannot be Mosaic. Still, it bears the impress of Mosaic origin. To reconcile these two facts, only one way is left open: what is not genuine, and still so striking, must have been fabricated with a purpose; the Mosaic dress of the priestly laws is woven for it by the skillful hands of exilic and post-exilic fraud.

These extreme views seem to have no common ground left on which to meet each other. What we recognize as one of the most striking proofs of Mosaic origin, is immediately construed on the other side as the meanest sort of Judaizing fiction. The material, under the molding hands of criticism, is like clay in the hands of a potter. There is no manner of argumentation which is not instantly, under the influence of these profane principles, turned round in the opposite direction.

To decide this question critically, no amount of philosophy or religious conviction will suffice. It is only when on both sides the following principles are admitted, that there is some hope of an historical solution of the problem: —

1. A legal as well as a literary fiction, however ingeniously devised, will always more or less betray the time of its origin. The veil thrown over it will be so transparent in some spots, that the actual situation can be recognized. With regard to Deuteronomy, the whole critical argument rests on the validity of this principle. We do, therefore, no injustice to the critics in applying it here.

2. The fiction will naturally seize upon such points in the fictitious situation which it portrays, as stand in immediate contact with the present for which it tries to provide. The ideal is not for its own sake, but serves a practical purpose: it must accordingly be chosen so as to have a direct bearing upon the latter.

Even a superficial observer cannot but discover that the pretended Priest Code does not comply with either of these conditions. Numerous historical allusions, referring even to minute and unimportant points, as we saw, are discovered in Deuteronomy. Historical data are disentangled from their Mosaic environment, and successively assigned to their alleged true place in the history of later times. Riehm proves by a purely internal process, that Deuteronomy must have been written after the time of

Solomon, Jehoshaphat, Hezekiah, Manasseh, in the reign of Josiah. Will the critics lay before us a similar series of propositions, that we may gradually and reasonably convince ourselves of the post-exilic origin of the Priest Code? No semblance of internal evidence is given, neither do the critics claim that any exists. There must certainly be a reason, if the Code originated between Ezekiel's Thora (B.C. 574) and its promulgation by Ezra (B.C. 444), a time of such critical and momentous changes in the history of Israel, — there must, we say, be a reason why it lacks all historical references. Had the art of forgery made such marvelous progress in the mean while, that, whilst the Deuteronomist still partially failed, the writers of the Priest Code fully succeeded in hiding themselves behind the shield of Moses?

What point of contact do the exilic and post-exilic times offer for Lev. 17? What practical bearing could such a law as that of chap. 16, concerning the Day of Atonement, have upon a period when the ark no longer existed? How can we find a positive reason for the forging of such commands? The cultus of the past was in many cases deficient, and could not furnish a norm. Neither did Ezekiel's Thora bind them. What other principle can have governed the framers of these laws, if not their adaptability to the future restoration? How, then, shall we account for the scene of the whole not being laid in Canaan, but in the desert, and, moreover, the laws being adapted to a large extent only to the desert-life? It is no answer to say that the fictitious character made such dissimulation necessary. The question is, why was exactly this form of dissimulation chosen? That the Mosaic mask could have been imposed on more attractive and appropriate features, the critical opinion of Deuteronomy shows. Why is not Moses represented as giving a law with special reference to the settled life of the people in Canaan? All these questions the newer criticism fails to answer. As it has stripped the Mosaic period of its miraculous character, so it has enshrouded the time of the exile and the subsequent period in an impenetrable mist.

We ask whether there are no portions of these laws whose authenticity can be established independently of this self-testimony, so that we may make them the basis for further argumentation. If only one case can be indicated where the internal evidence is verified beyond doubt by external considerations, the critical theory of fiction fails.

Now, there are such cases. The Mosaic institutions, as they are represented in the Codes, are full of Egyptian reminiscences. It is true, every resemblance does not justify us in assuming a historical connection, since certain rites and ceremonies are common to all ancient peoples. But in some cases the similarity may be so striking, and so strongly corroborated by historical testimony, that accident is out of the question. An illustration of this we find in the law concerning leprosy, and its treatment by the priests (Lev. 13, 14). The following facts, as stated by Delitzsch, concur to establish their Mosaic origin almost beyond dispute (a) The exodus of Israel has been identified by nearly all Egyptologists with the expulsion of the lepers spoken of by Manetho, Chaeremon, Lysimachus, Tacitus, Diodorus, and Justinus. (b) The peculiar form in which Egyptian tradition has preserved this memory of the exodus can only be accounted for by the assumption that leprosy prevailed more or less among the Israelites. Over-population, the result of their rapid increase in Goshen, may have been the natural cause of this impurity. This is confirmed by Scripture testimony of Jehovistic character (Exod. 4:6; Num. 12:10, 15). (c) On account of this plague, the Egyptians would necessarily consider the Jews as the importers of leprosy, and, as they carried their systematic purifications to an extreme for themselves, would exert an influence in the same direction upon the Israelites. (d) This sanitary, and

