

THE RELATION OF PRE-EXILIC LEGISLATION TO PRE-EXILIC PROPHETISM.

A Thesis

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Chapter I.

Introduction and Preface.

It is necessary to make clear in the beginning that the laws are to serve as the basis for our study. Thus the pre-exilic legislation will be the starting point in each case and prophetism will be considered in its relation to this legislation.

By pre-exilic legislation is meant those codes of law appearing in:

- (1) The laws of Exodus 34.
- (2) The Laws of Exodus 20-23.
- (3) The Decalogues of Exodus 20 and Deuteronomy 5.
- (4) The laws of Deuteronomy.

In considering this legislation, the laws will be considered as codes. That is to say, a particular code will be studied from the point of view of the code as a whole, its general character and purpose. Individual laws will receive attention, only when such a treatment is required by our general method. This is advisable, because the general character of a code of laws will indicate the influences which were behind it, brought it into being and supported it. Such information may be gained from the tenor of a code, whereas the individual laws may not furnish this insight.

The word "prophetism" is understood to be all inclusive. By the term is meant the prophetic institution (common^{2 2} to all religions), the prophetic movement, which was begun in the days of Samuel and Saul when the prophets united to direct affairs, and the literary prophecy, beginning with Amos. Naturally, the first is of little concern for this study.

The method will be to determine the exact code and then the general nature and purport of the code will be studied with a view of

obtaining something of the picture of the time it reflects. With these elements determined, it will be possible to say something as to the influences back of the code which produced it. An attempt will be made to discover such influence as may be termed prophetism. It may be well to add that this will be especially true in the case of literary prophecy, where we have well defined accounts of prophecy preserved in the books of the literary prophets. It is not amiss to state here, that the evidence of positive influence of prophetism upon legislation is more or less theoretical. There is almost no direct evidence to be discovered in the laws themselves, that the codes were so influenced. The knowledge of the interest the prophetic movement had in national affairs is the source of almost all assertions of such influence. As to literary prophecy, its relation to the legislation was, generally speaking, one of opposition.

It is necessary to emphasize that our study is limited to legislation and prophetism. To consider the narratives would lead too far afield. The results of the study must be regarded in that light. Likewise, both legislation and prophetism are considered only in their reciprocal relations.

Much thanks is due my teacher, Dr. Battenwieser for his helpful assistance thru his courses on Prophecy and thru his suggestions as to plan and material.

To Jennie H. Herman, my dear wife, belongs the credit for the most difficult work in the presentation of this thesis, - the typewriting of it.

Chapter II.

The Laws of Exodus 34.

The first group of laws to be considered are those laws in Exodus 34. Our purpose, briefly put, is to examine these laws with the purpose of ascertaining what relation they have to prophetism and, if any, to what extent. We shall limit our study of these laws to just that purpose.

These laws of Exodus 34 have their setting in a narrative which pictures a revelation at Sinai. Our task, more specifically put, is to determine just what part of these laws, if any, is original with the compiler of this code as we have it in Exodus 34. This will include the question as to which laws formed the original code as we now have it.

It is our intention to attempt to show that we have in chapter 34 more than the original laws. In other words, some writer had in mind a certain code which was earlier than his day and upon the basis of which he formulated the laws as they now appear. And the writer had a purpose in mind.

In Chapter 34:27 we read that God commands Moses to write "these words. In verse 28c we read: "And he wrote upon the tablets the words of the covenant, ten words." Continually in this chapter we read about the two tablets of stone, presumably for five laws each. An examination of Chapter 34 reveals certain laws which are surrounded by additional and explanatory material.(1) The task at hand is to determine which are the ten laws referred to. The following is the code as determined by some writers: (2)

(1) Wellhausen: Composition des Hexateuchs makes this statement p.328.
Carpenter etc., Composition of the Hexateuch 183:198:337.
McNeile: Book of Exodus p.218. Peters Religion of the Hebrews. p.194.

1. Thou shalt bow to no other God. v.14.
2. Thou shalt make thee no molten gods. v.17.
3. Thou shalt observe the feast of Mazoth. v.18a.
4. All that opens the womb is mine and of all thy cattle shalt thou sanctify the males (727a) the firstlings of ox and sheep. And the firstling of an ass shalt thou redeem with a lamb and if thou wilt not redeem it, then thou shalt break its neck. All the first-born of thy sons thou shalt redeem. And none shall appear before me empty. vv.19-20.
5. Six days shalt thou labor but on the seventh day shalt thou rest, in plowing time and in harvest thou shalt rest. v.21.
6. Thou shalt observe the feast of weeks, even of the first fruits of the wheat harvest and of the ingathering at the end of the year. v.22.
7. Thou shalt not offer the blood of my sacrifice with leaven. v.25a.
8. The sacrifice of the feast of Passover shall not be left till morning. v.25b.
9. The best of the first fruits of thy land shalt thou bring to the house of Yhwh thy God. v.26a.
10. Thou shalt not boil a kid in its mother's milk. v.26b.

The other statements in this chapter are taken as explanatory and additional material. However, it is to be observed that Dr. Morgenstern, in his lectures, as I have them, omits the ninth as not being a separate law and divides the sixth into two laws.

Wellhausen and B. Bantsch² (3) state the ten laws as, Exodus 34:1⁴.

(2) Kent: Israel's Laws and Legal Precedents. p.19-20.

(3) Wellhausen: Composition des Hexateuchs. p.331.

B. Bantsch: Commentary to Exodus. p.xlvi.

17,18a,19a,22a,22b,25a,25b,26a,26b. Driver(4) makes the statement that there are more than ten and the ten in question can be differently constituted. W.H.Bennett (5) in his version of "the ten" gives as the seventh, verse 23. Three times in the year all males are to appear before Yhwh. He also takes verse 25b as parenthetical to 25a. McNeile finds the original code in verses 17,18a,21-23,25,26 (6) and explains the remainder as later additions. He also points out that at least fourteen distinct commands may be found instead of a decade as implied.(7)

The fact that we cannot determine with absolute certainty, just which are "the ten" laws is interesting for our consideration. As a matter of fact, perhaps there were two separate harvest laws. Likewise, it is possible, that the law of redemption represents two separate laws, one concerning first born sons and the other the male firstlings.

Before we suggest a solution, let us examine the character of these laws. First of all, they are short and imperative as we would expect from the nature of the case. Once we remove the evident additions, the laws are to the point, without attempts at explanations or entreaties. This is what might be expected of a brief law code which is to serve as a handy guide. Furthermore, the laws are ritualistic though not to the point of being detailed. There is no attempt made to outline an elaborate ritual or to set aside ministrants of ritual functions. All that is done is to briefly command a particular ritual or ceremony. The laws imply a settled agricultural life in Canaan.

(8) The nomad ~~can~~ have no day of rest as is spoken of here nor does

(4) Driver: Commentary to Exodus-Cambridge Bible p.365 note.

(5) W.H.Bennett: New Century Bible-Exodus p.255.

(6) McNeile: Book of Exodus. P.218.

(7) McNeile: Book of Exodus. p.xxxi.

(8) H.P. Smith: History of Old Testament. p.68 has a different arrangement.

he have occasion to bring first fruits or celebrate two harvest festivals. The reference to the matzoth festival is also agricultural. Scholars, for the most part, agree that such laws as the tenth and seventh and eighth refer to very early practices as may the fourth also. In other words, we seem to have here a brief statement of laws which were common and observed. To be sure these laws do indicate the influence of Canaanitish environment. But in each case it is an influence that would naturally take place. For example, it is but natural that native agricultural festivals should be taken over by a people assuming an agricultural life. Then, too, the laws which evidently came from earlier nomadic setting, substantiate the belief that this early code in its original form was a group of laws, tersely put, so as to be easily remembered, and which represented customs and rituals long observed.

So far, we have not discussed the first and second commands, which prohibit bowing to any other God and the making of molten images for oneself. Here we have, it seems, two laws which are distinct from the remainder of the code and yet they head it. The first command sounds much like I Kings 18:21 where Elijah demands that the people choose either Yhwh or Baal. The second command is directed against molten images which are the object of worship. This law makes no mention of such objects as teraphim, pillars or sacred symbols.⁽⁹⁾ What it evidently is concerned with are the images overlaid with gold and silver and bronze. This is indicated by Exodus 20:23b where gold and silver are mentioned, which we shall consider later. Now we know that I Kings 12:30 protests against the calves of gold which Jeroboam set up in Bethel and Dan. vv.28-29. Furthermore, there were

(8) W.R. Smith: Old Testament ^{in the} Jewish Church. pp.340, 346.

(9) Kent: Israel's Laws and Legal Precedents. ch.3.
Bennett: Exodus. p.259.

images in Solomon's temple and in the north as late as Hosea and we find little criticism of them.(10) On the basis of these facts it appears that the distinctive feature of this code of Exodus 34 lies in the first two laws. Therein is the primary interest of the writer. He is opposed to the worship of Canaanitish gods and denounces the worship of molten images, foreign made and representing foreign objects of devotion. This writer desires to register his complaint in a definite manner. Certainly he lived as late as the early years after the division of the kingdom as is indicated by the laws. Consequently there is no reason not to believe that there were in existence certain codes of law. It is but a natural phenomenon for primitive peoples to have these brief, terse, codes, which consisted in many instances of ten laws, five for each hand, thus affording an easy method for memorization.(11) Early there is no need for elaborate written laws and the earliest laws naturally would be brief and to the point. So the writer of Exodus 34 had before him, in all probability, such a code. It may have been a code of laws for a particular locality or shrine. To this code he prefaced his two new commands, which by this time represented views which were still in the air. In the light of this fact we can understand why Exodus 34 seems to have more than "the ten" words, even after all apparent additional and explanatory matter has been cleared away. It is possible to believe that the writer placed his two new commands at the head of an existing code of ten laws, without altering those laws in spirit. Therefore if we attempt to find more than ten laws in Exodus 34 we are not confronted with a difficult task, as we have seen. This point will be further discussed later.

(10) Judges 8:26:18:30; etc.; Hosea 3:4; 1 Samuel 19:13, 16:21-10:2:28:23:6,9:30:7.

Does the writer of Exodus 34 belong to the prophetic movement? We do know from his interest in the code that he was intensely interested in pure Yhwh worship and the strengthening of national life. We know that members of this movement held such as their purpose of being. So it is but natural on the basis of these facts, to ascribe these two legal additions to a member or members of the general prophetic movement. That is to say, if we are looking for a plausible theory concerning the solution of this problem, we are justified in making such a statement. It cannot be our task to take up the lengthy discussion of the identity of the author. Some ascribe the work to J, others to E and Wellhausen to another, a third author. (12) Dr. Morgenstern ascribes the work to a separate writer and calls the code C2. The remainder of the laws represent a natural development and it is difficult to believe that one individual or a group would attempt to formulate such a group of laws and initiate them into a community. Furthermore the tenor of the laws indicate such a procedure was unnecessary as they are of such a type that would, as a matter of course, formulate themselves into custom and law. On the other hand if some individual or a group wished to inaugurate new laws such as are the first and second, the easiest way to accomplish their purpose would be to attach them to an already existing code of laws. We believe this was done in Exodus 34, where the first two laws were deliberately attached and the whole code placed in the narrative of a revelation at Sinai.

(10) concl'd. Judges 17:5.

II Kings 21:7.

McNeil: Book of Exodus. p.219.

(11) Kent: Israel's Laws and Legal Precedents. p.29.

(12) Addis: Documents of the Hexateuch. p.157.

Chapter III.

The Ceremonial and Humane Laws of Exodus. 20:23-23:19.

In these chapters of Exodus we have quite a body of laws familiarly known as the Book of the Covenant. The first thing to be observed is that these laws fall into two distinct divisions. These divisions may be called: I. The Judgments and II. Ceremonial and Humane Laws. (1) Our first task is to point out that there is a difference in the laws which justifies their separation into the above classes.

The Judgments are to be found in Exodus 21:1-22:19. The Ceremonial and Humane Laws are contained in Exodus 20:23-26:22 20:23:19. There is a slight difference of opinion as to the make up of these divisions but such a discussion is immaterial to our consideration. An examination of these groups of laws seems to indicate two types of law. Chapter 21 begins with ~~the~~ and the laws which follow are of one type. They, for the most part, begin with "if" and end with the announcement of the decision. They are brief and to the point: the circumstance is stated with the penalty. The third person is employed. The subject matter they treat is civil and criminal. (2) The laws of 20:23-26:22 20:23:19 are of a different type. They resemble the laws of Exodus 34 as to type. They are in the second person for the most part. Penalties are not usual. They appeal to the individual conscience. These distinctions will be brought out to a greater extent later but a difference in these groups of laws is readily seen. In an article "JE in the middle Books of the Pentateuch", B.W. Bacon, says:

(1) Kent: Israel's Laws and Legal Precedent. Ch.3.

Priver: Introduction to Literature of Old Testament, p.35 calls them "words" and "judgments."

(2) McNeill: Exodus. p.xxvii, divides the laws into five divisions. xx.1-17 are the Decalogue (Ten Words). xxi-xxii. 17, a series

"The Book of the Covenant which remains after the removal of the mishpatim is exactly what its name implies, a covenant between Yhwh and Israel. They are accordingly something very different from "judgments." (3) Therefore we shall treat the groups separately and in this chapter consider the ceremonial and humane laws. Originally, it may be supposed, the judgments did not break up the ceremonial and humane laws as they do in their present arrangement.

Some of the laws of this group bear a marked resemblance to the "words" of Exodus 34. Our task now, is to determine the nature of this resemblance. Ten laws resembling the ten words as given before, are:

1. Thou (ye in text) shalt make no (other gods) with me. 20 :23a.
2. Thou shalt make thee no gods of silver or gods of gold. 20 :23b.
3. The feast of unleavened bread shalt thou keep, seven days shalt thou eat unleavened bread. 23 :15a.
4. Thou shalt give to me the first-born of thy sons. Likewise shalt thou do with thy ox and thy sheep :seven days shall it remain with its mother :on the eighth day thou shalt give it to me. 22 :26b, 29.
5. Six days shalt thou do thy work but on the seventh day thou shalt rest, that thy ox and thy ass may have rest and that the son of thy handmaid and the resident alien may be refreshed. 23 :12.
6. The feast of harvest, the first fruits of thy labors, which thou sowest in the field and the feast of ingathering at the end of the year, when thou gathereth in thy labors from the field. 23 :16.
7. Thou shalt not offer the blood of my sacrifice with leaven. 23 :18a.
8. The fat of my feast shall not be left all night until the morning. 23 :18b.

(2) concl'd. of laws which are termed Judgments, cast in a particular form and distinct from anything else in Exodus. The others he

9. Thou shalt delay not to bring offerings from the abundance of thy harvests and the outflow of thy presses. 22 :28a.

10. Thou shalt not seethe a kid in its mother's milk. 23 :19b.

These are the ten given by Kent (4) as corresponding with those of Exodus 34. In the case of the ninth he may have given 23 :19a, "The best of the first fruits of thy land thou shalt bring to the house of the Lord thy God." As in the case of the laws in Exodus 34, there is room for difference of opinion as to which are the exact ten words. This is true because the material has been worked over and additions made. Driver indicates that he believes the ten are 23 :12, 23 :13, 23 :14, 23 :15a, 22 :28b, 22 :29a, 23 :16, 23 :17, 23 :18, 23 :19. (5) However, it is fairly well agreed that the words are to be found in these laws. Carpenter, et cetera points out that Rothstein, Baentsch and Bacon agree on this point. (6)

In general purport there is seen to be much similarity between the set of laws here and in Exodus 34. Some of the laws, as the 3, 7, 8 and 10 are about identical. What, then, is the relation between these similar laws in Exodus 34 and Exodus 20, 22, 23? We are interested in this question because it does bear upon our main subject.

We have noticed the similarity between these codes of laws but there are also differences. It is these variations which are of interest and prime importance. They tend to show that the laws of Exodus 34 were the earlier.

(2) concl'd. divides on basis of contents, noting they are moral and religious.

Carpenter, etc. Composition of the Hexateuch. Note p. 207.

(3) B.W. Bacon: Journal of Biblical Literature. 1897. p. 30.

(4) Kent: Israel's Laws and Legal Precedents. Ch. 3.

(5) Driver: Commentary to Exodus. Note p. 370.

(6) Carpenter, etc. Note p. 207.

In Exodus 34:17 molten gods are prohibited, while in Exodus 20:23b the prohibition is specific in naming gods of silver and gold. This would seem to indicate that originally the molten gods were of cheaper metals but now, due to a higher stage of civilization, ~~which~~ which used gold and silver, the molten gods were of those metals. The Sabbath law in Exodus 34:21 uses שבת , while in Exodus 23:12, שבת is used. The former implies agricultural life and the latter commercial life. Exodus 34:25a uses זבח for sacrificing which denotes a simple slaughtering and Exodus 23:18a uses זבח which implies slaughtering on an altar, which represents an advanced stage. Exodus 34:25b says, "The sacrifice of the feast of Passover shall not be left till morning." Exodus 23:18b says, "The fat of my feast shall not be left till morning." The latter is more economical than the former. This evidence seems to indicate that the laws of Exodus 34 are earlier than those of Exodus 20, 22, 23. (7) Did the writer of the laws of Exodus 20, 22, 23 know of the laws of Exodus 34 or did both use the same sources? There is a difference of opinion as to this question. In Exodus 34:18 the feast of unleavened bread is spoken of. This is immediately followed by the law of redemption for first born. This ends with the statement, "And none shall appear before me empty." In Exodus 23:15 we have the law about the feast of unleavened bread but no law of redemption follows. However, the verse, "And none shall appear before Me empty," follows the law of unleavened bread. This tends to show that the writer of the Exodus 20, 22, 23 laws had before him a copy of the Exodus 34 laws. The law relating to the Sabbath in Exodus 23:12, unlike that of Exodus 34 contains the element of humanness, in that it recommends the rest for the sake of animals and servants. This is in accord with the moral tone of the other laws of Exodus 20, 22, 23, beside the ten, which we shall consider later.

Kent(8) believes, however, that the two codes are variants of an original decalogue which was promulgated at least as early as the days of the united monarchy. Driver maintains "the two recensions are derived evidently from a common original." (9) McNeile holds that the laws on worship embedded in 34 are J's recension, of the original covenant laws. (10) Carpenter etc. Composition of the Hexateuch says J and E were both acquainted with an older written source, altho elsewhere it is maintained, "the covenant words appear to have undergone considerable manipulation to bring them into closer harmony with J." (11) On the basis of the variants, Kent suggests the original decalogue as:

1. Thou shalt worship no other God.
2. Thou shalt make thee no molten gods.
3. The feast of unleavened bread shalt thou observe.
4. Every first born is mine.
5. Six days shalt thou toil, but on the seventh thou shalt rest.
6. Thou shalt observe the feast of weeks and ingathering at the end of the year.
7. Thou shalt not offer the blood of mysacrifice with leaven.
8. The fat of my feast shall not be left until morning.
9. The best of the first-fruits of the land shalt thou bring to the house of Jehovah.
10. Thou shalt not seethe a kid in its mother's milk.

(7) Dr. Morgenstern's lecture notes, (as I have them), contain most of this evidence.

(8) Kent: Israel's Laws and Legal Precedents. p.21.

Messages of Israel's Lawgivers: Chapter on Primitive Codes.

(9) Driver: Cambridge Bible: Exodus. p.370.

(10) McNeile: Exodus. pp.216 and xxviii.

(11) Composition of Hexateuch. p.208 and 222.