more specially prophylactic, treatment of the disease was among the Egyptians assigned to the priests, and must have been pursued in accordance with certain fixed rules, as was the case with their medical practice in general. (e) It admits of no doubt, that the Israelites would follow in their treatment of the plague Egyptian usage. (f) Actually we find in their laws a carefully prescribed method of dealing with it; diagnostic criteria are given; it appears also as the special task of the priests, to discern the various phases of the disease, and declare the persons clean or unclean after a careful inspection. All these traits combined, amount almost to a logical demonstration of the Egyptian, and consequently Mosaic, origin of the law of leprosy.

That there was such a law prior to the Deuteronomic Code, the passage 24:8 shows. When the critics resort to the arbitrary assumption, that some other law may just as well have been referred to by the Deuteronomist, we have reached the sphere of the unknowable, where it is not safe to carry on the discussion.

This case of a clearly established Mosaic law within the limits of the Priest Code has significance in more than one respect. 1. As in the regulations, mention is made of the tabernacle of the congregation and of the camp (13:46, 14:11), we infer that such local specifications, when occurring elsewhere, are justly considered as internal marks of Mosaic origin, and that, in the main, the local coloring of these laws is not fictitious, but reliable. 2. The fact that the tabernacle appears here as a place of sacrifice in ver. 11, and not merely as a tent for consulting God, which, according to the critics, is its Jehovistic conception, proves that in the laws of the tabernacle and of the Aaronic priesthood we stand on historic ground. 3. The mention of the sin- and trespass-offering in chap. 14 is a proof that these two species of sacrifice were pre-exilic, and indeed Mosaic, in their origin, and not, as the critics assert, post-Ezekielian.

If any thing in this collection of laws is Mosaic, it will be the Decalogue. Belonging to what the critics themselves consider the oldest Code, and, according to the oldest history, being written on tables of stone by the finger of God, its simple form, early appearance, and indubitable presence in the ark in later time, all combine to render the highest antiquity plausible. To this may be added the remarkable fact, that the Decalogue of Exodus, though slightly differing in form from the Deuteronomic one, is nevertheless essentially Deuteronomic in language and expression. At the same time, it shows the usual characteristics of the Jehovist. What the critics adduce against its Mosaic origin, cannot outweigh these strong presumptions in favor of it. The alterations in the Deuteronomic text can only awake surprise when we assign as late a date to the composition of the book as the critics do. Moses' reproduction might be a free one, as his whole Deuteronomy of the law evidently is. That the Deuteronomic Decalogue puts the Sabbath-law on another basis is inaccurate. The truth is, that the real foundation of the command is not restated, but a practical incentive substituted, — the reminder that the people had been servants in Egypt; and this reference to Egypt pervades the whole Code. Another objection of Reuss, Wellhausen, etc., is, that the prohibition to worship God under an image cannot reach up to the time of Moses, and that the cultus instituted by Jeroboam after the schism proves its non-existence at that date. But the assertion that Jeroboam's cultus was not essentially new or exotic, but was customary long before in Canaan (R. Smith), cannot be proved. Neither did the earlier prophets tolerate the calf-worship, except as a lesser evil in contrast with the service of Baal and Astarte. The calf made in the wilderness by Aaron reminds us of Egypt: likewise Jeroboam's cultus probably proceeded from Egypt, where he had enjoyed the hospitality of the king.

This transgression of a well-known command is not without parallel in history: certainly the Romish Church, in adoring Mary, the angels, and saints, shows no ignorance of the Decalogue. Just as well may Jeroboam have quieted his not too tender conscience by some forced interpretation of the law. The newer critics, who are inclined to leave to Moses as little as possible, generally make an exception in this case. Smend admits the Mosaic origin of the Decalogue unconditionally. Others with some restrictions. Graf conceded Mosaic origin in some original form, different from the one we possess now, and holds that the ten words were at first transmitted orally. Nöldeke is unwilling to grant even as little or as much as that; and Reuss, with Wellhausen, goes to the length of denying that Moses had any thing whatever to do with the Decalogue.