This evidence certainly shows that, as in the case of Exodus 34, it is not a very easy matter to determine just what were the ten original laws which this writer had in mind and wrote down. It does seem likely, however, that this writer had some purpose in view, in setting down these laws. We saw that the nature of the laws are about the same as those of Exodus 34, except they reflect a later development. It does not seem likely that the writer was interested in enforcing such laws as the prohibition of seething a kid in its mother's milk or the observing of the feast of unleavened bread or other festivals, which were adapted from Canaanitish environment. (12) He, too, was interested in the introduction of two laws, which should eradicate in some way, the evils of worshipping foreign gods, especially Baalim and the worship of metal covered images, which probably were common objects of worship among neighboring peoples and which was a definite practice in Israel. The easiest and safest way to accomplish his purpose would be to place them with a list of well known, time honored and generally accepted laws. This he did. The text as we have it in 20:23a is not perfectly clear but the original meaning may be easily understood.

One other point must be mentioned here. These laws of Exodus 20, 22, 23, which form the above code, are now found scattered through the ceremonial and humane laws of those chapters. Certainly, originally they probably were together. Scholars for the most part ascribe Exodus 20, 22, 23 to a Northern writer. (13) Bennett says they are older than either J or E. (14) The evidence seems to point to the fact that this writer knew of the code of Exodus 34, ascribed by many scholars to a

(12) McNeille: Exodus. p.140 ff. for discussion of festivals in this regard.

(13) Carpenter etc. Composition of the Hexateuch. Note p.208.

(14) Bennett: Exodus. p.167.

southern writer. But there was no reason to hesitate to use that particular code, as it represented accepted custom throughout the land.

Besides these ten laws, Exodus 20, 22, 23 is filled with laws of a ceremonial and humane nature. Kent attempts to draw up all the laws in the form of decalogues of two pentads, after the work of such men as Bertheau, Dillman, Briggs and Paton. (15) According to such an arrangement, (which also includes the ten discussed above), there are decalogues containing laws of kindness, justice, duties to God and sacred seasons. This concerns us, insofar as it indicates the nature of the laws. We do see, however, that the laws are of a humane and ceremonial nature. Strangers shall not be wronged. 22 :20. Widows and orphans shall not be afflicted. 22 :21. Those who lend money shall not do so for profit, neither charge interest. 22 :24. A garment taken for pledge must be returned by nightfall. 22 :25. Strayed animals must be returned to owners, though they be enemies. 23 :4. Animals suffering under burdens, though owned by a personal enemy, shall be relieved. 23 :5. False reports shall not be uttered nor shall one be a false witness. 23 :1. One shall not join a multitude to do evil or be a false witness. 23 :2. Justice shall not be perverted to aid the poor. 23 :3. The judgment of the poor not to be wrested. 23 :6. No injustice to be done in law. 23 :7. Those with power shall not accept gifts. 23 :8. These, plus the laws previously discussed, together with the laws of 20 :24 :26 regarding the altar, make up the ceremonial and humane laws of Exodus 20, 22, 23.

What is there to be said respecting these laws? These laws certainly represent a certain reaction to contemporary conditions. They infer a settled, simple agricultural life. (16) The problems they deal with are those which would come about out of such a life. The rise of such elements in a settled society, as, wealth, courts of justice, native

born and foreigner, a poor class and property rights, would naturally bring into relief new problems regarding justice and kindness. This is true in the same sense that such a life brings into play new influences upon religious and ceremonial observances, as we have seen. It seems clear enough, therefore, that the compiler of these laws was greatly interested in the definite formulation of laws setting forth principles of justice and mercy, which were in danger of being overlooked in the transition to settled agricultural and commercial life. Their violation probably was in evidence already. Who was this person or group, so interested? Again we are justified in positing the theory that the influence was prophetic. Of course, it may have been an influence unrelated to that movement, as we cannot say, positively, that only prophetism was interested in such progress and development. However, the general activity of the prophetic movement and especially the activity of individuals such as Nathan and Gad, give us reason to think of prophetism as the influence.

The discussion of "the ten" laws and a consideration of the early society pictured by all the laws, eliminates the idea of influence of literary prophecy of the eighth century. (17) The moral note struck in these laws might lead to such an assumption. Montefiore will not set a date for this so called Book of the Covenant but he does say in answer to the assertion that the book was as late as the eighth century. "E regards the Book as an ancient document, and as such introduces it to his readers: how inconceivably venturesome such a course would have been if the Book-as Kuenen holds-had only been compiled some few decades before" (18) J.K.P. Smith observes that the

(15) Kent: Israel's Laws and Legal Precedents. p.27,28.

(16) Driver: Literature of the Old Testament. p.36.

J.R. Smith: Old Testament in the Jewish Church. p.340.

(17) Bennett: Exodus. p.167 dates them early.

McCurdy: History, Prophecy and the Monuments. paragraph 474 and following.

ethics of the Covenant code is not so lofty as to call for the preaching of great prophets in preparation for it. "It represents rather that type of legislation which would be indispensable to the conduct of life in a civilized agricultural community. There is no reason, therefore, in the nature of things why the kind of life reflected in the covenant code should not run back to the second or third generation after the first Hebrew settlement in Canaan." (19)

Certainly if there is any influence of prophetism on these laws, it is that of some select individual or group, interested in a purer Yhwh worship and the eradication of social evils which followed a settled life. That influence could have extended only so far as we indicated. Peters (20) says the narratives of J. and E are prophetic and the codes priestly with but little in conflict. Probably the safest conclusion is, therefore, that the prophetic writer included existing codes of both 34 and 20-23 in his narratives, making such changes as better suited him, in the manner we have indicated above.

(18) Jewish Quarterly Review. 1891. p.285.

(19) "Southern Influence upon Hebrew Prophecy" in American Journal of Semitic Languages and Literature. vol.35, p.2.

(20) Peters Religion of the Hebrews. p.204.

Chapter IV.

The Judgments of Exodus 20:23-23:19.

In the previous chapter we had occasion to point out a certain group of laws called judgments. The features which distinguish these laws we discussed at that time. These laws are to be found in Exodus 21:1-22:19. There is a slight difference of opinion as to a few laws, whether or not they properly belong here but for the most part, the above passages are known as the judgments. (1)

The very fact that these laws are introduced by the statement *וְהָיוּ לְפָנֶיךָ*, indicates the laws are of a special type. An examination of the laws shows them to be of the nature of case law. (2) The cases treated are civil and criminal. The laws certainly cannot be characterized as religious. (3) The rights of property are recognized, whether it be a slave 21:5, or animal 21:35, 37, or vineyard 22:4, or money 22:6. The penalties are fines and retaliations. Following are a few characteristic laws of this group:

He that smiteth a man, so that he dieth, shall surely be put to death. 21:12.

And he that smiteth his father or his mother, shall be surely put to death. 21:15.

If the ox gave a bondman or a bondwoman, he shall give unto their master thirty shekels of silver and the ox shall be stoned. 21:32.

If a man steal an ox or a sheep and kill or sell it, he shall pay five oxen for an ox and four sheep for a sheep. 21:37.

If a fire break out and catch in thorns, so that the shocks of corn, or the standing corn, or the field are consumed: he that kindled the fire shall surely make restitution. 22:5.

The tenor of all these laws is illustrated by these few quoted.

The judgments have also been divided into five decalogues of two pentads each. The decalogues are:

- I. The Rights of Slaves.
- II. Assaults.
- III. Laws Regarding Domestic Animals.
- IV. Responsibility for Property.
- V. Social Purity. (4)

The society reflected in these laws is a primitive agricultural one. The laws of property concern cattle and agricultural products, as 21:33,35,37:22:3,4,5,9.(5) W.R.Smith in the above reference says the civil and criminal justice in these laws is like that of current Arab justice of the desert, namely, retaliation and pecuniary compensation. Blood revenge for murder is reflected in 21:12, "He that smiteth a man, so that he dieth, shall surely be put to death." Who shall do it is not said but rather assumes it to be generally known. Innocent slayers, however, may seek refuge at God's altar, "And if a man lie not in wait, but God cause it to come to hand: then I will appoint thee a place whither he may flee: 21:13. That the altar is meant is indicated by verse 14, "And if a man come presumptuously upon his neighbor, to slay him with guile: thou shalt take him from Mine altar, that he may die." The practice of blood revenge was common in ancient Israel, (6) as was that of altar asylum. (7) Along with murder are manstealing, offences against parents and witchcraft. 21:16:21:15,17:22:17. Personal injuries are met by retaliation.

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- (1) McNeile: Book of Exodus. p.135 does not include 22:18-20. Carpenter etc., Composition of Hexateuch. p.207: Driver includes 22:18-26 as well as 23:1-4a among the Judgments. Wellhausen and Staude limit them to 21-22:17.
- (2) Peters: Religion of the Hebrews. p.197,199.
- (3) 22:19 may be an exception but it sounds rather late.
- (4) Kent: Israel's Laws and Legal Precedents. p.26.
- Addis: Documents of the Hexateuch. p.142.
- (5) W.R.Smith: Old Testament in the Jewish Church. p.340.

The brief laws we have termed case laws because they are of the type which arise out of legal precedence. A settled agricultural life meant new problems in the way of rights and justice. Slaves were now owned in accordance with the general custom. The thief was a character to be reckoned with. Even the necessity of digging pits was important when it endangered the life of cattle. All of these new problems had to be met and they were. In all likelihood, when such a question of rights or justice arose, the party or parties concerned went to the one with some authority. This party in authority was the judge and in all probability was, early, the priest. Notice that in 21:6; 22:7, 8 we read of the parties concerned, coming before God. Verse 8 includes, "the cause of both parties shall come before God: he whom God shall condemn shall pay double unto his neighbor." By the word God is meant, probably, the altar of God where the priest decided the case, perhaps by the use of oracle or lot. (8) Each new case decided was a precedent for succeeding cases. After a time, the necessity for writing down these decisions was felt, in order that correct precedent could be cited by the judge. (9) Probably there were many such codes of case law in various localities. The laws as we have them are certainly not complete: some are summarized and briefly stated. The laws before us are of that type, it would appear.

At this point we have to consider the interesting question of

(5) concl'd. Peters Religion of Hebrews. pp. 199-200.

(6) II Samuel. 3:30:14-17. Judges 8:18-21.

(7) I Kings. 1:50.

(8) The new translation of the Bible in each of the above cases of the use of God has a foot note "That is, the Judges." Also McTeile: Book of Exodus. p. 127; Bennett: Exodus. p. 171, 2, explains that the Syriac and Targum have 'judges' and the Septuagint 'to the judgment-seat of God'.

(9) Kent: Messages of Israel's Lawgivers. Chapter on Primitive Codes. McCurdy: History, Prophecy and Monuments. Paragraph 487.

the similarities between these laws and those of the Code of Hammurabi. It is not our purpose to take up this discussion in a detailed manner as that is a thesis in itself. All which concerns us here is to point out that it was altogether a natural development that these judgments should have found a place in ancient Israel.

The Code of Hammurabi, for the most part, contains laws similar to the judgments. The laws are written in the interest of rights and justice. C.H.W. Johns states that out of forty-five or possibly fifty-five judgments preserved, thirty-five have points of contact with the Hammurabi code and quite half are parallel. (10) It will be well to note an example or two of such resemblance.

Paragraph 196, 'If a man has caused the loss of a gentleman's eye, one shall cause his eye to be lost.' 197, 'If he has shattered a gentleman's limb, one shall shatter his limb.'

200, 'If a man has made the tooth of a man that is his equal to fall out, one shall make his tooth fall out.' Compare Exodus 21:24.

Paragraph 206, 'If a man has struck a man in a quarrel and has caused him a wound, that man shall swear "I did not strike him knowingly," and shall answer for the doctor. Compare Exodus 21:18, 19.

Paragraph 112, 'If a man stays away on a journey and has given silver, gold, precious stones, or portable treasures to a man, has caused him to take them for transport, and that man has not given whatever was given him for transport, where he has transported it, but has taken it for himself, the owner of the transported object shall put that man to account concerning whatever he had to transport and gave not, and that man shall give to the owner of the transported object fivefold what-

(10) Johns: Laws of Babylon and Laws of Hebrew People. p.49.

Bennett: Exodus, in his notes points out these similarities.

Driver: Exodus. p.420 has parallel tables from the two codes showing similarities.

ever was given him.' Compare Exodus 22 :7-9.

These are three examples showing the similarity between the laws, as to type. On the basis of these similarities, there has been a controversy as to the exact relation between the codes. S.A.Cook(11) holds that, "evidence, it will have been noticed, does not suggest that Israelite legislation was to any considerable extent indebted to Babylon and the parallels and analogies which have been observed are to be ascribed, most naturally, to the common Semitic origin of the two systems." In such an opinion H.P.Smith seems to concur when he says, (12) "its (code of judgments) simplicity when compared with the code of Hammurabi confirms its independence. The points of resemblance, some of which are striking, are features common to oriental society." C.H.W. Johns disagrees with the theory of common Semitic origin. He maintains (13), "at present we are not likely to find evidences of early Semitic custom anywhere so early by some thousand years as in Babylon." Johns maintains, as does McNeile(14), that, "there can be no question of actual borrowing, at any rate until post-exilic times," This borrowing they explain, not as direct but rather via the Canaanites, who were influenced for a long period by Babylon. (15) Both McNeile and especially Johns suggest a solution in the above references, which seems the most plausible. To quote Johns, "the evolutionist or scientific man has a much easier solution. (Than common Semitic origin). He has made a comparison of laws among such foreign folks as are wholly unconnected with Semites or Sumerians. It is found that all men everywhere do hit upon much the same solution of the same social problem." Illustrations of this are

(11) Cook :Laws of Moses and Code of Hammurabi. p.281.

(12) H.P.Smith :Old Testament History. p.174.

(13) Johns :Laws of Babylon and Laws of Hebrew People.p.53.

(14) McNeile :Book of Exodus.p.xlix.

(15) D.D.Luckenbill, "Israel's Origins", American Journal of Theology Vol. 22, stressed Babylonian influence.

given by reference to such as, the Laws of Manu, Greek Gortyan code and Roman Twelve Tables. "The scientific view is that the common laws are due to common human experience, which is the same everywhere." Cook(16) says, "the code of Hammurabi is the climax of centuries of customary usages." It is only natural that such a development should have taken place in ancient Israel.(16) We have already observed that the laws reflect the problems arising out of a settled agricultural life. These questions were certain to arise in the very nature of things, regardless of whether or not a code of Hammurabi ever existed. To assume some incidental influence from Canaanitish law, which in turn was Babylonian, does not alter matters.(17) It is possible, too, that the judgments have been worked over here and there by later editors.

However, the evidence seems to indicate that the judgments were case laws, written down after a time, to be followed as precedent. There is no need, therefore, to look for any influence of prophetism. Perhaps the judgments of Exodus were but a single collection of such laws which came into the possession of a compiler, perhaps prophetic, who was impressed by the justice they contained and therefore included them with the other laws.

(16) Cook: Laws of Moses and Code of Hammurabi. p.264.

(17) Peters: Religion of the Hebrews. Note p.194,199.

Chapter V.

The Decalogues of Exodus 20 and Deuteronomy 5.

In Exodus 20 and Deuteronomy 5 we have two decalogues which are very similar. The general form is the same, the difference being in the wording of the fourth and tenth commandments. The only important difference is that between the two fourth commandments. In Deuteronomy the Sabbath day is a day on which a rest is enjoined for all, including the stranger, servants and animals. In commanding this rest the enslavement in Egypt is recalled. In Exodus the rest is enjoined, because God rested on the seventh day and hallowed it. The humanitarian motive, pure and simple, is not found in Exodus. This is the only real difference between the two decalogues.

What is the relation of these decalogues to prophetism? The answer to this question involves the solution of several problems.

The very first problem is that of origin. Which decalogue is to be dated first? Or are both decalogues variants of one original, and if so, which is the older? Various theories have been advanced as to the origin.

(1)

Baentsch at first maintained that the decalogues are based on the summary of the prophetic activity until the seventh century. Later however, he places the origin as Mosaic. The Wellhausen school places the origin in the period of Menasseh. Marti holds them to be priestly presentations of prophetic demands. Matthes finds the source in the period of Amos, Isaiah, Micah and Jeremiah. Many find the origin in the nomadic period. Puukko places the original source very early. Addis (2) states there are no means to determine the age of the Decalogues but it must have arisen long after the Israelites had passed from a nomad to a settled life. In proof he points out the use of "house" and not "tent",

(1) Puukko: Das Deuteronomium, p. 42

(2) The Documents of the Hexateuch, note Vol. I p. 139

and the fact that the Sabbath rest is not known to the nomad, because his life does not require such a day nor will his work permit it. Then, too, he points out that the second command implies a clean-out protest against all image worship, which protest did not exist until the time of Hosea, as we observed before. He also asserts that the explanatory additions of Deut. 5 mark it as later than Exodus 20. According to Addis the writer of Deut. 5 had a text of the original, which was older and better than that before the writer of Ex. 20. Thus in the ninth command, Deut. has the original text. Exodus 20:16 substitutes $\gamma\eta$ for $\chi\iota\psi$ to clarify the sense. He also brings out that in the tenth the Ex. 20 writer includes the wife as part of the household, along with slaves and cattle while in Deut. 5 she is mentioned separately and a different verb is used for the property of the household.

On the other hand, Driver, quoting Montefiore (3) says it is doubtful if the fourth commandment and the use of "house" are necessarily incompatible with nomad life and imply that the Israelites had a settled agricultural life in Canaan. "For we do not know how much cessation of work at this early period was required for the Sabbath: or whether $\gamma\eta$ may not have been a general term meaning abode and including, (as in Arabic), tents as well as houses."

Kent and others maintain (4) that originally there was one decalogue consisting of short, concise sentences to be memorized. The differences in our decalogue are due to variant versions and additions. No attempt is made by him to set dates for the original or the variants.

McNeile (5) concludes that the Decalogues' original came from a distinct code, which seems to have come from the generation of Amos and Hosea. From them on, into post-exilic times, this original decalogue was

(3) Exodus, Cambridge Bible, p. 415

(4) See Biblical and Semitic Studies, Yale, p. 67

(5) The Book of Exodus, p. 114 and for detailed study pp. lvi-lxix

expanded.

Bennett(6) states that the Septuagint of the two decalogues differs from the Hebrew. Also another text of the Decalogue has been discovered, which was probably written in the second century C.E., known as the Papyrus Nash. It differs from all the others. The other translations of the decalogues vary also. His conclusion is, "the origin of the Decalogue is doubtful."

Speaking of the Decalogues of Ex.20, Kent(7) says, "the history of this noblest of decalogues must forever remain shrouded in mystery." He believes both decalogues go back to a common original and that Deut.5 is older than Ex.20, because Deut. uses the more primitive word "observe" in the fourth command and the tenth, which forbids coveting a neighbor's "wife" suggests an earlier stage of society than "house" of Ex.20. He believes there is nothing in Deut.5 that could not be dated as early as Moses.

G.A. Smith maintains, "the possibility of the Mosaic origin of the Decalogue is, therefore, clear so far as its ideals are concerned." (8)

Budde(9) states that to ascribe the Decalogue to Moses is to leave nothing for the prophets to contribute.

Peters(10) denies this by pointing out that there is nothing in the Decalogue, as it must have been originally, that would make such an early origin incredible.

The above references indicate in a brief way, the variety of opinions held by scholars, as to the decalogues and their origin. For the most part the assertions are theoretical.

(6) Exodus, New Century Bible, pp.160-162

(7) Israel's Laws and Legal Precedents pp.28-29

(8) Deuteronomy, Cambridge Bible p.85

(9) The Religion of Israel to Exile p.32

(10) The Religion of Hebrews pp.97ff

From the general nature of the laws of the Decalogues, they may be the result of the influence of prophetism or again, the terse principles they enunciate may not necessarily be prophetic. Before that question can be discussed, the relation of the Decalogues in Ex.20 and Deut.5 must be determined so far as possible. In attempting to decide that relation, it is imperative that a study be made of the development of the Sabbath, because therein lies the main difference between these decalogues. It is altogether probable that the attitude toward the Sabbath expressed in Ex.20 and Deut.5 reflect certain stages in the Sabbath development.

This investigation is too extensive to be undertaken, as it is a thesis in itself. Therefore, we will have to leave these decalogues without attempting to determine their relation to prophetism, as only their dates could give us some clue thereto, and to attempt to ascertain the dates is to make a thorough study of the development of the Sabbath.

Chapter VI.

The Laws of Deuteronomy-Their Nature and Purpose.

In this chapter we shall consider the laws of the book of Deuteronomy and attempt to determine the nature of these laws and their purpose. For the most part our discussion will treat the laws as a whole, as a book.

At the very beginning, therefore, we must define what is meant by the law book of Deuteronomy. This is true because it is common knowledge that within Deuteronomy, as we now have it, there are several layers and the additions are ²easily recognized, for the most part. We shall not discuss the question of the original book. As a matter of fact, for our study, it is immaterial just which chapters and verses are original with the original book. For the most part, scholars say 12-20 plus 26 are the original chapters of the book.(1) This we take as true, altho it is unnecessary to prove the assertion.

A parallel is to be noted between some of the laws of Deuteronomy and the earlier laws considered before. This parallel tends to show not only that the Deuteronomy laws are later but also that the Deuteronomy laws are to some extent based on these earlier laws. (2) W.R. Smith and S.R. Driver and others point out these parallels in a detailed way.(3) It is held that Deuteronomy covers all of the earlier legislation except Exodus 23:18, the law of treason and Exodus 22:18, the details for compensation of injuries which are unne-

(1) Puukko: Das Deuteronomium.-for a full discussion also Driver: Deuteronomy. Internat. Crit. Comm. Scholars differ as to certain passages of these chapters. Puukko would exclude ch. 20. Driver excludes none but notes that 21-25 contains special laws. p. 244. The chief reasons for excluding 21-25 are 1) scarcity of laws regarding basic principles of Deuteronomy. 2) The exceptions are isolated and not systematized. 3) If part of the code, their subject matter belongs elsewhere in Deuteronomy.

essary in Deuteronomy in the light of Deut.16 :18 where civil judges are to decide such matters. Smith, Driver and others accordingly, draw up tables of laws representing the laws of Exodus 21,22,23 and Deuteronomy. These tables indicate that the Deuteronomic writer is conscious of the fact that the old laws exist and he must cover them in his law book. He could not have afforded to omit taking notice of those older laws, many of which, no doubt, were observed and enforced or traditionally held. "Thou shalt not seethe a kid in its mother's milk" is found among such laws.

The laws of Deuteronomy could naturally be expected to show advance over the older laws. Thus, for example, its law for slavery shows greater consideration for females. Exodus 21 :2f and Deut.15 :12-18, and its law for the fallow year releases the debtor, Exodus 23 :10f and Deut. 15 :1ff. Of greatest importance, is the fact that the writer had a purpose for writing his book and this aim tended to cause a conflict between his laws and some of the earlier ones. Therefore, the older laws had to be recast to bring them into harmony with his views.

Briefly, the object of the writer of Deuteronomy was to abolish the many shrines, altars and high places and centralize all the cult in Jerusalem. This in itself was not opposed to anything earlier legislated, because the matter of centralization was never thought of. It does, however, contrast with Exodus 20 :24 which implies the perfect correctness of many altars. Driver maintains(4) that the laws of

(2) Dillman: Exodus-Leviticus. p.viii "Deuteronomy is anything but an original law."

Driver: Deuteronomy. pp.viii, lxi.

Biblical and Semitic Studies-Yale. p.72.

(3) W.R.Smith: The Old Testament in the Jewish Church. p.319.

S.R.Driver: Deuteronomy. p.iv.

Deuteronomy were used "as a vehicle for exemplifying the principles which it is the main object of his book to enforce." Driver states that the main object is to fight idolatry and he quotes passages showing the emphasis placed on "the sole Godhead of Jehovah, His spirituality (c.4), His choice of Israel, and the love and faithfulness which He has shown toward it, etc., etc." It is to be noticed that Driver gets this 'object of the book' by using all of Deuteronomy. What he says of idolatry is true but the point is that the writer of 12-20 was directly interested in the centralization of the cult. All else would follow as desirable results. The authors of later additions to Deuteronomy probably used their additions for such interpretations.

The numerous passages in Deuteronomy referring to the centralization of the cult indicates its importance. Such passages are: Deut. 12 :5, 11, 14, 18, 21, 26; 14 :23ff; 15 :20; 16 :2, 6f, 11, 15f; 17 :8, 10; 18 :6; 26 :2; 31 :21. That he considered the centralization important, is shown by the fact that he recasts old laws to make them fit the new order, as we before observed. Exodus 23 :10-11 refers to the 7000 year as a purely individual affair. Deut. 15 :1-18 makes it a national institution. Exodus 21 :13-14 speaks of the altar of the sanctuary as a place of refuge. Deut. 19 :1-13 provides a system of cities of refuge. Exodus 21 :2-11 states that a slave who desires to remain so after his term has expired, shall be brought "to God" (sanctuary). Deut. 15 :12-18 has the rites performed at home.

(4) Driver: Deuteronomy. p. xix and following.

Kent Message of Israel's Lawgivers, "Deuteronomic Code", pictures Deuteronomy as the result of the deliberate efforts of prophets or a group of prophets to bring about their teachings through law reform.

Also Ch. 4 Israel's Laws and Legal Precedents.
Cornill holds same view - Prophets of Israel.

Deuteronomy 12,15-16 permits the eating of food without the sacrifice, only, the blood is not to be eaten. Deut.18:6-8 provides for the Levites who had ministered at local shrines before.

In other words, everything is to be done upon the basis of the law of centralization of the cult in Jerusalem. There is no opposition to the cult in itself, so long as it is performed in Jerusalem, at the central sanctuary.

Other than the laws concerning centralization, we find many laws indicating opposition to heathenish rites and immoral practices, injustice and wrong treatment of the poor. The writer was obviously interested in justice and pure Yhwh worship. A large part of his laws were based upon older laws, it is true, but his humaneness and love for justice, morality and purer Yhwh worship is evident by his handling of the older laws. Centralization, he probably thought, would offer a remedy for many existing evils, at least those of a religious nature. The numerous high places were centers of heathenish rites and ritual, where Yhwh was worshipped in foreign and heathenish forms. The old laws, "Thou shalt bow to no other gods" and "Thou shalt make thee no molten images" had meant almost nothing to the masses. However, we saw before that there were those, who were deeply interested in the purity of Yhwh worship. They had, themselves, introduced the above two laws at the head of codes of law. We may presume that they had kept alive the opposition to the pollution of Yhwh worship. We may call, that group, prophets as before observed. Also, there is no reason to believe that certain elements among the priests did not heartily cooperate in such work. The priests were the guardians of the law. Their word was weighty and priestly cooperation may account for the maintenance of the fight for purer Yhwh

worship. The book of Deuteronomy seems, therefore, to be another step to carry further the work of the earlier writers or editors of the laws in Exodus 34 and Exodus 20-23. In Deuteronomy a step is taken that could never have been taken at a much earlier period. The Jerusalem priests certainly were interested in the movement.(5) Deuteronomy is more than a law commanding purer worship: it is a means to make impure Yhwh worship less possible, physically. The ritual and cult were to be under the personal supervision of the leaders in Jerusalem. Individuals no longer could use the rites and cult of various shrines in order to worship Yhwh. This foreign, heathen cult was the object of attack. So thorough is the book that it provides for the destruction of all visible evidences of this cult. The only proper cult was that of the Jerusalem sanctuary. That cult represented pure Yhwh worship.

The humane laws, as in the case of those of Ex. 20-23, show a desire to meet the social and economic problems which were becoming more tense. That the writer was sincerely interested in fairness and justice cannot be doubted but he seems to think the remedy lies in legal decrees. As we shall see, the Deuteronomist has not reached the conception which replaces the cult, even that of Jerusalem, with a moral and spiritual life. That was the contribution of ^{the} literary prophets.

(5) Puukko: Das Deuteronomium. pp. 236-238.

It should be noted that the monarch is weakened by Deut. 17:14-20 and the central tribunal is made up of priests, levites and a judge. Peters Religion of the Hebrews. p. 261.

Chapter VII.

The Laws of Deuteronomy and The Literary Prophets.

In this discussion we shall be guided by the view expressed in the preceding chapter, namely, that Deuteronomy is chiefly interested in the centralization of the cult in Jerusalem as a means to the end of purifying Yhwh worship. Deuteronomy is not opposed to cult, so long as the cult is not polluted by Baalism or other forms of heathen worship.

It was likewise observed that the book of Deuteronomy does manifest a high moral and ethical point of view. Mercy, love and justice are emphasized. Because of this fact, it is easy to ascribe this book to the direct or indirect influence of the prophets, even the literary prophets. This is often done. (1) Some maintain that the influence was indirect, coming about gradually through the molding of opinion by the literary prophets. Others maintain that the influence was more than indirect, in that the prophets worked toward the end of establishing a law code which should embody the principles they taught. In support of these views it is brought out that Hosea's emphasis upon love is reflected in Deuteronomy. Likewise the social evils and wrongs legislated against are but the result of the messages of the literary prophets. Isaiah, it is maintained, founded a school whose purpose was to perpetuate his teachings and this school worked directly for the establishment of the code of Deuteronomy. (2)

It seems, therefore, that we have to consider two questions. First, the attitude of the literary prophets toward the centralization of the cult and second, the relation between the literary prophets and the

(1) Driver: *Introd. to the Literature of the Old Testament*. p. 88, 91.

laws of Deuteronomy regarding morality and justice.

What was the attitude of the literary prophets toward the cult? In the first place, it is to be stated that the historical literature of the Bible reveals the fact, that up to the time of Josiah or at least Hezekiah(3) the high places were held as legitimate and in perfect accord with Yhwh worship. Passages as Jeremiah 7:31 and II Kg. 17:9:23:5,8, indicate that they were to be found in every locality. Samuel is pictured as ministering in the sanctuary at Shiloh in I Sam.2-3 but I Sam.9:12-14 has him sacrificing at a high place elsewhere. Elijah sacrifices to Yhwh on Mt.Carmel and is not condemned for it.(4) The books of Kings in speaking of various rulers, characterizes them as doing what was right in the eyes of Yhwh, but complains that the high places continued to exist in their reigns.(5) For example, II Kg. 16:2-4 speaks of Ahaz "and he did ~~that~~ which was right in the eyes of Yhwh, his God, like David his father but-----he sacrificed and burnt incense in the high places and on the hills and under every green tree." From such passages it is very evident that high places were not the object of protest, at least until about the time of Hezekiah or Josiah when we do read of direct action against the high places.

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- (1) concl'd. Peters Religion of the Hebrews. p.342-44.
 Kent: Israel's Laws and Legal Precedents. p.31: literary prophecy. p.32.
 H.P. Smith: Old Testament History. p.273.
- (2) W.R. Smith: The Prophets of Israel. p.293, hold that Isaiah and Micah had a telling influence on Deut.
- (3) Fuukko: Das Deuteronomium p.73 maintains that the passages II Kg. 18:4, 22:21:3 which refer to Hezekiah's destruction of the high places are not historical. They reflect the Deuteronomic reformation he says.
- (4) I Kg. 18:30-33.
- (5) As I Kg. 15:14-Asa: I Kg. 22:44-Jehoshaphat: II Kg. 12:4-Jehoash: II Kg. 14:4-Amaziah: II Kg. 15:4-Azariah: II Kg. 15:35-Jotham.

However, it is evident that shortly before Deuteronomy was promulgated, a movement must have been begun to centralize the worship in Jerusalem. Naturally, the completion of Solomon's temple had done much for the prestige of Jerusalem, as a city of worship. Thus we read in I Kg. 12:28, that after the division of the kingdom, Jeroboam desired to lessen the prestige of Jerusalem as a center of worship and elevate such sanctuaries of the north, as Bethel, Dan, Gilgal and Samaria. Battenwieser points out that the superiority accrued to Zion "because of the significance which the Jebusite stronghold with its ancient Kanaanitish sanctuary occupied in the history of the conquest of Kanaan." But the passages above quoted indicate that Jerusalem was never considered as the center of the cult before the time of Josiah. Certainly there was no law against the cult of the high places before the reform about the year 621.

In like manner it can be shown that the pre-Josian prophets were not interested in the centralization of the cult in one city (Jerusalem), even as a means of stopping the greater evil of the bamoth cult. The only concern these prophets had for the cult was its abolition. They opposed cult, as cult, whether it was in Jerusalem or elsewhere. Their purpose was rather to replace the cult as worship of God, by the fear and love of God and just and moral living. An examination of the works of the prophets affords ample proof for this statement. As Puukko says, "Die Nachforschung ⁱⁿ der vorjosianischen prophetische Literatur haben wiederum den nicht unwichtigen negativen Beweis erbracht, das die Propheten niemals den Kultus auf den Höhen in indirekten gegensatz zu dem Kultus etwa in Temple zu Jerusalem gestellt haben." (6)

Amos was uncompromisingly against all cult and he advocated the destruction of all places where the cult was practiced. This prophet

selected Bethel to begin his work, because this city was one of the greatest political and religious centers of his day. There, were the king's sanctuary and royal house. Amos 7 :13. To this sanctuary the people flocked to worship by means of their cults. It was on such an occasion that Amos begins his activities. Amos was not opposed to the idea that God should be worshipped in many shrines. In the very sanctuary at Bethel, he sees God standing beside the altar. (Amos 9 :1-4) What he does oppose is His worship by means of the cult which went hand in hand with injustice, greed and licentiousness. The people sought God through the cult and thought that, altogether sufficient. These places of the cult were the embodiment of such false worship. Therefore, the need for their annihilation.

Amos draws no distinction between the high places (גִּבְעוֹת) and the sanctuaries (מִקְדָּשִׁים). Both are equally legitimate as places of worship and both are equally the object of his condemnation as sites which mark the abominable worship of God by means of the cult. "And the high places of Isaac shall be desolate and the sanctuaries of Israel shall be laid waste." (Amos 7 :9). The prophet is not especially interested in any particular shrine, highplace or sanctuary. Thus, from his point of view it is not necessary to mention Jerusalem particularly. In Amos 1 :2 and 2 :5, Jerusalem is mentioned but Puukko maintains, with others, that these verses do not belong to the prophet. (7) As he points out, the view that Jerusalem is the dwelling place of Yhwh is contrary to the entire book of Amos. The cities Amos does mention are probably those wherein the cult was especially abominable, together with social and moral evils.

(6) Puukko :Das Deuteronomium. p.85. Here he also points out, that the Jerusalem priesthood was deeply interested in Jerusalem, as the center of the cult.

(7) Puukko :Das Deuteronomium. p.76 and Driver :Literature of the Old Testament. p.318.

(8) Battenwieser :Prophets of Israel. p.227-30 maintains the authenticity

The explanation of 1:2 given by Dr. Battenwieser indicates that he uses this phrase to predict the ruin of the entire country. Yhwh will roar but not to protect Israel this time but rather to destroy her. (8)

There are ample passages in Amos which illustrate his views and prove his uncompromising attitude against ~~the~~ cult. It will not be necessary to quote these passages, word for word but the following are those verses which best sum up his position.

Chapter 4:4-5, a sarcastic reference to the false conception of worship by cult.

5:4-6, Amos' view of right worship, "Seek ye me and live. But seek not Bethel, ---".

5:21-24, in which Amos would substitute justice and righteousness for the cult.

5:25, indicates Amos' contempt for the cult by reminding that there were no sacrifices in the wilderness. In these last two citations, Amos indicates that he is not satisfied with sacrifice plus morality.

These passages form the basis of the opinion that Amos was opposed to the cult absolutely and uncompromisingly. The cult was not the proper method of worshipping God. The pure worship was to seek God through lives of justice and morality. Ethics was to replace ceremony.

In general, Hosea's attitude toward the cult is much the same as that of Amos'. His opposition was uncompromising and referred to the cult everywhere. Jerusalem meant no more than any other city.

(8) concl'd. of 1:2, declaring "Yhwh shall storm from Zion and thunder from Jerusalem," to be a stock phrase. Amos uses it oppositely from its accepted meaning.

(9) Des Deuteronomium, p. 78 after Nowack and Marti.

Puukko states that Jerusalem plays no roll in Hosea's sermons and all references to Judah are probably later additions.(9)

A few passages will illustrate his views. Hosea's opposition to image worship is reflected in 10:5-11 2:13 2. It was against such worship that we find laws in Ex. 34 and Ex. 20-23. In 4:12-15 we find opposition to a cult which was evidently Baal and which was practiced with Yhwh worship, due to the conception that the produce of nature was under the control of the Baalim of the land. Hosea 2:7.

However, his protest against the cult was not confined to Baal cult but included all. 6:6, "Love do I desire, and not sacrifices, and knowledge of God, not holocausts." In chapter 9:4-5, he scornfully asks what sacrifice and cult will avail in the day of doom. 5:6, 8:13, and 12:12 are directed at cult and 3:4 pictures the day when Israel will be without all cult and will then perceive God through love and justice.

Hosea therefore, is not interested in the elimination of the local shrines and the centralization of worship in Jerusalem, even as a measure to secure purer Yhwh. He is not looking for a compromise. To him all cult and ritual is false and foreign. He desires to see it abolished and God worshipped by love and a true understanding of Him.(10) As Puukko says "Hosea macht keinen Versuch, den verwickelten Knoten der Kultusfrage zu lösen, er ~~schneidet~~ ihn einfach durch." (11)

Isaiah is the next prophet to be considered. The first thing to be noted is that, in spite of his numerous utterances against existing evils, he never condemns the high places. Likewise, there is no evidence that he ever thought of supporting the idea of the centraliza-

(10) Battenwieser Prophets of Israel. p.249.

(11) Das Deuteronomium. p.79.

tion of the cult in Jerusalem.(12) If he had ever conceived of such a step as the means of purifying Yhwh worship, we could expect some evidence of it in his writings.

Like Amos and Hosea he opposes the entire idea of cult. Chapt. 1:10-20 is a clear, uncompromising condemnation of cult as cult, which makes no allowance for cult plus morality but explicitly states that ethics and justice must supplant cult as the means to worship God.

Two passages may be pointed out as indicating that Isaiah had no opposition to cult in itself. The first is the consecration vision of chapter 6. The scene is the temple with its altar. The answer is, as explained by Dr. Battenwieser, that this is but "the imagery which the prophet employs to describe those spiritual experiences which elude direct expression." The prophet draws "from the stock of popular notions about God and supernatural beings which were current in that age." (13) Furthermore, in verse 5 the prophet bemoans his iniquity, which is not a ritual one but one of moral uncleanness, - "unclean lips." The other passage is 19:19-21 where in the end Yhwh is to be worshipped by altar and sacrifice. The entire picture of verses 14:25 and the viewpoint implies another writer. (14) It certainly does not harmonize with 17:7-11, in which, altars are ridiculed.

We can but repeat as in the case of the other prophets, Isaiah had no respect for any cult. "The Lord God speaks, because this people approach me with their mouths, and honor me with their lips, but their heart is far from me, and their worship is but a precept devised by man and learned by rote, therefore I will deal with this

(12) Battenwieser "The Prophets of Israel". p.293f shows that Isaiah predicted the destruction of Zion and its Temple and did not hold the view of the inviolable sanctity of Jerusalem.

(13) The Prophets of Israel. Note 2p.161.

(14) Cheyne Introduction to Isaiah. p.101.

people to their confusion, so that the wisdom of the sages will vanish, and the intelligence of their wise men be confounded." (Is. 29 13-14). This passage is a clean-cut protest of external, ritualistic religion, in any form.

It follows, therefore, that Isaiah could never have supported any movement or reformation such as that of Hzekiah, as it is reported in II Kg. 18. (15)

The prophet Micah shares the same point of view with Amos, Hosea and Isaiah. The well-known passage 6 16-8 sums up his attitude, as to the value of cult and the proper way to worship God. There is no room for compromise here. Certainly Zion or Jerusalem held no especial place in his eyes. He predicts its doom in 3 12.

Micah, like the other prophets does not oppose high places or local shrines as such. He condemns all such places, Jerusalem not excepted. (16), because they are seats of cult and ritual and these are considered proper methods of worship. Micah, again, emphasizes justice and righteousness as the essential elements in God's worship.

The attitude of the prophets, Amos, Hosea, Isaiah and Micah toward the cult has been briefly sketched. We may safely draw the following conclusions. First, these prophets never would have been interested in any compromise reform movement such as Deuteronomy represents and they never would have done anything to perpetuate a school or movement to work toward such an end. Second, it is doubtful if the writings of these prophets could have inspired any one to work for such a reformation. After reading what these men have to say about the very idea of worship in the form of cult and rit-

(15) Battenwieser Prophets of Israel. p. 297 note.

(16) As to 1 15 Puukko would change the text from *למקדש* to *למקדש* in accordance with the LXX and Targum Syr. Das Deuteronomium p. 82. Also G.A. Smith Expositor's Bible-Minor Prophets. vol. 1 p. 380.

ual, it is not likely that one would gain the inspiration to begin a movement, whereby Jerusalem should become a great sacred city, devoted to the cult and ritual of Yhwh.

We have yet to consider the relation of the literary prophets to the laws regarding justice and morality in Deuteronomy. This is necessary, because the fact that both contain much about the principles of morality and justice may lead to the conclusion that there is some definite influence.

It was observed in a previous chapter that many of the laws of Deuteronomy are but expansions of similar laws which existed earlier. (17) As a matter of fact, do we not find laws regarding justice and morality in Exodus 20-23? Indeed, it is to be expected that the later development in Deuteronomy should show some progress. As we noted, previously, this interest in such principles may be ascribed to the influence of the general prophetic movement, although we have no direct proof for such a belief. It is to be remembered, likewise, that Amos resents being called a prophet and Micah 2:11 and 3:5 denounces the prophets for their false ways. What is important is the point that the laws of morality and justice as found in Deuteronomy are not dependent upon the literary prophets for their existence. And here we face the real contribution of the literary prophets. Justice and morality were not unknown terms before the literary prophets. (Justice and morality were not unknown terms before the literary prophets.) But as essential elements in religion and the worship of God, they were unknown. Deeds of immorality and injustice were followed by the performance of ritual and cult and these latter removed the sins of the former. It was the literary prophets who first taught that God shall be worshipped by right living and there-

(17) Driver: Intro. to Literature of O.T. p.91.

fore cult and ritual were unnecessary and their continued use was but hypocrisy and blasphemy of God. Deuteronomy knows no such conception. It knows of laws demanding morality and justice but not as the means of the worship of God in the place of cult.(18)

(18) See Battenwieser *Prophets of Israel*. p.308-322. "Spiritual Religion versus Ritualistic Piety," for a complete presentation of the prophetic protest against cult.

Chapter VIII.

Jeremiah and the Laws of Deuteronomy.

It yet remains to discuss the relation of Jeremiah to the laws of Deuteronomy. There has been quite a controversy as to the exact relation Jeremiah has to the book of Deuteronomy. A fine survey of opinions held regarding this question is to be found in an essay by A.F.Paukke entitled "Jeremias Stellung zum Deuteronomium," (1) which essay, will be often referred to, because of its thorough handling of this question.

The old critics maintained that Jeremiah shared in the compilation or promulgation of Deuteronomy. Nahtigal held that Jerimiah probably was the last editor of this work. Volney bases his view on what he thinks are points in common in thought and vocabulary. (2) Movers held that the book was a genuine Mosaic text but well known to Jeremiah before its discovery by Hilkiah. He then points out what he maintains to be references in Jeremiah common to Deuteronomy. As Paukke indicates, Movers works on the supposition that Deuteronomy and Jeremiah, as we have them today, are units in themselves. Then too, it would be reasonable to expect some internal evidence in Jeremiah's speeches of a later date. Bohlen's theory is that Deuteronomy was due to a society of theocratic minded citizens who wished to please

(1) In "Alttestamentliche Studien" - R. Kittel.

In this article, it is shown that there is nothing in the relation of Jeremiah to the notables of the time where Deuteronomy was promulgated to warrant the assertion that Jeremiah was influential in the introduction of that book. Cornill Prophets of Israel, also lays emphasis upon the absence of evidence in the account of IKg.

(2) Driver in Deuteronomy, Internat. Crit. Comm. pp. xcii-Xciii holds same view as to the influence of Deut. on Jeremiah, although he does not hold that Jeremiah is the author of Deuteronomy. Carpenter, etc., Composition of the Hexateuch, p. 152 explains the parallels in language to Jeremiah's relation with the Deuteronomic school. Also, Introduction to Literature of O.T. note p. 87.

the people under the circumstances of the time, in order to favor priestly appearance. Jeremiah was influenced by it and has many references in common with Deut. A. Knobel at first maintained it may have been Jeremiah, who promulgated Deuteronomy but later he held otherwise. J. L. König and Kleinert answered the question of common language and vocabulary by pointing out that a minute examination of the text reveals a total difference between the two. Besides a similarity could easily be traced to the common vocabulary of the period.

Since our conclusion, in the case of Jeremiah, will be the same as it was in the case of the other literary prophets, we shall consider his attitude toward the cult. If Jeremiah had held the faintest hope that the centralization of worship in Jerusalem, to the exclusion of all local shrines, would prove a panacea for the evils in Yhwh worship and society, he never would have given utterance to his famous Temple sermon (Jer 7:1-15, 21-26). "Thus saith the Lord Sabaoth the God of Israel, amend your ways and your doings that I may let you dwell in this place. Put not your trust in delusion like this, the Temple of God, the Temple of God, the Temple of God. Nay only-----" and here he emphasizes the need for moral and just living. "Verily ye put your trust in delusions that are of no avail. To commit theft, murder, adultery and perjury, to sacrifice to Baal and worship other gods that ye know not, and then to come and stand before me in this house dedicated to my name and say, we are safe in doing all these shameful things." (3)

This sermon reflects the popular attitude that the Temple was inviolable and the observance of its cult the sum total of religion and worship. In place of the worship by cult and ritual, even in the Jerusalem Temple, Jeremiah would substitute moral and just living. His primary concern is purer Yhwh worship and only by such con-

ception of worship can that be brought about. Therefore, Jeremiah could not be otherwise than opposed to any idea of centralization of the cult in Jerusalem. For the centralization of the cult would only lead to the conception that not only the cult was sufficient in itself, but that an extra guarantee was to be found in the sanctity of the city, which harbored it exclusively. Jeremiah saw no need for cult at all, as a means of worshipping God. Is it then likely, that he would have been interested in the centralization of the cult? His solution was quite otherwise.

In 7:21-23 we have Jeremiah's uncompromising stand, similar to Amos 5:21-25; Hosea 6:6; Micah 6:6-8 and Is. 1:11. Here he plainly denounces sacrifice and refers to the wilderness period as being without cult. But God did command them something, namely, to hearken to His voice, the divine voice within. Surely the thing God commands is not cult or ritual, but morality and justice. If then, the present way be evil, a change must be brought about, not by a cult reform with some innovation but rather by a change of heart toward what constitutes true religion. Jer. 4:1-2. The law, in the eyes of Jeremiah is God's law of morality which appeals to man through his moral consciousness. Thus in 26:4-5 the law of God is this moral law, which in 31:31-34 is not to be written in a code but inscribed in the heart of every man. (4) There are many passages which bear out this statement. "And they that handle the law knew me not" 2:8. In 6:19 the people are rebuked for not attending to God's words and teachings. About the cult and ritual? Verse 20-21 is a denunciation of the idea that cult and ritual are meant. 8:8 is against the wise who believe "the Law of the Lord" is with them. Here Jeremiah openly opposes a law code as is Deuteronomy, because such a code satisfied

(3) Battenwieser: Prophets of Israel. p. 11.
Puukko: above article.

the people. To the words of the prophet, they would reply that they had the law of Yhwh and that was sufficient. So Jeremiah writes, "Behold for a falsehood hath the false pen of the scribe wrought." In 9:12-15 the people are to be destroyed, "Because they have forsaken My law which I set before them, and have not hearkened to my voice, neither walked therein." Certainly cult and ritual were observed and is not referred to here. The same thought is found in 16:11-13. 18:18 proves that the law and word and instruction, which Jeremiah had in mind were altogether different from what the masses conceived them to be. In this passage it is made clear that Jeremiah was the victim of opposition, because of his new interpretation of "the Law" (5) 32:33 is another example as is 44:10,23, of his conception of law.

At this point it is well to consider a few questions relative to the internal evidence of Jeremiah. These are in the nature of passages which might be construed as showing the influence of Deuteronomy on Jeremiah. (6)

The first is Jeremiah 11:1-14 (7) In this passage Jeremiah is commanded to teach the words of this covenant (בְּכָל הַדְּבָרִים אֲשֶׁר אָמַרְתִּי לְיִשְׂרָאֵל). This phrase occurs again in verses 6, and 8. This is the same phrase used in II Kg. 23:3. Puukko takes up this question and points out that Kuenen, Cheyne, Gesebrecht, Driver and Kleinert maintain that Jeremiah supported the new law book and worked for it. Others, however, with Duhm and Cornill maintain that Jer. 11:1-14 refers to Deuteronomy but is not a passage by Jeremiah or Baruch. Puukko states that

(4) Battenwieser Prophets of Israel. p.12-13 -note.

(5) Puukko believes that "the Law" referred to is a written law but not Deuteronomy necessarily. There is no reason to believe that Jeremiah would have wanted to denounce the whole of Deut., its laws about justice etc. 8:8 may refer to a certain group of priestly laws unknown to us. Jeremias Stellung Zum Deuteronomium. pp.148.

according to his view Jer.11 1-14 contains features in common from passages in Deuteronomy, which were later incorporated in the Deut. law book. Such are **וְהָיָה בְּיָמֵינוּ** and **אֲנִי הָאֵל אֲשֶׁר**. It is strange, also, that Jeremiah should answer **וְהָיָה** after the charge by Yhwh in v.5. Puukko concludes that the writer of Jer.11 1-14 had Deut.27 14-16 before him. In Jer.11 4 the iron furnace of Egypt is mentioned like in Deut.4 20 and the Deuteronomic IKg. 8 51. He points out that Deut.4 5-40 originally belonged to a separate part of Deuteronomy, perhaps exilic. He believes that Jer.11 4 is from that passage. Other parts of Jer.11 1-14 are from Deut.29 or later additions, as, Deut.29 8 **וְהָיָה בְּיָמֵינוּ** Jer.11 7-8 are to him an interpolation. Verses 9-14, he asserts, can have nothing to do with the introduction of Josiah's book. The picture of the entire people, Israel and Judah, as presented here, fits neither the time of Josiah or Jehoiakim. Puukko infers that 9-14 is a complex work and probably based on Jeremiah 2 27-28 and 7 16, 17. He brings out yet another point, namely, that Deut.29 8 in speaking of a covenant refers to the Moab covenant since Deut.28 59 distinguishes between a Moab and Horeb Covenant. Jer.11 2ff refers to a Sinai or a Horeb Covenant which is confirmed by the statement of the coming from Egypt. This could not refer to Josiah's covenant. (Jer.11 10:34:13) As to the place of 11 1-14 in the text, Puukko holds that it is redactional parallel to 7. He draws up this parallel as:

(1) 11 1-8 and 7 21-28.

(2) 11 9-14 and 7 16-20.

(3) 11 4 and 7 23.

(6) Budde: The Religion of Israel to the Exile. p.187 on the basis of 11 1-6, holds that Jeremiah "placed himself in the beginning at the disposal of the great reform movement."

(7) Peters Religion of the Hebrews. p.269 uses the three passages we shall discuss, as the basis for his statement. "He (Jeremiah) was

(4) 11:8 and 7:24.

(5) 11:7 and 7:25.

(6) 11:9-14 and 7:16-20.

Puukko maintains that Jer. 7:16-20 is not an original part of the Temple speech which bears out his statement about 11:9-14.

Dr. Battenwieser (8) has an altogether different explanation of 11:1-14. First, he points out that on the grounds of verses 9 and 10 some scholars reason that Deut. produced no effect on conditions. There was a relapse, which called forth the Temple sermon of the first year of Jehoiakim's reign. These scholars believe, verses 2, 3, 6 refer to the Deut. law. These scholars hold, therefore that Jeremiah supported the Deuteronomic reformation because:

1) Verses 2, 3: etc. $\text{וְיָדַעְתֶּם$ is identical with Deut. 27:26 etc.

2) Chapt. 26 indicates that Jeremiah toured the country on behalf of the Deut. reformation.

3) 11:9-10 show a relapse away from Deut. reformation. But these points are based on hasty conclusions. If וְיָדַעְתֶּם meant Deuteronomy, the writer makes no attempt to define it as such and leaves a doubt as to what he means? But a critical analysis shows that וְיָדַעְתֶּם is clearly defined.

An analysis of 1-8 shows:

1) v. 6 is not the continuation of v. 5 but another version of the second part of the heading introducing the message.

2) v. 2 for וְיָדַעְתֶּם read וְיָדַעְתֶּם .

3) The second part of the heading became separated from the first part that is, v. 1- וְיָדַעְתֶּם . The second part read 2b and 3a. Verse 6 shows that 2a was originally the opening of the message. The present

(7) concl'd. evidently in close sympathy with the reformers and with the whole Deuteronomic movement."

(8) In his lectures on Jeremiah, as I have them.

position of these words at the beginning of 2 also indicates this. 3b could not have followed 3a but rather 2a. Thus 2a requires (a relative clause) for its completion, which is found in 4. Therefore, read 1, 26, (וְכִי) 3a, 2a, 4. Verse 6 is a variant of 2b plus the first two words of 3.

What then, is the meaning of וְכִי הִבְרִיתָ ה' אֱלֹהֶיךָ? An analysis shows that 4b is like 7:23b beginning with וְכִי. Verse 8a is identical with 7:24a. (In verse 8 וְכִי הִבְרִיתָ should read וְכִי הִבְרִיתָ) verse 7 is akin to 7:25. The clue to the meaning of וְכִי הִבְרִיתָ ה' אֱלֹהֶיךָ is found in the association of these verses in 11 with those of 7. Verse 22 of 7 states that God commanded no sacrifice during the wilderness period but only to hearken to God's voice. So the וְכִי must be that which was commanded on the departure from Egypt. In 11:8, Jeremiah says the people did not obey the covenant. Likewise in 31:31 he says that Israel has ever broken the covenant made on the departure from Egypt. The covenant, to him certainly must mean the moral law of God.

The last of our words of verse 5 are liturgical and not original in the text. The remainder of verse 5 corresponds to 7:23 and 7. This verse is made up of Deuteronomic expression and probably not authentic.

Briefly, the verses must have originally been a part of the summary of the Temple Sermon in Ch. 26:1-6, which is now incomplete. So read, 26:1-3:11:3a, 2a, 4, 7-8, 26:4 (וְכִי הִבְרִיתָ) 5, 6.

Ch. 11:9-10 does not mean a relapse following the Deuteronomic reformation for וְכִי implies a treasonable act. Most likely the verses belong to 34:8-22, referring to the treachery of the people in re-enslaving those they had liberated.

This analysis of Dr. Battenwieser is certainly most convincing because of its detailed examination of the verses concerned. Our inter-

est is to note that there is really no evidence in 11:1-14 to indicate that Jeremiah was influenced by the Book of Deuteronomy, to support it, or deny the fact that it was not obeyed.

Another passage that has caused some discussion is Jeremiah 34:8ff. At the end of the reign of Zedekiah, the Chaldeans threatened Jerusalem. During the seige the inhabitants had, by a religious act, freed all the Hebrew male and female slaves. However, immediately after an Egyptian army had caused the seige to be raised, all the former slaves were re-enslaved. Against this act Jeremiah vigorously protests. In all probability, the slaves had been freed, in order that they might aid all the more in fighting the enemy. (9) In verses 13-14 Jeremiah speaks of a covenant made with their fathers in the day of the deliverance from Egypt, which provided the release at the end of seven years of all Hebrew male slaves that had been sold to them and had served six years. A comparison of this law with that of Deut. 15:2 shows that it is impossible to say that Jeremiah referred to the Deut. law. In the latter, both Hebrew men and women are to be set free while in Jer. 34:14 only the Hebrew male slave is mentioned. Furthermore, the law of Exodus 21:2 mentions only the Hebrew males. If it be argued that Jer. 34:14 refers to all slave, male or female, as was carried out in Jer. 34:8-10, it may be said that Exodus 21:2 may so be taken and if Jeremiah were quoting the Deuteronomic law he would have quoted it correctly, especially since the conditions fitted the law of Deut. 15:12. He perhaps knew of a law on the basis of the Sinai covenant, which he quotes.

There remains one other passage, namely, Jer. 3:1ff, which requires explanation. This passage quotes a law, stating that if man puts away his wife, and she becomes another man's, he cannot marry her again.

(9) Dr. Battenwieser *The Prophets of Israel*. p. 52.

This is like the law of Deut.24 1-4. First of all, it will be recalled that it was mentioned in a previous chapter that the original Deuteronomy was 12-20 plus 26, chapters 21-25 being considered as a much later addition. Then, too, as Puukko points out (10) if Jeremiah had known of such a civil law, there is no reason to believe he would not have advocated it since its purpose was to induce morality. It may also be observed that the law of Deut.24 makes the condition of the man putting his wife away, *וְאִם יִשְׁאָר בָּהּ וְהָיָה כְּאִשָּׁה*, while no such condition is mentioned in Jeremiah. The verse, furthermore, is a fragment and it is impossible to assert with certainty that the Deuteronomic law of 24 is referred to. Dr. Battenwieser, in notes as I have them, points out, that in this Chapter 3, Jeremiah wishes to denounce the Deuteronomic reformation as insincere and above all, a wrong procedure. The people thought lip confession was sufficient and that a nation wide return to God could be brought about and God's favor won by such a reformation as the Deuteronomic. Jeremiah scorns this idea. A moral regeneration of the individual is what he demands.

Indeed, at no point in his career was Jeremiah willing to compromise his utter rejection of all cult, as proper worship and his emphasis upon justice and morality alone, as the true elements of religion. To sum up: "Nicht in der genauen Regelung des Kultus in betreff des Ortes und der Zeit erblickt er das Heil Israels und jedes Individuums, sondern in der Herzensbeschneidung. So ist zwischen dem Hauptgesetze des Dt.s und dem religiösen Ideal unseres Propheten eine klaffende Kluft." (11)

Certainly Jeremiah was not at odds with the principles of morality or justice to be found in Deuteronomy, any more than were Amos, Hosea, Isaiah or Micah. But he could not agree with Deuteronomy that

(10) Above article p.148.

(11) Puukko above article p.153.

these could be realized through a cult reformation.

In chapter 14 11-16 Jeremiah not only denounces the cult but he also condemns those prophets, no doubt professional and court prophets, who assure the people that all is well by prophesying in the name of God. In 23 13-19ff these prophets receive further condemnation. If these prophets were interested in Deuteronomy, it is not likely that Jeremiah would have joined them in any compromise as A. Harper maintains. (12)

At first he probably was passive in his attitude toward Deuteronomy, after its promulgation but later, probably from about the time of Jehoiakim, he must certainly have opposed it. Jeremiah's relation to Deuteronomy as a book of law, was one of uncompromising opposition.

(12) A. Harper *Expositor's Bible*, Deuteronomy. pp. 44-46.

Budde *Religion of Israel*. p. 189 implies a "compact" to which prophetism, including Jeremiah and the priesthood were parties in the promulgation of Deuteronomy.